

Hearing Officers' Report and Recommendations

Greenville Utilities Commission, Town of
Farmville, Town of Winterville, and Greene
County

Interbasin Transfer Certificate

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NC Division of Water Resources
November 17, 2010

Greenville Utilities Commission

Background Information

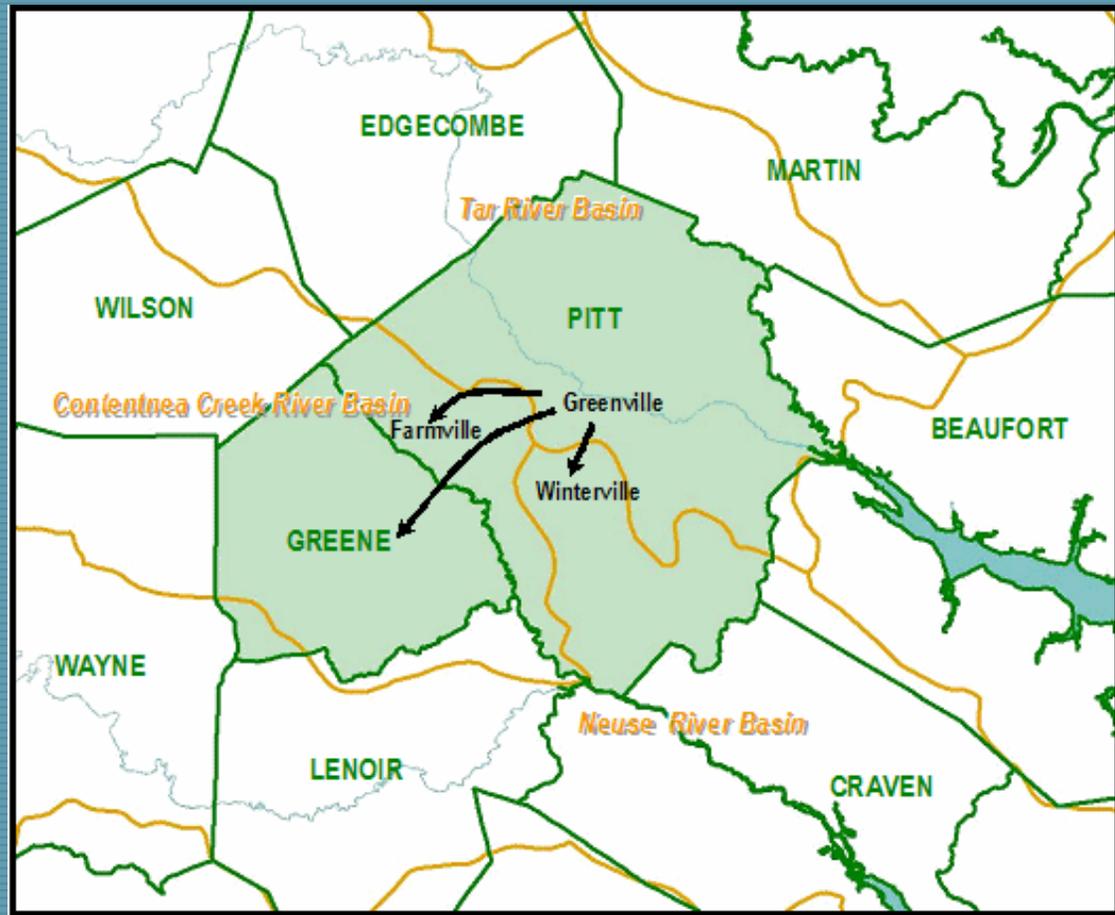
- ❑ GUC has taken responsibility for pursuing a certificate on behalf of Farmville, Winterville and Greene County.
 - ❑ Petitioners are subject to CCPCUA rules.
 - ❑ Request falls under CCPCUA exemption to IBT statute allowing systems to pursue certificate under .221.
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Greenville Utilities Commission

Petitioners' IBT Request:

⇒ 8.3 MGD from Tar to Contentnea (up to 9.3 MGD in an emergency) .

⇒ 4.0 MGD from Tar to the Neuse (up to 4.2 MGD in an emergency).



