

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 943

Environment and Natural Resources Committee Substitute Adopted 6/28/91

Short Title: Water Transfer Registration.

(Public)

Sponsors:

Referred to:

May 14, 1991

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE REGISTRATION OF WATER WITHDRAWALS AND  
TRANSFERS OF ONE MILLION GALLONS OR MORE PER DAY.

The General Assembly of North Carolina enacts:

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

**“PART 2A. REGISTRATION OF WATER WITHDRAWALS AND  
TRANSFERS.**

**“§ 143-215.22A. Definitions.**

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

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

- a. Albemarle Sound.
- b. Chowan River.
- c. Meherrin River.
- d. Roanoke River.
- e. Pamlico River and Sound.
- f. Tar River.
- g. Fishing Creek.
- h. Neuse River.
- i. Contentnea Creek.

- 1           j.     Trent River.  
2           k.     White Oak River.  
3           l.     New River.  
4           m.     Northeast Cape Fear River.  
5           n.     Cape Fear River.  
6           o.     South River.  
7           p.     Deep River.  
8           q.     Haw River.  
9           r.     Shalotte River.  
10          s.     Waccamaw River.  
11          t.     Lumber River.  
12          u.     Big Shoe Heel Creek.  
13          v.     Yadkin River.  
14          w.     Uwharrie River.  
15          x.     Rocky River.  
16          y.     South Yadkin River.  
17          z.     New River.  
18          aa.    Catawba River.  
19          bb.    South Fork Catawba River.  
20          cc.    Watauga River.  
21          dd.    Broad River.  
22          ee.    French Broad River.  
23          ff.    Toe River.  
24          gg.    Pigeon River.  
25          hh.    Little Tennessee River.  
26          ii.    Tuckasegee River.  
27          jj.    Hiwassee River.  
28          kk.    Savannah River Basin.  
29          (2)    'Surface water' means any of the waters of the State located on the  
30                land surface that are not derived by pumping from groundwater.  
31          (3)    'Transfer' means the withdrawal, diversion, or pumping of surface  
32                water from one river basin and the use or discharge of all or any part of  
33                the water in a river basin different from the origin.  
34    **"§ 143-215.22B. Registration of water withdrawals and transfers required.**  
35          (a)    Any person who withdraws 1,000,000 gallons or more of water from the  
36                surface waters of the State or who transfers 1,000,000 gallons or more of water from  
37                one river basin to another shall register the withdrawal or transfer with the Commission.  
38    A person registering a water withdrawal or transfer shall provide the Commission with  
39    the following information:  
40          (1)    The maximum daily amount of the water withdrawal or transfer  
41                expressed in millions of gallons per day.  
42          (2)    The location of the points of withdrawal and discharge and the  
43                capacity of each facility used to make the withdrawal or transfer.

1       **(b)** Any person planning to initiate a new water withdrawal or transfer shall  
2 register the withdrawal or transfer with the Commission at least one year prior to  
3 submitting plans and specifications for that withdrawal or transfer to the Department.  
4 The information required under subsection (a) of this section shall be submitted with  
5 respect to planned withdrawals and transfers."

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. All withdrawals and transfers of surface waters that are existing or  
2 planned on the date this act becomes effective shall be registered as required by G.S.  
3 143-215.22B by 1 January 1992.

4           Sec. 4. The Department of Environment, Health, and Natural Resources shall  
5 submit a report to the General Assembly by 1 April 1992 summarizing the registration  
6 information on existing and proposed water withdrawals and transfers registered under  
7 the provisions of this act.

8           Sec. 5. This act becomes effective 1 July 1991.