

**North Carolina Environmental Management Commission -  
Water Allocation Committee  
Meeting Summary**

512 N. Salisbury Street  
Ground Floor Hearing Room, Archdale Building  
Raleigh, NC

9:00-10:00 A.M  
Wednesday, November 17, 2010

**Water Allocation Committee (WAC):**

Commissioner Mayor Darryl D. Moss, Chair  
Commissioner Stephen Smith, EMC Chair  
Commissioner Frank Crawley, EMC Counsel  
Commissioner Donnie Brewer  
Commissioner William L. Hall, Jr.  
Commissioner David H. Moreau  
Commissioner Jeffrey Morse  
Commissioner Dickson Phillips, III  
Commissioner Forrest R. Westall, Sr.

**Item I. Preliminary Matters**

1. Committee Chairman, **Commissioner Mayor Darryl D. Moss**, called the meeting to order. Pursuant to Executive Order Number One, the committee chairman called upon committee members to evaluate the matters to come before the committee and to identify any known conflict of interest or the appearance of a conflict of interest. Donnie Brewer recused himself from the decision to approve the Greenville Utilities Commission interbasin transfer because of the appearance of a conflict of interest. Mr. Stephen Smith informed the committee that the meeting was being streamed live on the web and that future meetings will be as well.

**2. Minutes and Agenda**

The Committee approved the minutes of the September meeting as a true and accurate summary of the proceedings. Request to recommend the Greenville Utilities Commission Interbasin Transfer (IBT) Certificate with conditions to the Environmental Management Commission was the only item on the November agenda.

**Item II. Action Item**

**[1. Request to recommend the Greenville Utilities Commission Interbasin Transfer Certificate \(IBT\) with conditions to the Environmental Management Commission.](#)**

Mrs. Toya Ogallo of the Division of Water Resources gave a presentation on the background of the Greenville Utilities Commission, Town of Farmville, Town of Winterville, and Greene County's IBT Petition and recommended that the Water Allocation Committee recommend the certificate to the Environmental Management Commission for approval.

## **Discussion:**

The committee discussed the Petitioners' IBT request. The hearing officers determined that the IBT request was reasonable and recommended that the certificate be granted in part and denied in part with certain conditions.

The hearing officers recommended that the Petitioners' request to transfer a maximum of 8.3 million gallons per day (MGD) from the Tar River Basin to the Contentnea Creek Basin and 4.0 MGD from the Tar River Basin to the Neuse River Basin be granted.

The hearing officers recommended that the Petitioners' request for an emergency transfer condition, allowing them to transfer an additional 1 MGD from the Tar River Basin to the Contentnea Creek Basin and 0.2 MGD from the Tar River Basin to the Neuse River Basin be denied.

The hearing officers recommended that a number of conditions be included in the certificate including:

- A condition requiring each Petitioner to implement Phase II post construction stormwater controls before they may begin transferring water, if a stormwater program is not already being implemented in their jurisdiction.
- A condition requiring each Petitioner to meet the Central Coastal Plain Capacity Use Area rule conservation requirements before they may begin transferring water.
- A reopener allowing the EMC to reopen the certificate should additional information come available in the future.

The City of Rocky Mount proposed alternate reopener language and the committee discussed the City's recommendations. Mr. Jeffrey Morse stated a third party could trigger the reopener by requesting the EMC to review additional information. There was discussion of whether specific language should be included to say that a third party can petition the EMC if additional information comes into light. The committee discussed if it would be an administrative court procedure or if the EMC has the authority to hear it directly. Mr. Frank Crawley, Special Deputy Attorney General and counsel to the EMC stated that he would look into the matter. Dr. David Moreau suggested that the committee defer the issue until tomorrow when it comes before the full EMC. Mr. Forrest Westall asked if there was anything in the language that was inconsistent with the fact that any person can petition the commission. Mr. Frank Crawley stated that they would have to show they are an aggrieved party and did not think it should be implied that anyone in the state could be successful in petitioning. Mr. Westall stated that the language is typical as in most IBTs and that the language already accomplishes that. Mr. Westall made a motion to recommend to the commission that they consider issuing the certificate with the hearing officers' recommendations. Mr. Les Hall seconded it. Mayor Moss stated that there was a motion and a second and the motion carried.

## **Adjournment**

There being no further business, **Chairman Mayor Darryl D. Moss**, dismissed the assembly at 9:48 a.m.