15A NCAC 02B .0301 is proposed for amendment as follows:

15A NCAC 02B .0301 CLASSIFICATIONS: GENERAL

(a) ~~Schedule of Classifications.~~ The classifications assigned to the waters of the State of North Carolina are set forth in ~~the schedules of classifications and water quality standards assigned to the waters of the river basins of North Carolina, 15A NCAC 2B .0302 to .0317.~~ river basin classification schedules provided on the Internet at http://portal.ncdenr.org/web/wq/ps/csu/classifications and in Rules .0302 to .0317 of this Section. These classifications are based upon ~~the existing or contemplated best usage of the various streams and segments of streams in the basin, as determined through studies and evaluations and the holding of public hearings for consideration of the classifications proposed.~~procedures described in Rule .0101 of this Subchapter.

~~(b) Stream Names. The names of the streams listed in the schedules of assigned classifications were taken as far as possible from United States Geological Survey topographic maps. Where topographic maps were unavailable, U.S. Corps of Engineers maps, U.S. Department of Agriculture soil maps, and North Carolina highway maps were used for the selection of stream names.~~

~~(c)~~(b) Classifications. The classifications assigned to the waters of North Carolina are denoted by the letters ~~WS-I, WS-II, WS-III, WS-IV, WS-V, B, C, SA, SB, and SC in the column headed "class."~~ C, B, WS-I, WS-II, WS-III, WS-IV, WS-V, WL, SC, SB, SA, SWL, Tr, Sw, NSW, ORW, HQW, and UWL. ~~A brief explanation of the "best usage" for which the waters in each class must be protected is given as follows:~~The "best usage", as defined in Rule .0202 of this Subchapter, for each classification is defined in the rules as follows:

~~Fresh Waters~~

~~Class WS-I: waters protected as water supplies which are in natural and undeveloped watersheds; in public ownership; point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter; local programs to control nonpoint source and stormwater discharge of pollution are required; suitable for all Class C uses;~~

~~Class WS-II: waters protected as water supplies which are generally in predominantly undeveloped watersheds; point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter; local programs to control nonpoint source and stormwater discharge of pollution are required; suitable for all Class C uses;~~

~~Class WS-III: waters protected as water supplies which are generally in low to moderately developed watersheds; point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter; local programs to control nonpoint source and stormwater discharge of pollution are required; suitable for all Class C uses;~~

~~Class WS-IV: waters protected as water supplies which are generally in moderately to highly developed watersheds; point source discharges of treated wastewater are permitted pursuant to Rules .0104 and .0211 of this Subchapter; local programs to control nonpoint source and stormwater discharge of pollution are required; suitable for all Class C uses;~~

Commented [A1]: All of (a) through (e) are streamlining and organizational updates, web links and new references.

Commented [A2]: Removed (b) because the authority is with USGS for naming streams.

Commented [A3]: All usage information moved to individual classification rules which are referenced below.

~~Class WS-V: waters protected as water supplies which are generally upstream and draining to Class WS-IV waters or waters previously used for drinking water supply purposes or waters used by industry to supply their employees, but not municipalities or counties, with a raw drinking water supply source, although this type of use is not restricted to a WS-V classification; no categorical restrictions on watershed development or treated wastewater discharges are required, however, the Commission or its designee may apply appropriate management requirements as deemed necessary for the protection of downstream receiving waters (15A NCAC 2B .0203); suitable for all Class C uses;~~

~~Class B: primary recreation and any other usage specified by the "C" classification;~~

~~Class C: aquatic life propagation and survival, fishing, wildlife, secondary recreation, and agriculture.~~

~~Tidal Salt Waters:~~

~~Class SA: shellfishing for market purposes and any other usage specified by the "SB" and "SC" classification;~~

~~Class SB: primary recreation and any other usage specified by the "SC" classification;~~

~~Class SC: aquatic life propagation and survival, fishing, wildlife, and secondary recreation.~~

~~Supplemental Classifications~~

~~Trout Waters: Suitable for natural trout propagation and maintenance of stocked trout;~~

~~Swamp Waters: Waters which have low velocities and other natural characteristics which are different from adjacent streams;~~

~~NSW: Nutrient Sensitive Waters which require limitations on nutrient inputs;~~

~~HQW: High Quality Waters which are waters that are rated as excellent based on biological and physical/chemical characteristics through division monitoring or special studies, native and special native trout waters (waters and their tributaries) designated by the Wildlife Resources Commission, primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas designated by the Wildlife Resources Commission, critical habitat areas designated by the Wildlife Resources Commission or the Department of Agriculture, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Environmental Management and all Class SA waters.~~

~~ORW: Outstanding Resource Waters which are unique and special waters of exceptional state or national recreational or ecological significance which require special protection to maintain existing uses.~~

~~FWS: Future Water Supply Waters which are waters intended for future drinking water supply purposes.~~

(1) Fresh Waters Classifications:

(A) Class C: Rule .0211 of this Subchapter;

Commented [A4]: Deleted obsolete terminology. Retained relevant language into .0224.

Commented [A5]: FWS deleted because not used.

(B) Class B: Rule .0219 of this Subchapter;
(C) Class WS-I (Water Supply): Rule .0212 of this Subchapter;
(D) Class WS-II (Water Supply): Rule .0214 of this Subchapter;
(E) Class WS-III (Water Supply): Rule .0215 of this Subchapter;
(F) Class WS-IV (Water Supply): Rule .0216 of this Subchapter;
(G) Class WS-V (Water Supply): Rule .0218 of this Subchapter; and
(H) Class WL (Wetlands): Rule .0231 of this Subchapter.

(2) Tidal Salt Waters Classifications:
(A) Class SC: Rule .0220 of this Subchapter;
(B) Class SB: Rule .0222 of this Subchapter;
(C) Class SA: Rule .0221 of this Subchapter; and
(D) Class SWL: Rule .0231 of this Subchapter.

(3) Supplemental Classifications:
(A) Class Tr (Trout Waters): Rule .0202 of this Subchapter;
(B) Class Sw (Swamp): Rule .0202 of this Subchapter;
(C) Class NSW (Nutrient Sensitive Waters): Rule .0223 of this Subchapter;
(D) Class ORW (Outstanding Resource Waters): Rule .0225 of this Subchapter;
(E) Class HQW (High Quality Waters): Rule .0224 of this Subchapter; and
(F) Class UWL (Unique Wetlands): Rule .0231 of this Subchapter.

~~(d)~~(c) Water Quality Standards. The water quality standards applicable to each classification assigned are those established in ~~15A NCAC 2B .0200, Classifications and Water Quality Standards Applicable to the Surface Waters of North Carolina, as adopted by the North Carolina Environmental Management Commission.~~ the rules of Section .0200 of this Subchapter.

~~(e) Index Number.~~

~~(1) Reading the Index Number. The index number appearing in the column so designated is an identification number assigned to each stream or segment of a stream, indicating the specific tributary progression between the main stem stream and the tributary stream.~~

~~(2) Cross-Referencing the Index Number. The inclusion of the index number in the schedule is to provide a cross reference between the classification schedules and an alphabetic list of streams.~~

(d) Index Number. The index number is an identification number assigned to each stream or segment of a stream, indicating the specific tributary progression between the main stem stream and tributary stream. The index number can be referenced to the Division's river basin classification schedules (hydrologic and alphabetic) for each river basin. The schedules are available online at http://portal.ncdenr.org/web/wq/ps/csu/classifications

~~(f)~~(e) Classification Date. The classification date indicates the date on which enforcement of the provisions of ~~Section 143-215.1 of the~~ General Statutes 143-215.1 ~~of North Carolina~~ became effective with reference to the classification assigned to the various streams in North Carolina.

~~(g) Reference. Copies of the schedules of classifications adopted and assigned to the waters of the various river basins may be obtained at no charge by writing to:~~

~~Director~~

~~Division of Environmental Management~~

~~Department of Environment, Health, and Natural Resources~~

~~Post Office Box 29535~~

~~Raleigh, North Carolina 27626-0535~~

~~(h) Places where the schedules may be inspected:~~

~~Division of State Library~~

~~Archives - State Library Building~~

~~109 E. Jones Street~~

~~Raleigh, North Carolina.~~

~~(i)~~(f) Unnamed Streams.

(1) Any stream ~~which~~ that is not ~~named~~ listed in ~~the~~ ~~schedule of stream classifications~~ a river basin classification schedule carries the same classification as that assigned to the stream segment to which it is tributary except:

~~(A) unnamed streams specifically described in the schedule of classifications; or~~

~~(B)~~(A) unnamed freshwaters tributary to tidal saltwaters will be classified "C"; or

~~(C)~~(B) after November 1, 1986, any ~~newly~~ ~~created~~ areas of tidal saltwater created by approved dredging projects and ~~which are~~ connected to Class SA waters ~~by approved dredging projects~~ will be classified "SC" unless case-by-case reclassification proceedings are ~~conducted.~~ conducted per Rule .0101 of this Subchapter.

(2) The following river basins have different policies for unnamed streams entering other states or for specific areas of the basin:

~~Hiwassee River Basin (Rule .0302); Little Tennessee River Basin and Savannah River Drainage Area (Rule .0303); French Broad River Basin (Rule .0304); Watauga River Basin (Rule .0305); Broad River Basin (Rule .0306); New River Basin (Rule .0307); Catawba River Basin (Rule .0308); Yadkin-Pee Dee River Basin (Rule .0309); Lumber River Basin (Rule .0310); Roanoke River Basin (Rule .0313); Tar-Pamlico River Basin (Rule .0316); Pasquotank River Basin (Rule .0317).~~

(A) Hiwassee River Basin (Rule .0302 of this Section);

(B) Little Tennessee River Basin and Savannah River Drainage Area (Rule .0303 of this Section);

(C) French Broad River Basin (Rule .0304 of this Section);

(D) Watauga River Basin (Rule .0305 of this Section);

(E) Broad River Basin (Rule .0306 of this Section);

(F) New River Basin (Rule .0307 of this Section);

Commented [A6]: Removed (A) because it is covered in (1). Other changes are for clarity and references. No substantive changes.

Commented [A7]: November 1, 1986 was the exception provided by the coastal stormwater rules. Removing it creates anti-degradation issues.

Commented [A8]: Format changes only.

(G) Catawba River Basin (Rule .0308 of this Section);
(H) Yadkin-Pee Dee River Basin (Rule .0309 of this Section);
(I) Lumber River Basin (Rule .0310 of this Section);
(J) Roanoke River Basin (Rule .0313 of this Section);
(K) Tar-Pamlico River Basin (Rule .0316 of this Section); and
(L) Pasquotank River Basin (Rule .0317 of this Section).

History Note: *Authority G.S. 143-214.1; 143-214.5; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. August 1, 1995; August 3, 1992; August 1, 1990; October 1, 1989.

15A NCAC 02B .0302 is proposed for amendment as follows

15A NCAC 02B .0302 HIWASSEE RIVER BASIN

(a) ~~Places where the schedule may be inspected:~~Classifications assigned to the waters within the Hiwassee River Basin are set forth in the Hiwassee River Basin Classification Schedule, which may be inspected at the following places:

(1) ~~Clerk of Court:~~

~~Cherokee County~~

~~Clay County;~~ the Internet at http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment, Health, and Natural Resources~~ Environmental Quality

(A) Asheville Regional Office ~~Interchange Building~~

~~59 Woodfin Place~~2090 US 70

~~Asheville, North Carolina.~~Swannanoa, North Carolina; and

(B) Division of Water Resources

Central Office

512 North Salisbury Street

Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Georgia or Tennessee shall be classified "C Tr."

(c) The Hiwassee River Basin ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) August 9, 1981;

(2) February 1, 1986;

(3) March 1, 1989;

(4) August 1, 1990;

(5) August 3, 1992;

(6) July 1, 1995;

(7) August 1, 2002.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Hiwassee River Basin Classification Schedule was amended effective March 1, 1989 as follows:

(1) Fires Creek (Index No. 1-27) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.

(2) Gipp Creek (Index No. 1-52-23) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Hiwassee River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to

Commented [A1]: Streamlining and address updates. No substantive changes.

their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Hiwassee River Basin Classification Schedule was amended effective July 1, 1995 with the reclassification of the Hiwassee River [Index Nos. 1-(42.7) and 1-(48.5)] from McComb Branch to the Town of Murphy water supply intake including tributaries from Classes WS-IV and WS-IV CA to Classes WS-IV, WS-IV CA, WS-V and C.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Hiwassee River Basin Classification Schedule was amended effective August 1, 2002 with the reclassification of the Hiwassee River [portion of Index No. 1-(16.5)] from a point 1.2 mile upstream of mouth of McComb Branch to a point 0.6 mile upstream of McComb Branch (Town of Murphy proposed water supply intake) from Class WS-IV to Class WS-IV CA.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. August 1, 2002; July 1, 1995; August 3, 1992; August 1, 1990; March 1, 1989.

