

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 943

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

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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.

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

1       (b) Any person initiating a new surface water withdrawal or transfer of 1,000,000  
2 gallons per day or more shall register the withdrawal or transfer with the Commission  
3 not later than six months after the initiation of the withdrawal or transfer. The  
4 information required under subsection (a) of this section shall be submitted with respect  
5 to the new withdrawal or transfer."

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 exceed  
13       fifty dollars (\$50.00) for any single application, except that a penalty  
14       of as much as twenty percent (20%) of the fee may be assessed for late  
15       registration. The fee for administering and compliance monitoring  
16       under G.S. 143-215.1 of Article 21 and G.S. 143-215.108 and G.S.  
17       143-215.109 of Article 21B shall be charged on an annual basis for  
18       each year of the permit term and may not exceed one thousand five  
19       hundred dollars (\$1,500) per year. Fees for processing all permits  
20       under Article 21A and all other Sections of Articles 21 and 21B shall  
21       not exceed one hundred dollars (\$100.00) for any single permit.  
22       Notwithstanding any other provision of this subdivision, the total  
23       payment for fees required for all permits under this subsection for any  
24       single facility shall not exceed seven thousand five hundred dollars  
25       (\$7,500) per year, which amount shall include all application fees and  
26       fees for administration and compliance monitoring. A single facility is  
27       defined to be any contiguous area under one ownership and in which  
28       permitted activities occur. For all permits issued under these Articles  
29       where a fee schedule is not specified in the statutes, the Commission,  
30       or other commission specified by statute shall adopt a fee schedule in a  
31       rule following the procedures established by the Administrative  
32       Procedure Act. Such fee schedules shall be established to reflect the  
33       size of the emission or discharge, the potential impact on the  
34       environment, the staff costs involved, relative costs of the issuance of  
35       new permits and the reissuance of existing permits, and shall include  
36       adequate safeguards to prevent unusual fee assessments which would  
37       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 is effective upon ratification.