

15A NCAC 02E .0403 APPLICABILITY

(a) The amount of a transfer shall be calculated as a net total, determined by the amount of surface water moved from the source river basin to the receiving basin, minus any water returned to the source river basin.

(b) Notwithstanding the definition of "river basin" in G.S. 143-215.22G, the following are not transfers that require issuance of an IBT Certificate:

- (1) The discharge point is situated upstream of the withdrawal point such that the water discharged will naturally flow past the withdrawal point.
- (2) The discharge point is situated downstream of the withdrawal point such that water flowing past the withdrawal point will naturally flow past the discharge point.
- (3) The withdrawal and discharge points are located in the same water impoundment.

(c) The withdrawal of surface water from one river basin by one entity and the transmission of all or any part of this water between river basins by one or more entities, resulting in a discharge to another river basin, shall be considered a transfer. The entity owning the pipe or other conveyance that carries the surface water across the basin boundary shall be responsible for obtaining an IBT Certificate from the Commission. Another entity involved in the transfer may assume responsibility for obtaining the IBT Certificate, with approval by the Department.

(d) The full capacity of a facility to transfer water shall be determined by the facility's potable water treatment capacity, maximum transfer capacity of distribution system, or discharge capacity in the receiving basin, limited by the element of this system with the least capacity as existing or under construction on 1 July 1993. Existing conveyances and infrastructure for basin transfers in place before 1 July 1993 are deemed a preexisting transfer capacity per G.S. 143-215.22L(b).

(e) To calculate a preexisting transfer capacity the applicant shall provide data regarding the movement of water within and outside of the water system distribution system. The applicant shall provide to the Department a current and projected water balance that includes:

- (1) the total withdrawal from the surface water source;
- (2) the treatment capacities;
- (3) the consumptive losses, meaning water withdrawn from a stream, reservoir, river, or other surface water source for any use which is not directly returned to a waterbody, for both the source and receiving river basins;
- (4) the treated wastewater discharges in both the source and receiving river basins;
- (5) the total return to the source river basin; and
- (6) the total surface water transfer.

The applicant shall provide this information for the current or baseline year and projected data for a minimum of 30-years into the future in no less than 10-year intervals. Water balances are to be conducted on an annual average day basis and a maximum-month average day basis. The applicant may use the Preexisting Transfer Capacity Worksheet as a guide to complete the required information to help calculate and document a system's transfer capacity. A copy of the Preexisting Transfer Capacity Worksheet can be obtained free of charge from the Water Supply Planning Branch, located in the Archdale Building at 512 N. Salisbury Street, Raleigh, NC 27604.

History Note: Authority G.S. 143-215.22L; 143B-282(a)(2);
Eff. March 1, 2023.