15A NCAC 02B .0303 is proposed for amendment as follows:

15A NCAC 02B .0303 LITTLE TENNESSEE RIVER BASIN AND SAVANNAH RIVER DRAINAGE AREA

(a) ~~The~~ Classifications assigned to the waters within the Little Tennessee River Basin and Savannah River Drainage Area ~~Schedule of Classifications and Water Quality Standards~~ are set forth in the Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North ~~Carolina~~Carolina;and

(B) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Georgia or Tennessee shall be classified "C Tr." Such streams in the Savannah River drainage area entering South Carolina shall be classified "B Tr."

(c) The Little Tennessee River Basin and Savannah River Drainage Area ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) February 16, 1977;
(2) March 1, 1977;
(3) July 13, 1980;
(4) February 1, 1986;
(5) October 1, 1987;
(6) March 1, 1989;
(7) January 1, 1990;
(8) July 1, 1990;
(9) August 1, 1990;
(10) March 1, 1991;
(11) August 3, 1992;
(12) February 1, 1993;
(13) August 1, 1994;
(14) September 1, 1996;
(15) August 1, 1998;
(16) August 1, 2000;
(17) April 1, 2003;

Commented [A1]: Streamlining and address updates. No substantive changes.

(18) January 1, 2007;

(19) November 1, 2007;

(20) July 1, 2009.

(d) The ~~Schedule of Classifications of Water Quality Standards for the~~ Little Tennessee Basin and Savannah River Drainage Area Classification Schedule was amended effective March 1, 1989 as follows:

(1) Nantahala River (Index No. 2-57) from source to the backwaters of Nantahala Lake and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW.

(2) Chattooga River (Index No. 3) including Scotsman Creek, Overflow Creek, Big Creek, Talley Mill Creek and all tributary waters were reclassified from Class B-trout, Class C-trout and Class C to Class B-trout ORW, Class C-trout ORW and Class C ORW and Clear Creek and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and Class B.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective January 1, 1990 as follows:

(1) North Fork Coweeta Creek (Index No. 2-10-4) and Falls Branch (Index No. 2-10-4-1) were reclassified from Class C to Class B.

(2) Burningtown Creek (Index No. 2-38) was reclassified from C-trout to B-trout.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective July 1, 1990 by the reclassification of Alarka Creek (Index No. 2-69) from source to Upper Long Creek (Index No. 2-69-2) including all tributaries from Classes C and C Tr to Classes C HQW and C Tr HQW.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective March 1, 1991 as follows:

(1) Cartoogechaye Creek [Index Nos. 2-19-(1) and 2-19-(16)] from Gibson Cove Branch to bridge at U.S. Hwy. 23 and 441 and from the bridge at U.S. Hwy. 23 and 441 to the Little Tennessee River was reclassified from Classes WS-III Tr and C Tr to Classes WS-III and B Tr and B Tr respectively.

(2) Coweeta Creek (Index Nos. 2-10) from its source to the Little Tennessee River including all tributaries except Dryman Fork (Index No. 2-10-3) and North Fork Coweeta Creek (Index No. 2-10-4) was reclassified from Classes C and C Tr to Classes B and B Tr.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule has been amended effective February 1, 1993 as follows:

(1) Bearwallow Creek from its source to 2.3 miles upstream of the Toxaway River [Index No. 4-7-(1)] was revised to indicate the application of an additional management strategy ~~(referencing 15A NCAC 02B .0201(d))~~(.0201(d) of this Subchapter) to protect downstream waters; and

(2) the Tuckaseegee River from its source to Tennessee Creek [Index No. 2-79-(0.5)] including all tributaries was reclassified from Classes WS-III&B Tr HQW, WS-III HQW and WS-III to Classes WS-III Tr ORW and WS-III ORW.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective August 1, 1994 with the reclassification of Deep Creek [Index Nos. 2-79-63-(1) and 2-79-63-(16)] from its source to the Great Smokey Mountains National Park Boundary including tributaries from Classes C Tr, B Tr and C Tr HQW to Classes WS-II Tr and WS-II Tr CA.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective September 1, 1996 as follows:

(1) Deep Creek from the Great Smoky Mountains National Park Boundary to the Tuckasegee River [Index no. 2-79-63-(21)] was reclassified from Class C Tr to Class B Tr; and

(2) the Tuckasegee River from the West Fork Tuckasegee River to Savannah Creek and from Macks Town Branch to Cochran Branch [Index Nos. 2-79-(24), 2-79(29.5) and 2-79-(38)] was reclassified from Classes WS-III Tr, WS-III Tr CA and C to Classes WS-III&B Tr, WS-III&B Tr CA and B.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective August 1, 1998 with the reclassifications of Thorpe Reservoir (Lake Glenville), Hurricane Creek, and Laurel Branch [Index Nos. 2-79-23-(1), 2 -79-23-2, and 2-79-23-2-1 respectively] from classes WS-III&B, WS-III Tr and WS-III to classes WS-III&B HQW, WS-III Tr HQW, and WS-III HQW.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended August 1, 2000 with the reclassification of Wesser Creek [Index No. 2-79-52-5-1] from its source to Williams Branch from Class C to Class C Tr.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended April 1, 2003 with the reclassification of a portion of the Little Tennessee River [Index No. 2-(1)] from a point 0.4 mile upstream of N.C. Highway 28 to Nantahala River Arm of Fontana Lake from Class C to Class B.

(o) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended January 1, 2007 with the reclassification of the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks, [Index Nos. 2-96 through 2-164 (excluding all waterbodies that drain to the south shore of Fontana Lake)] from Class B, C Tr, WS-IV Tr CA, WS-IV Tr, and WS-IV & B CA to Class B ORW, C Tr ORW, WS-IV Tr

ORW CA, WS-IV Tr ORW, and WS-IV & B ORW CA, respectively. Additional site-specific management strategies are outlined in ~~Rule 15A NCAC 02B .0225(e)(12).~~Rule .0225(e)(12) of this Subchapter.

(p) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended effective November 1, 2007 with the reclassification of Richland Balsam Seep near Beechflat Creek [Index No. 2-79-28-3-2] to Class WL ~~UWL as defined in 15A NCAC 02B. 0101.~~ UWL. The Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of the UWL.

(q) The ~~Schedule of Classifications and Water Quality Standards for the~~ Little Tennessee River Basin and Savannah River Drainage Area Classification Schedule was amended July 1, 2009 with the reclassification of the watershed of the lower portion of the Horsepasture River [portion of Index Number 4-13-(12.5)] from a point approximately 0.60 miles downstream of N.C. 281 (Bohaynee Road) to the NC-SC state line from Class B Tr to Class B Tr ORW, and the watershed of the upper portion of the Horsepasture River [Index Number 4-13-(0.5) and a portion of Index Number 4-13-(12.5)] from source to a point approximately 0.60 miles downstream of N.C. 281 (Bohaynee Road) to include only the ORW management strategy as represented by "+". The "+" symbol as used in this paragraph means that all undesignated waterbodies that are located within the watershed of the upper portion of Horsepasture River shall comply with ~~Paragraph (c) of Rule .0225~~ Rule .0225(c) of this Subchapter in order to protect the designated waters as per Rule .0203 of this Subchapter and to protect outstanding resource values found throughout the entire Horsepasture River watershed. Site-specific management strategies are outlined in ~~15A NCAC 02B .0225(e)(13).~~Rule .0225(e)(13) of this Subchapter.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); S.L. 2005-97;*
Eff. February 1, 1976;
Amended Eff. July 1, 2009; November 1, 2007; January 1, 2007; April 1, 2003; August 1, 2000; August 1, 1998; September 1, 1996; August 1, 1994; February 1, 1993; August 3, 1992; March 1, 1991.

15A NCAC 02B .0304 is proposed for amendment as follows:

15A NCAC 02B .0304 FRENCH BROAD RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the French Broad River Basin are set forth in the French Broad River Basin ~~Schedule of Classifications and Water Quality Standards,~~ Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North ~~Carolina~~Carolina; and

(B) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Tennessee are classified "B."

(c) The French Broad River Basin ~~Schedule of Classifications and Water Quality Standards~~Classification Schedule was amended effective:

(1) September 22, 1976;
(2) March 1, 1977;
(3) August 12, 1979;
(4) April 1, 1983;
(5) August 1, 1984;
(6) August 1, 1985;
(7) February 1, 1986;
(8) May 1, 1987;
(9) August 1, 1990.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective March 1, 1989 as follows:

(1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and Class C to Class C-trout ORW and Class C ORW.
(2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowlens Creek and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

Commented [A1]: Streamlining and address updates. No substantive changes.

Commented [A2]: Information removed because language is in history note.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100,-.0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended April 1, 1996 with the reclassification of the French Broad River [Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS-III CA (Critical Area).

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended August 1, 1998 with the revision to the primary classification for portions of the French Broad River [Index No. 6-(38.5)] and the North Toe River 7-2-(10.5) from Class IV to Class C.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended August 1, 1998 with the reclassification of Clear Creek [Index No. 6-55-(1)] from its source to Lewis Creek from Class C Tr to Class B Tr.

(o) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended August 1, 2000 with the reclassification of Rough Creek [Index No. 5-8-4-(1)], including all tributaries, from its source to the Canton Reservoir from Class WS-I to Class WS-I Tr ORW.

(p) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended August 1, 2002 with the revision to the primary classification for the French Broad River [Index No. 6-(1), 6-(27), 6-(47.5), 6-(52.5), and 6-(54.5)] including its four headwater forks' mainstems, watershed of tributary Davidson River, and watershed of tributary Bent Creek below Powhatan Dam, and the Nolichucky River [Index No. 7] including a lower portion of the North Toe River from Class C and Class WS-IV to Class B.

(q) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended August 1, 2002 with the reclassification of the North Toe River [Index No. 7-2-(0.5)], including all tributaries, from source to a point 0.2 mile upstream of Pyatt Creek, from Class C Tr to Class WS-V Tr.

(r) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended September 1, 2004 with the reclassification of a portion of Richland Creek [Index No. 5-16(1)], from source to a point approximately 11.2 miles from source (Boyd Avenue), from Class B to Class B Tr, and all tributaries to the portion of the creek referenced in this Paragraph from C, C HQW, and WS-I HQW, and WS-I HQW to C Tr, C HQW Tr, and WS-I HQW Tr, respectively, except Hyatt Creek [Index No. 5-16-6], Farmer Branch [Index No. 5-16-11], and tributaries already classified as Tr.

(s) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective November 1, 2007 with the reclassification of McClure's Bog near Gash Creek [Index No. 6-47] to Class WL ~~UWL as defined in 15A NCAC 02B .0101.Rule .0202 of this Subchapter~~ UWL. The North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of the UWL.

(t) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective September 1, 2009 with the reclassification of the entire watershed of Big Laurel Creek (Index No. 6-112) from source to the French Broad River from Class C Tr to Class C ORW Tr.

(u) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule was amended effective September 1, 2009 with the reclassification of the entire watershed of Spring Creek [Index No. 6-118-(1) and 6-118-(27)] from source to the French Broad River from Class C Tr and Class C to Class C ORW Tr and Class C ORW.

(v) The ~~Schedule of Classifications and Water Quality Standards for the~~ French Broad River Basin Classification Schedule is amended December 1, 2011 with the reclassification of a portion of the French Broad River [Index No. 6-

(54.5)] from the confluence of the Mills River to a point 0.2 miles downstream of the confluence of the Mills River from Class B to Class WS-IV&B CA.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. December 1, 2011; September 1, 2009; November 1, 2007; September 1, 2004; August 1, 2002; August 1, 2000; August 1, 1998; April 1, 1996; January 1, 1996; November 1, 1995; July 1, 1995.

15A NCAC 02B .0305 is proposed for amendment as follows:

15A NCAC 02B .0305 WATAUGA RIVER BASIN

(a) ~~The Watauga River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~ Classifications assigned to the waters within the Watauga River Basin are set forth in the Watauga River Basin Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Asheville Regional Office
2090 US Highway 70
Swannanoa, ~~Carolina~~Carolina;

~~(B) Division of Water Quality~~
~~Central Office~~
~~512 North Salisbury Street~~
~~Raleigh, North Carolina.~~

(B) Winston-Salem Regional Office
450 West Hanes Mill Road
Winston-Salem, North Carolina; and

(C) Division of Water Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The Watauga River Basin ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) August 12, 1979;
(2) February 1, 1986;
(3) October 1, 1987;
(4) August 1, 1989;
(5) August 1, 1990;
(6) December 1, 1990;
(7) April 1, 1992;
(8) August 3, 1992;
(9) February 1, 1993;
(10) April 1, 1994;
(11) August 1, 1998;

Commented [A1]: Streamlining and address updates. No substantive changes.

