

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1399

Short Title: Capacity Use Areas/Amend Water Withdrawal. (Public)

Sponsors: Representative Braxton.

Referred to: Water Resources and Infrastructure, if favorable, Environment and Natural Resources.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH COMPLIANCE AND ENFORCEMENT REQUIREMENTS FOR
3 HOLDERS OF GROUNDWATER WITHDRAWAL PERMITS IN CERTAIN
4 CAPACITY USE AREAS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143-215.16 is amended by adding a new subsection to read:

7 "(i) Every person who is required by this Part to obtain a permit for withdrawal of water
8 in the Central Coastal Plain Capacity Use Area shall achieve the reductions in withdrawals as
9 specified in 15A NCAC 2E .0503(6) without withdrawing, selling, or transferring water to
10 other users; provided that the termination of any existing authority to withdraw and sell or
11 transfer water for such purpose shall not take effect before January 1, 2011. The Department
12 shall revise each permit in effect on October 1, 2009, to preclude any further withdrawal, and
13 selling, or transferring of water after January 1, 2011. Any permit issued or renewed after
14 October 1, 2009, shall prohibit the withdrawal, sale, or transfer of water to achieve the
15 reductions in withdrawals specified in 15A NCAC 2E .0503(6) for Phase II and Phase III."

16 **SECTION 2.** G.S. 143-215.17 is amended by adding a new subsection to read:

17 "(d) In addition to any other penalties or remedies specified in this section, any person
18 who is required by this Part to obtain a permit for withdrawal of water in the Central Coastal
19 Plain Capacity Use Area and who fails to meet the deadlines specified in 15A NCAC 2E
20 .0503(6) shall be required to reduce his or her withdrawals prior to the next phase by the total
21 amount of water that the person withdrew in excess of the applicable groundwater reduction
22 requirement for the prior phase."

23 **SECTION 3.** This act is effective when it becomes law.