Greenville Utilities Commission

Background Information

- Environmental Assessment received a Finding of No Significant Impact (FONSI) in October 2008.
 - Petition submitted in April 2009.
 - EMC held a Public Hearing on the Petition in November 2009.
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Public Hearing Comment Themes

- ❑ “Every state agency preaches regionalization ...”
 - ❑ “A limited water supply is a regional problem and should be handled with a regional solution...”
 - ❑ “The EA misses the growth issue ...”
 - ❑ “Core principles of the 2007 law, such as conservation, should apply...”
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Hearing Officers' Report

Findings of Fact

The EMC may grant the Petition in whole or in part, or deny it, and may require mitigation measures to minimize detrimental effects. In making this determination, the EMC is required to specifically consider:

- ❑ Necessity, reasonableness, and beneficial effects of the transfer;
 - ❑ Detrimental effects on the source basin;
 - ❑ Cumulative effect on the source major river basin;
 - ❑ Detrimental effects on the receiving basin;
 - ❑ Reasonable alternatives to the proposed transfer;
 - ❑ Use of impounded storage (if applicable);
 - ❑ Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir (if applicable);
 - ❑ Any other facts or circumstances necessary to carry out the law.
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Findings of Fact

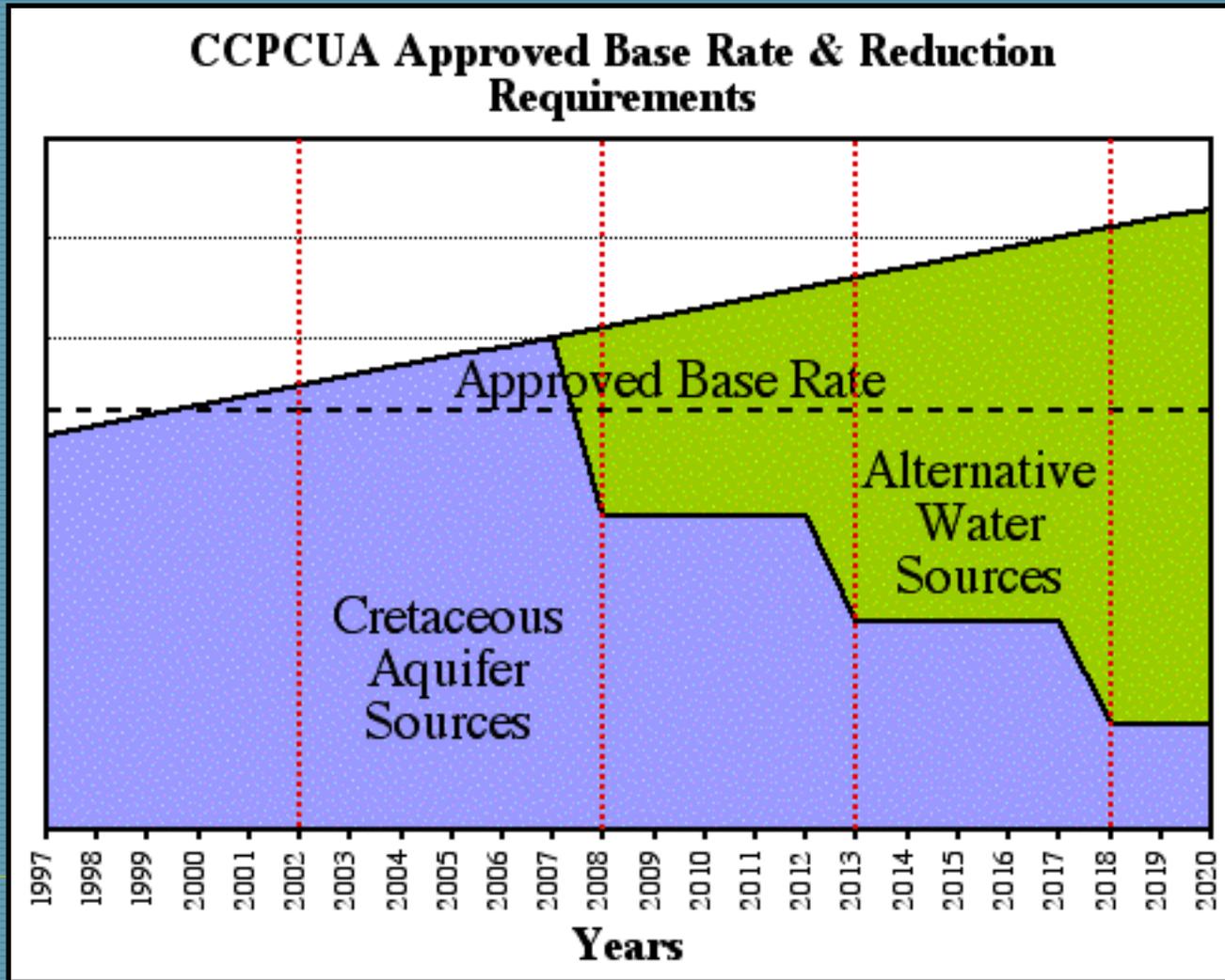
Necessity, reasonableness, and beneficial effects of the transfer;

