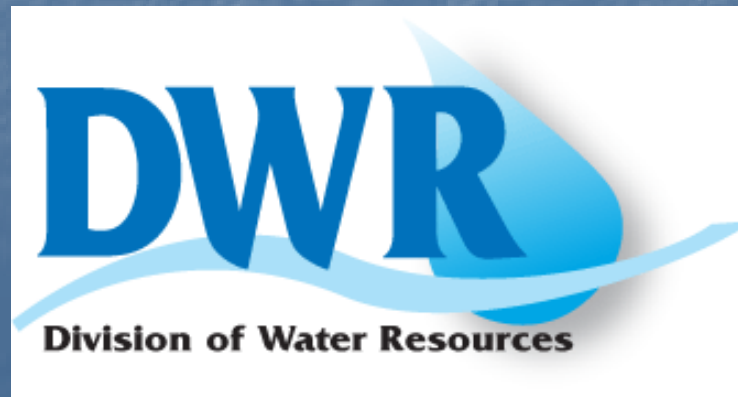


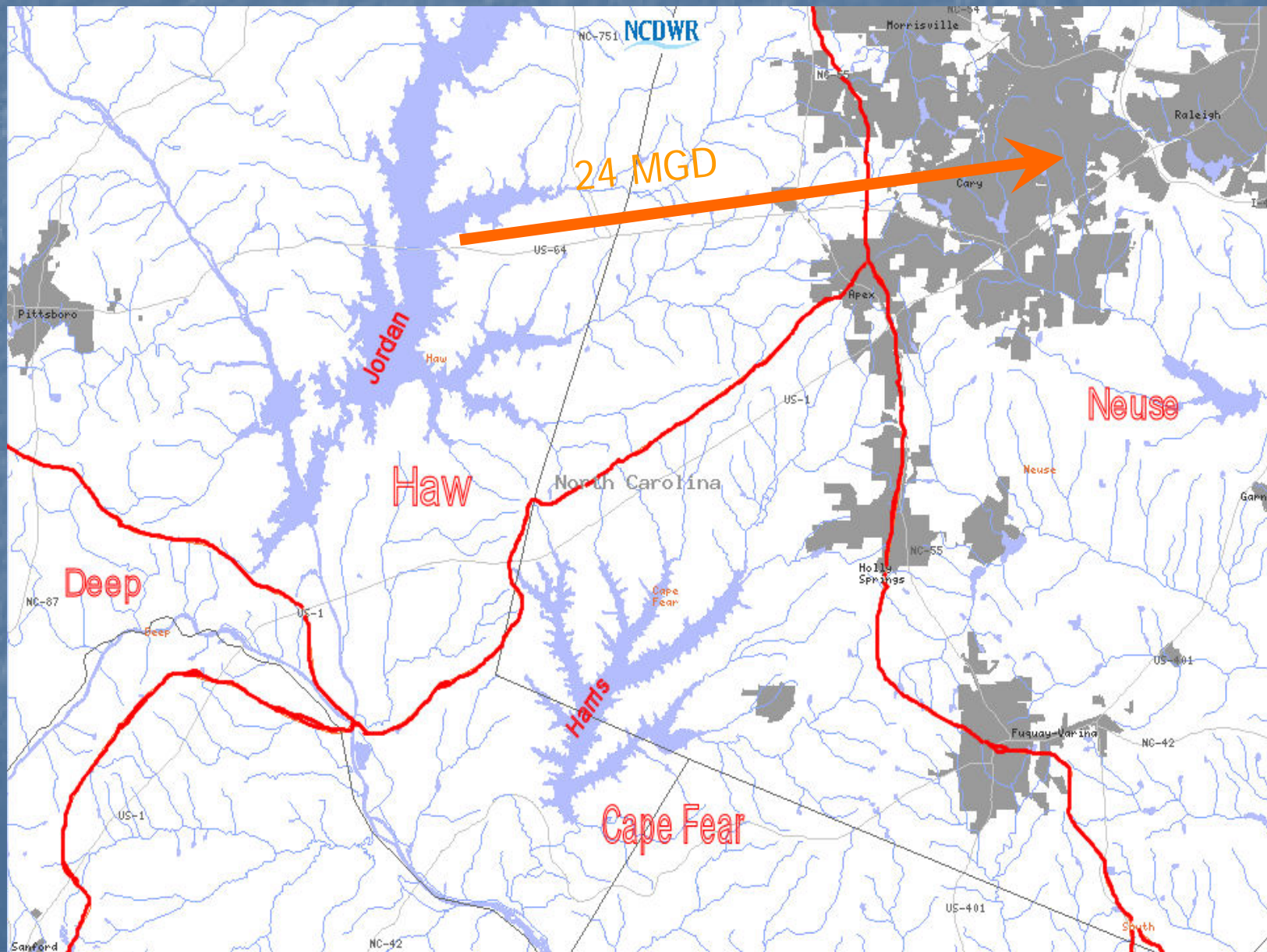
Harris Lake Discharge IBT Certification Issues