(12) November 1, 2007.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule was amended effective July 1, 1989 as follows:

(1) Dutch Creek (Index No. 8-11) was reclassified from Class C-trout to Class B-trout.

(2) Pond Creek (Index No. 8-20-2) from water supply intake (located just above Tamarack Road) to Beech Creek and all tributary waters were reclassified from Class WS-III to C.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule was amended effective December 1, 1990 with the reclassification of the Watauga River from the US Highway 321 bridge to the North Carolina/Tennessee state line from Class C to Class B.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule was amended effective April 1, 1992 with the reclassification of Pond Creek from Classes WS-III and C to Classes WS-III Trout and C Trout.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule ~~has been~~ was amended effective February 1, 1993 with the reclassification of Boone Fork (Index No. 8-7) and all tributary waters from Classes C Tr HQW and C HQW to Classes C Tr ORW and C ORW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule ~~has been~~ was amended effective April 1, 1994 with the reclassification of the Elk River from Peavine Branch to the North Carolina/Tennessee state line [Index No. 8-22-(3)] from Class C Tr to Class B Tr.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule ~~has been~~ was amended effective August 1, 1998 with the reclassification of East Fork Pond Creek from its source to the backwater of Santis Lake, [Index No. 8-20-2-1.5] from Class WS-II Tr to Class WS-III Tr; the reclassification of West Fork Pond Creek (Santis Lake) [Index No. 8-20-2-1-(2)] from the backwaters of Santis Lake to Pond Creek from WS-II Tr CA to WS-III Tr CA; and the reclassification of the connecting stream of Lake Coffey [Index No. 8-20-2-2] from the dam at Lake Coffey to Pond Creek from WS-II Tr CA to C Tr.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Watauga River Basin Classification Schedule ~~has been~~ was amended effective November 1, 2007 with the reclassification of the Beech Creek Bog near Beech Creek [Index No. 8-20] to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this SubChapter~~UWL. The North Carolina Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of the UWL.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. November 1, 2007; August 1, 1998; April 1, 1994; February 1, 1993; August 3, 1992;
April 1, 1992.

15A NCAC 02B .0306 is proposed for amendment as follows:

15A NCAC 02B .0306 BROAD RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the Broad River Basin are set forth in the Broad River Basin ~~Schedule of Classifications and Water Quality Standards,~~Classification Schedule, which may be inspected at the following places:

(1) the Internet at http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Mooresville Regional Office
610 East Center Avenue
Suite 301
Mooresville, North ~~Carolina~~ Carolina;

(B) Asheville Regional Office
2090 US Highway 70
Swannanoa, North ~~Carolina.~~Carolina; and

(C) Division of Water Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C."

(c) The Broad River Basin ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977;

(2) February 12, 1979;

(3) August 12, 1979;

(4) April 1, 1983;

(5) February 1, 1986.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules (15A NCAC 02B .0100, .0200 and 0300), which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective September 1, 1994 with the reclassification of the Second Broad River [Index No. 9-41-(0.5)] from its

Commented [A1]: Streamlining and address updates. No substantive changes.

source to Roberson Creek including associated tributaries was reclassified from Class WS-V to Classes WS-V, WS-IV and WS-IV CA.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for portions of the Broad River [Index No. 9-(23.5)] from Class WS-IV to Class C and Second Broad River [Index Nos. 9-41-(10.5) and 9-41-(14.5)] and First Broad River [Index No. 9-50-(11)] from Class WS-IV to Class WS-V.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended August 1, 2000 with the reclassification of the Green River [Index No. 9-29-(1)], including all tributaries, from its source to its mouth in Lake Summit at elevation 2011 from Class C Tr to Class B Tr.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective August 1, 2000 with the reclassification of Lake Montonia [Index No. 9-54-1-(1)], and all tributaries, from Class B to Class B HQW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective April 1, 2001 with the reclassification of the Green River [Index No. 9-29-(1)], including all tributaries, from its source to the downstream side of the mouth of Rock Creek from Class B Tr to Class B Tr HQW.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective March 1, 2007 with the reclassification of the North Fork First Broad River (Index No. 9-50-4), including all tributaries, from its source to the First Broad River from Class C Tr to Class C Tr ORW.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective March 1, 2007 with the reclassification of a segment of the Broad River [Index No. 9-(25.5)] from a point 0.5 mile upstream of the City of Shelby proposed water supply intake to the City of Shelby proposed water supply intake from Class C to Class WS-IV CA, and from a point 0.5 mile upstream of the City of Shelby proposed water supply intake to a point approximately 0.3 mile downstream of its confluence with Cane Creek from Class C to Class WS-IV. The City of Shelby proposed water supply intake is to be placed on the Broad River at a point approximately one mile upstream of its confluence with the First Broad River.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin Classification Schedule was amended effective March 1, 2007 with the reclassification of a segment of the Broad River [Index No. 9-(25.5)] from a point 0.5 mile upstream of the Town of Forest City proposed water supply intake to the Town of Forest City proposed water supply intake from Class C to Class WS-IV CA, and from a point 0.5 mile upstream of the Town of Forest City proposed water supply intake to a point approximately 0.2 mile downstream of Rutherford County SR 1145 (Town of Rutherfordton water supply intake) from Class C to Class WS-IV. The Town of Forest City proposed water supply intake is to be placed on the Broad River at a point approximately 0.4 mile downstream of McKinney Creek.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ Broad River Basin was Classification Schedule amended effective September 1, 2014, in order to allow a water supply intake to be placed in Lake Adger by Polk County, as follows:

(1) a portion of the Green River [Index No. 9-29-(33)], including tributaries, from the dam at Lake Adger to a point 0.35 mile downstream of Rash Creek from Class C to Class WS-IV CA. The CA extends 0.5 mile from and draining to the normal pool elevation of Lake Adger.

(2) a portion of the Green River from a point 0.35 mile [Index No. 9-29-(33)], including tributaries, downstream of Rash Creek to a point 300 feet downstream of Laurel Branch from Class C to Class WS-IV. The PA extends 5.0 miles from and draining to the normal pool elevation of Lake Adger.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. September 1, 2014; March 1, 2007; April 1, 2001; August 1, 2000; August 1, 1998; September 1, 1994; August 3, 1992; February 1, 1986; January 1, 1985.

15A NCAC 02B .0307 is proposed for amendment as follows:

15A NCAC 02B .0307 NEW RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the New River Basin are set forth in the New River Basin ~~Schedule of Classifications and Water Quality Standards,~~ Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://portal.ncdenr.org/web/wq/ps/csu/rules;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina;

(B) Winston-Salem Regional Office
~~585 Waughtown Street~~450 West Hanes Mill Road
Winston-Salem, North Carolina; and

(C) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The New River Basin ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) August 10, 1980 (see Paragraph (d) of this Rule);
(2) April 1, 1983 (see Paragraph (e) of this Rule);
(3) February 1, 1986 (see Paragraph (f) of this Rule);
(4) August 1, 1989 (see Paragraph (g) of this Rule);
(5) August 1, 1990 (see Paragraph (h) of this Rule);
(6) August 3, 1992 (see Paragraph (i) of this Rule);
(7) February 1, 1993 (see Paragraph (j) of this Rule);
(8) August 1, 1998 (see Paragraph (k) of this Rule);
(9) November 1, 2007 (see Paragraph (l) of this Rule);
(10) December 1, 2010 (see Paragraph (m) of this Rule); and
(11) July 3, 2012 (see Paragraph (n) of this Rule).

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective August 10, 1980 as follows:

(1) South Fork New River [Index No. 10-1-(1)] from the confluence of the Middle Fork South Fork New River and the East Fork South Fork New River to Winkler Creek was reclassified from Class C to Class A-II;

Commented [A1]: Streamlining and address updates. No substantive changes.

(2) Middle Fork South Fork New River [Index Nos. 10-1-2-(6) and 10-1-2-(14)] from Brown Branch to the South Fork New River was reclassified from Class C and C Trout to Class A-II and A-II Trout;

(3) East Fork South Fork New River [Index Nos. 10-1-3-(1) and 10-1-3-(7)] was reclassified from Class C and C Trout to Class A-II and A-II Trout; and

(4) Winkler Creek [Index No. 10-1-4-(2) from Boone water supply intake dam to Watauga County SR 1549 and Flannery Fork [Index No. 10-1-4-3-(2)] from the dam at Camp Sky Ranch Bathing Lake to Winkler Creek were reclassified from Class C Trout to Class A-II Trout.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective April 1, 1983 as follows: Naked Creek [Index No. 10-1-32] was reclassified from Class C Trout to Class C.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective February 1, 1986 with the reclassification of all Class A-I and A-II streams to Class WS-I and WS-III in the New River Basin.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective August 1, 1989 as follows: South Fork New River [Index No. 10-1-(30)] from Dog Creek to New River and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and B.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective August 1, 1990 as follows:

(1) New River [Index No. 10] from the confluence of the North and South Forks New River to the last point at which the New River crosses the North Carolina/Virginia State line was reclassified from Class C to Class C HQW;

(2) South Fork New River [Index Nos. 10-1-(14.5), 10-1-(26), 10-1-(30), and 10-1-(33.5)] from Elk Creek to the confluence of the New River and North Fork New River was reclassified from Class C, B and WS-III to Class C HQW, B HQW and WS-III HQW;

(3) Howard Creek [Index Nos. 10-1-9-(1) and 10-1-9-(6)] from source to the South Fork New River was reclassified from Class WS-III Trout and C Trout to Class WS-III Trout HQW and C Trout HQW;

(4) Big Horse Creek [Index No. 10-2-21-(5.5)] from North Carolina/Virginia State line to lower Ashe County SR 1361 bridge was reclassified from Class C Trout to Class C Trout HQW; and

(5) Little River [Index No. 10-9-(11.5)] from N.C. Hwy. 18 bridge to the North Carolina/Virginia State line was reclassified from Class C to Class C HQW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to

a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective February 1, 1993 as follows:

(1) the South Fork New River (Index No. 10-1-33.5) from Dog Creek to the New River was reclassified from Class B HQW to Class B ORW;

(2) the New River (Index No. 10) from the confluence of the North And South Fork New Rivers to the last point at which it crosses the North Carolina/Virginia State line was reclassified from Class C HQW to Class C ORW; and

(3) Old Field Creek (Index No. 10-1-22) from Call Creek to the South Fork New River, and Call Creek (Index No. 10-1-22-1) from its source to Old Field Creek were reclassified from Class WS-IV Trout to Class WS-IV Trout ORW.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for a portion of the South Fork New River [Index No. 10-1 (20.5)] from Class WS-IV to Class WS-V.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective November 1, 2007 with the reclassification of Bluff Mountain Fen near Buffalo Creek [Index No. 10-2-20] to Class WL ~~UWL as defined in 15A NCAC 02B .0101.Rule .0202 of this Subchapter~~UWL. The North Carolina Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of the UWL.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective December 1, 2010 with the reclassification of the North Fork New River [Index Nos. 10-2-(1), 10-2-(12)] and its tributaries from C+, C+ Trout and C Trout HQW to C ORW and C Trout ORW with the exception of the following:

(1) Index Nos. 10-2-21-9, 10-2-21-(8), 10-2-(11) and 10-2-20 were reclassified from C+ and C Trout + to C HQW and C Trout HQW; and

(2) Little Buffalo Creek and Claybank Creek (Index Nos. 10-2-20-1 and 10-2-20-1-1) did not qualify for the ORW or HQW designation; however, these waters shall be managed in the same way as the downstream designated HQW areas.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ New River Basin Classification Schedule was amended effective July 3, 2012 as follows:

(1) the portion of the South Fork New River [Index No. 10-1-(14.5)] from the Town of Boone's intake, located nearly 0.5 miles upstream of SR 1100, to 875 feet downstream of SR 1351 from C HQW to WS-IV CA HQW;

(2) the portion of the South Fork New River [Index No. 10-1-(14.5)] from 875 feet downstream of SR 1351 to Elk Creek from C HQW to WS-IV HQW; and

(3) the portion of the South Fork New River [Index No. 10-1-(3.5)] from Elk Creek to 1.75 miles upstream of SR 1351 from C+ to WS-IV +.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. July 3, 2012; December 1, 2010; November 1, 2007; August 1, 1998; February 1, 1993; August 3, 1992; August 1, 1990; August 1, 1989.