1. The IBT Request is consistent with the amount of water lost due to the CCPCUA Reductions.
 2. Water needs will be met with existing infrastructure through use of an IBT Management Strategy.
 3. Existing regulations set forth requirements for obtaining authorization to make an emergency transfer.
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Findings of Fact

Necessity, reasonableness, and beneficial effects of the transfer;

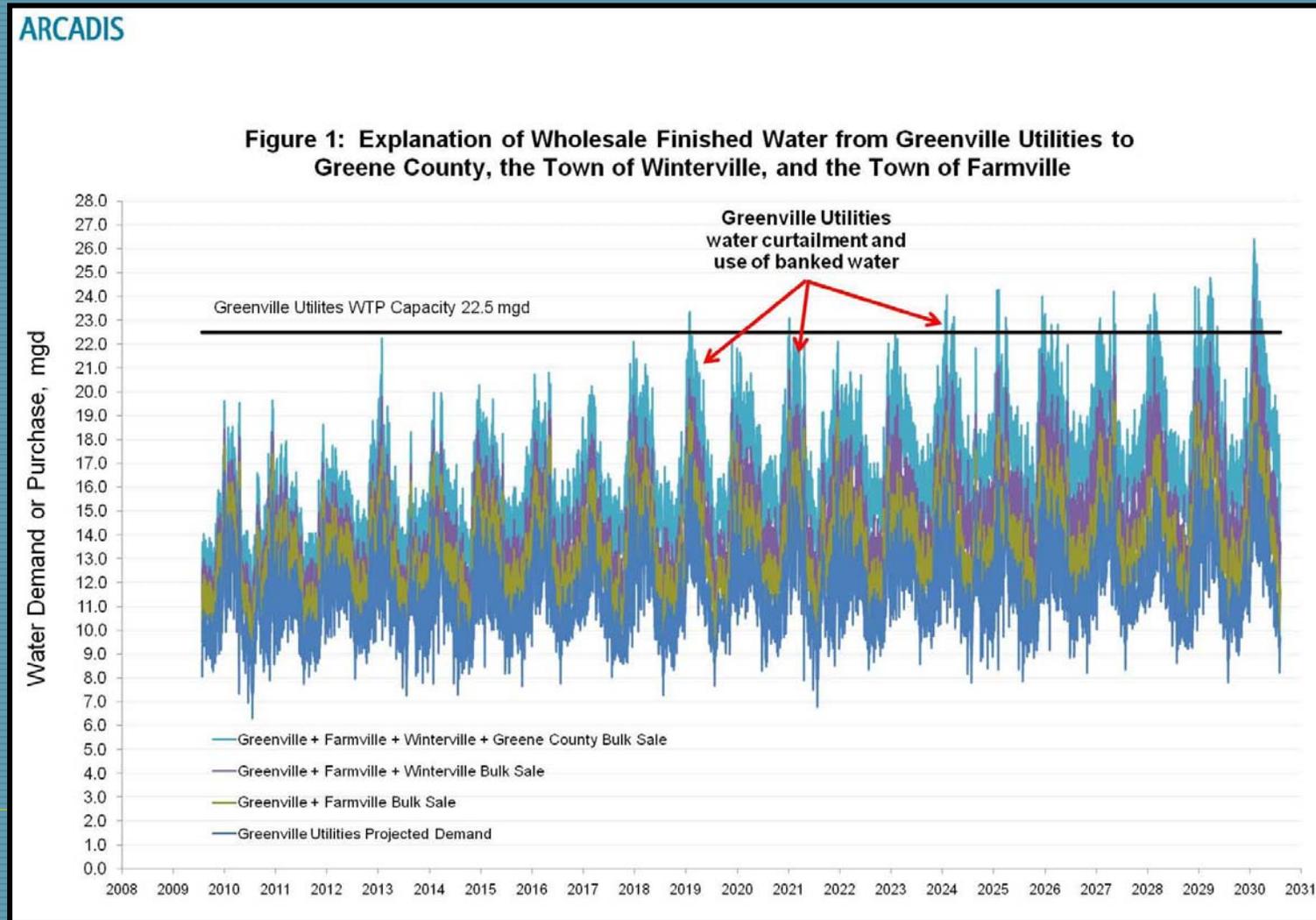
1. A maximum day transfer of 8.3 MGD to the Contentnea Creek River Basin and 4.0 MGD to the Neuse River Basin is consistent with the amount of water lost due to the CCPCUA Reductions.