Tom Fransen
NC Division of Water Resources



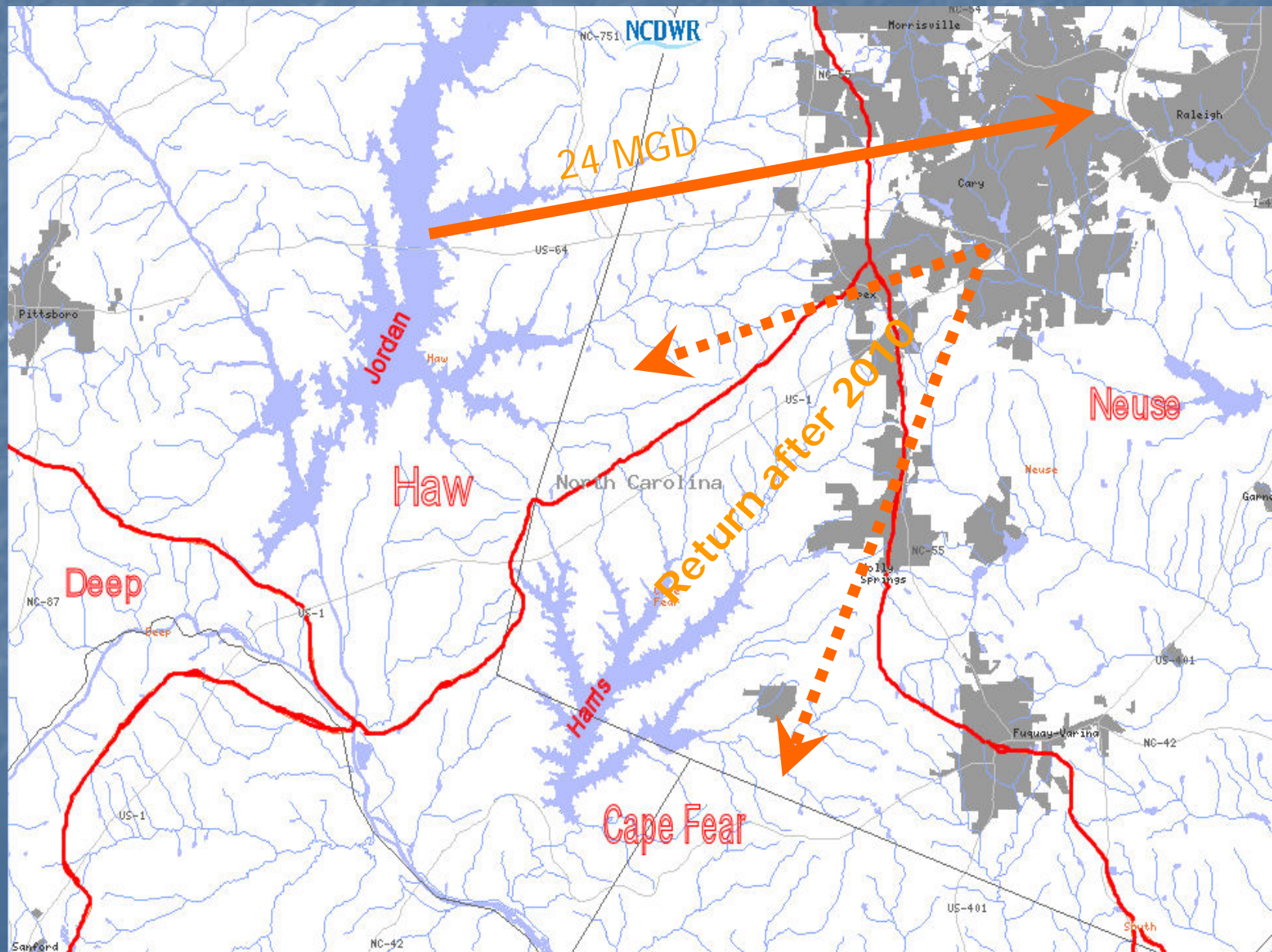
Decision

"Therefore, and by duly made motions, the Commission grants the petition of the Towns of Cary, Apex, Morrisville, and Wake County (with modification) to increase their transfer of water from the Haw River basin to the Neuse River basin. The permitted transfer amount shall be 24 million gallons per day (mgd) on a maximum day basis from the effective date. "