15A NCAC 02B .0308 is proposed for amendment as follows:

15A NCAC 02B .0308 CATAWBA RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the Catawba River Basin are set forth in the Catawba River Basin ~~Schedule of Classifications and Water Quality Standards,~~ Classification Schedule, which may be inspected at the following places:

(1) the Internet at https://deq.nc.gov/river-basin-classification-schedule; and

(2) the North Carolina Department of Environmental Quality:

(A) Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, North Carolina;

(B) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina; and

(C) Division of Water Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C."

(c) The Catawba River Basin ~~Schedule of Classifications and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977 (see Paragraph (d) of this Rule);
(2) August 12, 1979 (see Paragraph (e) of this Rule);
(3) April 1, 1982 (see Paragraph (f) of this Rule; Rule);
(4) January 1, 1985 (see Paragraph (g) of this Rule);
(5) August 1, 1985 (see Paragraph (h) of this Rule);
(6) February 1, 1986 (see Paragraph (i) of this Rule);
(7) March 1, 1989 (see Paragraph (j) of this Rule);
(8) May 1, 1989 (see Paragraph (k) of this Rule);
(9) March 1, 1990 (see Paragraph (l) of this Rule);
(10) August 1, 1990 (see Paragraph (m) of this Rule);
(11) August 3, 1992 (see Paragraph (n) of this Rule);
(12) April 1, 1994 (see Paragraph (o) of this Rule);
(13) July 1, 1995 (see Paragraph (p) of this Rule);
(14) September 1, 1996 (see Paragraph (q) of this Rule);
(15) August 1, 1998 (see Paragraph (r) of this Rule);
(16) April 1, 1999 (see Paragraph (s) of this Rule);
(17) August 1, 2000 (see Paragraph (t) of this Rule);

Commented [A1]: Streamlining and address updates. No substantive changes.

(18) August 1, 2004 (see Paragraph (u) of this Rule);
(19) May 1, 2007 (see Paragraph (v) of this Rule);
(20) September 1, 2010 (see Paragraph (w) of this Rule);
(21) March 1, 2013 (see Paragraph (x) of this Rule); and
(22) July 1, 2017 (see Paragraph (y) of this Rule).

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective March 1, 1977 as follows:

(1) Torrence Branch (Index No. 11-136) from source to North Carolina-South Carolina State Line was reclassified from Class D to Class B; and
(2) Edwards Branch (Index No. 11-137-8-2-1) from source to Brier Creek was reclassified from Class D to Class C.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective August 12, 1979 as follows: Unnamed Tributary to Lower Little River (Robinette Creek) (Index No. 11-69-1.5) from source to Lower Little River was reclassified from Class C to Class B.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective April 1, 1982 as follows:

(1) Spainhour Creek (Index No. 11-39-3) from source to Lower Creek was reclassified from Class C (1) to Class C; and
(2) Allen Creek (Index No. 11-129-5-7-2-4) from source to Maiden Creek was reclassified from Class C to Class A-II.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective January 1, 1985 as follows: Catawba Creek from source to N.C. Highway 275 was reclassified from Class C(1) to Class C.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective August 1, 1985 as follows:

(1) Brier Creek (Index No. 11-137-8-2) from source to Little Sugar Creek was reclassified from Class C (1) to Class C;
(2) Little Hope Creek (Index No. 11-137-8-3) from source to Little Sugar Creek was reclassified from Class C (1) to Class C; and
(3) McMullen Creek (Index No. 11-137-9-5) from source to N.C. Highway 16 was reclassified from Class C (1) to Class C.

(i) The ~~Schedule of Classification and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective February 1, 1986 with the reclassification of all A-I and A-II streams to WS-I and WS-III in the Catawba River Basin.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective March 1, 1989 as follows:

Wilson Creek (Index No. 11-38-34) and all tributary waters were reclassified from Class B-trout and Class C-trout to Class B-trout ORW and Class C-trout ORW.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective May 1, 1989 as follows:

(1) Henry Fork [Index Nos. 11-129-1-(1) and 11-129-1-(2)] from source to Laurel Creek, including all tributaries, were reclassified from Class WS-I, C and C trout to Class WS-I ORW, C ORW and C trout ORW, except Ivy Creek and Rock Creek which will remain Class C trout and Class C; and

(2) Jacob Fork [Index Nos. 11-129-2-(1) and 11-129-2-(4)] from source to Camp Creek, including all tributaries, were reclassified from Class WS-III trout and WS-III to WS-III trout ORW and WS-III ORW.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective March 1, 1990 as follows:

(1) Upper Creek [Index No. 11-35-2-(1)] from source to Timbered Branch including all tributaries except Timbered Branch (Index No. 11-35-2-9) was reclassified from Class C Trout to Class C Trout ORW; and

(2) Steels Creek [Index No. 11-35-2-12(1)] from source to Little Fork and all tributaries was reclassified from Class C Trout to Class C Trout ORW.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective August 1, 1990 as follows:

(1) The classification for the portion of Mackey Creek [Index No. 11-15-(2)] from Marion Water Supply Intake to Laurel Fork was reclassified from Class C to Class C HQW;

(2) Laurel Fork Creek [Index No. 11-15-3] from source to Mackey Creek was reclassified from Class C Tr to Class C Tr HQW;

(3) Armstrong Creek [Index No. 11-24-14-(1)] from source to Bee Rock Creek was reclassified from Class WS-III Tr to Class WS-III Tr HQW;

(4) Two segments of Linville River [Index Nos. 11-29-(16) and 11-29-(19)] were reclassified from Class B Tr and Class B to Class B Tr HQW and Class B HQW, respectively;

(5) Upper Creek [Index No. 11-35-2-(8.5)] and its named tributaries were reclassified from Class C Tr to Class C Tr HQW;

(6) Upper Creek (Clear Water Beach Lake) [Index No. 11-35-2-(10)] from Holly Spring Branch to Dam Clear Water Beach Lake was reclassified from Class B Tr to Class B Tr HQW;

(7) Holly Spring Branch [Index No. 11-35-2-11] from source to Upper Creek was reclassified from Class C Tr to Class Tr HQW;

(8) Steels Creek [Index No. 11-35-2-12-(5)] from Little Fork to a point 1.7 miles upstream from N.C. Highway 181 Bridge was reclassified from Class B Tr to Class B Tr HQW and Steels Creek [Index No. 11-35-2-12-(7)] from a point 1.7 miles upstream from N.C. Highway 181 bridge to Clear Water Beach Lake, Upper Creek was reclassified from Class B to Class B HQW;

(9) Upper Creek [Index No. 11-35-2-(13)] from Dam at Clear Water Beach Lake to Warrior Fork was reclassified from Class WS-III Tr to Class WS-III Tr HQW;

(10) The portion of Johns River [Index No. 11-38-(28)] from Wilson Creek to Rhodhiss Lake, Catawba River was reclassified from Class C to Class C HQW;

(11) Mulberry Creek [Index No. 11-38-32-(1)] from source to Boone Fork and its tributaries Left Fork Mulberry Creek [Index No. 11-38-32-2], Right Fork Mulberry Creek [Index No. 11-38-32-3], Roaring Creek [Index No. 11-38-32-8] and Clark Branch [Index No. 11-38-32-10] were reclassified from Class C Tr to Class C Tr HQW;

(12) Amos Creek [Index No. 11-38-32-4] and Mills Creek [Index No. 11-38-32-5] and their named tributaries were reclassified from Class C to Class C HQW;

(13) Cane Branch [Index No. 11-38-32-6], Rush Branch [11-38-32-7] and Frankum Creek [11-38-32-9] and its named tributaries were reclassified from Class C to Class C HQW;

(14) Mulberry Creek [Index No. 11-38-32-(11)] from Boone Branch to Dam at Mulberry Beach was reclassified from Class B to Class B HQW;

(15) Boone Branch (Fork) [Index No. 11-38-32-12] and its named tributaries from source to Mulberry Creek were reclassified from Class B to Class B HQW;

(16) Brown Branch [Index No. 11-38-32-13] and Moore Branch [Index No. 11-38-32-14] were reclassified from Class B to Class B HQW; and

(17) Anderson Creek [Index No. 11-38-32-16] was reclassified from Class C to Class C HQW.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(o) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective April 1, 1994 as follows:

(1) Friday Lake (Index No. 11-125.5) from its source to Little Paw Creek was reclassified from Class C to Class B; and

(2) The Linville River [Index No. 12-29-(1)] from Grandmother Creek to Linville Falls was reclassified from Class C Tr to Class B Tr.

(p) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective July 1, 1995 with the reclassification of Clark Creek from a point 0.6 mile downstream of Catawba County SR 2014 to 0.4 mile upstream of Larkard Creek [Index No. 11-129-5-(4.5)], and

Howards Creek from its source to 0.7 mile upstream of Lincoln County State Road 1200 [Index No. 11-129-4], including associated tributaries from Class WS-IV to Classes C and WS-IV.

(q) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective September 1, 1996 as follows:

(1) North Fork Catawba River [Index No. 11-24-(1)] from Laurel Branch to Armstrong Creek from Class C Tr to Class B Tr; and

(2) Catawba River (Lake Hickory) from Rhodhiss dam to highway 321 [Index No. 11-(51)] from Class WS-IV CA to Class WS-IV B CA.

(r) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective August 1, 1998 as follows:

(1) The primary classification for portions of South Fork Catawba River [Index No. 11-129-(0.5)] and Hoyle Creek [Index No. 11-129-15-(1)] was reclassified from Class WS-IV to Class WS-V;

(2) Mill Creek [Index No. 11-7] from its source to Swannanoa Creek, including all tributaries, from Class C Tr to Class Tr HQW;

(3) Toms Creek [Index Nos. 11-21-(1) and 11-21-(2)] from its source to Harris Creek, including all tributaries were reclassified from Class C Tr to Class Tr HQW; and

(4) Harris Creek to McDowell County SR 1434, including all tributaries were reclassified from Class C to Class HQW.

(s) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended effective April 1, 1999 as follows:

(1) Portion of the Catawba River [Index Nos. 11-(27.5) and 11-(31)] from Class WS-IV B and WS-IV to Class WS-V B and WS-V;

(2) Armstrong Creek [Index Nos. 11-24-14-(1), 11-24-14-(13.5) and 11-24-14-(14)], and all tributaries from Classes WS-II Tr, WS-II, WS-II CA and C Tr to Classes C Tr HQW and C HQW;

(3) Lookout Shoals Lake from Oxford Dam to Island Creek [Index No. 11-(67)] from Class WS-V to Class WS-IV CA, from Island Creek to Elk Shoal Creek [Index No. 11-(70.5)] from Class WS-IV to Class WS-IV CA and from Elk Shoal Creek to a point one half mile upstream of Lookout Shoals Dam [Index No. 11-(72)] from Class WS-IV B to Class WS-IV B CA;

(4) The classifications of tributary streams that are within five miles and draining to the normal pool elevation of Lookout Shoals Lake (Protected Area) have been revised to Class WS-IV; and

(5) The classifications of tributary streams that are within one half mile and draining to the normal pool elevation of Lookout Shoals Lake (Critical Area) have been revised to Class WS-IV CA.

(t) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended August 1, 2000 with the reclassification of Little Grassy Creek (Index No. 11-29-2), including all tributaries, from its source to the Linville River from Class C Tr to Class C Tr ORW.

(u) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended August 1, 2004 with the reclassification of a segment of three surface waters, more

specifically Henry Fork [11-129-1-(1)], Jerry Branch [11-129-1-3-(1)], and He Creek [11-129-1-4-(1)], from source to a formerly used City of Morganton Water Intake from Class WS-I ORW to Class WS-V ORW.

(v) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended May 1, 2007 with the reclassification of the Catawba River [Index No. 11-(31.5)] from a point 0.6 mile upstream of Muddy Creek to a point 1.2 miles upstream of Canoe Creek from WS-IV to WS-IV Tr and Catawba River [Index No. 11-(32.3)] from a point 1.2 miles upstream of Canoe Creek to a point 0.7 mile upstream of Canoe Creek (Morganton water supply intake) from WS-IV CA to WS-IV Tr CA. Named and unnamed tributaries to this portion of the Catawba River are not classified as Trout. Between the last day of May and the first day of November the water quality standard for dissolved oxygen shall not be less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l.

(w) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended September 1, 2010 with the reclassification of the portion of the Catawba River [Index No. 11-(1)], from its source to the Left Prong Catawba River confluence, and its named tributaries, Chestnut Branch (Fork) [Index No. 11-2], Clover Patch Branch [Index No. 11-3], Youngs Fork Creek [Index No. 11-4], Spring Branch [Index No. 11-5], and Left Prong Catawba River [Index No. 11-6] from Class C Tr to Class C Tr HQW.

