

**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 7, 2012

**Water Allocation Committee (WAC)**

Commissioner Mayor Darryl D. Moss, Chair  
Commissioner Stephen Smith, EMC Chair  
Commissioner Marvin S. Cavanaugh, Sr.  
Commissioner Steve Keen  
Commissioner Jeffrey Morse  
Commissioner Dickson Phillips, III  
Commissioner Clyde E. Smith, Jr.  
Commissioner Steve Tedder  
Commissioner Amy Pickle  
Commissioner Benne C. Hutson

**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. Benne Hutson said that when official action is taken in the Charlotte Mecklenburg Utilities (CMUD) Interbasin Transfer (IBT), he will recuse himself. Marvin S. Cavanaugh, Sr. said that he, too, may recuse himself on the vote.

**2. Minutes and Agenda**

The committee did not take any action on the minutes because there was not a quorum. The minutes will be reviewed at the next meeting.

**Item II. Informational Item**

1. Charlotte Mecklenburg Utilities Interbasin Transfer (IBT) - Certificate Background and Re-Opener Process

Toya Ogallo gave some background and reviewed the process for the reopener process regarding the Charlotte Mecklenburg IBT Certificate.

Mecklenburg County is divided by two IBT basins; 70 percent in the Catawba and 30 percent in the Rocky River. There are two intakes in the Catawba and five WWTP's throughout the basin, two of which are in the Rocky River basin. This creates a net movement of water from Catawba to the Rocky. In 2002, the EMC issued CMUD an IBT certificate to transfer 33 million gallons a day from the Catawba to the Rocky with conditions.

Due to concerns about impacts to the Carolina Heelsplitter, a federally listed endangered mussel, the EMC removed Goose Creek from the area to be served by the IBT. Condition 3 of the certificate

states: The Goose Creek sub basin in Mecklenburg County is removed from the area to be served by the IBT. A moratorium on the installation of new interbasin transfer water lines (water lines crossing the ridgeline) into Goose Creek sub basin is in effect until the impacts of additional urban growth on the endangered species are fully evaluated. This moratorium will not impact CMUD's ability to fully utilize existing water lines. The Division of Water Resources shall have the authority to grant exemptions for reason of public health and safety for dwellings existing on or before March 14, 2002.

Actions taken place since 2002: The town of Mint Hill Post Construction Storm Water Ordinance (June 2007); Mecklenburg County Parks and Recreation Greenway Plan (2008); 15A NCAC 2B .0600-.0609 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Feb. 2009); CMUD Goose Creek Watershed Management Plan (Oct. 2009); Goose Creek Water Quality Recovery Program for the Fecal Coliform TMDL, Mecklenburg Co Storm Water Services (Nov. 2009).

CMUD is currently in compliance with all certificate conditions. In the Goose Creek Watershed, DWR has approved emergency connections to five separate residences since 2002, addressing wells that were either contaminated or providing inadequate amounts of water. CMUD is currently transferring 56 percent of the amount allowed by the IBT certificate (13.11 MGD average, 18.82 maximum in 2011).

CMUD has begun developing a SEPA document (Environmental Assessment) to satisfy condition 3 by demonstrating that the impacts of urban growth on the Heelsplitter have been evaluated and will be mitigated. The modification via reopener states that CMUD is not requesting an increase in the amount of the IBT and the reopener is possible based on conditions 3 and 4 of IBT certificate. A draft EA was submitted for DWR internal review in December 2011. This is the first IBT certificate that will be modified.

Two steps make up the reopener process. Step 1: The revised draft will be sent through internal DENR review (Nov. 2012). The package will be sent to State Clearinghouse for full review and a 30-day public comment period. DWR will hold a public hearing to receive additional comments (extended notice will be provided). The Environmental Assessment (EA) will be updated based on comments. If the document satisfies a Finding of No Significant Impact (FONSI), the SEPA process will be completed.

Step 2: The EA package and formal request to remove condition 3 will be brought before the WAC and EMC. The EMC will be asked to modify or remove Condition 3 from the IBT certificate on the basis that the FONSI was issued and the impacts of additional growth have been fully evaluated.

Question: If we hold a public hearing for this situation, will we set a precedent that we have to hold one for all SEPA processes?

Answer: The SEPA regulations state that you should hold a public hearing for actions that have significant public interest. The division feels that this action meets those general criteria.

Additionally, we are required to hold public hearings when issuing a new IBT certificate. Although this is not a new certificate, we feel that having a public hearing in this case is consistent with both

SEPA and IBT requirements. It should, therefore, not affect other SEPA projects that are not related to IBT.

Question: Is this an entirely new IBT process, or new SEPA process?

Answer: The reopener states that if CMUD develops a SEPA document to address the impacts they can request to have conditions modified. This is not a whole new IBT process.

Question: Is this a state or federal endangered species?

Answer: Federal.

This is an informational item today, so the lack of a quorum does not matter. The WAC may review this again at the next meeting.

To find out more information about the current IBT, go to

[http://www.ncwater.org/Permits\\_and\\_Registration/Interbasin\\_Transfer/index.php?tabid=1&subtabid=2](http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/index.php?tabid=1&subtabid=2).

### **Adjournment**

There being no further business, **Chairman Mayor Darryl D. Moss**, dismissed the assembly at 9:30 a.m.