

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

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

10:00 A.M. – 11:00 A.M
Wednesday, September 9, 2009

Water Allocation Committee (WAC):

Commissioner E. Leo Green, Jr., Chair
Commissioner Yvonne Bailey
Commissioner Donnie Brewer
Frank Crawley, EMC Counsel
Commissioner David H. Moreau
Commissioner Darryl D. Moss
Commissioner Dickson Phillips, III
Commissioner Stephen Smith
Commissioner Kenny Waldroup
Commissioner Forrest R. Westall, Sr

Item I. Preliminary Matter

1. Committee Chairman, Commissioner E. Leo Green, Jr., 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.

2. Introduction of Commissioner Yvonne Bailey

Commissioner Stephen Smith, Chair EMC, introduced the newly appointed Commissioner Yvonne Bailey. Commissioner Bailey will serve WAC for a 2 year term.

Item II. Action Item

There were no action items in the Agenda.

Item III. Information Items

Update on Status of Central Coastal Plain Capacity Use Area Mr Nat Wilson, DWR

Mr. Nat Wilson presented a review on the major provisions of the Coastal Plain Capacity Use Area (CCPCUA), which included; enforcement plans, examples of data collected and the latest monitoring results.

The main effort of CCPCUA has been to reduce the overuse of the Black Creek and the upper Cape Fear aquifers. The water users are required to reduce withdrawals between 2002 and 2018 by 30% to 75% in 3 phases from their Approved Base Rates (ABR). To accomplish the goal, the CCPCUA was subdivided into three Cretaceous zones: Declining Water Level Zone, Dewatering Zone and Water Encroachment Zone. The water withdrawal reduction requirements will result in reducing the combined ABR's from about 56 mgd to 20 mgd by 2018. Penalty assessments for the violators can

be as high as \$1000 per day, according to the 2009 legislative bill. Some of the plans for compliance include; seeking alternative water supplies, shallower wells, better water treatment, and heavy investment of money.

Tables and plots of water use information can be found online on DWR webpage: http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Central_Coastal_Plain. Under the query the Data portion of the CCPCUA, info such as; status and assessment reports, individual wells monitoring data, permit renewals, individual well pumping levels, water and water use by county and year may be accessed. Also posted on the web are reports about alternative water supply projects developed or in progress to take care of CCPCUA withdrawal reductions and population growth. Examples include Neuse Regional Water, Sewer Authority and Greenville Utilities, and other non-regional solutions as described in 2009 status report.

Analysis from data from the monitoring well network to track Black Creek aquifer response to decreased water withdrawals since 1997 in 3 locations in Lenoir County indicate there is a general increase in water levels as the daily water withdrawal is reduced. There are similar trends on the southern, northern part of the county and around Kinston.

Discussion: WAC members were interested to know if the data and information presented was posted online, and whether aquifer response was sustainable. Mr. Wilson said all the information presented was posted online and that the results presented was based on actual data not model results. If the current measures and penalty assessment will continue to be enforced, then the trend of increasing water levels as withdrawals are reduced should continue.

Update on Interbasin Transfers Mr. Steve Reed, DWR.

Mr. Steve Reed presented an update on the status of the Kerr Lake Regional Water System (KLRWS) and Brunswick County Public Utilities IBT Petitions.

Greenville Utilities Commission (GUC) IBT petition was approved to be taken to public hearing by the EMC at the May 2009 meeting. The hearing is scheduled to be held in Winterville at Pitt Community College on November 5, 2009 at 7:00 pm. The hearing record will remain open for 30 days until December 4, 2009. Comments may be mailed or emailed to the DWR as long as postmarked or emailed by December 4th.

GS. 143.215.22I and its notice requirement, was repealed by House Bill 820, but it still pertains to transfers necessary to supplement ground water supplies in CCPCUA until January 1, 2011. Required legal notice will be provided in newspapers in the source basin downstream of the withdrawal for the IBT, including Pitt, Martin & Beaufort Counties. Additional notice plans include newspaper notice in Green County, emails to the upstream NPDES permit holders in the source basin, County Commissioners and permit holders in the receiving basins.

The approximate cost of this notice < \$2000 vs \$10,000 if notice is provided in all the newspapers in the entire source and receiving basin area.

Each Committee member was provided a hard copy of the proposed public notice, which was written following the guidelines of section 22I. There were no objections to DWR's plan to provide the expanded public notice of the hearing as described above.

Brunswick County IBT Petition and Kerr Lake Regional Water System IBT Petition: Review meetings were held between DWR and consultants to review scoping comments, EIS scope and plans for water quality and hydrologic modeling efforts.

Expected timeframe for draft EIS's is early 2010 for both of these two IBT petitions.

Additional information:

For WAC agendas, meeting summaries, and presentations can be found off DWR homepage website; <http://www.ncwater.org>; click on http://www.ncwater.org/Other_Water_Related_Sites, and then http://www.ncwater.org/Other_Water_Related_Sites/wac.php

Update on NC Legislation, 2009 affecting DWR, Mr. Tom Reeder, Director of DWR

Mr. Tom Reeder briefed the WAC on General Assembly Session 2009 bills related to Division of Water Resources. There were two bills that were passed into law:

Session Law 2009-134 (House Bill 1399): An act to provide that civil penalties of up to \$1000 may be assessed for violation of capacity use area laws.

Session Law 2009-480 (House Bill 1236): An act to promote voluntary, year round water conservation and water use efficiency measures by commercial car washes. A water use efficiency certificate will be issued to commercial car wash that reduces annual water usage by 20%. A car wash certified under the program shall be credited with the percentage of reduction during water shortage period.

Bills still pending and could be brought in the next session are:

Senate Bill 907-The Water Policy Act. This is the bill that proposes surface water permitting and assessment of water resources in a river basin.

Senate Bill 833: This is the bill that proposes re-delineation of the NC river basins from the present 38 to 17, and making DWQ and DWR using the same river basins.

Senate Bill 1083: This is the Bill that would establish Little Tennessee River Basin Commission. This would create a tri-state commission composed of Georgia North Carolina and Tennessee.

The New IBT Statute- Settlement Discussion: The language in the statute is specific enough and has a lot of flexibility for EMC to act. Instead of going through a rule making process that would take over two years, DWR is in the process of writing a draft IBT Settlement Process Guidance Document that will be presented to the WAC in November.

Adjournment

There being no further business, **Chairman E. Leo Green, Jr.** dismissed the assembly at 10:50 A.M.

(Adjournment)