(x) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended March 1, 2013 as follows:

(1) the portion of Maiden Creek [Index No. 11-129-5-7-2-(1)] from source to a point 0.7 mile upstream from backwaters of Maiden Reservoir, and its named tributary, Bee Branch [Index No. 11-129-5-7-2-2], from Class WS-II HQW to WS-V;

(2) the portion of Maiden Creek [Index No. 11-129-5-7-2-(2.5)] from a point 0.7 mile upstream from backwaters of Maiden Reservoir to dam at Maiden Reservoir from Class WS-II HQW CA to WS-V;

(3) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(1)] from source to a point 0.7 mile upstream of Maiden water supply intake from Class WS-II HQW to WS-V; and

(4) the portion of Allen Creek [Index No. 11-129-5-7-2-4-(2)] from a point 0.7 mile upstream of Maiden water supply intake to Maiden water supply intake from Class WS-II HQW CA to WS-V.

(y) The ~~Schedule of Classifications and Water Quality Standards for the~~ Catawba River Basin Classification Schedule was amended July 1, 2017 as follows:

(1) a portion of the Catawba River [Index No. 11-(23)], including tributaries, from Bridgewater Dam to North Fork Catawba River from Class WS-V & B to Class WS-IV CA & B, and a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from North Fork Catawba River to a point ~~0.75~~ 0.7 mile downstream of SR 1501 from Class C to Class WS-IV CA. The CA extends 0.5 mile from and draining to the normal pool elevation of Lake James.

(2) a portion of the Catawba River [part of Index No. 11-(8)], including tributaries, from a point ~~0.75~~ 0.7 mile downstream of SR 1501 to a point ~~0.21~~ 0.2 mile upstream of ~~I-221~~ SR 1221 from Class C

Commented [A2]: Edits for consistency with other .0300 rules that use only one decimal place for mileage. No affect.

Commented [A3]: Edit to correct SR reference.

to Class WS-IV. The PA extends 5.0 miles from and draining to the normal pool elevation of Lake James.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. July 1, 2017; March 1, 2013; December 1, 2010; September 1, 2010; May 1, 2007; August 1, 2004; August 1, 2000; April 1, 1999; August 1, 1998; September 1, 1996; July 1, 1995; April 1, 1994; August 3, 1992; August 1, 1990.

15A NCAC 02B .0309 is proposed for amendment as follows:

15A NCAC 02B .0309 YADKIN-PEE DEE RIVER BASIN

(a) ~~The Yadkin-Pee Dee River Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~ Classifications assigned to the waters within the Yadkin-Pee Dee River Basin are set forth in the Yadkin River Basin Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, North ~~Carolina~~Carolina;

(B) Winston-Salem Regional Office
~~585 Waughtown Street~~450 West Hanes Mill Road
Winston-Salem, North ~~Carolina~~Carolina;

(C) Fayetteville Regional Office
Systel Building
225 Green Street
Suite 714
Fayetteville, North ~~Carolina~~Carolina;

(D) Asheville Regional Office
2090 US Highway 70
Swannanoa, North ~~Carolina~~Carolina;and

(E) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C," and such streams entering South Carolina are classified "C".

(c) The Yadkin-Pee Dee River Basin ~~Schedule of Classifications and Water Quality Standards~~Classification Schedule was amended effective:

(1) February 12, 1979;
(2) March 1, 1983;
(3) August 1, 1985;
(4) February 1, 1986;
(5) October 1, 1988;
(6) March 1, 1989;

Commented [A1]: Streamlining and address updates. No substantive changes.

(7) January 1, 1990;
(8) August 1, 1990;
(9) January 1, 1992;
(10) April 1, 1992;
(11) August 3, 1992;
(12) December 1, 1992;
(13) April 1, 1993;
(14) September 1, 1994;
(15) August 1, 1995;
(16) August 1, 1998;
(17) April 1, 1999;
(18) July 1, 2006;
(19) September 1, 2006;
(20) November 1, 2007.

(d) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule ~~has been~~ was amended effective October 1, 1988 as follows:

(1) Mitchell River [Index No. 12-62-(1)] from source to mouth of Christian Creek (North Fork Mitchell River) including all tributaries has been reclassified from Class B Tr to Class B Tr ORW.
(2) Mitchell River [Index No. 12-62-(7)] from mouth of Christian Creek (North Fork Mitchell River) to Surry County SR 1315 including all tributaries has been classified from Class C Tr to C Tr ORW, except Christian Creek and Robertson Creek which will be reclassified from Class B Tr to Class B Tr ORW.
(3) Mitchell River [Index No. 12-62-(12)] from Surry County SR 1315 to mouth of South Fork Mitchell River including all tributaries from Class C to Class C ORW.

(e) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective March 1, 1989 as follows:

(1) Elk Creek [Index Nos. 12-24-(1) and 12-24-(10)] and all tributary waters were reclassified from Class B-trout, Class C-trout and Class B to Class B-trout ORW, Class C-trout ORW and Class B ORW.

(f) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective January 1, 1990 as follows: Barnes Creek (Index No. 13-2-18) was reclassified from Class C to Class C ORW.

(g) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule ~~has been~~ was amended effective January 1, 1992 as follows:

(1) Little River [Index Nos. 13-25-(10) and 13-25-(19)] from Suggs Creek to Densons Creek has been reclassified from Classes WS-III and C to Classes WS-III HQW and C HQW.
(2) Densons Creek [Index No. 13-25-20-(1)] from its source to Troy's Water Supply Intake including all tributaries has been reclassified from Class WS-III to Class WS-III HQW.

(3) Bridgers Creek (Index No. 13-25-24) from its source to the Little River has been reclassified from Class C to Class C HQW.

(h) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective April 1, 1992 with the reclassification of the North Prong South Fork Mitchell River from Class C to Class C Trout.

(i) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule ~~has been~~ was amended effective December 1, 1992 as follows:

(1) Pike Creek (Index No. 12-46-1-2) was reclassified from Class C Tr to Class C Tr HQW;

(2) Basin Creek (Index No. 12-46-2-2) was reclassified from Class C Tr to Class C Tr ORW;

(3) Bullhead Creek (Index No. 12-46-4-2) was reclassified from Class C Tr to Class C Tr ORW;

(4) Rich Mountain Creek (Index No. 12-46-4-2-2) was reclassified from Class Tr to Class C Tr ORW; and

(5) Widows Creek (Index No. 12-46-4-4) was reclassified from Class C Tr HQW to Class C Tr ORW.

(k) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule ~~has been~~ was amended effective September 1, 1994 as follows:

(1) Lanes Creek [Index Nos. 13-17-40-(1) and 13-17-40-(10.5)] from its source to the Marshville water supply dam including tributaries was reclassified from Classes WS-II and WS-II CA to Class WS-V.

(2) The South Yadkin River [Index Nos. 12-108-(9.7) and 12-108-(15.5)] from Iredell County SR 1892 to a point 0.7 mile upstream of the mouth of Hunting Creek including associated tributaries was reclassified from Classes WS-V, C and WS-IV to Classes WS-V, WS-IV, C and WS-IV CA.

(3) The Yadkin River [Index Nos. 12-(53) and 12-(71)] from a point 0.3 mile upstream of the mouth of Elkin Creek (River) to the Town of King water supply intake including associated tributaries was reclassified from Classes C and WS-IV to Classes WS-IV and WS-IV CA.

(4) The Yadkin River [Index Nos. 12-(80.5), 12-(81.5) and 12-(84.5)] from the Town of King water supply intake to the Davie County water supply intake reclassified from Classes C, B, WS-IV and WS-V to Classes WS-IV, WS-IV B and WS-IV CA.

(l) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule ~~has been~~ was amended effective August 1, 1995 as follows: Bear Creek [Index Nos. 12-108-18-(3), 12-108-18-(3.3)], Little Bear Creek (Index No. 12-108-18-2), and Blue Branch (Index No. 12-108-18-2-1) were reclassified from WS-II and WS-II CA (Critical Area) to C and WS-IV.

(m) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for portions of the Yadkin River [Index No. 12-(45)] from Class WS-IV to WS-V, Yadkin River [Index No. 12-(67.5)] from Class WS-IV to Class C, Yadkin River [Index Nos. 12-(93.5) and 12-(98.5)] from Class WS-IV to Class WS-V, South Yadkin River [Index No. 12-108-(12.5)] from Class WS-IV to Class WS-V, and South Yadkin River [Index Nos. 12-108-(19.5) and 12-108-(22)] from Class WS-IV to Class C.

(n) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective April 1, 1999 with the reclassification of a portion of the Yadkin River [Index No. 12-(80.5)] from WS-IV CA to WS-IV. A portion of the Yadkin River 0.5 mile upstream of Bashavia Creek was reclassified from WS-IV to WS-IV CA. Bashavia Creek [Index Nos. 12-81-(0.5) and 12-81-(2)] was reclassified from WS-IV and WS-IV CA to Class C. Tributaries to Bashavia Creek were also reclassified to Class C. Portions of the Yadkin River [Index Nos. 12-(25.5) and 12-(27)] were reclassified from WS-IV to Class C and from WS-IV & B to Class B. Tributaries were reclassed from Class WS-IV to Class C. Supplemental classifications were not changed.

(o) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective July 1, 2006 with the reclassification of a portion of the Uwharrie River. More specifically, Index No. 13-2-(25), Index No. 13-2-(17.5), and a portion of Index No. 13-2-(1.5) was reclassified from Class WS-IV CA, WS-IV, and C, to Class WS-IV B CA, WS-IV B, and B, respectively.

(p) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective September 1, 2006 with the reclassification of a segment of the Yadkin River [portion of Index No. 12-(53)] from a point 0.3 mile upstream of the Town of Elkin proposed water supply intake to the Town of Elkin proposed water supply intake from C to WS-IV CA. The Town of Elkin proposed water supply intake is to be placed on the Yadkin River at a point directly above the mouth of Elkin Creek.

(q) The ~~Schedule of Classifications and Water Quality Standard for the~~ Yadkin-Pee Dee River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications as listed below, and the North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of these UWLs.

(1) Black Ankle Bog near Suggs Creek [Index No. 13-25-12] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101Rule .0202 of this Subchapter~~UWL.

(2) Pilot Mountain Floodplain Pool near Horne Creek [Index No. 12-75] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101Rule .0202 of this Subchapter~~UWL.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. November 1, 2007; September 1, 2006; July 1, 2006; April 1, 1999; August 1, 1998; August 1, 1995; September 1, 1994; April 1, 1993; December 1, 1992.

15A NCAC 02B .0310 is proposed for amendment as follows:

15A NCAC 02B .0310 LUMBER RIVER BASIN

(a) ~~The Lumber River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~ Classifications assigned to the waters within the Lumber River Basin are set forth in the Lumber River Basin Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Fayetteville Regional Office
225 Green Street
Systel Building Suite 714
Fayetteville, North ~~Carolina~~Carolina;

(B) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North ~~Carolina~~Carolina;and

(C) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C Sw".

(c) The Lumber River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977;
(2) December 13, 1979;
(3) September 14, 1980;
(4) April 12, 1981;
(5) April 1, 1982;
(6) February 1, 1986;
(7) July 1, 1990;
(8) August 1, 1990;
(9) August 3, 1992;
(10) September 1, 1996;
(11) August 1, 2000;
(12) November 1, 2007.

Commented [A1]: Streamlining and address updates. No substantive changes.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Lumber River Basin Classification Schedule was amended effective July 1, 1990 by the reclassification of Naked Creek (Index No. 14-2-6) from source to Drowning Creek including all tributaries from Class WS-III to Class WS-III ORW.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Lumber River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Lumber River Basin Classification Schedule was amended effective September 1, 1996 by the reclassification of the Lumber River from 2.0 miles upstream of highway 401 to a point 0.5 mile upstream of Powell Branch [Index Nos. 14-(3), 14-(4), 14-(4.5), 14-(7) and 14-(10.3)] from Classes WS-IV Sw HQW, WS-IV Sw HQW CA and C Sw HQW to Classes WS-IV B Sw HQW, WS-IV B Sw HQW CA and B Sw HQW.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Lumber River Basin Classification Schedule was amended effective August 1, 2000 with the reclassification of Lake Waccamaw [Index No. 15-2] from Class B Sw to Class B Sw ORW.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Lumber River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of these UWLs:

(1) Waccamaw Natural Lake Shoreline near Lake Waccamaw [Index No. 15-2] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(2) Green Swamp Small Depression Pond near Royal Oak Swamp [Index No. 15-25-1-12] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~ UWL.

(3) Old Dock Savanna near Gum Swamp Run [Index No. 15-6] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(4) Myrtle Head Savanna near Mill Branch [Index No. 15-7-7] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(5) Goosepond Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(6) Antioch Bay near Raft Swamp [Index No. 14-10-(1)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~ UWL.

