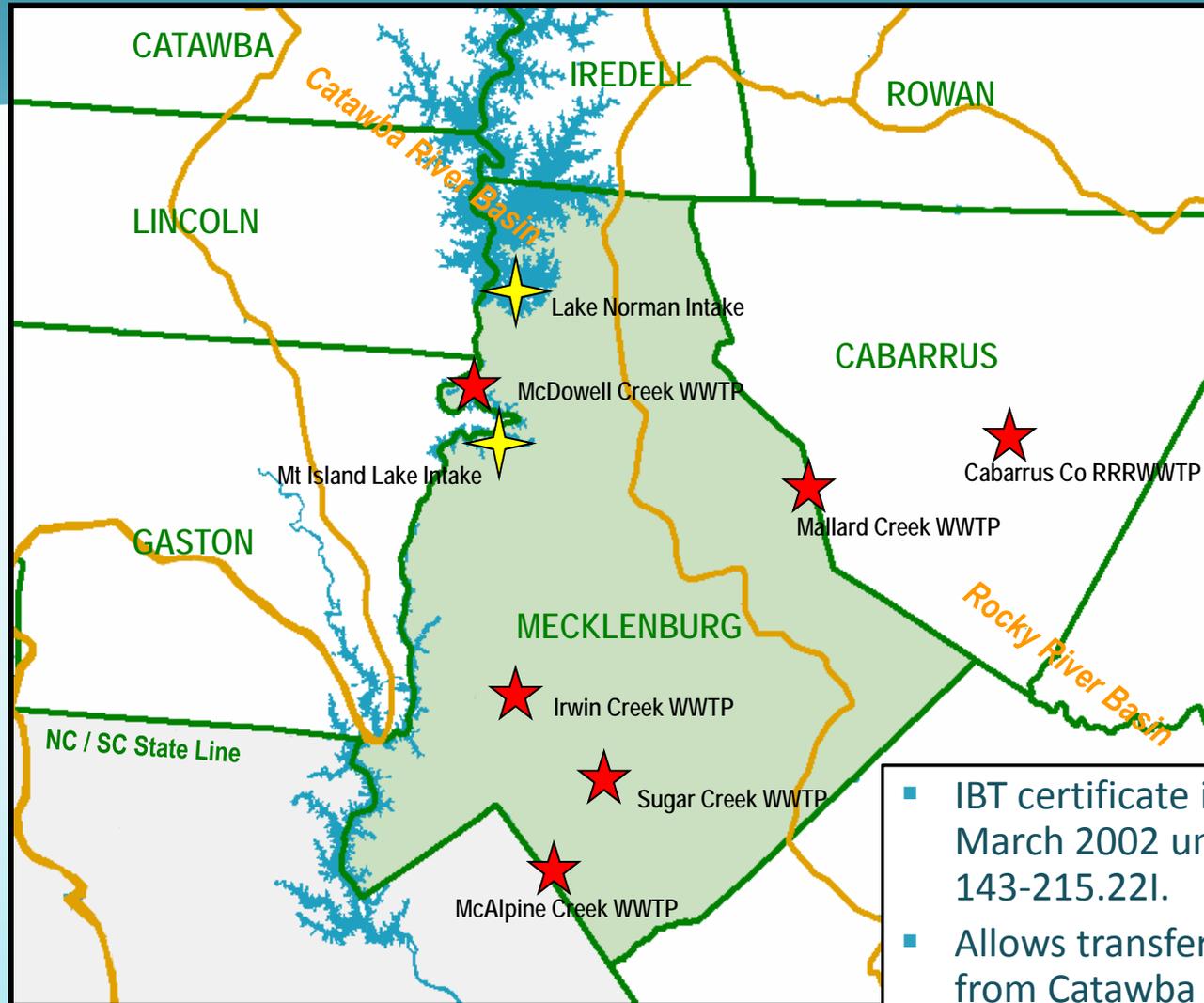


Charlotte Mecklenburg Utilities' Request for
Modification of
Interbasin Transfer Certificate

