

2008 Drought Legislation Overview

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Genesis of Legislation

- **Droughts:** 2002, 2007-2008
- **Result:** comprehensive legislation (S.L. 2008-143)

<http://www.ncleg.net/Sessions/2007/Bills/House/HTML/H2499v6.html>

- Conservation measures
- Increases Governor's emergency powers
- Mandates Water Shortage Response Plans, to be approved by N.C. Division of Water Resources

Overview: WHO

➤ Applies to:

1. Local government water systems
2. Large community water systems
 - a. At least 1,000 connections

OR

- b. Serving at least 3,000 people

- Definition includes non-profit water systems meeting “large community water systems” definition

Overview: WHEN

➤ July 1, 2009

1. Conservation measures *IF* applying for certain funds from state agencies
2. Required ordinance for separate irrigation meters

➤ July 1, 2010

1. Adequate rate structure provision → State Water Infrastructure Commission must formulate guidelines first

CONSERVATION MEASURES

§ 143-355.4(b)(2)-(7)

Must have BOTH conditions for these measures to apply:

- 1. Applying for funds from any of following programs:**
 - a. Drinking Water Revolving Fund (PWSS)
 - b. Drinking Water Reserve Fund (PWSS)
 - c. Supplemental Grants Program (N.C. Rural Center)
 - d. Economic Infrastructure Program (N.C. Rural Center)
 - e. CDBG water/sewer (N.C. Division of Community Assistance)

AND

- 2. For purpose of extending waterlines or expanding water treatment capacity**

CONSERVATION MEASURES

§ 143-355.4(b)(2)-(7)

1. Leak detection and repair program
2. Water Supply Plan/Water Shortage Response Plan
3. Meter all water use
4. No decreasing block rate structure for residential meters
5. Reclaimed water evaluation
6. Consumer education program

ORDINANCE REQUIREMENT

§ 143-355.4(a)

“Local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems that are connected to their systems.” (N.C. Gen. Stat. § 143-355.4(a))

ORDINANCE REQUIREMENT

§ 143-355.4(a)

Who does this requirement *NOT* apply to?

1. “Small” community water systems connecting to systems defined in the legislation, if those “small” community water systems do not meet the same threshold definition.
2. Irrigation systems installed before July 1, 2009.

ORDINANCE REQUIREMENT

§ 143-355.4(a)

When does the ordinance apply?

1. Is enforceable after the effective date of the ordinance
2. Any time, not just in times of drought

ORDINANCE REQUIREMENT

§ 143-355.4(a)

Local Policy Decisions

1. Mechanics

1. Split/separate tap?
2. Size of meter?
3. Require backflow devices, etc.?
4. Standards for materials?

2. Rates/fee structures

1. Classify users?
2. Billing software – is it capable?

3. Enforcement

1. Who will do installation?
2. Who will inspect?

4. Additional requirements (just examples)

1. Programmable controllers for irrigation frequency and intensity?
2. Rainfall sensors?