

REQUEST FOR BOARD ACTION

ITEM NO. 12.

DATE OF MEETING: April 20, 2009

REQUESTED BY: Michael G. Mack, Director, PCU

SHORT TITLE: Resolution by the Board of Commissioners to support State Legislation to delineate the boundaries of the river basins of North Carolina in accordance with Senate Bill 833 and House Bill 802

BACKGROUND: Pender County has need for and desires to construct a surface water treatment plant at 6 MGD capacity. However, the current enforcement of G.S §143-215.22L prohibits the transfer of 2,000,000 gallons of surface water or more per day from one river basin (including sub-basins) to another without first obtaining an Interbasin Transfer Certificate from the North Carolina Environmental Management Commission (EMC).

The definition of "River Basin" in §143-215.22G means any of the river basins designated on the map entitled "Major River Basins and Sub-basins in North Carolina." This definition of "river basin" prohibits Pender County from transferring 2,000,000 gallons of surface water from any one of the four (4) sub-basins of the Major Cape Fear River Basin within the boundary of Pender County to any other sub-basin within the County without first obtaining a certificate from the EMC for an Interbasin Transfer. The Division of Water Resources staff has informed Pender County staff that the IBT certificate process can take on average five (5) years and \$1,000,000 in studies and engineering cost to provide evidence for consideration of receiving the certificate with no promise that the certificate will ever be issued; and,

Senate Bill 833 and House Bill 802 have been introduced in the 2009 session of the General Assembly of North Carolina to delineate the boundaries of the river basins for the purpose of aligning the River Basin Planning Programs of the Division of Water Resources and the Division of Water Quality as recommended by the 2008 Report of the Water Allocation Study to the Environmental Review Commission (ERC). In delineating the boundaries of the river basins, the definition of "river basin" will be amended to remove the Sub-Basins from inclusion and enforcement of the Interbasin Transfer Rules and relieve Pender County from the IBT certificate process for the expansion of its Surface Water Treatment Plant beyond 2,000,000 gallons per day in order to serve the entire County.

SPECIFIC ACTION REQUESTED: The Pender County Board of Commissioners is requested to approve the resolution to endorse SB 833 and HB 802 and direct the Clerk to the Board to forward this resolution to members of the General Assembly requesting they support the proposed legislation to remove the Sub-Basins from the definition of "river basin" in G.S. §143-215.22G.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

JB

Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, by the Pender County Board of Commissioners that

the attached resolution entitled "Resolution to Support State Legislation to Delineate the Boundaries of the River Basins of North Carolina" is approved. The County Manager is authorized to execute any and all documents to implement this resolution.

AMENDMENTS:

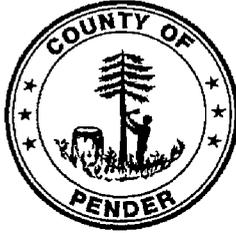
MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman 4/20/09
Date

ATTEST 4/20/09
Date



RESOLUTION TO SUPPORT STATE LEGISLATION TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA

WHEREAS, the Pender County Board of Commissioners have established six (6) Water and Sewer Districts to serve the water and sewer needs of the existing and future population of the County; and

WHEREAS, the Pender County Board of Commissioners have authorized the design and construction of a Surface Water Treatment Plant to provide a long-term supply of potable drinking water across all the Water & Sewer Districts of the County; and

WHEREAS, General Statute §143-215.22L prohibits the transfer of 2,000,000 gallons of surface water or more per day from one river basin (including sub-basins) to another without first obtaining an Interbasin Transfer Certificate from the North Carolina Environmental Management Commission (EMC); and

WHEREAS, the definition of "River Basin" in §143-215.22G means any of the river basins designated on the map entitled "Major River Basins and Sub-basins in North Carolina." This definition of "river basin" prohibits Pender County from transferring 2,000,000 gallons of surface water from any one of the four (4) sub-basins of the Major Cape Fear River Basin within the boundary of Pender County to any other sub-basin within the County without first obtaining a certificate from the EMC for an Interbasin Transfer. The Division of Water Resources staff has informed Pender County staff that the IBT certificate process can take on average five (5) years and \$1,000,000 in studies and engineering cost to provide evidence for consideration of receiving the certificate with no promise that the certificate will ever be issued; and

WHEREAS, Senate Bill 833 and House Bill 802 have been introduced in the 2009 session of the General Assembly of North Carolina to delineate the boundaries of the river basins for the purpose of aligning the River Basin Planning Programs of the Division of Water Resources and the Division of Water Quality as recommended by the 2008 Report of the Water Allocation Study to the Environmental Review Commission (ERC). In delineating the boundaries of the river basins, the definition of "river basin" will be amended to remove the Sub-Basins from inclusion and enforcement of the Interbasin Transfer Rules and relieve Pender County from the IBT certificate process for the expansion of its Surface Water Treatment Plant beyond 2,000,000 gallons per day in order to serve the entire County.

NOW, THEREFORE, BE IT RESOLVED that the Resolution to Support State Legislation to Delineate the Boundaries of the River Basins of North Carolina is approved.

Adopted this the 20th day of April, 2009.

Jimmy T. Tate, Chairman

ATTEST:

Rick Benton, County Manager