**HEARING OFFICERS REPORT and
RECOMMENDATIONS**

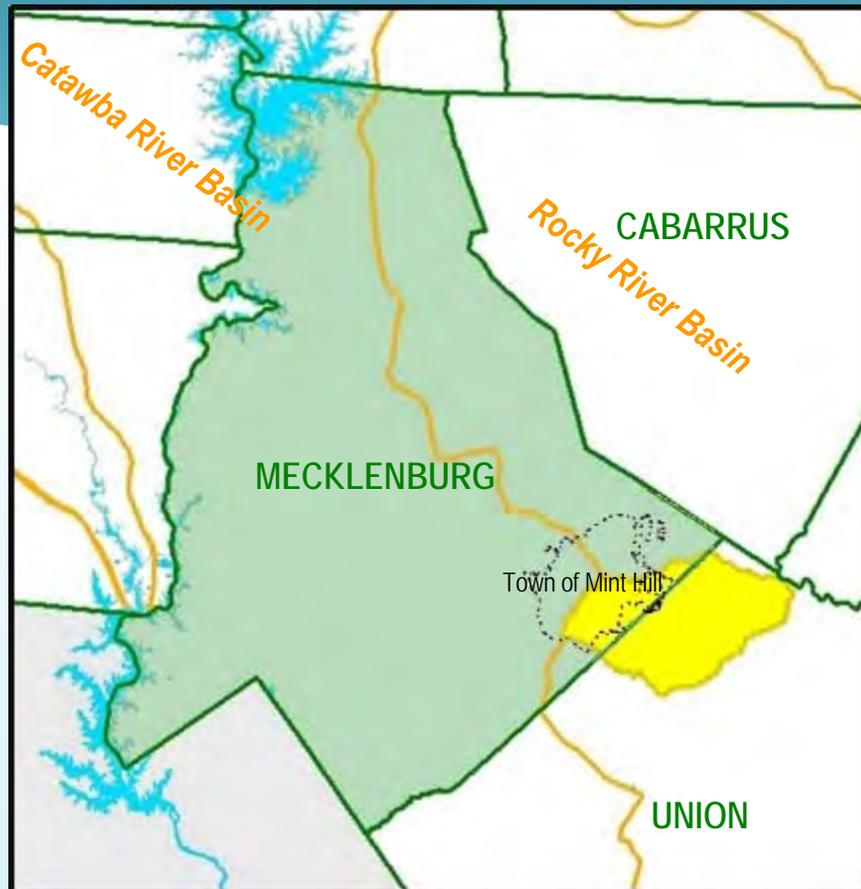
Toya Ogallo
Division of Water Resources
May , 2013

Background Information



- IBT certificate issued in March 2002 under NCGS 143-215.221.
- Allows transfer of 33 MGD from Catawba to Rocky, with conditions.

Background Information



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.

Background Information

Condition 3 of the certificate states:

The Goose Creek subbasin 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 subbasin 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.

Environmental Assessment

In December 2012 CMUD developed an Environmental Assessment (EA) to meet the requirements of Condition 3 and request that the moratorium be removed.

The EA received a FONSI based on the analysis of impacts and mitigative measures required by 15A NCAC .0600-.0609 the NCDENR Site Specific Water Quality Management Plan (SSWQMP) for the Goose Creek Watershed

Environmental Assessment

Purpose of SSWQMP, “... 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 are critical measures to restore water quality to sustain and enable recovery”

Environmental Assessment

Town of Mint Hill's 2010 Post Construction Ordinance meets or exceeds action items required by the SSWMP:

- * No new wastewater discharges
- * Control of storm water for projects disturbing 1 acre or more (exceeds EMC runoff volume).
- * Maintenance provision for BMPs
- * Requires buffers based on DWQ identification method (exceeds EMC requirement)
- * 200 foot riparian buffers

Public Hearing

- * EMC held public hearing held on March 4, 2013 in Town of Mint Hill.
- * Attendees primarily from Ashe Plantation
- * All speakers and public comments were in favor of moratorium being lifted.













