

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02E .0403-.0409 and readopt with substantive changes the rules cited as 15A NCAC 02E .0401 and .0402.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/public-notices-hearings>

Proposed Effective Date: January 1, 2023

Public Hearing:

Date: May 5, 2022

Time: 6:00 p.m.

Location: *In order to allow the public to attend from great distances across the state and to address protective measures to help prevent the spread of COVID-19, the NC Division of Water Resources is holding an online public hearing.*

The hearing can be joined via WebEx link (below) starting at 5:45 pm.

<https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e3575fac4c38ac85a1fc8da642fcc1d4a>

Event number: 2422 890 1417

Event password: NCDEQ

Audio conference: US TOLL +1-415-655-0003, access code: 2422 890 1417

Registration Form link: <https://forms.office.com/g/eNgY0c9z5c>

Registration Form QR Code:



Registration must be completed by 12:00 pm on May 5, 2022. If you have any problems registering online, please call 919-707-9024 by the registration deadline of 12:00 pm on May 5, 2022.

The Division of Water Resources highly recommends testing your computer's WebEx capabilities prior to the hearing at <https://www.webex.com/test-meeting.html>. For instructions about digital ways to join the public hearing, please refer to the WebEx Help Center online at <https://help.webex.com/en-us/>.

To comment during the hearing after your name is called as a registered speaker and/or after the hearing officer asks if any people wish to comment following the registered speakers:

*-If you join the hearing by phone, press *3 to “raise your hand,” speak once called upon to do so, and press *3 again to “lower your hand.”*

-If you join the hearing online, press the hand icon to “raise your hand,” speak once called upon to do so, and press the hand icon again to “lower your hand.”

-The Hearing Officer may limit the length of time that you may speak, so that all those who wish to speak may do so.

Reason for Proposed Action: *N.C. Gen. Stat. §150B-21.3A requires state agencies to review existing rules every 10 years, determine which rules are still necessary, and either re-adopt or repeal each rule as appropriate. The proposed rulemaking satisfies these requirements for the re-adoption process for the following 15A NCAC 02E –Water Use Registration and Allocation Rules:*

.0400 Regulation of Surface Water Transfers

The .0400 - Regulation of Surface Water Transfers defined interbasin transfer (IBT) as the withdrawal, diversion, or pumping of surface water from one river basin that is then discharged in a different river basin. The purpose of the IBT statute is to ensure it is good public policy to move water from one basin into another. G.S. 143-215.22G also established 18 major river basins and 38 subbasins.

Proposed changes and amendments to 15A NCAC 02E Water Use Registration and Allocation Rules, .0400 Regulation of Surface Water Transfers include:

- added statement of purpose*
- added definitions*
- relocated applicability language*
- added notification and requirement*
- added language for types of environmental documentation needed*
- added language for requirement in an IBT petition*
- added language clarifying the settlement/mediation process*
- added language clarifying what items the Commission may need to make a final determination*
- added language clarifying emergency and temporary transfers*

Comments may be submitted to: *Linwood Peele, NC DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; phone (919) 707-9024; email linwood.peele@ncdenr.gov*

Comment period ends: *June 17, 2022*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected**
- Local funds affected**
- Substantial economic impact (\geq \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**