(7) Pretty Pond Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(8) Dunahoe Bay near Big Marsh Swamp [Index No. 14-22-2] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(9) Hamby's Bay near Raft Swamp [Index No. 14-10-(1)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(10) Oak Savanna Bay near Smith Branch [Index No. 14-10-3] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(11) Big Island Savanna near Driving Creek [Index No. 15-7-1] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. November 1, 2007; August 1, 2000; September 1, 1996; August 3, 1992; August 1, 1990; July 1, 1990; February 1, 1986.

15A NCAC 02B .0311 is proposed for amendment as follows:

15A NCAC 02B .0311 CAPE FEAR RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the Cape Fear River Basin are set forth in the Cape Fear River Basin ~~Schedule of Classifications and Water Quality Standards,~~ Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://portal.ncdenr.org/web/wq/ps/csu/rules;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Winston-Salem Regional Office
~~585 Waughtown Street~~450 West Hanes Mill Road
Winston-Salem, North Carolina;

(B) Fayetteville Regional Office
225 Green Street
Systel Building Suite 714
Fayetteville, North Carolina;

(C) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina;

(D) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina;

(E) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North Carolina; and

(F) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) The Cape Fear River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977;
(2) December 13, 1979;
(3) December 14, 1980;
(4) August 9, 1981;
(5) April 1, 1982;
(6) December 1, 1983;
(7) January 1, 1985;

Commented [A1]: Streamlining and address updates. No substantive changes.

Commented [A2]: Information removed because language is in history note.

(8) August 1, 1985;
(9) December 1, 1985;
(10) February 1, 1986;
(11) July 1, 1987;
(12) October 1, 1987;
(13) March 1, 1988;
(14) August 1, 1990.

(c) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective June 1, 1988 as follows:

(1) Cane Creek [Index No. 16-21-(1)] from source to a point 0.5 mile north of N.C. Hwy. 54 (Cane Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from Class WS-III to WS-I.
(2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective July 1, 1988 by the reclassification of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all tributaries from C to WS-III.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows:

(1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.
(2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW.
(3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100~~,~~ .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective June 1, 1994 as follows:

(1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to Class WS-V, Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class WS-IV to Class WS-V.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the normal pool elevation of the reservoir. All waters within the Randleman

Reservoir Water Supply Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in ~~15A NCAC 02B .0248.~~Rule .0248 of this Subchapter.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective August 1, 2002 as follows:

(1) Mill Creek [Index Nos. 18-23-11-(1), 18-23-11-(2), 18-23-11-3, 18-23-11-(5)] from its source to the Little River, including all tributaries was reclassified from Class WS-III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

(2) McDeed's Creek [Index Nos. 18-23-11-4, 18-23-11-4-1] from its source to Mill Creek, including all tributaries was reclassified from Class WS III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

The "@" symbol as used in this Paragraph means that if the governing municipality has deemed that a development is covered under a "5/70 provision" as described in ~~Rule 15A NCAC 02B .0215(3)(b)(i)(E) (Fresh Surface Water Quality Standards for Class WS-III Waters),~~ Rule .0215(3)(b)(i)(E) of this Subchapter, then that development is not subject to the stormwater requirements as described in ~~rule 15A NCAC 02H .1006 (Stormwater Requirements: High Quality Waters).~~15A NCAC 02H .1006.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective November 1, 2004 as follows:

(1) the portion of Rocky River [Index Number 17-43-(1)] from a point 0.3 mile upstream of Town of Siler City upper reservoir dam to a point 0.3 mile downstream of Lacy Creek from WS-III to WS-III CA.

(2) the portion of Rocky River [Index Number 17-43-(8)] from dam at lower water supply reservoir for Town of Siler City to a point 65 feet below dam (site of proposed dam) from C to WS-III CA.

(3) the portion of Mud Lick Creek (Index No. 17-43-6) from a point 0.4 mile upstream of Chatham County SR 1355 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

(4) the portion of Lacy Creek (17-43-7) from a point 0.6 mile downstream of Chatham County SR 1362 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

(o) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of these UWLs.

(1) Military Ocean Terminal Sunny Point Pools, all on the eastern shore of the Cape Fear River [Index No. 18-(71)] were reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(2) Salters Lake Bay near Salters Lake [Index No. 18-44-4] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(3) Jones Lake Bay near Jones Lake [Index No. 18-46-7-1] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(4) Weymouth Woods Sandhill Seep near Mill Creek [18-23-11-(1)] was reclassified to Class ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(5) Fly Trap Savanna near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(6) Lily Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(7) Grassy Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(8) The Neck Savanna near Sandy Run Swamp [Index No. 18-74-33-2] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(9) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(10) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(p) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective January 1, 2009 as follows:

(1) the portion of Cape Fear River [Index No. 18-(26)] (including tributaries) from Smithfield Packing Company's intake, located approximately 2 miles upstream of County Road 1316, to a point 0.5 miles upstream of Smithfield Packing Company's intake from Class C to Class WS-IV CA.

(2) the portion of Cape Fear River [Index No.18-(26)] (including tributaries) from a point 0.5 miles upstream of Smithfield Packing Company's intake to a point 1 mile upstream of Grays Creek from Class C to Class WS-IV.

(q) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective August 11, 2009 with the reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at B. Everett Jordan Reservoir from Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All waters within the B. Everett Jordan Reservoir Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in ~~15A NCAC 02B .0262 through .0273.~~Rules .0262 through .0273 of this Subchapter.

(r) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective September 1, 2009 with the reclassification of a portion of the Haw River [Index No. 16-(28.5)] from the Town of Pittsboro water supply intake, which is located approximately 0.15 mile west of U.S. 15/501, to a point 0.5 mile upstream of the Town of Pittsboro water supply intake from Class WS-IV to Class WS-IV CA.

(s) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective March 1, 2012 with the reclassification of the portion of the Haw River [Index No. 16-(1)] from the City of Greensboro's intake, located approximately 650 feet upstream of Guilford County 2712, to a point

0.5 miles upstream of the intake from Class WS-V NSW to Class WS-IV CA NSW, and the portion of the Haw River [Index No. 16-(1)] from a point 0.5 miles upstream of the intake to a point 0.6 miles downstream of U.S. Route 29 from Class WS-V NSW to Class WS-IV NSW.

(t) The ~~Schedule of Classifications and Water Quality Standards for the~~ Cape Fear River Basin Classification Schedule was amended effective June 30, 2017 with the reclassification of a section of 18-(71) from upstream mouth of Toomers Creek to a line across the river between Lilliput Creek and Snows Cut from Class SC to Class SC Sw. A site-specific management strategy is outlined in 15A NCAC 02B .0227.

(u) The Cape Fear River Basin Classification Schedule was amended effective September 1, 2018 with the reclassification of a portion of Sandy Creek [Index No. 17-16-(1)] (including tributaries) from a point 0.4 mile upstream of SR-2481 to a point 0.6 mile upstream of N.C. Hwy 22 from WS-III to WS-III CA. The reclassification resulted in an updated representation of the water supply watershed for the Sandy Creek reservoir.

Commented [A3]: Added rule language to reflect an updated Critical Area designation that was necessary to accurately map the water supply watershed for this particular waterbody.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. September 1, 2018; June 30, 2017; March 1, 2012; September 1, 2009; August 11, 2009; January 1, 2009; November 1, 2007; November 1, 2004; August 1, 2002; April 1, 1999; August 1, 1998; September 1, 1994; June 1, 1994; August 3, 1992; August 1, 1990.

15A NCAC 02B .0312 is proposed for amendment as follows:

15A NCAC 02B .0312 WHITE OAK RIVER BASIN

(a) ~~The White Oak River Basin Schedule of Classifications and Water Quality Standards may be inspected in the following places: Effective February 1, 1976, adopted classifications~~ Classifications assigned to the waters within the White Oak River Basin are set forth in the White Oak River Basin Classification Schedule, which may be inspected in the following places:

(1) the ~~internet~~ Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina;

(B) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North Carolina; and

(C) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) The White Oak River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) December 13, 1979 see Paragraph (c);
(2) June 1, 1988 see Paragraph (d);
(3) January 1, 1990 see Paragraph (e);
(4) August 1, 1990 see Paragraph (f);
(5) August 1, 1991 see Paragraph (g);
(6) June 1, 1992 see Paragraph (h);
(7) December 1, 1992 see Paragraph (i);
(8) November 1, 2007 see Paragraph (j);
(9) July 1, 2011 see Paragraph (k).

(c) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective December 13, 1979 with the reclassification of a portion of the White Oak River Restricted Area (Index No. 20-32) and a portion of the Newport River (Morehead City and Beaufort Harbors Restricted Area) [Index No. 21-(31)] from Class SC to Class SA.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective June 1, 1988 with the reclassification of unnamed waters as follows:

Commented [A1]: Streamlining and address updates. No substantive changes.

Commented [A2]: Information removed because language is in history note.

(1) a portion of the Roosevelt Natural Area Swamp, which drains to Bogue Sound (20-36), from Class SA to Class C Sw ORW.

(2) another portion of the Roosevelt Natural Area Swamp, which drains to Bogue Sound (20-36), from Class SA to Class SA Sw ORW.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective January 1, 1990 as follows:

(1) Intracoastal Waterway (Index No. 19-39) from northeastern boundary of Cape Fear River Basin to Daybeacon No. 17 including all unnamed bays, guts, and channels, except Rogers Bay and Mill Creek and Intracoastal Waterway (Index No. 19-41) from the northeast mouth of Goose Creek to the southwest mouth of Queen Creek were reclassified from Class SA to Class SA ORW.

(2) Bear Island ORW Area, which includes all waters within an area north of Bear Island defined by a line from the western most point on Bear Island to the northeast mouth of Goose Creek on the mainland, east to the southwest mouth of Queen Creek, then south to green marker No. 49, then northeast to the northern most point on Huggins Island, then southeast along the shoreline of Huggins Island to the southeastern most point of Huggins Island, then south to the northeastern most point on Dudley Island, then southwest along the shoreline of Dudley Island to the eastern tip of Bear Island to the western mouth of Foster Creek including Cow Channel were reclassified from Class SA to Class SA ORW.

(3) Bogue Sound (including Intracoastal Waterway from White Oak River Basin to Beaufort Inlet) (Index No. 20-36) from Bogue Inlet to a line across Bogue Sound from the southwest side of mouth of Gales Creek to Rock Point and all tributaries except Hunting Island Creek, Goose Creek, and Broad Creek were reclassified from Class SA to Class SA ORW.

(4) Core Sound (Index No. 21-35-7) from northern boundary of White Oak River Basin (a line from Hall Point to Drum Inlet) to Back Sound and all tributaries except Atlantic Harbor Restricted Area, Nelson Bay, Jarrett Bay, Williston Creek, Wade Creek and Middens Creek were reclassified from Class SA to Class SA ORW.

(5) Back Sound (Index No. 21-35) from a point on Shackleford Banks at lat. 34 degrees 40' 57" and long 76 degrees 37' 30" north to the western most point of Middle Marshes and along the northwest shoreline of Middle Marshes (to include all of Middle Marshes) to Rush Point on Harkers Island and along the southern shore of Harkers Island back to Core Sound and all tributaries were reclassified from Class SA to Class SA ORW.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective August 1, 1990 with the reclassification of a portion of the White Oak River [Index No. 20-(1)] from Spring Branch to Hunters Creek from Class C to Class C HQW.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule was amended effective August 1, 1991 by adding the supplemental classification NSW (Nutrient Sensitive Waters) to all waters in the New River Drainage Area above a line running across the New River from Grey Point to a point of land approximately 2,200 yards downstream of the mouth of Duck Creek.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule was amended effective June 1, 1992 with the reclassification of Peletier Creek (Index No. 20-36-11) from its source to Bogue Sound from Class SA to Class SB with the requirement that no discharges be allowed.

(i)The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective December 1, 1992 with the reclassification of the Atlantic Harbor Restricted Area (Index No. 21-35-7-2) from Class SC to Class SA ORW.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of these UWLs:

(1) Theodore Roosevelt Maritime Swamp Forest near Roosevelt Natural Area Swamp [Index No. 20-36-9.5-(1)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(2) Bear Island Maritime Wet Grassland near the Atlantic Ocean [Index No. 99-(4)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ White Oak River Basin Classification Schedule ~~has been~~ was amended effective July 1, 2011 with the reclassification of a portion of Southwest Creek [Index No. 19-17-(0.5)] from a point approximately 0.5 mile upstream of Mill Run to Mill Run from Class C NSW to Class SC NSW, and another portion of Southwest Creek [Index No. 19-17-(6.5)] from Mill Run to New River from Class C HQW NSW to Class SC HQW NSW.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. July 1, 2011; November 1, 2007; December 1, 1992; June 1, 1992; August 1, 1991; August 1, 1990.