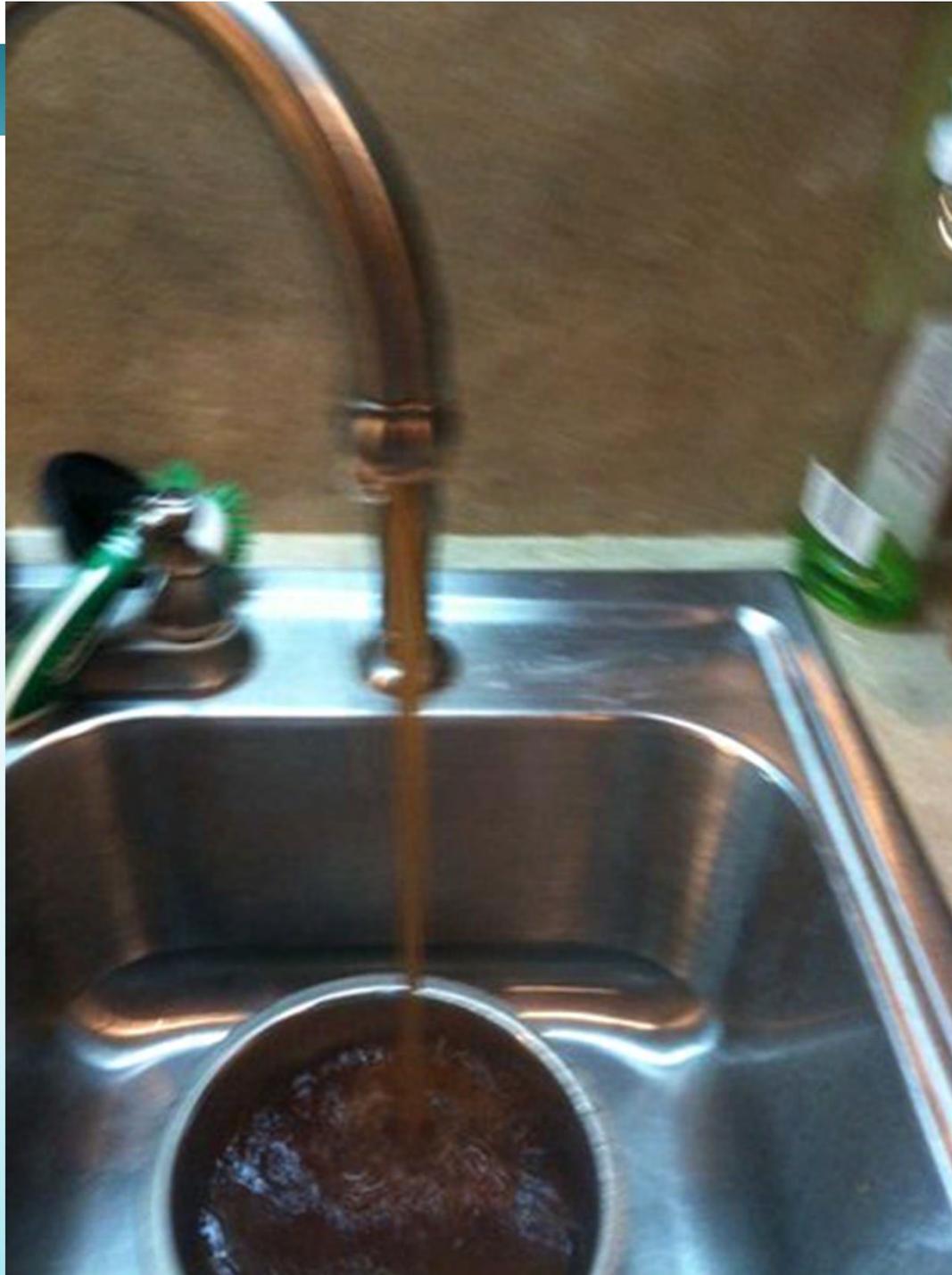












Hearing Officer Recommendations

Findings of Fact

The EMC may grant a 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:

1. The necessity, reasonableness, and beneficial effects of transfer amount
2. Detrimental effects on the source river basin
 - a. The cumulative effect of uses on the source major river basin
3. Detrimental effects on the receiving basin
4. Reasonable alternatives to the proposed transfer
5. Use of impounded storage
6. Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir
7. Any other facts or circumstances

Findings of Fact

Necessity, reasonableness, and beneficial effects of the transfer amount

- * CMU is not requesting an increase from 33 MGD transfer already authorized by the 2002 IBT certificate.
- * The Utility currently operates existing water lines within the Goose Creek Watershed.
- * Existing infrastructure has capacity above its current use.

Findings of Fact

Present, Reasonably Foreseeable, and Cumulative Effects on the Source River Basin

Removal of Condition 3 does not impact the Catawba River Basin because the modification does not change the amount of water that CMU is authorized to transfer.

Findings of Fact

Detrimental Effect on the Receiving Basin

- * Modification would not allow CMUD to transfer to an additional IBT basin.
- * Mint Hill is implementing requirements of 15A NCAC 2B .0600-.0609
- * Environmental Assessment received a Finding of No Significant Impact (FONSI).

Findings of Fact

Reasonable Alternatives to the Proposed Transfer

Under the “no action alternative, CMU would not provide public water service to the Goose Creek Watershed

- * Case-by-case exemptions allowed by DWR
- * Concern about groundwater quality

Findings of Fact

Other facts or circumstances necessary

- * Condition 3 states that moratorium will remain until impacts of growth have been fully evaluated.
- * Local and state initiatives since 2002 have thoroughly evaluated impacts and prescribed mitigation measures.
- * CMUD developed EA and received FONSI.

Requested Action

The Hearing Officers recommend that the Commission grant CMU's request to remove Condition 3 from the IBT certificate

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