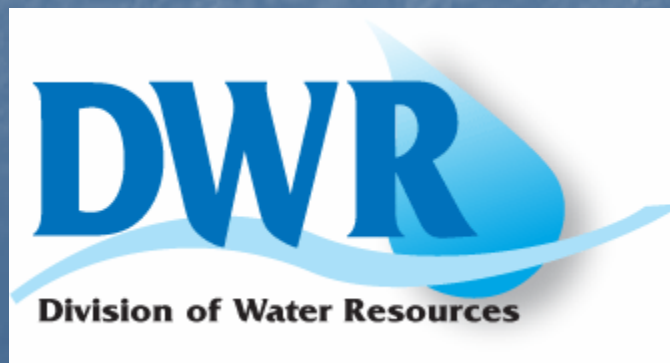


# Water Resource Management Legislation of 2008 NC General Assembly

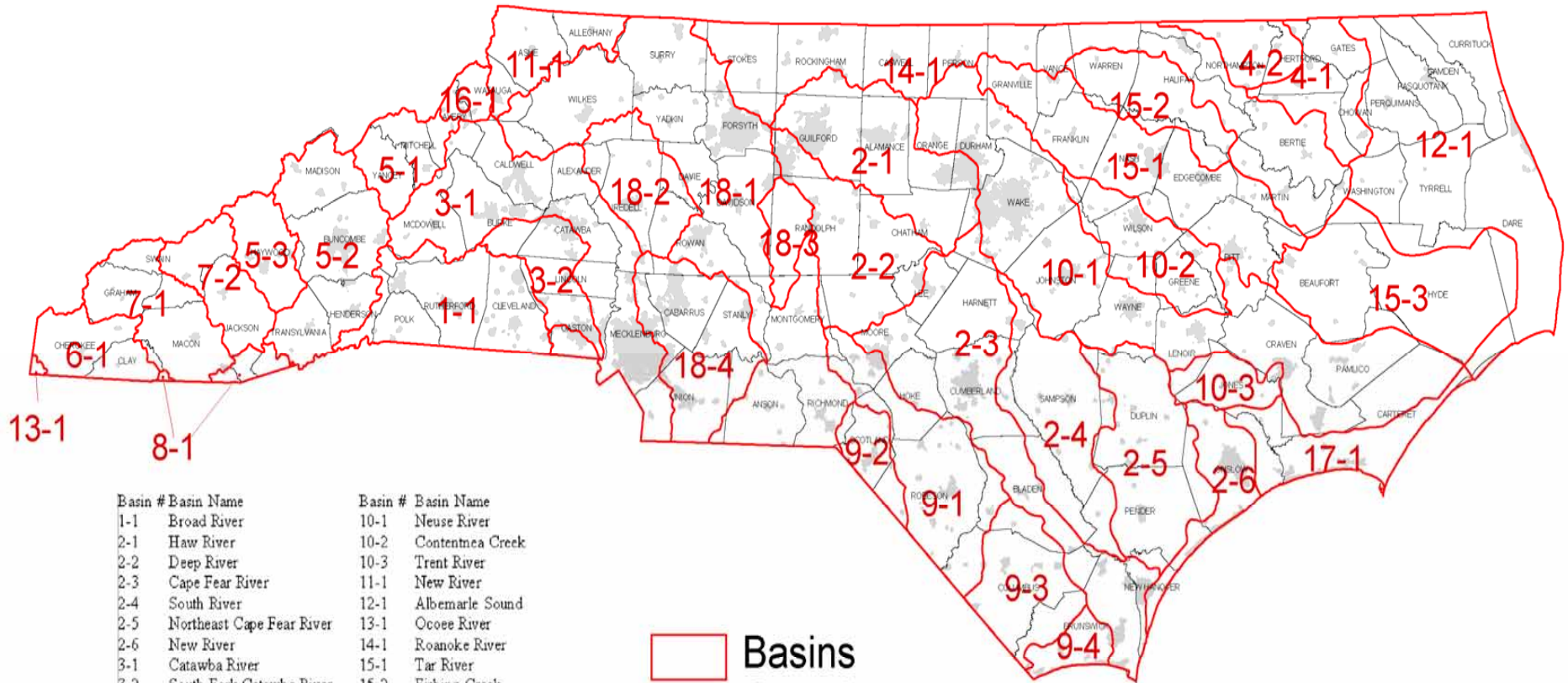
Tom Reeder  
NC Division of Water Resources



