

**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, July 10, 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. The announcement was made that Benne Hutson is the new Chairman of the EMC. Mr. Hutson thanked former Chairman Smith for his support during the transition and said that he is humbled and honored for the opportunity. Mayor Moss asked if there were any conflicts of interests, or appearance of a conflict. There were no conflicts of interests.

2. Minutes and Agenda

The committee approved the minutes of the May meeting as a true and accurate summary of the proceedings. The agenda for the May meeting included a request for adoption of the hearing officer's recommendations for modification of the Charlotte-Mecklenburg Utilities interbasin transfer certificate and an update on the Central Coastal Plain Capacity Use Area assessment.

Item II. Action Items

1. [Request to hold a public hearing to receive comment on the Brunswick County Public Utilities petition for an interbasin transfer \(IBT\) certificate](#)

Brunswick County Public Utilities provides water service to the entirety of Brunswick County. They have 30,000 retail customers and 11 wholesale customers. They operate two water treatment plants (WTP): One is the 211 WTP, which is a groundwater treatment plant that treats water from the Castle Hayne aquifer and the other is the North West treatment plant, which treats surface water from the Cape Fear River. Brunswick County purchases raw water from the Lower Cape Fear Water and Sewer Authority. The Lower Cape Fear Water and Sewer Authority also sells water to Pender County, Wilmington and Invista.

Brunswick County has an existing grandfathered IBT to transfer up to 10.5 million gallons per day (mgd) from the Cape Fear river basin to the Shallotte and the Waccamaw river basins. They are planning to expand the NW WTP from 24-36 mgd. If that is approved, they would need an IBT to continue to provide water service to their service area. They are requesting a total of 18.3 mgd from the Cape Fear. The increase would only go to the Shallotte basin, not the Waccamaw. The IBT statute has changed three times since the county submitted their notice of intent in 2009. In 2009, they were subject to the more stringent 22L statute. Under the terms of that statute, Brunswick County submitted a notice of intent and held four public scoping

meetings. Session law 2010-155, made them subject to the 22I statute. Under that statute, the applicant developed an environmental assessment (EA) and removed the Waccamaw basin from the IBT to meet the requirements of that statute. Currently, Senate bill 341, which has been approved by the Senate, has requirements similar to the 22I statute.

The 22I statute requires an environmental assessment as defined by the SEPA regulations. The 22L statute requires an environmental impact statement with the following: an analysis of impacts, an evaluation of alternatives, and a description of mitigation measures. Brunswick County developed an environmental assessment that meets the requirements of 22I and it meets the proposed 22L revisions. The preferred alternative is for the county to use a combination of water sources to limit the IBT: Expansion of the North West WTP, conservation and reuse, purchase agreement for Waccamaw basin customers, and study of aquifer storage and recovery.

The EA also used the DWR's Cape Fear hydrologic river basin model and DWQ's water quality model of the Lower Cape Fear River estuary. There were no significant impacts to either water resources or water quality. This EA received a finding of no significant impact (FONSI) in April 2013. Once the EA has received a FONSI the IBT statutes require the county to hold a petition. After submittal of the petition, the statutes require the EMC to hold a public hearing to receive comments on the petition. Therefore, DWR asks the WAC to approve this item to go to the EMC to receive comments on the petition. The committee approved the request to hold a public hearing to receive comments on the petition.

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 recommend changes to 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.

Changes to the second draft of the document include: Adding a discussion of aquifer conditions, adding another map which compares water withdrawals by permit holder, concluding that current withdrawal rates may be sustainable for many users, deciding that permit holders will not be allowed to make additions to their Cretaceous Water Bank if issued a temporary permit, and changing proposed permitting criteria. Proposed changes to the permit review process include: The division needs flexibility to offer permit holders a different plan than reduction schedule in the rule; DWR will only offer different plan if the reduction wells meet certain criteria; Economic hardship may be a valid factor for a different reduction plan. The second draft of the assessment can be found at:

[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). Comments will be accepted until July 17, 2013. The final document will be submitted to the EMC in September.

Item IV: Concluding Remarks

Adjournment

There being no further business, **Chairman Mayor Darryl D. Moss**, dismissed the assembly at 9:42 a.m.