# Proposed Interbasin Transfer Certificate
# Kerr Lake Regional Water System

Roanoke River Basin Bi-State Commission

October 14, 2015

# Outline

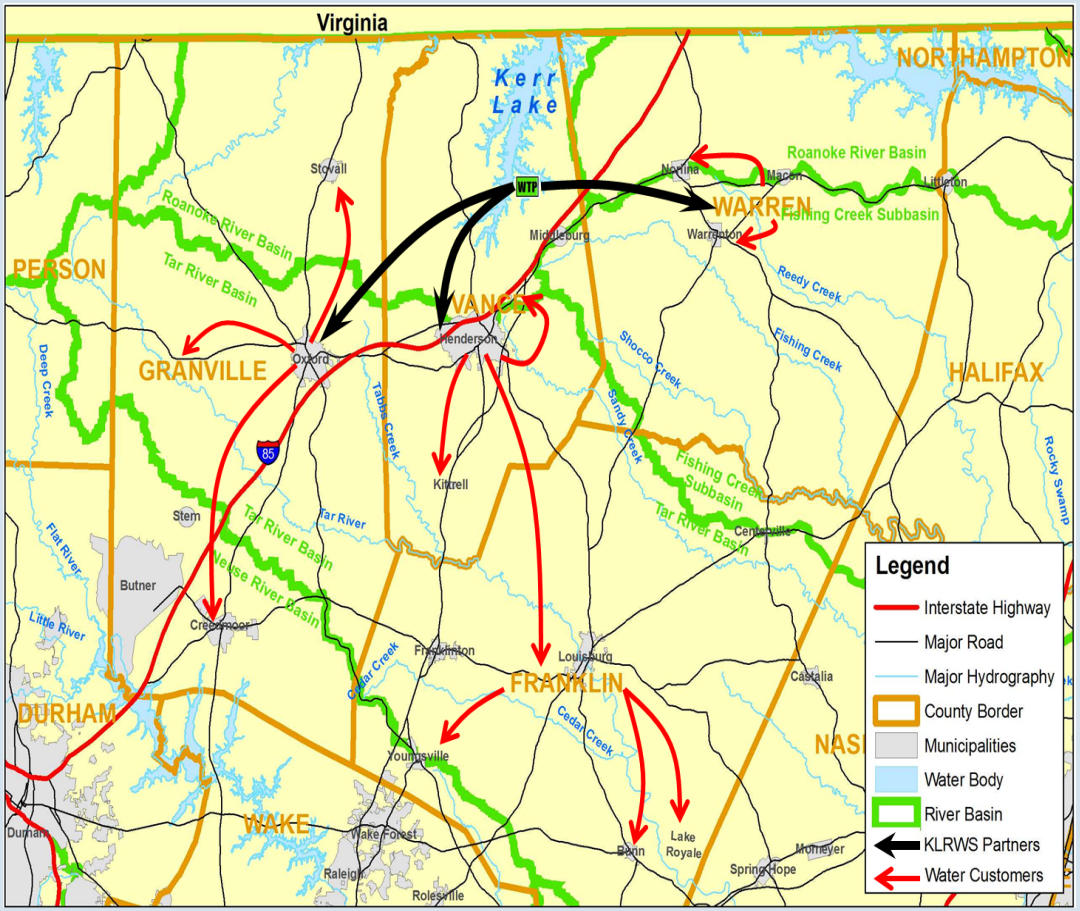
- IBT Certificate
  - Description
  - Timeline
  - Completion of Statutory Requirements
- Role of the Water Allocation Committee

# Requested Certificate

| | | |
|---|---|---|
| **Primary Applicant:** | Kerr Lake Regional Water System | |
| **Source Basin:** | Roanoke | |
| **Receiving Basins:** | Tar, Fishing Creek, Neuse | |
| **Grandfathered Allowance:** | **10 MGD (max day)** | |
| **Total Requested IBT (2045 Demands):** | **14.2 MGD (avg day/max mth)** | |
| | **Roanoke to Tar:** | 10.7 MGD |
| | **Roanoke to Fishing Creek:** | 1.7 MGD |
| | **Roanoke to Neuse:** | 1.8 MGD |