# Overview

- Expansion of IBT Notification Boundaries
- 2008 Drought Bill

# North Carolina River Basins (as defined by G.S. 143-215.22G)

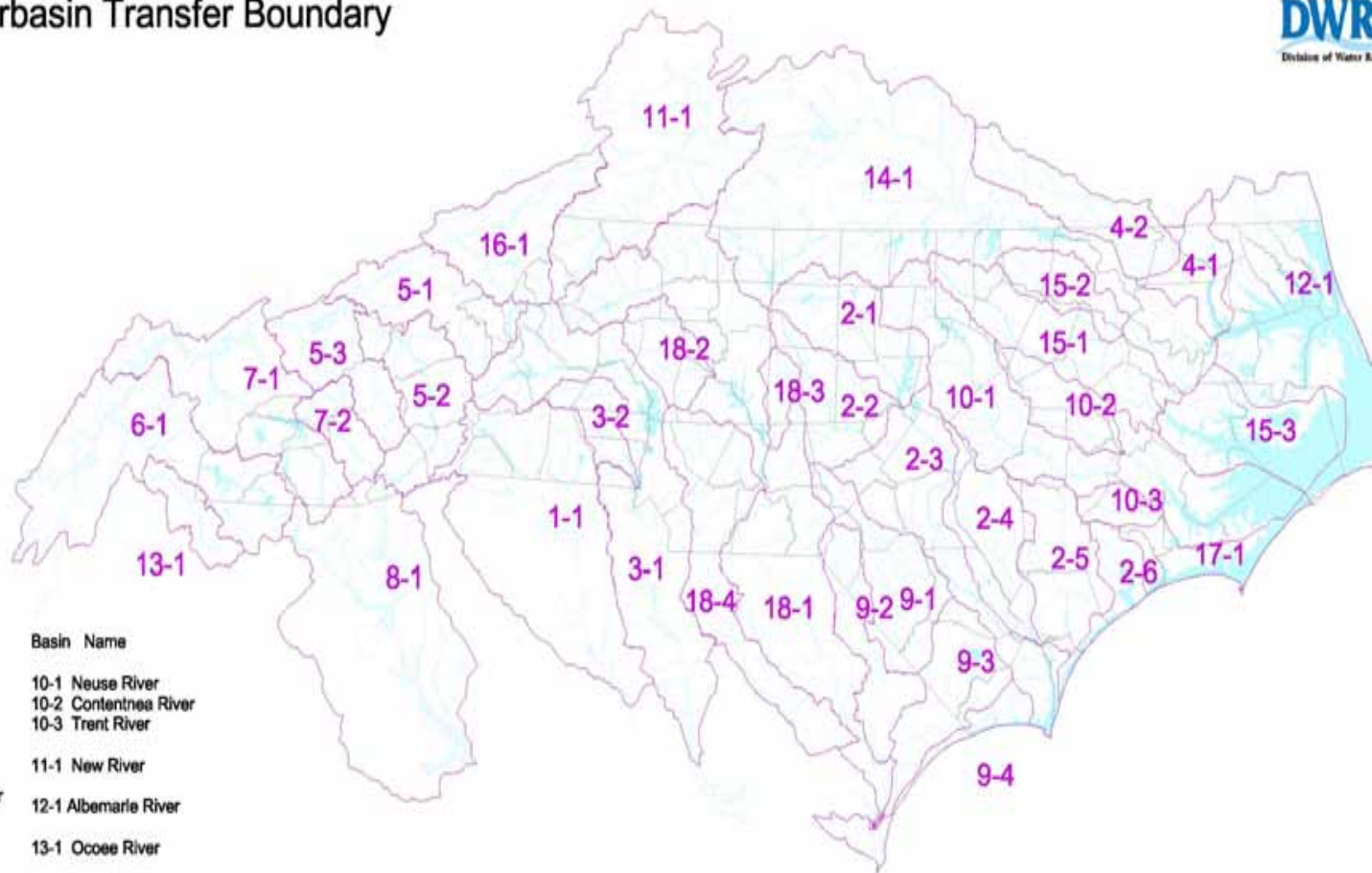


Basin #	Basin Name	Basin #	Basin Name
1-1	Broad River	10-1	Neuse River
2-1	Haw River	10-2	Contentnea Creek
2-2	Deep River	10-3	Trent River
2-3	Cape Fear River	11-1	New River
2-4	South River	12-1	Albemarle Sound
2-5	Northeast Cape Fear River	13-1	Ocoee River
2-6	New River	14-1	Roanoke River
3-1	Catawba River	15-1	Tar River
3-2	South Fork Catawba River	15-2	Fishing Creek
4-1	Chowan River	15-3	Pamlico River & Sound
4-2	Meherrin River	16-1	Watauga River
5-1	Nohchucky River	17-1	White Oak River
5-2	French Broad River	18-1	Yadkin River
5-3	Pigeon River	18-2	South Yadkin River
6-1	Hiwassee River	18-3	Uwharrie River
7-1	Little Tennessee River	18-4	Rocky River
7-2	Tuskarroge River		
8-1	Savannah River		
9-1	Lumber River		
9-2	Big Shoe Heel Creek		
9-3	Waccamaw River		
