

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-125
HOUSE BILL 821**

AN ACT TO SPECIFY THOSE AREAS OUTSIDE OF THE STATE OF NORTH CAROLINA IN WHICH NOTICES RELATED TO A PROPOSED INTERBASIN TRANSFER OF WATER SHALL BE GIVEN AND TO PROVIDE FOR A STUDY BY THE ENVIRONMENTAL REVIEW COMMISSION OF THE DELINEATION OF MAJOR RIVER BASINS AND SUBBASINS WITHIN THIS STATE AS A PART OF THE ONGOING STUDY OF THE ALLOCATION OF WATER RESOURCES BY THE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.22L(c) reads as rewritten:

"(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of intent to file a petition that includes a nontechnical description of the applicant's request and an identification of the proposed water source. Within 90 days after the applicant files a notice of intent to file a petition, the applicant shall hold at least one public meeting in the source river basin upstream from the proposed point of withdrawal, at least one public meeting in the source river basin downstream from the proposed point of withdrawal, and at least one public meeting in the receiving river basin to provide information to interested parties and the public regarding the nature and extent of the proposed transfer and to receive comment on the scope of the environmental documents. Written notice of the public meetings shall be provided at least 30 days before the public meetings. At the time the applicant gives notice of the public meetings, the applicant shall request comment on the alternatives and issues that should be addressed in the environmental documents required by this section. The applicant shall accept written comment on the scope of the environmental documents for a minimum of 30 days following the last public meeting. Notice of the public meetings and opportunity to comment on the scope of the environmental documents shall be provided as follows:

- (1) By publishing notice in the North Carolina Register.
- (2) By publishing notice in a newspaper of general circulation in:
 - a. Each county in this State located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal.
 - b. Each city or county located in an adjacent state located in whole or in part of the surface drainage basin area of the source river basin ~~upstream from the proposed point of withdrawal, up to the point of the last impoundment upstream from the point of withdrawal. This sub-subdivision shall not apply if there are no impoundments located in the source river basin upstream from the proposed point of withdrawal that also falls within, in whole or in part, the area denoted by one of the following eight-digit cataloging units as organized by the United States Geological Survey:~~
03050101 (Broad River: NC and SC);
03050103 (Broad River: NC and SC);
03050107 (Broad River: SC);

03050108 (Broad River: SC);
03050109 (Broad River: SC);
03050110 (Broad River: SC);
03010101 (New River: VA);
03040101 (New River: VA and NC);
05050002 (New River: VA and WV);
05050003 (New River: WV);
05070201 (New River: KY, VA, and WV);
06010102 (New River: TN and VA);
06010205 (New River: TN and VA);
03050102 (Catawba River: NC);
03050105 (Catawba River: NC and SC);
03050106 (Catawba River: SC);
03050111 (Catawba River: SC);
03010202 (Chowan River: NC and VA);
03010205 (Chowan River: NC and VA);
03010102 (Chowan River: NC and VA);
03010201 (Chowan River: NC and VA);
06010108 (French Broad River NC and TN);
06010105 (French Broad River NC and TN);
06010106 (French Broad River NC and TN);
06010201 (French Broad River TN);
03130001 (Hiwassee River: GA);
03150103 (Hiwassee River: GA);
03150105 (Hiwassee River: AL and GA);
03150106 (Hiwassee River: AL);
06020003 (Hiwassee River: GA, NC, and TN);
06020004 (Hiwassee River: TN);
06030001 (Hiwassee River: AL, GA, and TN);
03060102 (Little Tennessee River: GA, NC, and SC);
06010104 (Little Tennessee River: TN);
06010107 (Little Tennessee River: TN);
06010202 (Little Tennessee River: TN, GA, and NC);
06010203 (Little Tennessee River: NC);
06010204 (Little Tennessee River: NC and TN);
06010207 (Little Tennessee River: TN);
06010208 (Little Tennessee River: TN);
06020001 (Little Tennessee River: AL, GA, TN);
06020002 (Little Tennessee River: GA, NC, TN);
03060101 (Savannah River: NC and SC);
03060103 (Savannah River: GA and SC);
03060104 (Savannah River: GA);
03060105 (Savannah River: GA);
03060107 (Savannah River: SC);
03040203 (Lumber River: NC and SC);
03040204 (Lumber River: NC and SC);
03040201 (Lumber River: NC and SC);
03040206 (Lumber River: NC and SC);
03050112 (Lumber River: SC);
02080108 (Albemarle Sound: VA);
02080208 (Albemarle Sound: VA);
03010203 (Albemarle Sound: NC and VA);
03150101 (Ocoee River: GA and TN);
03150102 (Ocoee River: GA);
03150104 (Ocoee River: GA);

02080201 (Roanoke River: VA and WV);
02080203 (Roanoke River: VA);
02080207 (Roanoke River: VA);
03010104 (Roanoke River: NC and VA);
03010105 (Roanoke River: VA);
03010106 (Roanoke River: NC and VA);
03010204 (Roanoke River: NC and VA);
05050001 (Watauga River: NC and VA);
06010101 (Watauga River: TN and VA);
06010103 (Watauga River: NC and TN);
03010103 (Yadkin River: NC and VA);
03040104 (Yadkin River: NC and SC);
03040207 (Yadkin River: NC and SC);
03040105 (Yadkin River: NC and SC);
03040202 (Yadkin River: NC and SC);
03040205 (Yadkin River: SC);
03050104 (Yadkin River: SC).

- c. Each county in this State ~~or in an adjacent state~~ located in whole or in part of the area of the source river basin downstream from the proposed point of withdrawal.
 - d. Any area in the State in a river basin for which the source river basin has been identified as a future source of water in a local water supply plan prepared pursuant to G.S. 143-355(1).
 - e. Each county in the State located in whole or in part of the receiving river basin.
- (3) By giving notice by first-class mail or electronic mail to each of the following:
- a. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any ~~adjacent~~ state that is located entirely or partially within the source river basin of the proposed ~~transfer.~~ transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.
 - b. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any ~~adjacent~~ state that is located entirely or partially within the receiving river basin of the proposed ~~transfer.~~ transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.
 - c. The governing body of any public water supply system that withdraws water upstream or downstream from the withdrawal point of the proposed transfer.
 - d. If any portion of the source or receiving river basins is located in ~~an adjacent~~ another state, all state water management or use agencies, environmental protection agencies, and the office of the governor in each adjacent state upstream or downstream from the withdrawal point of the proposed transfer.
 - e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an adjacent state.

- f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an adjacent state.
- g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
- h. To any other person who submits to the applicant a written request to receive all notices relating to the petition."

SECTION 2. As a part of the study by the Environmental Review Commission of the allocation of water resources in this State pursuant to subsection (a) of Section 1 of S.L. 2007-518, the Environmental Review Commission shall study the delineation of major river basins and subbasins within the State. The Commission shall determine whether the definition of "river basin" set out in G.S. 143-215.22G and the accompanying map should be revised. The Commission shall report its findings and recommendations as provided in subsection (a) of Section 1 of S.L. 2007-518, as amended.

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

In the General Assembly read three times and ratified this the 8th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:53 p.m. this 28th day of July, 2008