



SENATE BILL 605: IBT Subbasin/TMDL Transport Factor.

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 6, 2025
Introduced by:	Sens. Sawrey, P. Newton	Prepared by:	Kyle Evans
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 605 would eliminate certain subbasin designations for the interbasin transfer (IBT) certificate process and revise the 2020 Farm Act Total Maximum Daily Load (TMDL) transport factor calculation applicability.*

CURRENT LAW & BILL ANALYSIS:

ELIMINATE SUBBASIN DESIGNATIONS FOR IBT PROCESS

In 1993, the General Assembly enacted [G.S. 143-215.22L](#) to regulate large surface water transfers between river basins by requiring a certificate from the [Environmental Management Commission](#) (EMC). Generally, a surface water transfer of 2,000,000 gallons of water per day or more requires an IBT certificate. [G.S. 143-215.22G](#) establishes 18 major river basins and 38 subbasins, as designated on the map entitled "Major River Basins and Sub-basins in North Carolina" and filed with the Secretary of State on April 16, 1991. Current law does not distinguish between major basins or subbasins for the purposes of requiring an IBT certificate, and transfers between subbasins within the same major river basin require an IBT certificate.

Section 1 would eliminate the subbasin designations for the Haw River and Deep River basins within the Cape Fear River major river basin, and the Contentnea Creek basin within the Neuse River major river basin, allowing for the transfer of surface water between those subbasins within the same major river basin in any amount without first needing to obtain an IBT certificate from the EMC.

This section would become effective when it becomes law and apply to water withdrawals or transfers initiated on or after that date.

REVISE 2020 FARM ACT TMDL TRANSPORT FACTOR CALCULATION APPLICABILITY

Section 15 of S.L. 2020-18 ([NC Farm Act of 2019-2020](#)), as amended by Section 14 of S.L. 2023-137 ([Regulatory Reform Act of 2023](#)) provided that nutrient offset credits must 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 1 TMDL. These sections apply only to wastewater discharge permit applications for local governments located in the Neuse River Basin with a customer base of fewer than 15,000 connections.

Section 2 would amend the applicability of this provision to all wastewater discharge permit applications for local government in the Neuse River Basin, regardless of the size of the customer base.

EFFECTIVE DATE: Except as otherwise provided, this bill would be effective when it becomes law.

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Legislative Analysis
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