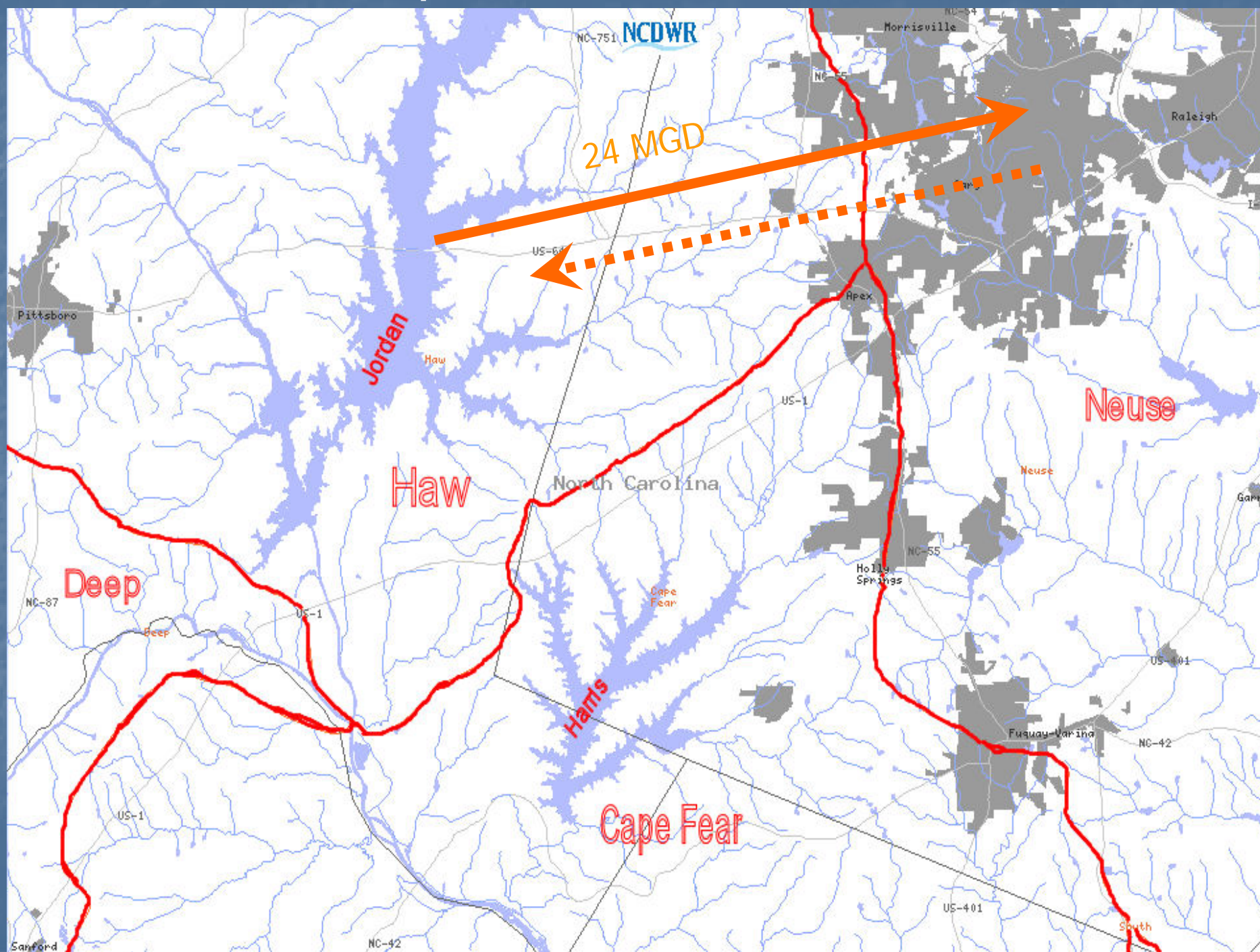


Condition (modification)

"The holders of this certificate, after 2010, shall return water supplied from the Haw River basin used in