Findings of Fact

Necessity, reasonableness, and beneficial effects of the transfer;

2. Water needs will be met with existing infrastructure through use of an IBT Management Strategy.



Findings of Fact

Necessity, reasonableness, and beneficial effects of the transfer;

2. Water needs will be met with existing infrastructure through use of an IBT Management Strategy.
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The Hearing Officers have determined that the IBT Management Strategy will be an important factor in the ability of the Petitioners to meet demands while maintaining compliance with the Central Coastal Plain Capacity Use Area Rules (15A NCAC 2E .0500) and the conditions of this Certificate.

Therefore they recommend that the Certificate include a Compliance and Monitoring Plan.

Findings of Fact

Necessity, reasonableness, and beneficial effects of the transfer;

3. Existing regulations set forth requirements for obtaining authorization to make an emergency transfer.
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§143-215.22L(q) Emergency Transfers. – In the case of water supply problems caused by drought, a pollution incident, temporary failure of a water plant, or any other temporary condition in which the public health, safety, or welfare requires a transfer of water, the Secretary of Environment and Natural Resources may grant approval for a temporary transfer. Prior to approving a temporary transfer, the Secretary shall consult with those parties listed in subdivision (3) of subsection (c) of this section that are likely to be affected by the proposed transfer. However, the Secretary shall not be required to satisfy the public notice requirements of this section or make written findings of fact and conclusions of law in approving a temporary transfer under this subsection. If the Secretary approves a temporary transfer under this subsection, the Secretary shall specify conditions to protect other water users. A temporary transfer shall not exceed six months in duration, but the approval may be renewed for a period of six months by the Secretary based on demonstrated need as set forth in this subsection.

Findings of Fact

Detrimental effects on the source basin;

1. No significant impacts to the Tar River are expected;
 2. The EMC may reopen the certificate if future studies reveal additional impacts;
 3. A drought management plan is required to protect the source basin.
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Findings of Fact

Detrimental effects on the source basin;

1. No significant impacts to the Tar River are expected

	Greenville Gaging Station (Downstream of WTP Intake and Upstream of WWTP Discharge)					
	Current Scenarios			Future 2030 Scenarios		
	No IBT	Avg IBT	Max IBT	No IBT	Avg IBT	Max IBT
<u>Flow Statistics (cfs)</u>						
Maximum	31,866	31,855	31,849	31,872	31,860	31,854
Minimum	24	11	4	20	7	-1
Average	2,524	2,513	2,505	2,525	2,513	2,505
<u>Percentiles (cfs)</u>						
95th	9,033	9,023	9,014	9,035	9,025	9,016
50th	1,398	1,387	1,381	1,397	1,384	1,375
5 th	229	216	210	228	215	208
<u>Percent of Time (per year)</u>						
7Q10 (109 cfs)	1.3%	1.6%	1.8%	1.4%	1.6%	1.8%
80% of 7Q10 (87.2 cfs)	0.9%	1.1%	1.2%	0.9%	1.1%	1.3%
<u>Average Number of Days Per Year</u>						
7Q10 (109 cfs)	4.7	5.8	6.4	5	5.9	6.5
80% of 7Q10 (87.2 cfs)	3.3	3.9	4.5	3.3	4.1	4.9

Findings of Fact

Detrimental effects on the source basin;

1. No significant impacts to the Tar River are expected

Flow Statistic	Average Change in Duration	Maximum change in Duration of Event*
< 300 cfs	< 5 Days	Event #17 (July 8, 1988-October 19, 1988) changed from 61 days to 71 days.
< 109 cfs (7Q10)	< 5 Days	Event #4 (August 10, 1943-December 24, 1943) changed from 20 days to 35 days Event # 24 (July 26, 2005-October 21, 2005) changed from 7 days to 22 days.
< 27 cfs (25% of 7Q10)	< 3 Days	Event #10 (July 2, 1968-November 10, 1968) changed from 13 days to 33 days.

