



Interbasin Transfer Program Update

Water Allocation Committee

March 7, 2018



Department of Environmental Quality

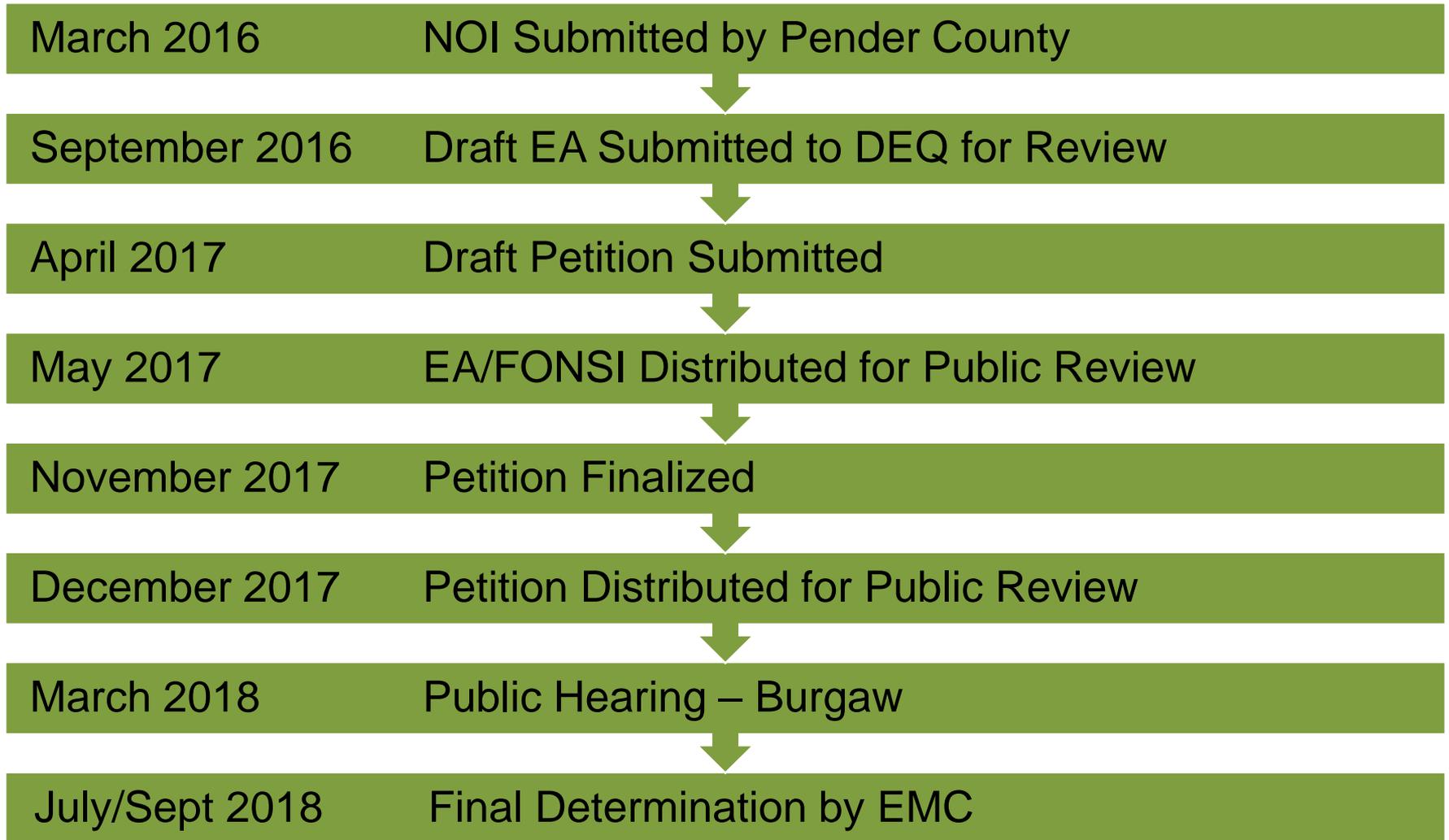


Proposed Project Description

Primary Applicant:	Pender County
Source Basin:	Cape Fear River
Receiving Basin:	Northeast Cape Fear River, South River, & New River
Grandfathered Allowance:	N/A
Total Requested IBT (2045 Demands):	14.5 MGD (avg day/max mth)

New Certificate, following G.S. 143-215.22L(w)

Project Timeline



Final Determination: Factors to be Considered

§ 143-215.22L (k) Findings of Fact

- 1) The necessity, reasonableness, and proposed uses of water transferred.
- 2) Present and reasonably foreseeable detrimental effects on the source basin.
- 3) Cumulative effects on the source major river basin of any water transfer or consumptive water use currently authorized or projected in a Local Water Supply Plan.
- 4) Present and reasonably foreseeable beneficial and detrimental effects on the receiving basin.
- 5) The availability of reasonable alternatives to the proposed transfer.
- 6) Use of impoundment storage capacity, if applicable.
- 7) Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir.
- 8) Whether the service area of the applicant is located in both the source and receiving basin.
- 9) Any other facts or circumstances reasonably necessary.

Final Determination: Information to be Considered

§ 143-215.22L (I) Sources of Information to Consider

- 1) The petition
- 2) The environmental document (EA)
- 3) All oral and written comments and accompanying materials submitted pursuant to public hearing
- 4) Information available to DEQ on the water quality of source and receiving river basins, including waters identified on 303(d) list
- 5) Any other information the EMC determines to be relevant and useful



Final Determination: Burden and Standard of Proof

§ 143-215.22L (m) Specific Findings

“The Commission shall grant a certificate for a water transfer if the Commission finds that the applicant has established by a preponderance of the evidence all of the following:

- 1) The benefits of the proposed transfer outweigh the detriments of the proposed transfer. In making this determination, the Commission shall be guided by the approved environmental document and the policy set out in subsection (t) of this section.
- 2) The detriments have been or will be mitigated to the maximum degree practicable.
- 3) The amount of the transfer does not exceed the amount of the projected shortfall under the applicant’s water supply plan after first taking into account all other sources of water that are available to the applicant.
- 4) There are no reasonable alternatives to the proposed transfer.”

Final Determination

§ 143-215.22L (n) Certificate Conditions and Limitations

“The Commission may grant the certificate in whole or in part, or deny the certificate. The Commission may impose any conditions or limitations on a certificate that the Commission finds necessary to achieve the purposes of this Part including a limit on the period for which the certificate is valid. The conditions and limitations shall include any mitigation measures proposed by the applicant to minimize any detrimental effects within the source and receiving river basins.”

EMC May Require Conditions/Limitations

§ 143-215.22L (n) Specific conditions in the IBT certificate:

- Water Conservation Plan
- Drought Management Plan
- Methods to measure amount of water transferred
- Quarterly Monitoring Reports
- Ability to reopen, amend, and modify, if necessary
- Transferred water may not be resold to water systems that are not co-applicants on the Certificate

Contact Information

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