

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS35179-SB-18* (02/26)

Short Title: Local Water Supply Plans.

(Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PUBLIC WATER SYSTEMS TO PREPARE LOCAL WATER SUPPLY PLANS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, TO REPEAL THE AGRICULTURE EXEMPTION FROM WATER WITHDRAWAL AND TRANSFER REGISTRATION REQUIREMENTS, AND TO REQUIRE AN ANNUAL UPDATE OF WATER WITHDRAWAL AND TRANSFER REGISTRATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355(l) reads as rewritten:

"(l) Each unit of local government that provides public water service or that plans to provide public water service and each public water system, as defined in G.S. 130A-313(10), that regularly serves 1,000 or more individuals shall, either individually or together with other units of local ~~government,~~ government and public water systems, prepare a local water supply plan and submit it to the Department. The Department shall provide technical assistance with the preparation of plans to units of local government and public water systems upon request and to the extent that the Department has resources available to provide assistance. At a minimum, local units of government and public water systems shall include in local water supply plans all information that is readily available to them. Plans shall include present and projected population, industrial development, water use within the service area, present and future water supplies, an estimate of the technical assistance that may be needed at the local level to address projected water needs, current and future water conservation and water reuse programs, a description of how the local government or public water system will respond to drought and other water shortage emergencies and continue to meet essential public water supply needs during the emergency, and any other related information as the Department may require in the preparation of a State water supply plan. Local plans

1 shall be revised to reflect changes in relevant data and projections at least once each five
2 years unless the Department requests more frequent revisions. The revised plan shall
3 include the current and anticipated reliance by the local government unit or public water
4 system on surface water transfers as defined by G.S. 143-215.22G. Local plans and
5 revised plans shall be submitted to the Department once they have been approved by the
6 unit(s) of local government or public water system."

7 **SECTION 2.** Article 38 of Chapter 143 of the General Statutes is amended
8 by adding a new section to read:

9 **"§ 143-355.1. Drought designations.**

10 (a) In order to alert units of local government and public water systems, as
11 defined in G.S. 130A-313(10), to the likelihood of potential drought and the severity of
12 existing drought, the Secretary of Environment and Natural Resources may do any of
13 the following:

- 14 (1) Designate certain areas of the State where drought conditions are
15 impending.
- 16 (2) Designate certain areas of the State as suffering from drought
17 conditions.
- 18 (3) Designate the level of severity of drought conditions.

19 (b) In making any of the designations described in subsection (a) of this section,
20 the Secretary may consult with representatives of public water systems and State,
21 federal, and local governmental agencies that are involved in water management or are
22 responsible for addressing drought impacts. The Secretary may appoint a drought
23 management advisory council composed of representatives of public water systems and
24 State, federal, and local governmental agencies that are involved in water management
25 and are responsible for drought impacts to assist with making the determinations
26 described in subsection (a) of this section."

27 **SECTION 3.** G.S. 143-215.22H reads as rewritten:

28 **"§ 143-215.22H. Registration of water withdrawals and transfers required.**

29 (a) Any person who withdraws 100,000 gallons per day or more of water from
30 the surface or groundwaters of the State or who transfers 100,000 gallons per day or
31 more of water from one river basin to another shall register the withdrawal or transfer
32 with the Commission. A person registering a water withdrawal or transfer shall provide
33 the Commission with the following information:

- 34 (1) The maximum daily amount of the water withdrawal or transfer
35 expressed in thousands of gallons per day.
- 36 (1a) The monthly average withdrawal or transfer expressed in thousands of
37 gallons per day.
- 38 (2) The location of the points of withdrawal and discharge and the
39 capacity of each facility used to make the withdrawal or transfer.
- 40 (3) The monthly average discharge expressed in thousands of gallons per
41 day.

42 (b) Any person initiating a new water withdrawal or transfer of 100,000 gallons
43 per day or more shall register the withdrawal or transfer with the Commission not later
44 than six months after the initiation of the withdrawal or transfer. The information

1 required under subsection (a) of this section shall be submitted with respect to the new
2 withdrawal or transfer.

3 ~~(b1) Subsections (a) and (b) of this section shall not apply to a person who~~
4 ~~withdraws or transfers less than 1,000,000 gallons per day of water for activities directly~~
5 ~~related or incidental to the production of crops, fruits, vegetables, ornamental and~~
6 ~~flowering plants, dairy products, livestock, poultry, and other agricultural products.~~

7 (c) A unit of local government that has completed a local water supply plan that
8 meets the requirements of G.S. 143-355(l) and that has periodically revised and updated
9 its plan as required by the Department has satisfied the requirements of this section and
10 is not required to separately register a water withdrawal or transfer or to update a
11 registration under this section.

12 (d) Any person who is required to register a water withdrawal or transfer under
13 this section shall update the registration by providing the Commission with a current
14 version of the information required by subsection (a) of this section at ~~five-year~~
15 one-year intervals following the initial registration. A person who submits information
16 to update a registration of a water withdrawal or transfer is not required to pay an
17 additional registration fee under G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b), but is
18 subject to the late registration fee established under this section in the event that updated
19 information is not submitted as required by this subsection.

20 (e) Any person who is required to register a water transfer or withdrawal under
21 this section and fails to do so shall pay, in addition to the registration fee required under
22 G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b), a late registration fee of five dollars
23 (\$5.00) per day for each day the registration is late up to a maximum of five hundred
24 dollars (\$500.00). A person who is required to update a registration under this section
25 and fails to do so shall pay a fee of five dollars (\$5.00) per day for each day the updated
26 information is late up to a maximum of five hundred dollars (\$500.00). A late
27 registration fee shall not be charged to a farmer who submits a registration that pertains
28 to farming operations."

29 **SECTION 4.** This act is effective when it becomes law. The first local
30 water supply plans prepared by public water systems pursuant to G.S. 143-355(l), as
31 amended by Section 1 of this act, are due on or before January 1, 2004.