Findings of Fact

Detrimental effects on the source basin;

1. No significant impacts to the Tar River are expected
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It is reasonable to categorize these differences as insignificant for the following reasons:

1. The modeling analysis is conservative.
 2. IBT and State Regulations require a drought management plan.
 3. The model did not take into account tidal effects.
 4. The IBT request will be met with existing infrastructure.
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Findings of Fact

Detrimental effects on the source basin;

2. The EMC may reopen the certificate if future studies reveal additional impacts;
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Due to the Hearing Officers' concerns that future studies may reveal additional impacts to the Tar River Basin, they have recommended that the following reopener be added to the Certificate:

"If the Commission determines that the record on which this Certificate is based is substantially in error or if new information becomes available that clearly demonstrates that any Finding of Fact (including those regarding environmental, hydrologic, or water use impacts) pursuant to G.S. § 143-215.221(f) was not or is no longer supported or is materially incomplete, the Commission may reopen and modify this Certificate to ensure continued compliance with G.S. ch. 143, art. 21, part 2A. "

Findings of Fact

Detrimental effects on the source basin;

3. A drought management plan is required to protect the source basin.
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G.S. § 143-215.221(h) requires that the certificate include a drought management plan to describe the actions that the Petitioners will take to protect the Tar River Basin during drought conditions.

Findings of Fact

Detrimental effects on the receiving basin;

1. No wastewater treatment plants will be expanded as a result of the IBT.
 2. The IBT will not spur growth; these predominantly rural communities are requesting a replacement water supply to support historical growth patterns.
 3. All recipients of IBT water fall under the requirements of the Neuse and Tar Pamlico Nutrient Management Strategies.
 4. Local governments that are currently exempt from developing stormwater management programs will be required to implement Phase II Post construction stormwater controls.
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Findings of Fact

Detrimental effects on the receiving basin;

3. All recipients of IBT water fall under the requirements of the Neuse and Tar Pamlico Nutrient Management Strategies.

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- ❑ All communities in the Tar Pamlico and Neuse River Major Basins are subject to nutrient management strategies (requirements for wastewater discharges, agriculture, buffers, and stormwater).
 - ❑ All of the requirements, except those involving the development of a stormwater program, are applicable on a basin-wide basis.
 - ❑ Stormwater program requirements only apply to those local governments of a certain size, density, or estimated impact.
 - ❑ Farmville and Greene County fall below the thresholds for development of a stormwater program under the Neuse Nutrient Strategy.
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Findings of Fact

Detrimental effects on the receiving basin;

4. Local governments that are currently exempt from developing stormwater management programs will be required to implement Phase II Post construction stormwater controls.
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The Hearing Officers' have determined that it is reasonable to conclude that some portion of the IBT request will be used to sustain growth, therefore the impacts due to that growth should be mitigated.

Findings of Fact

Alternatives to the proposed transfer;

The Petitioners evaluated the following alternatives to the transfer:

- ❑ Return of wastewater to the source river basin;
 - ❑ Development of an independent surface water source on Contentnea Creek (with and without a reservoir);
 - ❑ Development of an independent ground water source;
 - ❑ Purchase of finished water from the Neuse Regional Water and Sewer Authority (NRWASA);
 - ❑ Purchase of finished water from the City of Wilson;
 - ❑ Purchase of finished water from the Greenville Utilities Commission.
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Findings of Fact

Alternatives to the proposed transfer;

Purchase of water from NRWASA, the City of Wilson, or GUC;

- ❑ All would utilize existing water treatment plant capacity and have comparable environmental impacts.
 - ❑ All would require that at least one Petitioner receive an Interbasin Transfer Certificate.
 - ❑ Of these options, the purchase from GUC was identified as being the most economically practicable.
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Findings of Fact

Other Considerations;

The Hearing Officers have recommended the addition of a special condition to the IBT Certificate that will not allow the Petitioners to transfer water until the minimum program requirements described in NCAC 2E .0502(d)(5)(A-C) has been met.

The condition reads: "No person subject to the Central Coastal Plain Capacity Use Area Rules 15A NCAC 2E .0500 may transfer water under this Certificate without first meeting the minimum conservation program requirements identified in 15A NCAC 2E .0502(d)(5)(A-C) ."

Requested Action

The Hearing Officers recommend that the Certificate be granted in part and denied, in part, with conditions.

The Division requests that the Water Allocation Committee recommend the proposed Certificate for approval by the
EMC
