



PROPOSED WATER SUPPLY RECLASSIFICATION OF MAIDEN CREEK AND ALLEN CREEK: PUBLIC HEARING SET FOR AUGUST



[A public hearing is going to be conducted in order to receive public comments on the proposed reclassification and associated fiscal note for two sections of Allen Creek and two sections of Maiden Creek in Catawba and Lincoln Counties \(Catawba River Basin\). The Town of Maiden has requested that these creek portions be reclassified from Water Supply –II \(WS-II\) High Quality Waters \(HQW\) to WS-V, which would recognize that these waters are formerly used public water supplies.](#)

[PUBLIC HEARING](#)

[Location:](#) Tuttle Elementary School
2872 Water Plant Road
Maiden, NC 28650

[Date:](#) Thursday, August 16, 2012

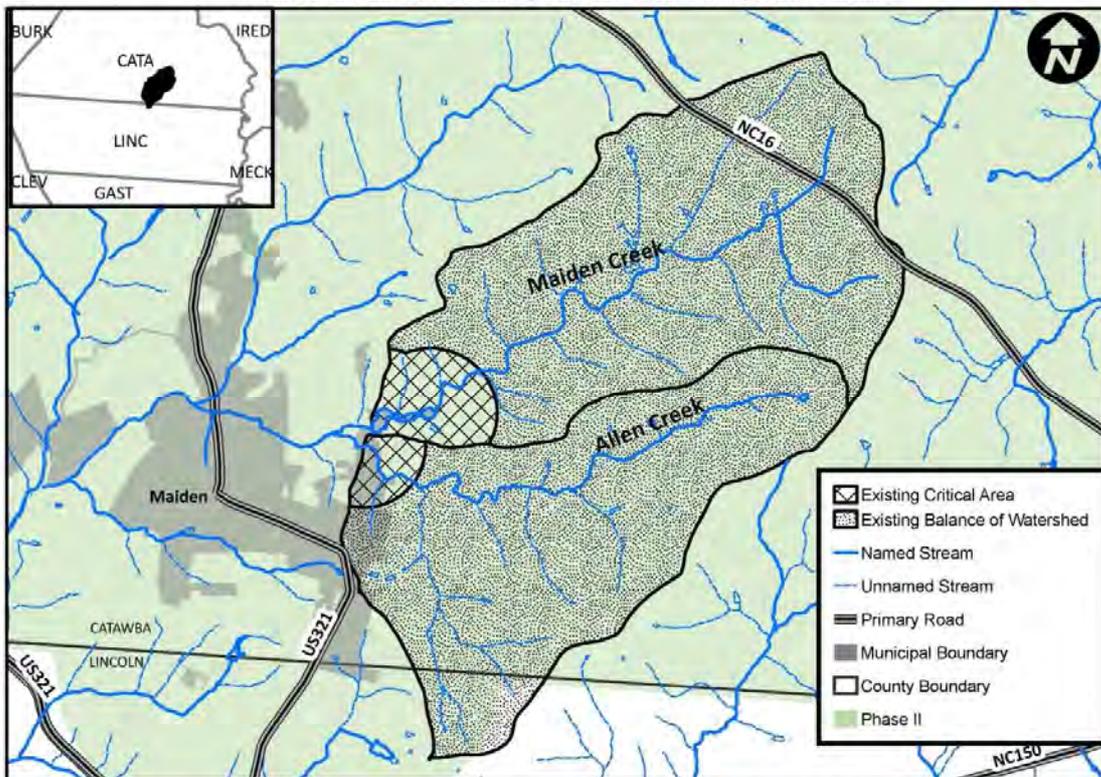
[Time:](#) 7:00 p.m.

[WATERS TO BE AFFECTED BY THE PROPOSED RECLASSIFICATION](#)

The portion of Maiden Creek proposed to be reclassified to WS-V extends from its source to the Maiden Reservoir dam near Water Plant Road, and includes approximately 5,280 acres. There is one named tributary to this section of Maiden Creek (Bee Branch) that is to be reclassified to WS-V. The portion of Allen Creek proposed to be reclassified to WS-V extends from its source to the planned Maiden water supply intake, and includes nearly 4,293 acres. Allen Creek was approved for a new water intake to be located near Water Plant Road, but the Town never built an intake in the creek. However, the Town did utilize water from Allen Creek a few times during past droughts.