9-4	Shalotte River		

Basins  
 Counties  
 Cities



# Extended Interbasin Transfer Boundary



## Basin Name

1-1 Broad River

2-1 Haw River  
 2-2 Deep River  
 2-3 Cape Fear River  
 2-4 South River  
 2-5 NE Cape Fear  
 2-6 New River

3-1 Catawba River  
 3-2 South Fork Catawba River

4-1 Chowan River  
 4-2 Meherrin River

5-1 Nolichucky River  
 5-2 French Broad River  
 5-3 Pigeon River

6-1 Hiwassee River  
 7-1 Little Tennessee River  
 7-2 Tuskasegee River

8-1 Savannah River

9-1 Lumber River  
 9-2 Big Shoe Heel Creek  
 9-3 Waccamaw River  
 9-4 Shallotte River

## Basin Name

10-1 Neuse River  
 10-2 Contentnea River  
 10-3 Trent River

11-1 New River  
 12-1 Albemarle River

13-1 Ocoee River  
 14-1 Roanoke River

15-1 Tar River  
 15-2 Fishing Creek  
 15-3 Pamlico River & Sound

16-1 Watauga River  
 17-1 White Oak River

18-1 Yadkin River  
 18-2 South Yadkin River  
 18-3 Uwharrie River  
 18-4 Rocky River



