

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 943

Short Title: Water Transfer Registration.

(Public)

Sponsors: Senators Tally; Cochrane and Smith.

Referred to: Environment and Natural Resources.

May 14, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE REGISTRATION OF WATER TRANSFERS.
3 The General Assembly of North Carolina enacts:

4 Section 1. Article 21 of Chapter 143 is amended by adding a new Part to
5 read:

6 **“PART 2A. REGISTRATION OF WATER TRANSFERS.**

7 **“§ 143-215.22A. Definitions.**

8 In addition to the definitions set forth in G.S. 143-212 and G.S. 143-213, the
9 following definitions apply to this Part.

10 (1) ‘River basin’ means any of the following river basins designated on the
11 map entitled ‘Major River Basins and Sub-basins in North Carolina’
12 and filed in the Office of the Secretary of State on April 16, 1991:

- 13 a. Albemarle Sound.
- 14 b. Chowan River.
- 15 c. Meherrin River.
- 16 d. Roanoke River.
- 17 e. Pamlico River and Sound.
- 18 f. Tar River.
- 19 g. Fishing Creek.
- 20 h. Neuse River.
- 21 i. Contentnea Creek.
- 22 j. Trent River.
- 23 k. White Oak River.
- 24 l. New River.

- 1 m. Northeast Cape Fear River.
2 n. Cape Fear River.
3 o. South River.
4 p. Deep River.
5 q. Haw River.
6 r. Shallotte River.
7 s. Waccamaw River.
8 t. Lumber River.
9 u. Big Shoe Heel Creek.
10 v. Yadkin River.
11 w. Uwharrie River.
12 x. Rocky River.
13 y. South Yadkin River.
14 z. New River.
15 aa. Catawba River.
16 bb. South Fork Catawba River.
17 cc. Watauga River.
18 dd. Broad River.
19 ee. French Broad River.
20 ff. Toe River.
21 gg. Pigeon River.
22 hh. Little Tennessee River.
23 ii. Tuckasegee River.
24 jj. Hiwassee River.
25 kk. Savannah River Basin.
26 (2) 'Surface water' means any of the waters of the State located on the
27 land surface that are not derived by pumping from groundwater.
28 (3) 'Transfer' means the withdrawal, diversion, or pumping of surface
29 water from one river basin and the use or discharge of all or any part of
30 the water in a river basin different from the origin.

31 **"§ 143-215.22B. Registration of water transfers.**

- 32 (a) Any water transfer from one river basin to another shall be registered with the
33 Commission. Any water transfer existing at the effective date of this act shall be
34 registered with the Commission by January 1, 1992. A person registering a water
35 transfer shall provide the Commission with the following information:
36 (1) The amount of the water transfer.
37 (2) The amount of water used and a description of the water use.
38 (3) The projected increase or decrease in the amount of water to be
39 transferred through the year 2001.
40 (4) The location of the points of withdrawal and discharge of the water
41 transfer, and of the facilities used to make the transfer.
42 (b) Any person planning to initiate a new water transfer prior to July 1, 2001,
43 shall register the transfer with the Commission by January 1, 1992, and shall supply the

1 same information about the planned transfer as required for the registration of existing
2 transfers under subsection (a) of this section.

3 (c) Any person initiating a new water transfer shall register it with the
4 Commission within six months of initiation, providing the same information as required
5 in subsection (a) of this section."

6 Sec. 2. G.S. 143-215.3(1b) reads as rewritten:

7 "(1b) The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing
8 of an application for a permit under G.S. 143-215.1 of Article 21 and
9 G.S. 143-215.108 and G.S. 143-215.109 of Article 21B of this Chapter
10 may not exceed four hundred dollars (\$400.00). The fee to be charged
11 pursuant to G.S. 143-215.3(a)(1a) for processing an application for a
12 registration under Article 38 or Part 2A of this Chapter may not
13 exceed fifty dollars (\$50.00) for any single application, except that a
14 penalty of as much as twenty percent (20%) of the fee may be assessed
15 for late registration. The fee for administering and compliance
16 monitoring under G.S. 143-215.1 of Article 21 and G.S. 143-215.108
17 and G.S. 143-215.109 of Article 21B shall be charged on an annual
18 basis for each year of the permit term and may not exceed one
19 thousand five hundred dollars (\$1,500) per year. Fees for processing
20 all permits under Article 21A and all other Sections of Articles 21 and
21 21B shall not exceed one hundred dollars (\$100.00) for any single
22 permit. Notwithstanding any other provision of this subdivision, the
23 total payment for fees required for all permits under this subsection for
24 any single facility shall not exceed seven thousand five hundred
25 dollars (\$7,500) per year, which amount shall include all application
26 fees and fees for administration and compliance monitoring. A single
27 facility is defined to be any contiguous area under one ownership and
28 in which permitted activities occur. For all permits issued under these
29 Articles where a fee schedule is not specified in the statutes, the
30 Commission, or other commission specified by statute shall adopt a fee
31 schedule in a rule following the procedures established by the
32 Administrative Procedure Act. Such fee schedules shall be established
33 to reflect the size of the emission or discharge, the potential impact on
34 the environment, the staff costs involved, relative costs of the issuance
35 of new permits and the reissuance of existing permits, and shall
36 include adequate safeguards to prevent unusual fee assessments which
37 would result in serious economic burden on an individual applicant. A
38 system shall be considered to allow consolidated annual payments for
39 persons with multiple permits. In its rulemaking to establish fee
40 schedules, the Commission is also directed to consider a method of
41 rewarding facilities which achieve full compliance with administrative
42 and self-monitoring reporting requirements, and to consider, in those
43 cases where the cost of renewal or amendment of a permit is less than
44 for the original permit, a lower fee for such renewal or amendment."

1 Sec. 3. The Department of Environment, Health, and Natural Resources shall
2 provide a report to the General Assembly by April 1, 1992, summarizing the registration
3 information on existing and proposed water transfers received under the provisions of
4 this act.

5 Sec. 4. This act becomes effective July 1, 1991.