the Neuse River Basin to either the Haw or Cape Fear River basins as described below:"



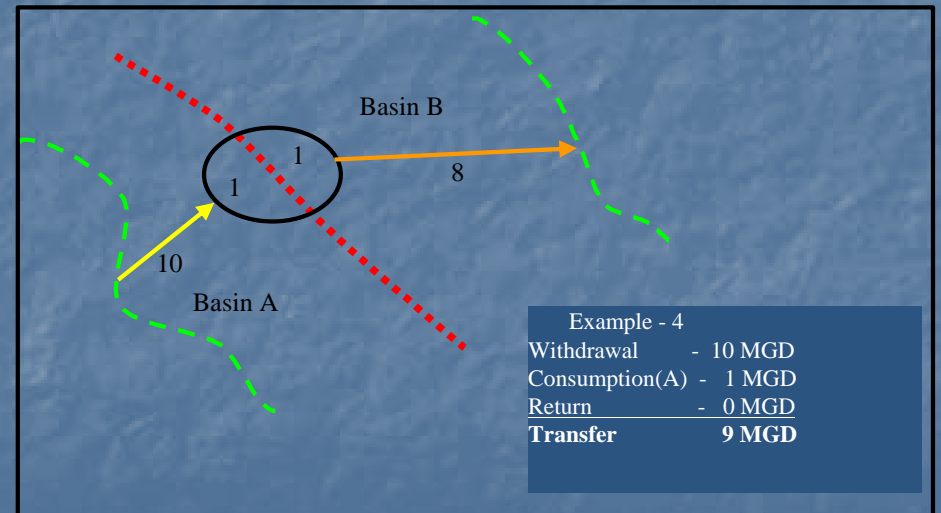
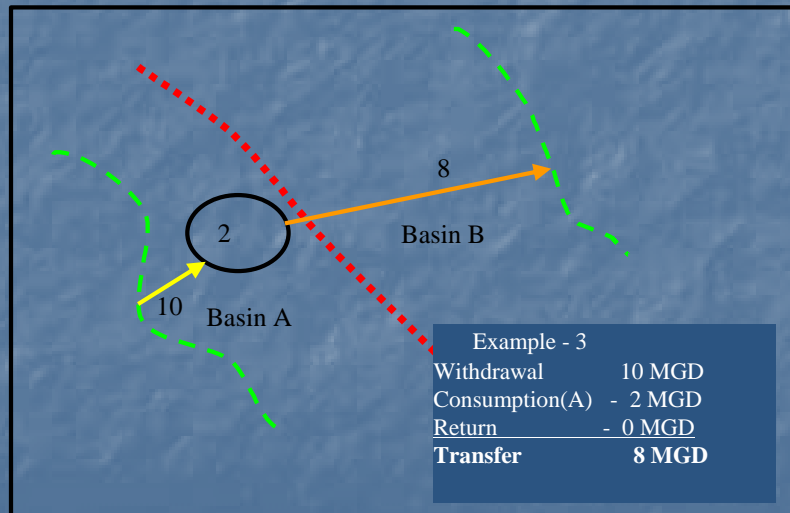
