

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

D

SENATE BILL 605
PROPOSED COMMITTEE SUBSTITUTE S605-PCS45394-BR-15

Short Title: IBT Subbasin/TMDL Transport Factor.

(Public)

Sponsors:

Referred to:

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE CERTAIN SUBBASIN DESIGNATIONS AND REMOVE THE
REQUIREMENT FOR AN INTERBASIN TRANSFER CERTIFICATE FOR WATER
TRANSFERS BETWEEN THOSE CERTAIN SUBBASINS WITHIN THE SAME MAJOR
RIVER BASIN AND TO REVISE 2020 FARM ACT TMDL TRANSPORT FACTOR
CALCULATION APPLICABILITY.

The General Assembly of North Carolina enacts:

ELIMINATE SUBBASIN DESIGNATIONS FOR IBT PROCESS

SECTION 1.(a) Legislative Findings. – The General Assembly finds the following,
with respect to eliminating the Haw River, Deep River, and Contentnea Creek subbasin
designations:

- (1) These subbasins serve rapidly growing areas facing urgent water supply and economic development pressures.
- (2) Flexibility in intrabasin transfers within the Neuse and Cape Fear major river basins strengthens drought resilience and supports emergency water management.
- (3) Reducing unnecessary regulatory barriers allows municipalities and utilities in these subbasins to better plan and finance regional water infrastructure, improving affordability for consumers.
- (4) Existing watershed planning and management systems within the Cape Fear River and Neuse River major river basins mitigate potential environmental impacts caused by intrabasin transfers.

SECTION 1.(b) G.S. 143-215.22G reads as rewritten:

"§ 143-215.22G. Definitions.

In addition to the definitions set forth in G.S. 143-212 and G.S. 143-213, the following definitions apply to this Part.

...

- (1b) "River basin" means any of the following river basins designated on the map entitled "Major River Basins and Sub-basins in North Carolina" and filed in the Office of the Secretary of State on 16 April 1991. The term "river basin" includes any portion of the river basin that extends into another state. Any area outside North Carolina that is not included in one of the river basins listed in this subdivision comprises a separate river basin.

- a. 1-1 Broad River.
- b. 2-1 ~~Haw River.~~



* S 6 0 5 - P C S 4 5 3 9 4 - B R - 1 5 *

1	e.	2-2	Deep River.
2	d.	2-3	Cape Fear River, which includes Haw
3			<u>River (2-1) and Deep River (2-2).</u>
4	e.	2-4	South River.
5	f.	2-5	Northeast Cape Fear River.
6	g.	2-6	New River.
7	h.	3-1	Catawba River.
8	i.	3-2	South Fork Catawba River.
9	j.	4-1	Chowan River.
10	k.	4-2	Meherrin River.
11	l.	5-1	Nolichucky River.
12	m.	5-2	French Broad River.
13	n.	5-3	Pigeon River.
14	o.	6-1	Hiwassee River.
15	p.	7-1	Little Tennessee River.
16	q.	7-2	Tuskasegee (Tuckasegee) River.
17	r.	8-1	Savannah River.
18	s.	9-1	Lumber River.
19	t.	9-2	Big Shoe Heel Creek.
20	u.	9-3	Waccamaw River.
21	v.	9-4	Shallotte River.
22	w.	10-1	Neuse River, which includes
23			<u>Contentnea Creek (10-2).</u>
24	x.	10-2	Contentnea Creek.
25	y.	10-3	Trent River.
26	z.	11-1	New River.
27	aa.	12-1	Albemarle Sound.
28	bb.	13-1	Ocoee River.
29	cc.	14-1	Roanoke River.
30	dd.	15-1	Tar River.
31	ee.	15-2	Fishing Creek.
32	ff.	15-3	Pamlico River and Sound.
33	gg.	16-1	Watauga River.
34	hh.	17-1	White Oak River.
35	ii.	18-1	Yadkin (Yadkin-Pee Dee) River.
36	jj.	18-2	South Yadkin River.
37	kk.	18-3	Uwharrie River.
38	ll.	18-4	Rocky River.

...."

SECTION 1.(c) This section is effective when it becomes law and applies to water withdrawals or transfers initiated or modified on or after that date.

REVISE 2020 FARM ACT TMDL TRANSPORT FACTOR CALCULATION APPLICABILITY

SECTION 2. Section 15 of S.L. 2020-18, as amended by Section 14 of S.L. 2023-137, reads as rewritten:

"SECTION 15.(a) Notwithstanding 15A NCAC 02B .0701 (Nutrient Strategies Definitions), 15A NCAC 02B .0703 (Nutrient Offset Credit Trading), and 15A NCAC 02B .0713 (Neuse Nutrient Strategy: Wastewater Discharge Requirements), nutrient offset credits shall be applied to a wastewater permit by applying the TMDL transport factor to the permitted wastewater discharge and to the nutrient offset credits as specified in the 1999 Phase I TMDL.

1 **"SECTION 15.(b)** Subsection (a) of this section applies only to wastewater discharge permit
2 applications for a local government located in the Neuse River ~~Basin with a customer base of~~
3 ~~fewer than 15,000 connections.~~Basin.

4 **"SECTION 15.(c)** The Department of Environmental Quality, in conjunction with affected
5 parties, may begin the modeling necessary to determine new transport zones and delivery factors
6 for the Neuse River Basin for point source discharges and nutrient offset credits. Once the
7 Department has completed the watershed modeling, it shall provide the Environmental
8 Management Commission a list of qualified professionals from which the Commission shall
9 select at least two to validate the modeling. If each of the professionals selected by the
10 Commission validate the model, the Commission may use the modeling and other information
11 provided during the public comment period to adopt new transport zones and delivery factors, if
12 warranted, by rule.

13 **"SECTION 15.(d)** This section is effective when it becomes law. Subsection (a) of this
14 section shall expire when the rule required by subsection (c) of this section becomes effective."
15

16 **EFFECTIVE DATE**

17 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
18 law.