15 NCAC 02B .0313 is proposed for amendment as follows:

15A NCAC 02B .0313 ROANOKE RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted~~ ~~classifications~~ Classifications assigned to the waters within the Roanoke River Basin are set forth in the Roanoke River Basin ~~Schedule of Classifications and Water Quality Standards,~~Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, ~~Carolina~~Carolina;

(B) Washington Regional Office
943 Washington Square Mall
Washington, ~~Carolina~~Carolina;

(C) Winston-Salem Regional Office
~~585 Waughtown Street Winston-Salem,~~ 450 West Hanes Mill Road
North ~~Carolina~~Carolina; and

(D) Division of Water ~~Quality~~Resources
Regional Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C", except that all backwaters of John H. Kerr Reservoir and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "B," and all backwaters of Lake Gaston and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "C and B".

(c) The Roanoke River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) May 18, 1977;
(2) July 9, 1978;
(3) July 18, 1979;
(4) July 13, 1980;
(5) March 1, 1983;
(6) August 1, 1985;
(7) February 1, 1986.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective July 1, 1991 with the reclassification of Hyco Lake (Index No. 22-58) from Class C to Class B.

Commented [A1]: Streamlining and address updates. No substantive changes.

Commented [A2]: Information removed because language is in history note.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective August 1, 1998 with the reclassification of Cascade Creek (Camp Creek) [Index No. 22-12] and its tributaries from its source to the backwaters at the swimming lake from Class B to Class B ORW, and reclassification of Indian Creek [index No. 22-13] and its tributaries from its source to Window Falls from Class C to Class C ORW.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective August 1, 1998 with the reclassification of Dan River and Mayo River WS-IV Protected Areas. The Protected Areas were reduced in size.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective April 1, 1999 as follows:

(1) Hyco River, including Hyco Lake below elevation 410 [Index No. 22-58-(0.5)] was reclassified from Class B to Class WS-V B.

(2) Mayo Creek (Maho Creek) (Mayo Reservoir) [Index No. 22-58-15] was reclassified from its source to the dam of Mayo Reservoir from Class C to Class WS-V.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective April 1, 2001 as follows:

(1) Fullers Creek from source to a point 0.8 mile upstream of Yanceyville water supply dam [Index No. 22-56-4-(1)] was reclassified from Class WS-II to Class WS-III.

(2) Fullers Creek from a point 0.8 mile upstream of Yanceyville water supply dam to Yanceyville water supply dam [Index No. 22-56-4-(2)] was reclassified from Class WS-II CA to Class WS-III CA.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective November 1, 2007 with the reclassification of Hanging Rock Hillside Seepage Bog near Cascade Creek [Index No. 22-12-(2)] to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL. The Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of the UWL.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule was amended effective July 3, 2012 as follows:

(1) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from the City of Roxboro's intake, located approximately 0.7 mile upstream of NC Highway 62, to a point approximately 0.5 mile upstream of the City of Roxboro's intake from Class C to Class WS-IV CA.

(2) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from a point approximately 0.5 mile upstream of the City of Roxboro's intake to the North Carolina-Virginia state line from Class C to Class WS-IV.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Roanoke River Basin Classification Schedule is amended effective January 1, 2013 as follows:

(1) a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from the Martin County Regional Water And Sewer Authority's intake, located approximately 0.3 mile upstream of US 13/US 17, to a point approximately 0.5 mile upstream of the Martin County Regional Water And Sewer Authority's intake from Class C to Class WS-IV CA.

(2) a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from a point approximately 0.5 mile upstream of the Martin County Regional Water And Sewer Authority's intake to a point approximately 1 mile downstream of Coniott Creek (Town Swamp) from Class C to Class WS-IV.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. January 1, 2013; July 3, 2012; November 1, 2007; April 1, 2001; April 1, 1999; August 1, 1998; August 3, 1992; July 1, 1991; February 1, 1986; August 1, 1985.

15A NCAC 02B .0314 is proposed for amendment as follows:

Commented [A1]: Streamlining and address updates. No substantive changes.

15A NCAC 02B .0314 CHOWAN RIVER BASIN

(a) ~~Places where the schedule may be inspected:~~ Classifications assigned to the waters within the Chowan River Basin are set forth in the Chowan River Basin Classification Schedule, which may be inspected in the following places

(1) ~~Clerk of Court:~~

~~Bertie County~~

~~Chowan County~~

~~Gates County~~

~~Hertford County~~

~~Northampton County~~the Internet at http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment, Health and Natural Resources:~~ Environmental Quality:

(A) Raleigh Regional Office

3800 Barrett Drive

Raleigh, North Carolina;

(B) Washington Regional Office

~~1502 North Market Street~~943 Washington Square Mall

Washington, North Carolina; and

(C) Division of Water Resources

Central Office

512 North Salisbury Street

Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C."

(c) All classifications assigned to the waters of the Chowan River Basin ~~and referenced in (a) of this Rule~~ are additionally classified as ~~nutrient sensitive waters (NSW)~~ Nutrient Sensitive Waters (NSW) in accordance with the provisions of Rule .0214 of this Subchapter.

(d) The Chowan River Basin ~~Schedule of Classification and Water Quality Standards~~Classification Schedule was amended effective August 1, 1985.

History Note: *Filed as an Emergency Amendment [(f)] Eff. March 10, 1979, for a period of 120 days to expire on September 7, 1979;*
Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. November 1, 1978; March 1, 1977;
Emergency Amendment [(f)] Made Permanent Eff. September 6, 1979;
Amended Eff. August 1, 1985; January 1, 1985.

Draft for Rule Readoption

15A NCAC 02B .0315 is proposed for amendment as follows:

15A NCAC 02B .0315 NEUSE RIVER BASIN

(a) ~~Effective February 1, 1976, the adopted classifications~~ Classifications assigned to the waters within the Neuse River Basin are set forth in the Neuse River Basin ~~Schedule of Classification and Water Quality Standards,~~ Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://portal.ncdenr.org/web/wq/ps/csu/rules;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina;

(B) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina;

(C) Wilmington Regional Office
127 Cardinal ~~Drive~~ Drive Extension
Wilmington, North ~~Carolina;~~Carolina; and

(D) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) The Neuse River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977 see Paragraph (c) of this Rule;
(2) December 13, 1979 see Paragraph (d) of this Rule;
(3) September 14, 1980 see Paragraph (e) of this Rule;
(4) August 9, 1981 see Paragraph (f) of this Rule;
(5) January 1, 1982 see Paragraph (g) of this Rule;
(6) April 1, 1982 see Paragraph (h) of this Rule;
(7) December 1, 1983 see Paragraph (i) of this Rule;
(8) January 1, 1985 see Paragraph (j) of this Rule;
(9) August 1, 1985 see Paragraph (k) of this Rule;
(10) February 1, 1986 see Paragraph (l) of this Rule;
(11) May 1, 1988 see Paragraph (m) of this Rule;
(12) July 1, 1988 see Paragraph (n) of this Rule;
(13) October 1, 1988 see Paragraph (o) of this Rule;

Commented [A1]: Streamlining and address updates. No substantive changes.

Commented [A2]: Information removed because language is in history note.

(14) January 1, 1990 see Paragraph (p) of this Rule;
(15) August 1, 1990;
(16) December 1, 1990 see Paragraph (q) of this Rule;
(17) July 1, 1991 see Paragraph (r) of this Rule;
(18) August 3, 1992;
(19) April 1, 1994 see Paragraph (t) of this Rule;
(20) July 1, 1996 see Paragraph (u) of this Rule;
(21) September 1, 1996 see Paragraph (v) of this Rule;
(22) April 1, 1997 see Paragraph (w) of this Rule;
(23) August 1, 1998 see Paragraph (x) of this Rule;
(24) August 1, 2002 see Paragraph (y) of this Rule;
(25) July 1, 2004 see Paragraph (z) of this Rule;
(26) November 1, 2007see Paragraph (aa) of this Rule;
(27) January 15, 2011 see Paragraph (bb) of this Rule; and
(28) July 1, 2012 see Paragraph (cc) of this Rule.

(c) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective March 1, 1977 with the a total of 179 streams in the Neuse River Basin reclassified from Class D to Class C.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective December 13, 1979 as follows: Little River [Index No. 27-57-(21.5)] from source to the dam at Wake Forest Reservoir has been reclassified from Class A-II to Class A-II and B.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective September 14, 1980 as follows: The Eno River from Durham County State Road 1003 to U.S Highway 501 [Index No. 27-2-(16)] was reclassified from Class C and B to Class A-II and B.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective August 9, 1981 to remove the swamp water designation from all waters designated SA in the Neuse River Basin.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective January 1, 1982 as follows: The Trent River from the mouth of Brice Creek to the Neuse River [Index No. 27-101-(39)] was reclassified from Class SC Sw to Class SB Sw.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective April 1, 1982 as follows:

(1) Longview Branch from source to Crabtree Creek [Index No. 27-33-(21)] was reclassified from Class C1 to Class C.
(2) Watson Branch from source to Walnut Creek [Index No. 27-34-(8)] was reclassified from Class C1 to Class C.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective December 1, 1983 to add the Nutrient Sensitive Waters classification to the entire river basin above Falls dam.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective January 1, 1985 as follows: Nobel Canal from source to Swift Creek [Index No. 27-97-(2)] was reclassified from Class C1 to Class C.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective August 1, 1985 as follows:

(1) Southeast Prong Beaverdam Creek from source to Beaverdam Creek [Index No. 27-33-15(2)] was reclassified from Class C1 to Class C.

(2) Pigeon House branch from source to Crabtree Creek [Index No. 27-33-(18)] was reclassified from Class C1 to Class C.

(3) Rocky Branch from source to Pullen Road [Index No. 27-34-6-(1)] was reclassified from Class C1 to Class C.

(4) Chavis Branch from source to Watson Branch [Index No. 27-37-8-1] was reclassified from Class C1 to Class C.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective February 1, 1986 to reclassify all Class A-I and Class A-II streams in the Neuse River Basin to WS-I and WS-III.

(m) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective May 1, 1988 to add the Nutrient Sensitive Waters classification to the waters of the Neuse River Basin below the Falls Lake dam.

(n) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective July 1, 1988 as follows:

(1) Smith Creek [Index No. 27-23-(1)] from source to the dam at Wake Forest Reservoir has been reclassified from Class WS-III to WS-I.

(2) Little River [Index No. 27-57-(1)] from source to the N.C. Hwy. 97 Bridge near Zebulon including all tributaries has been reclassified from Class WS-III to WS-I.

(3) An unnamed tributary to Buffalo Creek just upstream of Robertson's Pond in Wake County from source to Buffalo Creek including Leo's Pond has been reclassified from Class C to B.

(o) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective October 1, 1988 as follows:

(1) Walnut Creek (Lake Johnson, Lake Raleigh) [Index No. 27-34-(1)]. Lake Johnson and Lake Raleigh have been reclassified from Class WS-III to Class WS-III B.

(2) Haw Creek (Camp Charles Lake) (Index No. 27-86-3-7) from the backwaters of Camp Charles Lake to dam at Camp Charles Lake has been reclassified from Class C to Class B.

(p) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule ~~has been~~ was amended effective January 1, 1990 as follows:

(1) Neuse-Southeast Pamlico Sound ORW Area which includes all waters within a line beginning at the southwest tip of Ocracoke Island, and extending north west along the Tar-Pamlico River Basin and Neuse River Basin boundary line to Lat. 35 degrees 06' 30", thence in a southwest direction to Ship Point and all tributaries, were reclassified from Class SA NSW to Class SA NSW ORW.

(2) Core Sound (Index No. 27-149) from northeastern limit of White Oak River Basin (a line from Hall Point to Drum Inlet) to Pamlico Sound and all tributaries, except Thorofare, John Day Ditch were reclassified from Class SA NSW to Class SA NSW ORW.

(q) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective December 1, 1990 with the reclassification of the following waters as described in (1) through (3) of this Paragraph.

(1) Northwest Creek from its source to the Neuse River (Index No. 27-105) from Class SC Sw NSW to Class SB Sw NSW;

(2) Upper Broad Creek [Index No. 27-106-(7)] from Pamlico County SR 1103 at Lees Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW; and

(3) Goose Creek [Index No. 27-107-(11)] from Wood Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW.

(r) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective July 1, 1991 with the reclassification of the Bay River [Index No. 27-150-(1)] within a line running from Flea Point to the Hammock, east to a line running from Bell Point to Darby Point, including Harper Creek, Tempe Gut, Moore Creek and Newton Creek, and excluding that portion of the Bay River landward of a line running from Poorhouse Point to Darby Point from Classes SC Sw NSW and SC Sw NSW HQW to Class SA NSW.

