

**Environmental Management Commission
Water Allocation Committee
Minutes**

**January 10, 2018
9:00 a.m.**

On January 10, 2018, the Water Allocation Committee or WAC met in the Ground Floor Hearing Room at the Archdale Building in Raleigh, North Carolina.

WAC Members in Attendance:

Richard Whisnant, Chair
David W. Anderson
Charles Carter
Bill Puette
JD Solomon, EMC Chair

Others Present:

Jerry Carroll
Marion Deerhake
Steve Keen
Dr. Stan Meiburg
Dr. Albert Rubin
Julie A. Wilsey
Philip Reynolds, Attorney General's office

I. Preliminary Matters:

In accordance with North Carolina General Statute §138A-15, Chairman Whisnant asked if any WAC member knew of a known conflict of interest or appearance of conflict with respect to items on the January 10, 2018 WAC agenda; none of the committee members identified a conflict. At Chairman Whisnant's request, Mr. Anderson made a motion to approve the November 8, 2017 meeting minutes. The motion was seconded by Mr. Puette and the November 8, 2017 minutes were unanimously approved.

II. Action Item:

**A. Approval to Proceed to EMC With Initial Determination for Rules 15A
NCAC 02G (Linwood Peele, DWR)**

The 02G rules consist of 27 rules divided into five sections for programs in two state departments: The Department of Environmental Quality and the Department of Emergency Management. Twenty of the rules have already been determined to be necessary without substantive public interest, since updates to the rules just involve technical revisions. The other seven rules have been determined to be unnecessary (sections .0300 and .0400). The revisions to the 02G rules are on schedule to take to the

Rules Review Commission (RRC) for review and approval at their December 20, 2018 meeting.

Today, DWR staff is requesting that the WAC send the “Report for 15A NCAC 02G” spreadsheet to the EMC as the “initial determination” for the categorization of the Water Resources Programs. There was a motion by Commissioner Anderson, seconded by Commissioner Puette. The vote was unanimous and the motion passed to send the report to the full EMC.

III. Informational Items:

A. Legislative Reporting Process Improvements (Richard Whisnant, Chair)

There was a new statute passed during the last legislative session that is intended to improve the review and assessment process for reports submitted to the legislature by both the EMC and DEQ. The legislature is looking to the EMC to prioritize reports and identify those needing particular attention by the legislature. Chairman Whisnant is open to ideas for a good process to achieve this goal. The Chairman suggested circulating a list of the reports to each EMC committee for the committees to identify which reports falling within their purview have significant public interest. Chairman Whisnant also acknowledged that priorities for the legislature will likely change over time.

Commissioner Rubin noted that the quality of the DWR basinwide report improved following the EMC review process that was used.

Chairman Solomon stated that it will be important to respect timelines for report review and prioritization, and it will help to partner with DEQ for this effort. The Chairman also commented that there are too many reports for the Commission to fully review all of them; there will need to be a balance of reports that receive detailed reviews versus those that receive a more cursory review, based on the legislative priority identified.

Chairman Whisnant suggested identifying common elements that should be highlighted at the beginning of all reports, such as legislative or budget implications, that will likely be of greatest interest and significance to legislators when they review the reports.

B. Water Supply Planning Low-Flow Statistics (Tom Fransen, N.C. DWR)

How do we define drought? How do we determine water supply availability? The U.S. Drought Monitor factors in different data and posts updates every Thursday based on data through Tuesday of each week. If there are no impacts, there is no drought. The declaration of drought is based on the weight of evidence of different parameters that are evaluated.

A good drought plan needs to evaluate multiple drought indices. With the Catawba Low Inflow Protocol, tougher trigger points are needed to get out of a drought in order to avoid bouncing in and out of drought status. NC is one of the top five states for drought evaluation. NC incorporates groundwater data for a fuller picture of impacts.

Falls Lake operates based on flows at the stream gage downstream on the Neuse River in Clayton, which is downstream of Raleigh's wastewater discharge point. The reallocation of Falls Lake will take this operational arrangement into account. Withdrawals further downstream for Johnson County and Smithfield are only six miles apart. In such a case, should those intakes in close proximity be treated cumulatively or separately?

Question from Chairman Solomon: Are river cross sections updated regularly? At gage locations, the rating curve is updated, though the frequency of the updates depends on the gage.

The 7Q10 is a statistical measure of the data set, which can vary each year as new data is gathered.

Question Chairman Whisnant: How often is the 7Q10 value updated for an official number used by DEQ for permitting and other agency needs? How often the value is updated is project-specific.

Funding is limited; DWR needs to maintain data collection, so there is not always funding available for special studies. The U.S. Geological Survey (USGS) is contacted to update 7Q10 values for different streams and rivers. The 7Q10 is an estimate, but to get as accurate a value as possible requires people familiar with the data to conduct the analysis. There is also some level of best professional judgement that factors into the analysis.

Question Vice-Chairwoman Wilsey: Is there a consistent level of expertise applied in determining 7Q10 values? Yes, because it is determined by staff in DWR's central office for streams across the state; the values aren't determined by staff in each regional office.

Some seasonal low flows are below the 7Q10. Low flows have been dropping and stream flow variability has been increasing. This trend has been observed in many gages since the 1980s. The USGS has a program to evaluate long-term trends in river flow.

Question Chairman Whisnant: There is an assumption that past trends will predict what to expect in the future. Is this still the case with increasing variability? This "stationarity" can still be useful in predicting future conditions, but planners need to exercise caution in using this assumption.

It is important to consider the media market when announcing drought and water use restrictions. In order to relay a clear and consistent message, it is helpful for nearby utilities to align their Water Shortage Response Plans (WSRPs) and work together in clearly communicating drought conditions and restrictions to the public. State statutes now require advanced planning prior to the onset of drought, with detailed triggers for declaring different stages of drought clearly documented.

C. IBT Program Update (Kim Nimmer, N.C. DWR)

Ms. Nimmer provided a brief update on the IBT program. There is currently one IBT certificate request, following subsection (w) of the IBT statute NCGS 143-215.22L, which outlines the process for coastal counties to apply for an IBT certificate. The IBT request is from Pender County to transfer up to 14.5 MGD from the Cape Fear River IBT basin to the Northeast Cape Fear River, New River, and South River IBT basins to meet projected demands through 2045. The Petition, Water Conservation Plan, and Drought Management Plan were finalized by the applicant at the end of November 2017. In December, the Petition and related documents were published for public review through State Clearinghouse along with a 30-day notice for a public hearing. The public hearing will be held Thursday, January 18, 2018 in Burgaw; Commissioner Keen will be the hearing officer. It is anticipated that a final determination on whether to grant the IBT certificate will be requested at the May 10, 2018 EMC meeting.

III. Concluding Remarks:

Chairman Whisnant asked if there was anything else that needed to be discussed or if there were other comments. There were no additional comments by the committee members or staff. The meeting was adjourned.