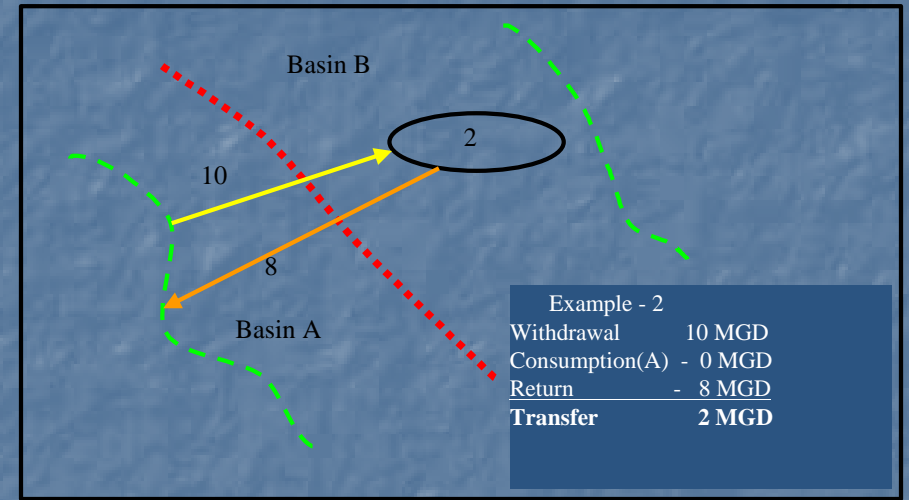
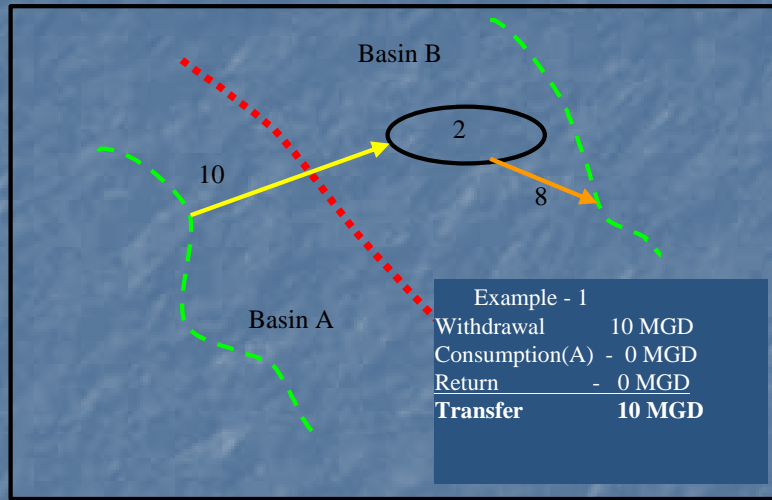
Options are available that do not require a certificate change. Option 1 – Return to the Haw.