-  IBT Boundary
-  Counties
-  Rivers
-  Coast

## Out of State Interbasin Transfer Notification

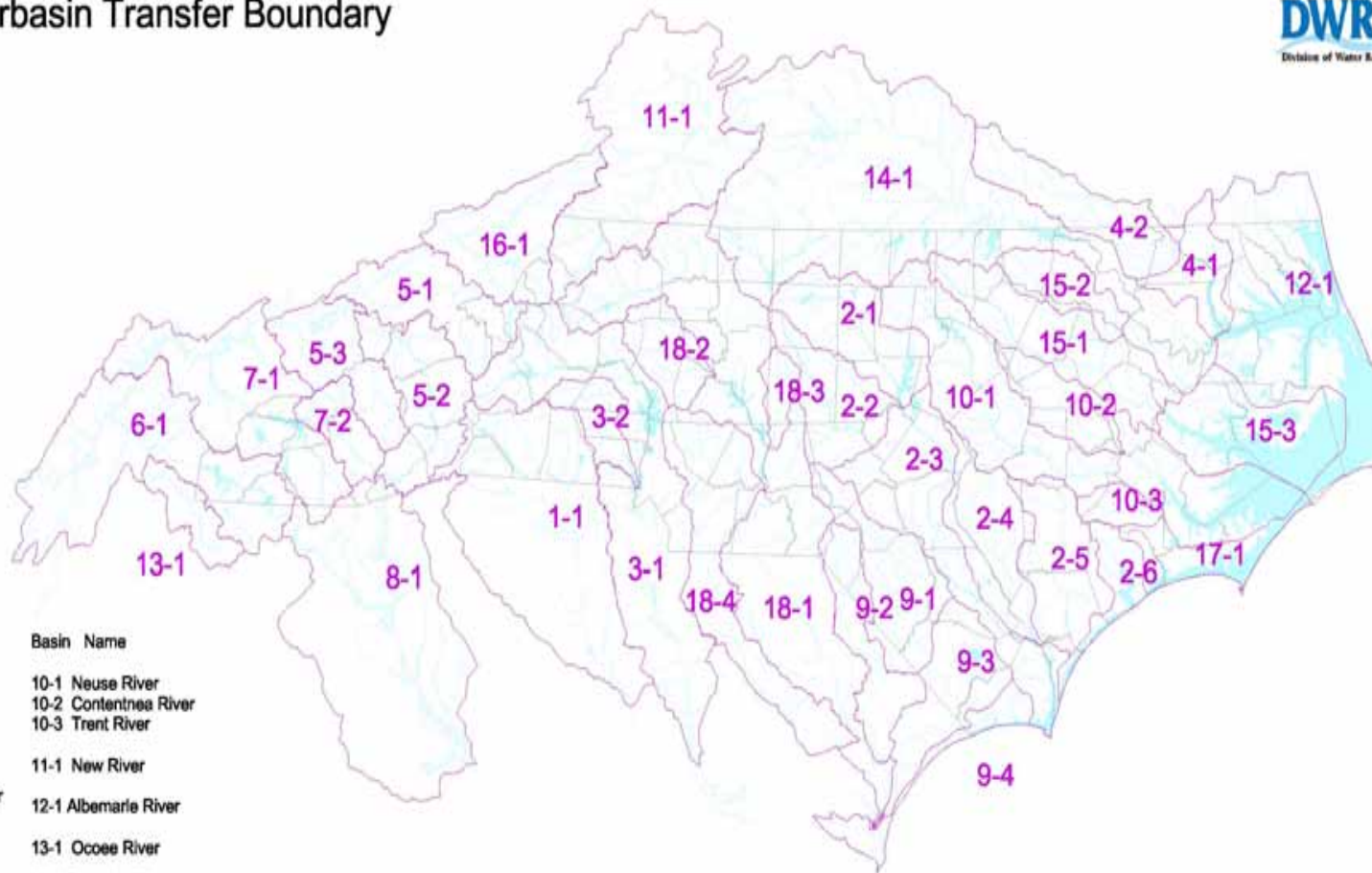
- §143-215.22L Regulation of Surface Water Transfers.
  - Contains notification requirements for both NC and adjacent states.
- Session laws 2008-125 and 2008-198 clarified the geographical boundaries for out of state notification.
  - The boundaries are defined by USGS eight-digit hydrologic cataloging units.

# NC and Adjacent State Notification

## Who Will Be Notified

- Newspaper of general circulation
  - Upstream and downstream of the withdrawal.
  - Each city or county in the source drainage basin.
- First-Class or Electronic Mail
  - Governing County or City bodies in the source and receiving basins.
  - Governing County or City bodies upstream or downstream of the withdrawal point.
  - Persons with a registered withdrawals and transfers in the source basin.
  - Persons holding an interbasin transfer certificate in the source basin.
  - Persons holding a NPDES discharge permit upstream or downstream of the withdrawal.
  - All state water management, water use, and environmental protection agencies and the office of the governor upstream or downstream of the withdrawal point.
  - Any person who submits to the applicant a written request to receive notices.

