

15A NCAC 02E .0408 FINAL DETERMINATION

(a) The water conservation plan shall meet all the requirements of G.S. 143-215.22L(n)(1). Any proposed ordinances, initiatives, or programs shall be approved by the unit of local government within 90 calendar days of issuance of the IBT Certificate to document the water conservation efforts. Consistent with the requirements contained in G.S. 143-215.22L(n)(1) an applicant shall demonstrate, through its water conservation plan, that its existing or proposed water conservation measures are equal to or exceed the most stringent water conservation plan implemented by any public water system in the source basin. The required demonstration shall be based on the existing water conservation measures implemented by each of the public water supply systems that withdraw from the source river basin. The water conservation plan is subject to approval by the Department.

(b) Examples of metrics for supply-side water conservation measures may include:

- (1) regularly conducted water system water audits, where the schedule and methodology used are outlined;
- (2) a flushing optimization plan and accounting of use by a fire department;
- (3) a leak detection program where the repair program abilities are described;
- (4) storage tank level and pressure management;
- (5) water meter replacement;
- (6) metering testing schedule;
- (7) a plan to identify failing meters; and
- (8) details of any existing water reuse programs.

(c) Examples of metrics for demand-side water conservation measures may include:

- (1) a tiered-rate pricing structure that incentivizes and promotes customer conservation;
- (2) public outreach and education programs;
- (3) encouraging all households to conduct simple water audits to improve individual water conservation and efficiency measures;
- (4) the use of irrigation controls, including schedule restrictions, a ban on watering impervious surfaces, a separate conservation rate pricing structure;
- (5) encourage the use of mulch, and the use of drought tolerant plants and grass species;
- (6) the use of water conservation irrigation devices including rain or soil moisture sensors, rain barrels, or cisterns to collect rainwater for outdoor irrigation;
- (7) registration of, and accounting for, pre-arranged (bulk) potable water usage sales;
- (8) separate meters for outdoor irrigation; and
- (9) encouraging the replacement of older, inefficient water fixtures with more water-efficient fixtures and devices.

(d) Pursuant to G.S. 143-215.22L(n)(7), the certificate shall include all current and anticipated applicants and co-applicants. To be eligible to receive transferred water under a certificate, any public water system not listed as the primary applicant on a certificate but is anticipated to receive transferred water made available through a certificate at any time, present or future, shall be identified as a co-applicant on the certificate. All water systems beyond the applicant, that serve customers or sell transferred water in the receiving basin, shall be listed as co-applicants in the petition document. This shall include any projected water sales that are anticipated to occur during the planning period identified in the petition. A modification to the certificate shall be necessary for sales to entities not listed on the certificate.

(e) Pursuant to G.S. 143-215.22L(n)(7), water sales to water systems or wholesale customers not listed as co-applicants in receiving basins, or are not listed in a modification, shall be considered a violation of the terms of the certificate and could result in the Commission rescinding the certificate. Allowable emergency transfers as outlined in Rule .0409 of this Section are not subject to this Paragraph.

(f) As used in G.S. 143-215.22L(m), detriment means harmful or damaging conditions not caused by a natural condition where an entity with a Department approved water use cannot carry out the beneficial uses for which the water use was granted.

(g) As used in G.S. 143-215.22L(k) and G.S. 143-215.22L(n), detrimental effects means harmful or damaging effects to the water quality, water quantity, fish and wildlife habitat, wastewater assimilation, navigation, electric power generation, public water supplies, and other industrial, economic, recreational, or agricultural water supply needs within either the source or receiving river basins due to the proposed water transfer.

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