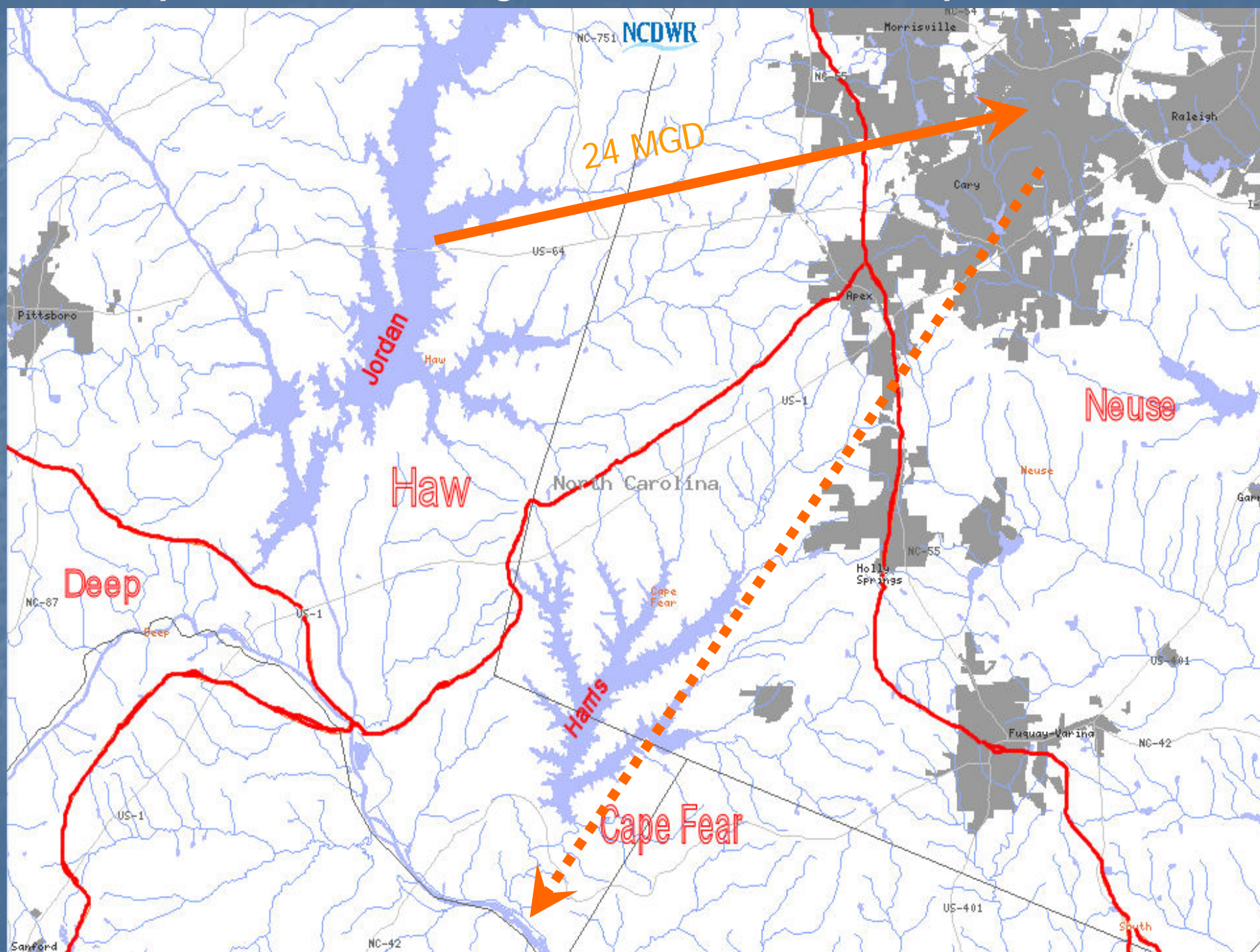
Transfer = Withdrawal - Return

143-215.22G(3) "Transfer" means the withdrawal, diversion, or pumping of surface water from river basin and discharge of all or any part of the water in a river basin different from the origin.

T15A:02G.0401(a) The amount of the transfer shall be determined by the amount of water moved from the source basin to the receiving basin, less the amount of water returned to the source basin.



Options are available that do not require a certificate change.
Option 2 – A discharge to the mainstem of Cape Fear River.