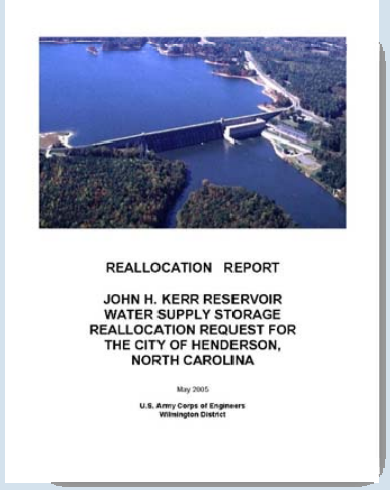
# Kerr Lake Regional Water System

- Primary Partners
  - City of Henderson
  - City of Oxford
  - Warren County
- City of Henderson operates WTP
- Water sales to 11 additional communities/water users in Vance, Warren, Granville, and Franklin Counties



# KLRWS Planning Efforts

- The Request is supported by long range planning efforts
  - IBT projections to the 2045 planning period exceed their grandfathered 10 mgd so began IBT process in 2007
  - IBT projection of 14.2 mgd in 2045
  - **This equates to a new IBT request of just over 4 mgd**
- Partners have secured water storage allocation with USACE
  - 1974 water use agreement for up to 20 mgd
  - 2005 allocation of 10,292 acre-feet of storage – equivalent to 20 mgd average annual withdrawal
  - KLRWS has been paying annual fees for storage since 2005



# Urgency of the Request

- Other long range plans need to be implemented
  - Expansion of WTP to 20 mgd
    - Partners cannot proceed with financial commitments for expansion and improvements until receiving the IBT Certificate
    - Authorization to Construct has been extended several times now while waiting on IBT Certificate
    - Treatment improvements needed - most cost-effective to do along with expansion
  - Meeting regional water supply needs
    - Each Partner owns a portion of the WTP and needs additional capacity (and IBT) to meet their wholesale customers' future needs
    - IBT helps secure water supply availability for Triangle North Business Parks
    - Regional cooperation keeps costs low for customers

# Project Timeline

| | |
|---|---|
| January 2009 | NOI Submitted by KLRWS |
| March/April 2009 | Series of Public Meetings |
| September 2014 | Revision of Roanoke River Basin Hydrologic Model |
| October 2014 | Draft EA submitted to DWR |
| January 2015 | EA and FONSI submitted to State Clearinghouse |
| March 2015 | Petition submitted for Public Comment |
| March 2015 | Public Hearing for Petition |
| November 2015 | Determination by EMC |

# Response to Public Hearing Comments

- 235 commenters, including oral and written (delivered by hand, mail, and email)
- 1,419 petition signatures
- 33 comment categories

# Public Comments

- Concern about effect on Kerr Lake level
  - Modeling results support that lake levels will not be noticeably effected by the proposed IBT. Furthermore, USACE manages the reservoir and is responsible for water supply allocations which could potentially affect lake levels.
- EIS should be conducted/EA not adequate
  - Since DENR reached the conclusion of being able to issue a FONSI, and given the exception in G.S. 143-215.22L(w)(2), it was concluded that an EIS was not required or necessary
- Could lead to transfer of water to Raleigh/Wake Co
  - A condition of the IBT certificate will be that water may not be transferred to water systems that are not listed as co-applicants on the certificate

# EMC - Authority

- **§ 143-215.22L (w) Reservoirs Constructed by USACE**
  - (7) "The Commission shall grant the certificate if it finds that the applicant has established by a preponderance of the evidence that the petition satisfies the requirements of subsection (m) [Burden and Standard of Proof] of this section. The Commission may grant the certificate in whole or in part, or deny the request, and may impose such limitations and conditions on the certificate as it deems necessary and relevant."

# § 143-215.22L (m)

- **Final Determination**: Burden and Standard of Proof; Specific Findings. – The Commission shall grant a certificate for a water transfer if the Commission finds that the applicant has established by a preponderance of the evidence all of the following:
  - (1) The benefits of the proposed transfer outweigh the detriments of the proposed transfer. In making this determination, the Commission shall be guided by the approved environmental document and the policy set out in subsection (t) of this section.
  - (2) The detriments have been or will be mitigated to the maximum degree practicable.
  - (3) The amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant.
  - (4) There are no reasonable alternatives to the proposed transfer.

# Action – Request WAC Support

- Division of Water Resources is requesting the Water Allocation Committee support the requested IBT certificate, as presented, to go before the full EMC, November 5, 2015 for a final determination.

# Contact Information

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DWR

Division of Water Resources