

15A NCAC 02E .0409 EMERGENCY TRANSFERS

(a) Pursuant to G.S. 143-215.22L(q), an emergency transfer of water may be requested in situations resulting from water supply problems caused by a water quality incident, temporary failure of a water plant or infrastructure, or any other temporary condition in which the public health, safety, or welfare requires the transfer of water. With the understanding that these proposed actions are occurring under emergency situations, the Secretary shall make reasonable attempts to consult with parties described in G.S. 143-215.22L(3)(c) prior to making a determination. Emergency transfers shall not take the place of, or be issued in lieu of, a permanent or modified transfer certificate. Per G.S. 143-215.22L(q), as a condition of the transfer, the applicant shall demonstrate and convey to the Department that the amount of water transferred shall be minimized through water efficiency measures for the duration of the transfer.

(b) When possible, a request for an emergency transfer shall be submitted to the Department prior to the transfer, such as in the case of drought, plant maintenance, or other planned or foreseeable activities. Prior to starting the emergency transfer, the applicant shall submit a request to the Department for Secretary approval, either in writing or electronically, which shall include:

- (1) the nature or circumstances of the event that is prompting the transfer request;
- (2) the affected river basins between which the requested emergency transfer would occur;
- (3) the estimated quantity of water to be transferred; and
- (4) the anticipated duration of the requested emergency transfer.

No water shall be transferred prior to Secretary approval.

(c) Where an unplanned situation necessitates a transfer of water and a request cannot be made to the Secretary prior to the transfer event, the applicant, within 72 hours of the start of the transfer, shall provide to the Department the information in Subparagraphs (b)(1) through (b)(4) of this Rule. Provided conditions of this Paragraph are met, the Secretary shall consider the emergency transfer approved.

(d) With any emergency transfer approval, the applicant shall, within 60 calendar days from the end of the transfer period, submit to the Department a summary report detailing the transfer event. The report shall include, to the extent possible, updated information required in Subparagraphs (b)(1) through (b)(4) of this Rule based on the actual event.

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