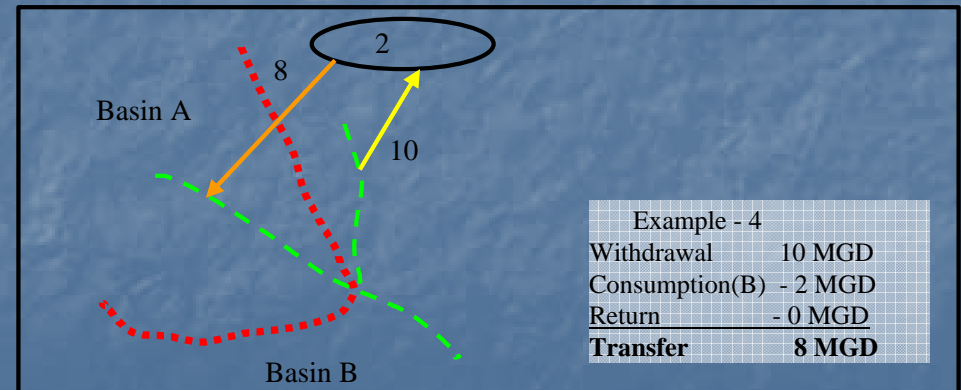
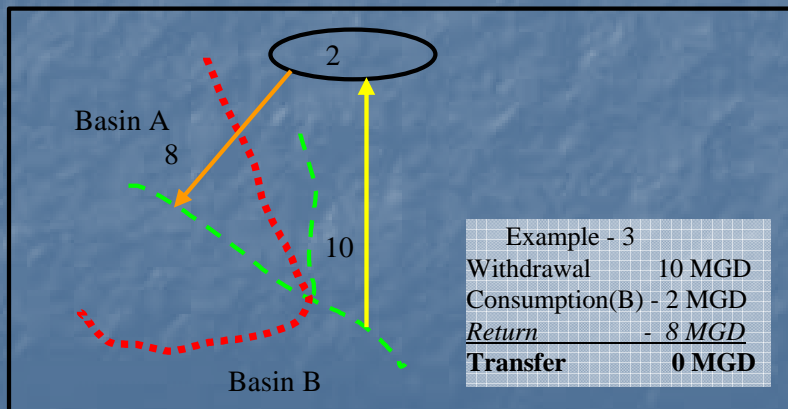
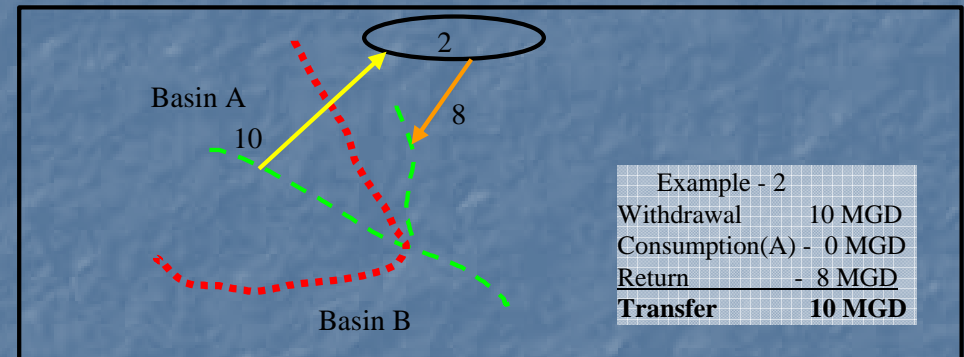
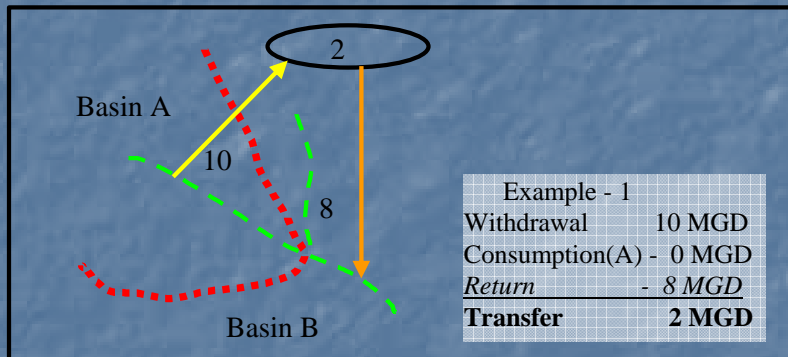
Upstream/Downstream Exemption (Cork Rule)

143-215.22G(3) The following are not transfers:

