

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 947

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/29/97

House Committee Substitute Favorable 7/3/97

Short Title: Amend Interbasin Transfers.

(Public)

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Sponsors:

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Referred to:

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April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO  
2 OBTAIN A CERTIFICATE AUTHORIZING AN INTERBASIN TRANSFER OF  
3 SURFACE WATERS, TO DIRECT THE ENVIRONMENTAL REVIEW  
4 COMMISSION TO STUDY ISSUES RELATING TO INTERBASIN TRANSFERS,  
5 AND TO IMPOSE A TEMPORARY MORATORIUM ON CERTAIN  
6 INTERBASIN TRANSFERS DURING THE PENDENCY OF THE STUDY.  
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 143-215.22I(g) reads as rewritten:

10 "(g) A certificate shall be granted for a water transfer ~~unless~~ if the applicant  
11 establishes and the Commission concludes by a preponderance of the evidence based  
12 upon the findings of fact made under subsection (f) of this section that the potential  
13 detriments of the proposed transfer outweigh the benefits of the transfer. that: (i) the benefits  
14 of the proposed transfer outweigh the detriments of the proposed transfer, and (ii) the  
15 detriments have been or will be mitigated to a reasonable degree. The conditions  
16 necessary to ensure that the detriments are and continue to be mitigated to a reasonable  
17 degree shall be attached to the certificate in accordance with subsection (h) of this  
18 section."

1 Section 2. The Environmental Review Commission shall study issues relating  
2 to the transfer of surface waters between river basins in the State. As a part of this study,  
3 the Environmental Review Commission shall consider whether, and on what basis, the  
4 total volume of water that may be transferred from any river basin should be limited and  
5 whether the Environmental Management Commission should be authorized to issue  
6 special orders to remedy violations of laws or rules regulating transfers. The  
7 Environmental Review Commission shall report its findings, recommendations, and  
8 legislative proposals, if any, to the 1998 Regular Session of the General Assembly.

9 Section 3. As used in this section, "transfer" has the same meaning as in G.S.  
10 143-215.22G. There is imposed a moratorium on any new transfer and on any increase in  
11 the permitted volume of an existing transfer for which a certificate is required under G.S.  
12 143-215.22I. The Environmental Management Commission shall not issue a certificate  
13 for a new transfer or approve an increase in the permitted volume of an existing transfer  
14 during the period that the moratorium imposed by this section is in effect. During the  
15 moratorium imposed by this section, the Environmental Management Commission may  
16 hold public meetings or hearings, gather information, and analyze additional data relevant  
17 to any interbasin transfer application submitted to it.

18 The moratorium imposed by this section does not apply to an application to  
19 increase the volume of an existing transfer that, on 1 May 1997, is registered under G.S.  
20 143-215.22H and:

- 21 (1) Was not permitted under G.S. 153A-285, repealed by Section 4 of  
22 Chapter 348 of the 1993 Session Laws, or G.S. 162A-7, repealed by  
23 Section 6 of Chapter 348 of the 1993 Session Laws; and
- 24 (2) For which a certificate has not been issued under G.S. 143-215.22I.

25 Section 4. This act is effective when it becomes law. Section 3 of this act  
26 expires on the date that the 1997 General Assembly adjourns its 1998 Regular Session  
27 sine die.