# Extended Interbasin Transfer Boundary



**Basin Name**

1-1 Broad River

2-1 Haw River  
 2-2 Deep River  
 2-3 Cape Fear River  
 2-4 South River  
 2-5 NE Cape Fear  
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 18-3 Uwharrie River  
 18-4 Rocky River



- IBT Boundary
- Counties
- Rivers
- Coast

# Overview of 2008 Drought Bill

- NC Session Law 2008-143.
- Contains new initiatives for drought response:
  - Registration & reporting
  - NC DENR approval of WSRP
  - Mandatory implementation of WSRP
  - Enhanced enforcement measures
  - Water efficiency standards
  - Other provisions



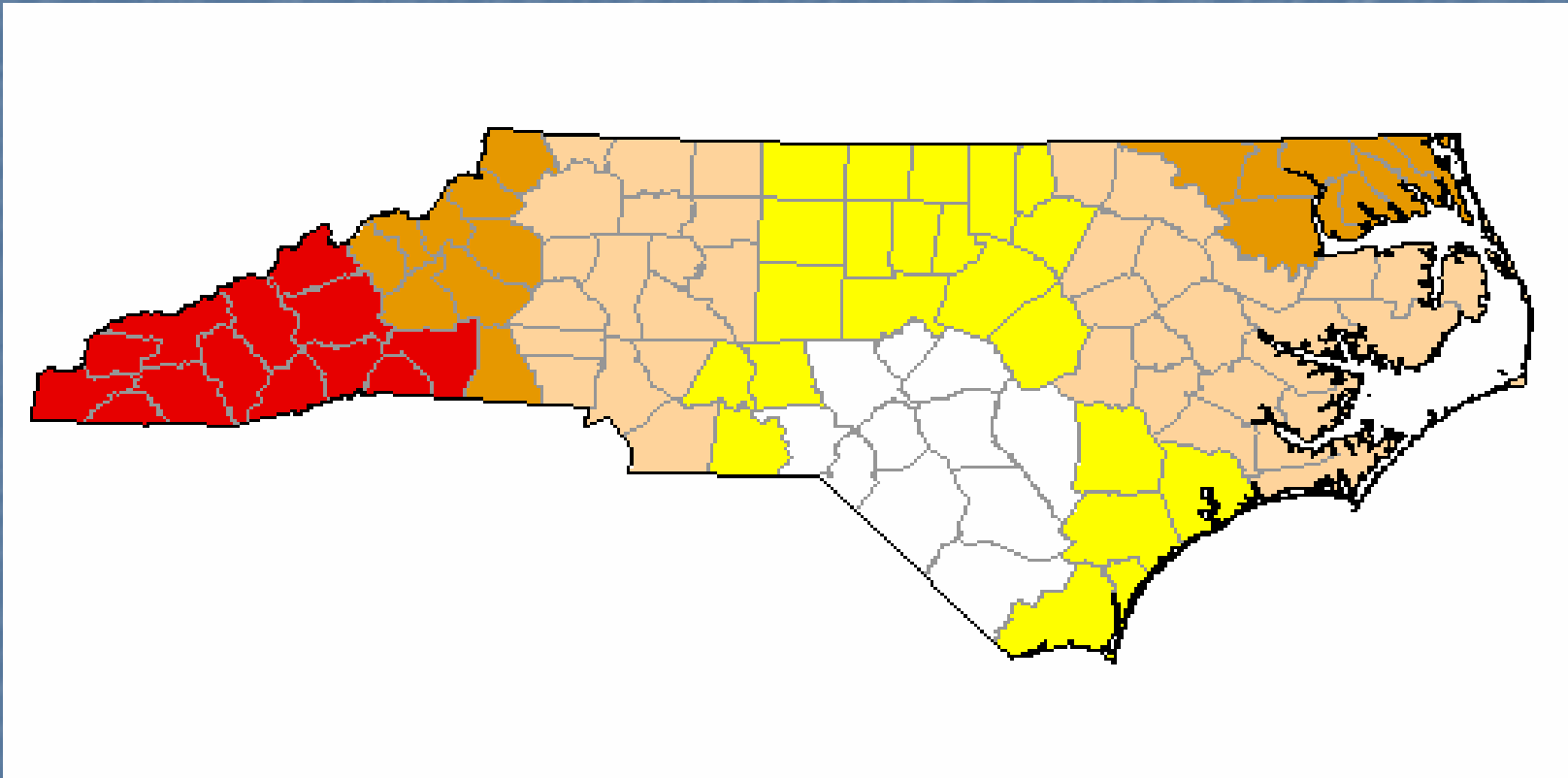
# Registration & Reporting

- Registration of withdrawals req. w/in 2 months.
- Registration = Evidence of historic water use.
- Failure to register/update is civil penalty.
  - \$100 per day (fail to reg) / \$50 per day (fail to update)
- Ag Reporting
  - Dept of Ag provide annual survey report.
  - Ag users > 10,000 gallons per day.
  - Ag water use by county.

# Water Shortage Response Plans (WSRP)

- DENR approval of water shortage response plan.