(s) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(t) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective April 1, 1994 as follows:

(1) Lake Crabtree [Index No. 27-33-(1)] was reclassified from Class C NSW to Class B NSW.

(2) The Eno River from Orange County State Road 1561 to Durham County State Road 1003 [Index No. 27-10-(16)] was reclassified from Class WS-IV NSW to Class WS-IV B NSW.

(3) Silver Lake (Index No. 27-43-5) was reclassified from Class WS-III NSW to Class WS-III B NSW.

(u) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective July 1, 1996 with the reclassification of Austin Creek [Index Nos. 27-23-3-(1) and 27-23-3-(2)] from its source to Smith Creek from classes WS-III NSW and WS-III NSW CA to class C NSW.

(v) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective September 1, 1996 with the reclassification of an unnamed tributary to Hannah Creek (Tuckers Lake) [Index No. 27-52-6-0.5] from Class C NSW to Class B NSW.

(w) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective April 1, 1997 with the reclassification of the Neuse River (including tributaries) from mouth of Marks Creek to a point 1.3 miles downstream of Johnston County State Road 1908 to class WS-IV NSW and from a point 1.3 miles downstream of Johnston County State Road 1908 to the Johnston County Water Supply intake (located 1.8 miles downstream of Johnston County State Road 1908) to class WS-IV CA NSW [Index Nos. 27-(36) and 27-(38.5)].

(x) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective August 1, 1998 with the revision of the Critical Area and Protected Area boundaries surrounding the Falls Lake water supply reservoir. The revisions to these boundaries are the result of the US Army Corps of Engineers raising the lake's normal pool elevation. The result of these revisions is the Critical and Protected Area boundaries (classifications) may extend further upstream than the current designations. The Critical Area for a WS-IV reservoir is defined as 0.5 miles and draining to the normal pool elevation. The Protected Area for a WS-IV reservoir is defined as 5 miles and draining to the normal pool elevation. The normal pool elevation of the Falls Lake reservoir has changed from 250.1 feet mean sea level (msl) to 251.5 feet msl.

(y) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective August 1, 2002 with the reclassification of the Neuse River [portions of Index No. 27-(56)], including portions of its tributaries, from a point 0.7 mile downstream of the mouth of Coxes Creek to a point 0.6 mile upstream of Lenoir County proposed water supply intake from Class C NSW to Class WS-IV NSW and from a point 0.6 mile upstream of Lenoir County proposed water supply intake to Lenoir proposed water supply intake from Class C NSW to Class WS-IV CA NSW.

(z) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective July 1, 2004 with the reclassification of the Neuse River (including tributaries in Wake County) [Index Nos. 27-(20.7), 27-21, 27-21-1] from the dam at Falls Lake to a point 0.5 mile upstream of the Town of Wake Forest Water Supply Intake (former water supply intake for Burlington Mills Wake Finishing Plant) from Class C NSW to Class WS-IV NSW and from a point 0.5 mile upstream of the Town of Wake Forest proposed water supply intake to Town of Wake Forest proposed water supply intake [Index No. 27-(20.1)] from Class C NSW to Class WS-IV NSW CA. Fantasy Lake [Index No. 27 -57-3-1-1], a former rock quarry within a WS-II NSW water supply watershed, was reclassified from Class WS-II NSW to Class WS-II NSW CA.

(aa) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule was amended effective November 1, 2007 with the reclassification of the entire watershed of Deep Creek (Index No. 27-3-4) from source to Flat River from Class WS-III NSW to Class WS-III ORW NSW.

(bb) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule is amended effective January 15, 2011 with the reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at Falls Reservoir from Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All waters within the Falls Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in ~~Rules 15A NCAC 02B .0275 through .0283.~~Rules .0275 through .0283 of this Subchapter.

(cc) The ~~Schedule of Classifications and Water Quality Standards for the~~ Neuse River Basin Classification Schedule is amended effective July 1, 2012 as follows:

(1) Johnston County owned quarry near Little River [Index No. 27-57-(20.2)] from Class C NSW to Class WS-IV NSW CA. The Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of this quarry;

(2) a portion of the Neuse River [Index Number 27-(41.7)] from a point approximately 1.4 miles downstream of Gar Gut to a point approximately 1.7 miles upstream of Bawdy Creek from Class WS-V NSW to Class WS-IV NSW; and

(3) a portion of the Neuse River [Index No. 27-(49.5)] from a point approximately 0.5 mile upstream of S.R. 1201 (Johnston County intake) to S.R. 1201 (Johnston County intake) from Class WS-IV NSW to Class WS-IV NSW CA.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. November 1, 2007; July 1, 2004 (see SL 2001-361); August 1, 2002; August 1, 1998; April 1, 1997; September 1, 1996; July 1, 1996; April 1, 1994; August 3, 1992; July 1, 1991;
Amended Eff. January 15, 2011 (this permanent rule replaces the temporary rule approved by the RRC on December 16, 2010);
Amended Eff. July 1, 2012.

15A NCAC 02B .0316 is proposed for amendment as follows:

Commented [A1]: Streamlining and address updates. No substantive changes.

15A NCAC 02B .0316 TAR-PAMLICO RIVER BASIN

(a) ~~The Tar-Pamlico River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~ Classifications assigned to the waters within the Tar-Pamlico River Basin are set forth in the Tar-Pamlico River Basin Classification Schedule, which may be inspected at the following places:

(1) the ~~internet~~Internet at ~~http://h2o.enr.state.nc.us/csu/;~~ http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North ~~Carolina~~Carolina;

(B) Washington Regional Office
943 Washington Square Mall
Washington, North ~~Carolina~~Carolina; and

(C) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C Sw," except the main drainage canals to Pamlico Sound and its bays which are classified "SC."

(c) The Tar-Pamlico River Basin ~~Schedule of Classification and Water Quality Standards~~ Classification Schedule was amended effective:

(1) March 1, 1977;
(2) November 1, 1978;
(3) June 8, 1980;
(4) October 1, 1983;
(5) June 1, 1984;
(6) August 1, 1985;
(7) February 1, 1986;
(8) August 1, 1988;
(9) January 1, 1990;
(10) August 1, 1990;
(11) August 3, 1992;
(12) April 1, 1994;
(13) January 1, 1996;
(14) September 1, 1996;

(15) October 7, 2003;

(16) June 1, 2004;

(17) November 1, 2007.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective August 1, 1988 as follows:

(1) Tar River (Index No. 28-94) from a point 1.2 miles downstream of Broad Run to the upstream side of Tranters Creek from Class C to Class B.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective January 1, 1990 by the reclassification of Pamlico River and Pamlico Sound [Index No. 29-(27)] which includes all waters within a line beginning at Juniper Bay Point and running due south to Lat. 35° 18' 00", long. 76° 13' 20", thence due west to lat. 35° 18' 00", long 76° 20' 00", thence northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding the Blowout, Hydeland Canal, Juniper Canal and Quarter Canal were reclassified from Class SA and SC to SA ORW and SC ORW.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective January 1, 1990 by adding the supplemental classification NSW (Nutrient Sensitive Waters) to all waters in the basin from source to a line across Pamlico River from Roos Point to Persimmon Tree Point.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective April 1, 1994 with the reclassification of Blounts Creek from Herring Run to Blounts Bay [Index No. 29-9-1-(3)] from Class SC NSW to Class SB NSW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective January 1, 1996 with the reclassification of Tranters Creek [Index Numbers 28-103- (4.5), 28-103- (13.5), 28-103- (14.5) and 28-103- (16.5)] from a point 1.5 miles upstream of Turkey Swamp to the City of Washington's former auxiliary water supply intake, including tributaries, from Class WS-IV Sw NSW and Class WS-IV CA Sw NSW to Class C Sw NSW.

(j) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective September 1, 1996 with the addition of Huddles Cut (previously unnamed in the schedule) classified as SC NSW with an Index No. of 29-25.5.

(k) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was temporarily amended effective October 7, 2003 and permanently amended June 1, 2004 with the reclassification of a portion of Swift Creek [Index Number 28-78-(0.5)] and a portion of Sandy Creek [Index Number 28-78-1-(19)] from Nash County SR 1004 to Nash County SR 1003 from Class C NSW to Class C ORW NSW, and the waters that drain to these two creek portions to include only the ORW management strategy as represented by "+". The "+" symbol as used in this paragraph means that all undesignated waterbodies that drain to the portions of the two creeks referenced in this Paragraph shall comply with ~~Paragraph (c) of Rule .0225 of this Subchapter~~ Rule .0225 (c) of this Subchapter in order to protect the designated waters as per Rule .0203 of this Subchapter and to protect outstanding resource values found in the designated waters as well as in the undesignated waters that drain to the designated waters.

(l) The ~~Schedule of Classifications and Water Quality Standards for the~~ Tar-Pamlico River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water ~~Quality~~ Resources maintains a Geographic Information Systems data layer of these UWLs.

(1) Goose Creek Tidal Freshwater Marsh along the confluence of Goose Creek [Index No. 29-33] and the Pamlico River [Index No. 29-(27)], along Flatty Creek [Index No. 29-11-4] a length of the Pamlico River shoreline [Index No. 29-(27)] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(2) Mallard Creek Tidal Freshwater Marsh along Mallard Creek [Index No. 29-13-(1)] 0.2 miles above its confluence with the Pamlico River to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. August 1, 2003 (see S.L. 2003-433, s.1); September 1, 1996; January 1, 1996; April 1, 1994; August 3, 1992; August 1, 1990;
Temporary Amendment Eff. October 7, 2003;
Amended Eff. November 1, 2007; June 1, 2004.

15A NCAC 02B .0317 is proposed for amendment as follows:

Commented [A1]: Streamlining and address updates. No substantive changes.

15A NCAC 02B .0317 PASQUOTANK RIVER BASIN

(a) ~~The Pasquotank River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:~~Classifications assigned to the waters within the Pasquotank River Basin are set forth in the Pasquotank River Basin Classification Schedule, which may be inspected at the following places:

(1) the Internet at ~~http://h2o.enr.state.nc.us/csu/;~~http://portal.ncdenr.org/web/wq/ps/csu/classifications; and

(2) the North Carolina Department of ~~Environment and Natural Resources:~~ Environmental Quality:

(A) Washington Regional Office
943 Washington Square Mall
Washington, North ~~Carolina~~Carolina;and

(B) Division of Water ~~Quality~~Resources
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. All drainage canals not noted in the schedule are classified "C."

(c) The Pasquotank River Basin ~~Schedule of Classifications and Water Quality Standards~~Classification Schedule was amended effective:

(1) March 1, 1977;
(2) May 18, 1977;
(3) December 13, 1979;
(4) January 1, 1985;
(5) February 1, 1986;
(6) January 1, 1990;
(7) August 1, 1990;
(8) August 3, 1992;
(9) August 1, 1998;
(10) August 1, 2000;
(11) November 1, 2007.

(d) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective January 1, 1990 by the reclassification of Alligator River [Index Nos. 30-16-(1) and 30-16-(7)] from source to U.S. Hwy. 64 and all tributaries except Swindells Canal, Florida Canal, New Lake, Fairfield Canal, Carters Canal, Dunbar Canal and Intracoastal Waterway (Pungo River - Alligator River Canal) were reclassified from C Sw and SC Sw to C Sw ORW and SC Sw ORW.

(e) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective August 1, 1990 as follows:

(1) Croatan Sound [Index No. 30-20-(1)] from a point of land on the southern side of mouth of Peter Mashoes Creek on Dare County mainland following a line eastward to Northwest Point on Roanoke Island and then from Northwest Point following a line west to Reeds Point on Dare County mainland was reclassified from Class SC to Class SB.

(2) Croatan Sound [Index No. 30-20-(1.5)] from Northwest Point on Roanoke Island following a line west to Reeds Point on Dare County mainland to William B. Umstead Memorial Bridge was reclassified from Class SC to Class SA.

(f) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(g) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for a portion of the Pasquotank River [Index No. 30-3-(1.7)] from Class WS-IV to Class WS-V.

(h) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective August 1, 2000 with the reclassification of Lake Phelps [Index No. 30-14-4-6-1] from Class C Sw to Class B Sw ORW.

(i) The ~~Schedule of Classifications and Water Quality Standards for the~~ Pasquotank River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of these UWLs.

(1) Phelps Lake Natural Lake Shoreline near Phelps Lake [Index No. 30-14-4-6-1] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

(2) Nags Head Woods near Buzzard Bay [Index No. 30-21-1] was reclassified to Class WL ~~UWL as defined in 15A NCAC 02B .0101. Rule .0202 of this Subchapter~~UWL.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. November 1, 2007; August 1, 2000; August 1, 1998; August 3, 1992; August 1, 1990; January 1, 1990; February 1, 1986.