

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1215
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 10/2/02
Third Edition Engrossed 10/2/02

Short Title: Conserve Water/Promote Green Energy.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT UNITS OF LOCAL GOVERNMENT TO EVALUATE THEIR
2 EFFORTS TO CONSERVE WATER, TO DIRECT THE ENVIRONMENTAL
3 MANAGEMENT COMMISSION TO ADOPT RULES GOVERNING WATER
4 CONSERVATION AND WATER REUSE, TO ESTABLISH A GOAL TO
5 REDUCE WATER CONSUMPTION BY STATE AGENCIES BY AT LEAST
6 TEN PERCENT, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND
7 NATURAL RESOURCES TO EVALUATE WATER CONSERVATION AND
8 WATER EFFICIENCY PROGRAMS IN THE STATE, AND TO DIRECT THE
9 UTILITIES COMMISSION TO STUDY METHODS TO FUND AND PROMOTE
10 THE DEVELOPMENT OF GREEN POWER IN NORTH CAROLINA.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 143-355(1) reads as rewritten:

14 "(1) Each unit of local government that provides public water service or that plans
15 to provide public water service shall, either individually or together with other units of
16 local government, prepare a local water supply plan and submit it to the Department.
17 The Department shall provide technical assistance with the preparation of plans to units
18 of local government upon request and to the extent that the Department has resources
19 available to provide assistance. At a minimum, local units of government shall include
20 in local water supply plans all information that is readily available to them. Plans shall
21 include present and projected population, industrial development, water use within the
22 service area, present and future water supplies, an estimate of the technical assistance
23 that may be needed at the local level to address projected water ~~needs,~~needs, current and
24 future water conservation and water reuse programs, and any other related information
25 as the Department may require in the preparation of a State water supply plan. Local
26 plans shall be revised to reflect changes in relevant data and projections at least once
27 each five years unless the Department requests more frequent revisions. The revised

1 plan shall include the current and anticipated reliance by the local government unit on
2 surface water transfers as defined by G.S. 143-215.22G. Local plans and revised plans
3 shall be submitted to the Department once they have been approved by the unit(s) of
4 local government."

5 **SECTION 2.** G.S. 143-355(m) reads as rewritten:

6 "(m) In order to assure the availability of adequate supplies of good quality water
7 to protect the public health and to support desirable economic growth, the Department
8 shall develop a State water supply plan. The State water supply plan shall include the
9 information and projections required to be included in local ~~plans,~~ plans, a summary of
10 water conservation and water reuse programs described in local plans, a summary of the
11 technical assistance needs indicated by local plans, and shall indicate the extent to
12 which the various local plans are compatible. The State plan shall identify potential
13 conflicts among the various local plans and ways in which local water supply programs
14 could be better coordinated."

15 **SECTION 3.(a)** Pursuant to subdivisions (1) and (8) of G.S. 143-354(a), the
16 Environmental Management Commission shall develop and implement rules governing
17 water conservation and water reuse during drought and water emergency situations. The
18 rules shall establish minimum standards and practices for water conservation and water
19 reuse for all of the following classes of water users:

- 20 (1) Publicly owned and privately owned water supply systems.
- 21 (2) State agencies.
- 22 (3) Local governments.
- 23 (4) Business and industrial users of water.
- 24 (5) Agricultural and horticultural users of water.

25 **SECTION 3.(b)** In developing the rules authorized by subsection (a) of this
26 section, the Environmental Management Commission shall consult with representatives
27 of water users and advocacy groups listed in subsection (a) of Section 5 of this act.

28 **SECTION 3.(c)** Rules adopted pursuant to subsection (a) of this section shall
29 not supercede or modify existing rules governing water used in the generation of
30 electricity. This section shall not be construed to authorize the Commission to adopt
31 temporary rules. The Commission shall adopt permanent rules so that the rules will
32 become effective following legislative review pursuant to G.S. 150B-21.3(b) by the
33 2005 Regular Session of the General Assembly.

34 **SECTION 4.** There is hereby established a goal to reduce water
35 consumption by State agencies by at least 10 percent (10%). As used in this section, the
36 term "State agencies" includes all agencies of the executive branch of the government of
37 North Carolina, the General Assembly, the General Court of Justice, and The University
38 of North Carolina. For State agencies that purchase water or that otherwise have
39 reliable records of their water consumption for the 2001-2002 fiscal year, the goal shall
40 apply to the consumption of water during the 2002-2003 fiscal year as compared to
41 water consumed during the 2001-2002 fiscal year. State agencies that do not have
42 reliable records of their water consumption during the 2001-2002 fiscal year shall (i)
43 endeavor to reduce water consumption to the maximum extent possible during the
44 2002-2003 fiscal year, (ii) maintain records of their water consumption during the

1 2002-2003 fiscal year, and (iii) determine their progress toward achieving the goal on
2 the basis of reductions in water consumed during the 2003-2004 fiscal year.

3 **SECTION 5.(a)** The Department of Environment and Natural Resources
4 shall evaluate water conservation measures being implemented in the State and identify
5 incentive programs and other voluntary programs that can help foster water
6 conservation and water reuse. In conducting its study, the Department shall specifically
7 evaluate water conservation measures being implemented or advocated by the
8 following:

- 9 (1) Publicly owned and privately owned water supply systems.
- 10 (2) State agencies.
- 11 (3) Local governments.
- 12 (4) Business and industrial users of water.
- 13 (5) Environmental protection and natural resource advocacy groups.
- 14 (6) Electric utilities.
- 15 (7) Agricultural and horticultural users of water.
- 16 (8) Residential users of water.

17 **SECTION 5.(b)** The Department shall submit an interim report no later than
18 15 March 2003, and shall submit a final report no later than 15 February 2004, as to its
19 findings and recommendations to the Environmental Review Commission and the
20 Environmental Management Commission.

21 **SECTION 6.(a)** The North Carolina Utilities Commission shall include the
22 following additional items in the study it is presently conducting for the Commission on
23 the Future of Electric Service in North Carolina referred to as "Investigation of Green
24 Power and Public Benefit Fund Voluntary Check-Off Programs":

- 25 (1) Identification of funding mechanisms in addition to voluntary purchase
26 of green power blocks that would stimulate green power production in
27 the State.
- 28 (2) Identification of incentives in addition to funding mechanisms that
29 would stimulate green power production in the State.
- 30 (3) Identification of barriers that would impede green power production in
31 the State and strategies to address those barriers.
- 32 (4) Identification of appropriate methods of promoting the purchase of
33 green power by the various electric customer groups.
- 34 (5) Identification of methods whereby the State can provide incentives and
35 resources that would stimulate the production and use of green power
36 that would protect water quality; promote water conservation and
37 water reuse; protect air quality; protect public health, safety, welfare,
38 and the environment; and provide for the safe and efficient disposal of
39 animal waste in the State.

40 **SECTION 6.(b)** In making recommendations to address the additional items
41 listed in subsection (a) of this section, the North Carolina Utilities Commission shall
42 consider the impact of its recommendations on residential, commercial, and industrial
43 consumers of electricity in the State.

1 **SECTION 6.(c)** The North Carolina Utilities Commission shall make its
2 final report on its investigation of green power and public benefit fund voluntary
3 check-off programs, including the additional items set forth in subsection (a) of this
4 section, to the Commission on the Future of Electric Service in North Carolina and the
5 Environmental Review Commission not later than 15 March 2003. The delivery of this
6 report shall not preclude either of the receiving commissions from asking for additional
7 information or reports on these subjects.

8 **SECTION 7.** This act is effective when it becomes law.