- Plans must contain:
  - Tiered levels of conservation based on severity.
  - Each tier results in more stringent conservation.
  - Does not meter/regulate private drinking wells.

# Current NC County Drought Map



# Implementation of More Stringent Measures

- NC DENR may req. implementation of more stringent conservation measures based on findings.
- Severe / Extreme / Exceptional Drought
  - System has not implemented any measures in WSRP.
  - Measures needed to minimize impacts on health & env.
- Extreme / Exceptional Drought
  - System has implemented WSRP.
  - After 30 days additional measures needed to minimize impacts on health, safety, and environment.

# Written Findings

- Must consider:
  - Hydrological drought conditions
  - Drought forecast
  - Reductions achieved under measures in effect
  - Availability of other water supply sources
  - Other indicators of extent & severity drought
  - Economic impact of more stringent measures
  - Measures of other water users in 8-digit HUC

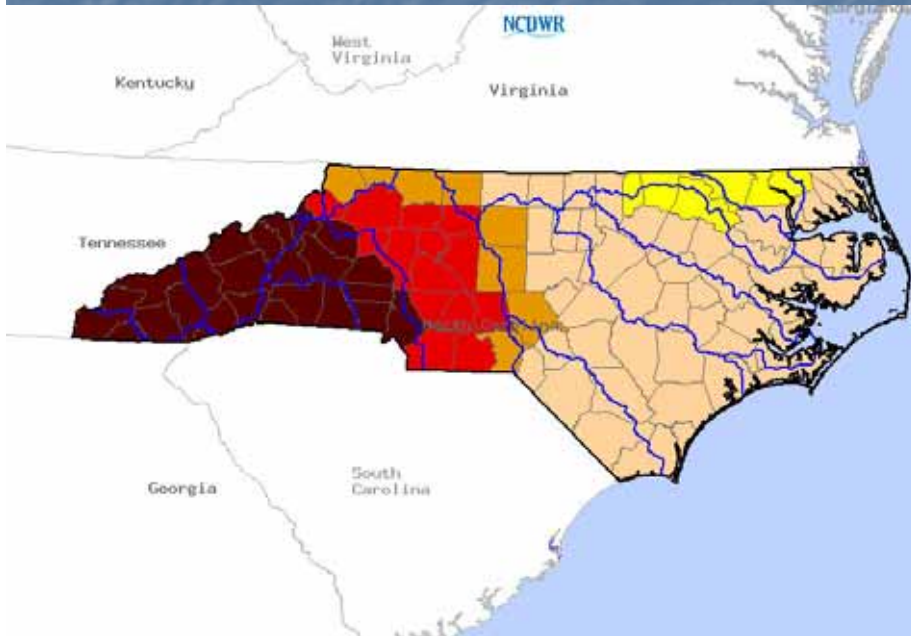
# What can NC DENR require?