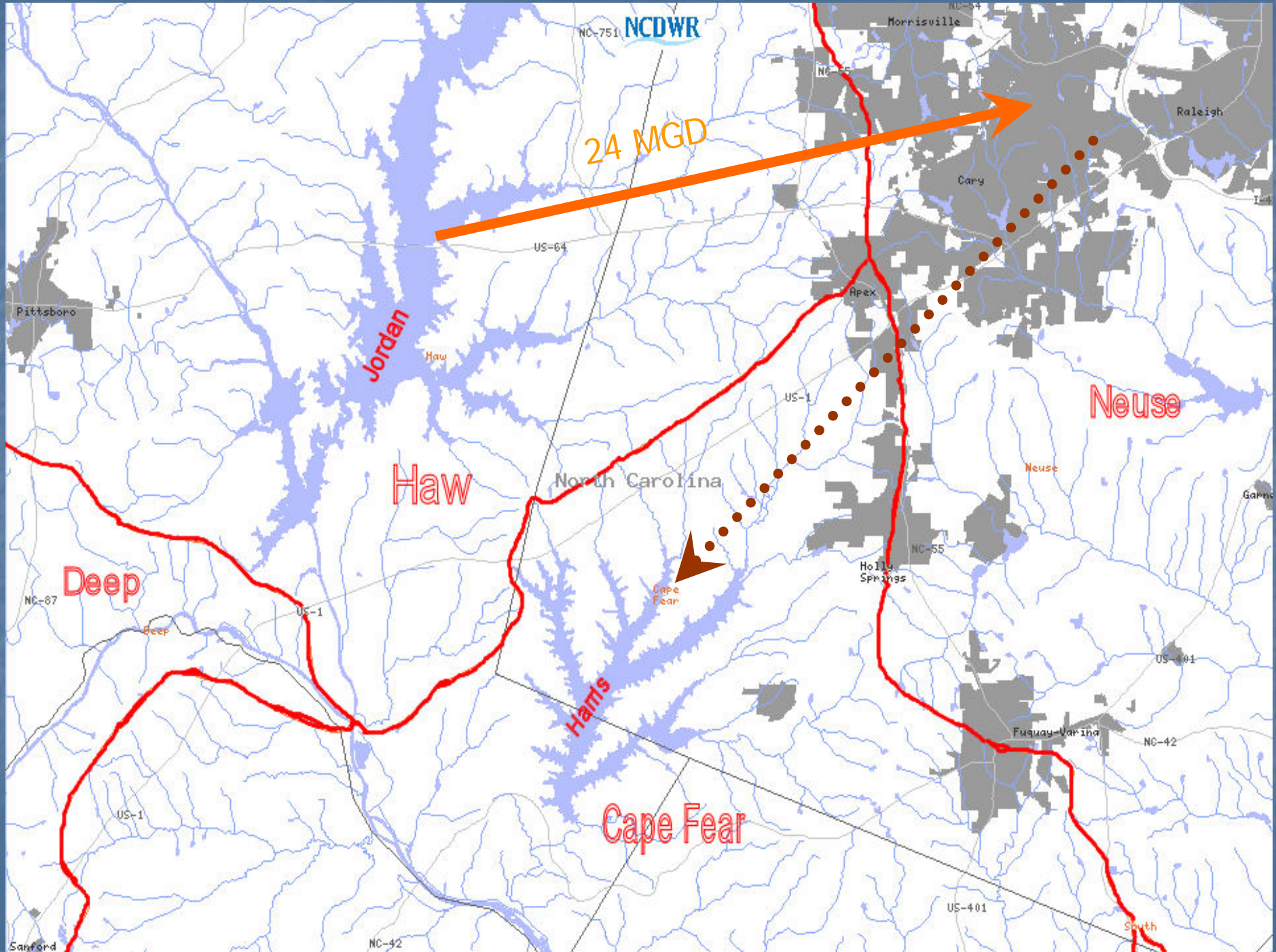
- The discharge of water upstream from the point where it is withdrawn.
- The discharge of water downstream from the point where it is withdrawn.

T15A:02G.0401(b) The following are not transfers:

- (1) The discharge point is situated upstream of withdrawal point such that the water discharges will naturally flow past the withdrawal point.
- (2) The discharge point is situated downstream of the withdrawal point such that the water flowing past the withdrawal point will naturally flow past the discharge point.



Options that do require a certificate change.
A non-mainstem discharge to the of Cape Fear Basin.



Conclusions

- A Harris Lake discharge is a new transfer from the Haw to the Cape Fear.
 - §143-215.22L(a) Certificate Required. – No person, without first obtaining a certificate from the Commission, may:
 - (1) Initiate a transfer of 2,000,000 gallons of water or more per day from one river basin to another.
 - (3) Increase an existing transfer of water from one river basin to another above the amount approved by the Commission in a certificate issued under G.S. 162A-7 prior to 1 July 1993.
- The EIS and Finding-Of-Fact do not address a Haw to Cape Fear transfer.

Questions

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