

March 25, 2009

S 907. WATER RESOURCE POLICY ACT OF 2009. Filed 3/25/09. *TO ENACT THE WATER RESOURCE POLICY ACT OF 2009.*

Adds new section to Article 38 of GS Chapter 143. Establishes ten policies that govern administrative and judicial decisions about water allocation. Establishes a water withdrawal permit program for persons who withdraw more than 100,000 gallons of water per 24-hour period from surface or groundwater in the state, including (1) required application information; (2) notice requirements; (3) standards for approval of permits and factors for determining reasonable use of withdrawn water; (4) permit duration, terms and conditions; (5) required water conservation measures; (6) renewal, modification, revocation, reissuance, transfer, and termination policies and procedures; (7) specified permit fees; and (8) administrative procedures. Establishes a schedule of annual fees for water withdrawal permits and interim allocations based on the quantity of withdrawal. Provides for an annual \$250 general permit fee and various processing fees. Requires statewide creation of hydrologic models that summarize all known information about water inflows and withdrawals and that give a scientific basis for projecting where future shortages will occur. Establishes a system to adjust withdrawal amounts in river basins where existing or future withdrawals are projected by the hydrologic models to exceed available supply (overallocated basins). Authorizes the General Assembly to create a river basin planning organization to plan for and manage water resource supply and demand in the river basin or a portion of the river basin in order to prevent or eliminate overallocation, and includes specified criteria for formation and administration of the planning organization. Establishes a procedure for by which the Department of Environment and Natural Resources (DENR) will issue interim allocations for water withdrawals in a river basin for which an approved hydrologic model has not been adopted.

Amends GS 143-354 to authorize the Environmental Management Commission to adopt any rules necessary to implement the water withdrawal permit program.

Amends GS 143-355 to require DENR to issue the water withdrawal permits.

Amends GS 143-355.6 to authorize the Secretary of Environment and Natural Resources to assess a civil penalty of not more than \$10,000 per month against any person who violates a provision of Article 38 or the rules adopted under the authority of Article 38.

Amends GS 113A-12 to provide a means to expedite the environmental review of water storage systems that meet specified criteria.

Directs DENR, in conjunction with the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and interested private water systems, and with assistance from the Institute for the Environment at the University of North Carolina at Chapel Hill, to develop a plan for integrating water information provided by water systems for reporting to the State and the public.

Directs the Environmental Review Commission to continue to study topics identified for further research and study in the 2008 Report of the Water Allocation Study to the Environmental Review Commission.

Provides for enhanced oversight of revenues and expenses of water systems by DENR and the Local Government Commission to ensure their maintenance.

Directs the Division of Pollution Prevention and Environmental Assistance and other appropriate divisions in DENR and the Department of Agriculture and Consumer Services to report, by April 1, 2010, on the implementation of water efficiency measures, the coordination of water efficiency audits and energy efficiency audits, the water efficiency standards and accomplishments of significant industrial and agricultural users in the state, and other water efficiency efforts that are being implemented in the State.

Amends GS 143-350 to define *approved basinwide hydrologic model*, *consumptive use*, *ecological integrity*, *groundwater resource*, *historical withdrawal*, *nonconsumptive use*, *permit holder*, *person*, *prior allocation*, and *surface water resource*.

Repeals GS 143-215.22H(b), GS 162A-20, GS 162A-21, GS 162A-22, GS 162A-23, GS 162A-24, and GS 162A-25.

Makes conforming and technical changes to GS 143-211(a) and GS 143-214.13(b).

Intro. by Clodfelter.

GS 113A, 143, 162A