- If WSRP has not been implemented:
  - Begin measures in WSRP.
- If WSRP has been implemented:
  - Implementation of next tier of WSRP.
- Implementation of next two levels may be required
  - After consultation with water system.
  - Determination that one level increase not enough.

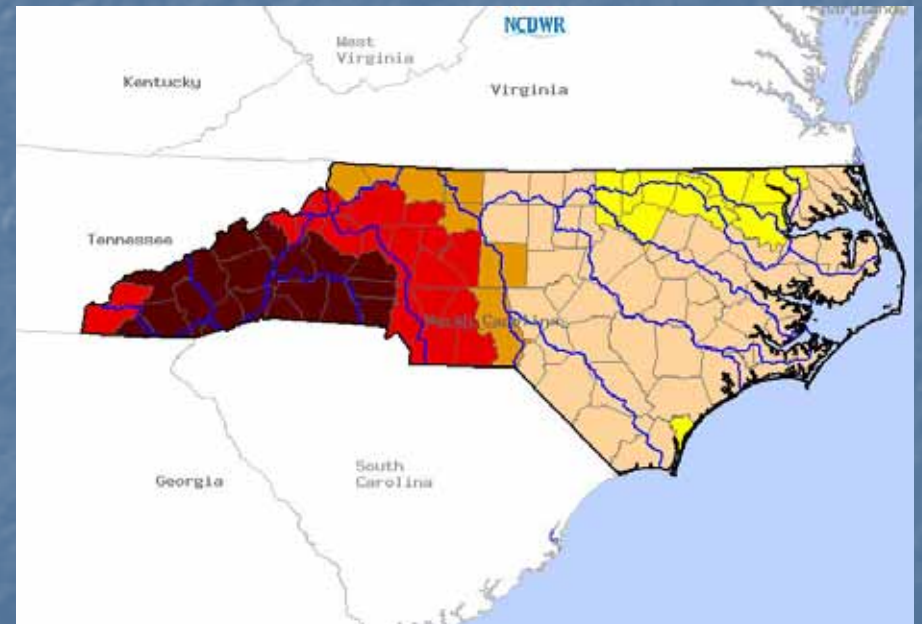
# Drought Designations

- Drought designation based on designation for county that water source is located within.
- NC DENR Secretary may approve designations that differ from USDM.
- County designation = highest designation for 25% of county land area.

# Drought Designations



**County Advisories  
Based on the highest classification.**



**New County Advisories  
Based on at least 25% of the land area.**



# Other Water Conservation Provisions

- Systems w/o WSRP must implement default measures in 15A NCAC 02E .0600.
- Systems must implement WSRP or default measures in D3 and D4 once legislation is signed.
- Appropriate measures must be implemented within 10 days of trigger in WSRP.
- Systems must report implementation of WSRP measures to NC DENR w/in 72 hours.
- NC DENR may require weekly reporting of water use in extreme and exceptional drought.

# Water System Efficiency

- Systems shall require separate metering for new in-ground irrigation that is connected to system.
- Systems must meet criteria below for grants/loans:
  - Adequate rate structure
  - Leak detection & repair program
  - Approved water supply plan
  - Meters all water use that is practical
  - No lower rates for increased residential use
  - Evaluated future use of reclaimed water
  - Consumer education & conservation program

# Enforcement

- Civil penalty \$100 - \$500 per day
  - Failure to report water use under 143-355(k).
- Civil penalty not more than \$10,000 per month
  - Failure to implement required water conservation measures.

# Other Provisions

- DENR approval authority over LWSP.
- Emergency powers shifted from EMC to Governor / DENR Secretary.
- NC EMC Rulemaking for water reuse.
- Overrides covenants for irrigation.

# Effective Dates / Implementation

- WSRP & LWSP approval authority eff. when signed.
- Req to implement WSRP or default eff when signed.
- Registration civil penalties eff. Oct 1, 2008.
- Conservation penalties eff. Dec 1, 2008.
- Metering new in-ground irrigation eff. July 1, 2009.

# Contact Information:

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[www.ncwater.org](http://www.ncwater.org)

