

**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, May 8, 2013

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 C. Hutson recused himself from the Charlotte Mecklenburg Utilities (CMU) discussion because of his previous representation of the city of Charlotte. Marvin Cavanaugh recused himself as well because of his time as Chairman of Water Resources Soil and Water committee, but then withdrew his recusal because it had been four years since he served on the committee. Amy Pickle recused herself from the CMU discussion as well.

2. Minutes and Agenda

The committee approved the minutes of the March meeting as a true and accurate summary of the proceedings. The agenda for the March meeting included a request for approval to convert Orange Water and Sewer Authority's Jordan Lake water supply storage allocation from a level II to level I and a request for approval to proceed with the release of the Central Coastal Plain Capacity Use Area Draft 2013 Assessment Report for public comment.

Item II. Action Items

1. Charlotte Mecklenburg Utilities' Request for Modification of Interbasin Transfer Certificate

Toya Ogallo presented the hearing officer's report and recommendations for the Charlotte Mecklenburg Utilities' (CMU) request for a modification of their Interbasin Transfer (IBT) Certificate. CMU received its IBT certification in March of 2002. Their service area is all of Mecklenburg County. Seventy percent is in the Catawba River basin and 30 percent is in Rocky River basin. The county has two water supply intakes: One on Lake Norman and one on Mountain Island Lake. They have five wastewater plants: four in the Catawba River basin and one in the Rocky River basin. They have a contract to sell wastewater to Cabarrus County. The IBT is what allows the transfer of 33 million gallons a day (mgd) from the Catawba to Rocky River basin.

Due to concerns that impacts to the Carolina Heelsplitter could not be properly evaluated, the EMC removed Goose Creek from the area to be served by the IBT (Condition 3). In 2002, it was assumed that this would be a short term condition. A number of actions have taken place since 2002 to protect the Heelsplitter. In December of 2012, CMU developed an Environmental Assessment (EA) to meet the requirements of Condition 3 and requested that the moratorium be removed. The EA received a findings of no significant impact (FONSI) based on the analysis of impacts and mitigative measures required by the NCDENR Site Specific Water Quality Management Plan for the Goose Creek watershed. The purpose of the plan is for the maintenance and recovery of the water quality conditions required to sustain and recover the federally endangered Carolina Heelsplitter species. Management of the streamside zones to stabilize streambanks and prevent sedimentation is critical measures to restore water quality to sustain and enable recovery.

Mint Hill's 2010 Post Construction ordinance meets or exceeds action items required by the DENR plan. The EMC held a public hearing on March 4 in Mint Hill. The attendees were primarily from a community called Ashe Plantation and all speakers and public comments were in favor of the moratorium being lifted. Ashe Plantation is served by a groundwater system and water quality has been a concern for a while because it's high in iron and manganese. This is not a public health concern, but many residents did not feel comfortable drinking or cooking with the brown water. Residents submitted pictures of the water.

Butch Smith, Mayor Darryl Moss and Yvonne Bailey were the hearing officers and developed recommendations. CMU is not requesting an increase from the 33 mgd transfer already authorized by the 2002 IBT certificate. The utility currently operates existing water lines within the Goose Creek watershed and existing infrastructure has capacity above its current use. Removal of Condition 3 does not impact the Catawba River basin because the modification does not change the amount of water CMU is authorized to transfer. Modification would not allow CMU to transfer to an additional IBT basin.

Under the "no action alternative," CMU would not provide public water service to the Goose Creek watershed. In that case they would continue to request case-by-case exemptions allowed by DWR and there would still be a concern about groundwater. Therefore, the hearing officers found that the removal of Condition 3 is the preferred alternative. The hearing officers found that CMU has evaluated the impact of urban growth, which is part of Condition 3. Protective measures have been put in place since 2002, when the certificate was first issued. The hearing officers recommended that the commission grant CMU's request to remove Condition 3 from the IBT certificate. The division requests that the WAC recommend the modification for approval by the full EMC. The committee voted to recommend approval to the full EMC.

Item III: Information Item

1. Update on the Central Coastal Plain Capacity Use Area (CCPCUA) Assessment

A public meeting was held in Kinston on April 16 to receive comments related to the draft CCPCUA assessment report. The conclusions of the draft assessment are that DWR does not change the rules. DWR does not recommend any changes to the reduction zone map or the percentages. DWR would like to use provision .0502 (p) to allow more flexibility to manage reductions. The public meeting was held at Lenoir Community College and there were 44 registered attendees. Comments can be seen by going to http://www.ncwater.org/Permits_and_Registration/Capacity_Use/Central_Coastal_Plain/?menu=public_comments.

Water users are required to reduce withdrawals between 2002 and 2018 by between 30 to 75 percent, in three phases, from their approved base rate. Permit holders have asked how much is enough recovery? In the declining water level zone there needs to be a total of a 30 percent reduction after all three phases. In the

dewatering zone and salt encroachment zones, there is a total of up to 75 percent reduction after all three phases.

The division needs flexibility to offer permit holders a different plan than the reduction schedule in the rule. DWR would only offer a different plan if reduction wells meet certain criteria. Economic hardship may be a valid factor a having a different reduction plan and DWR feels this is a more customer-oriented approach. There are four additional criteria: Static water level trends must be level or upward trending; pump intakes must be above the aquifer top; pumping water levels must be above the aquifer top; and chloride concentrations in monitoring well should be fresh with no upward trend.

The main comments were in two distinct groups. Group 1: Do not change the rules, either the boundaries or the percentage reductions; they agree with the assessment of aquifer conditions; and they do not agree with the idea of a temporary permit. Group 2: They agree with the assessment of aquifer conditions and want to use the temporary criteria, but want to change it slightly to become less stringent. The draft of the assessment is available on the division's website be going to

[http://www.ncwater.org/Reports and Publications/GWMS Reports/CCP 2nd draft Assessment 20130614 .pdf](http://www.ncwater.org/Reports_and_Publications/GWMS_Reports/CCP_2nd_draft_Assessment_20130614.pdf). The division will accept public comments on the draft document before June 1. A second draft of the document will be available by mid-June. The final document, with comments, will be submitted to the EMC in September. It may be a good idea to hold another comment period after the second draft is completed.

Item IV: Concluding Remarks

Mr. Hutson brought up an issue where a mobile home park had an exceedance of a maximum contaminant level of toxaphene, and a notice of violation was issued, as is mandatory when following the Safe Drinking Water Act. This did not pose a health risk. An individual with the Department of Health and Human Services issued his own health risk assessment that was in opposition to the Safe Drinking Water Act. This eliminates the certainty under our standards. This needs to be brought up to the senior level at DENR because it created confusion and uncertainty.

Adjournment

There being no further business, **Chairman Mayor Darryl D. Moss**, dismissed the assembly at 9:50 a.m.