Proposed WS-V Reclassification of Maiden Creek and Allen Creek

Catawba and Lincoln Counties, Catawba River Basin, North Carolina



This map is only as good as the data available when it was printed and is not intended to replace any rule, regulation or classification schedule.
North Carolina Division of Water Quality | www.ncwaterquality.org | 512 N. Salisbury St., Raleigh, NC 27604

Map Source: NCDENR Division of Water Quality, Classifications and Standards Unit; Produced 29Dec2011

REGULATIONS ASSOCIATED WITH THE PROPOSED RECLASSIFICATION

If these waters are reclassified to WS-V, WS-II rules prohibiting new landfills and new land application sites will no longer apply in the Critical Areas of these watersheds, nor will the WS-II restrictions for new development apply to the entirety of these watersheds (see map). In addition, the water supply water quality standards, but not the WS-II rules restricting types of wastewater discharges, would apply to the two watersheds. The requirements related to the WS-II and WS-V designations are located on the internet at <http://portal.ncdenr.org/web/wq/ps/csu/rules>.

There is no requirement that the ordinances of Catawba County, Lincoln County, and Town of Maiden be amended to remove the WS-II development restrictions. Nevertheless, if these local governments decide to no longer enforce these WS-II rules, applicable Phase II rules for new development would need to be implemented by the Town of Maiden and the state. The Phase II rules contain less stringent requirements than the WS-II rules and only affect new development disturbing one or more acres of land, which does not include most new individual homes and existing home expansions.

There are currently no permitted or known planned wastewater discharges in the proposed areas. In the existing WS-II CAs, there are currently no permitted or known planned landfills and application sites. In addition, there is no known planned development in the subject areas. The subject areas are currently, and projected to be, a mixture of undeveloped forested and pasture lands, which the WS, HQW, and Phase II rules do not affect.

A fiscal analysis for this proposal has been completed and approved, and the analysis' quantifiable results revealed no cost to the local municipality and counties involved, and a one-time cost of \$355 to the state.

MEETING FEDERAL TRIENNIAL REVIEW REQUIREMENTS

The public hearing and comment period are to be held in accordance with the federal Clean Water Act that requires States, at least every three years, to review and revise water quality standards. These standards are provided in existing rules NCAC 15A 02B .0100 and .0201 through .0228. The process is called the Triennial Review and includes an assessment and revision of the designated uses of waters (classifications) and the water quality criteria (standards), which are based on the designated uses. More specifically, this public hearing and comment period are to address the potential assignment of a WS-V classification to portions of both the Maiden Creek and Allen Creek watersheds. This proposal will not result in changing the water quality standards for the subject watersheds.



HOW TO SUBMIT COMMENTS

You may attend the public hearing and provide verbal comments that specifically address the proposed reclassification and its fiscal note for Allen Creek and Maiden Creek. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. In addition, written comments addressing the proposed reclassification and fiscal note for Allen Creek and Maiden Creek will be accepted until September 14, 2012.

All persons interested and potentially affected by the proposal are encouraged to read this announcement and make comments on the proposal. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text. The proposed effective date for this proposed reclassification is March 1, 2013. Written comments on the proposed reclassification of Maiden Creek and Allen Creek may be submitted to Elizabeth Kountis of the Water Quality Planning Section at the postal address, e-mail address, or fax number listed below.

FOR ADDITIONAL INFORMATION

This announcement and a map of the waters proposed to be reclassified are located on the internet via <http://portal.ncdenr.org/web/wq/event-calendar> (look under "2012-08-16"). Further explanations and details on reclassifications may be obtained by writing or calling:

Elizabeth Kountis, DENR-Division of Water Quality, Planning Section
1617 Mail Service Center, Raleigh, NC 27699-1617
phone (919) 807-6418, fax (919) 807-6497, e-mail Elizabeth.Kountis@ncdenr.gov

To learn more about how the Division of Water Quality protects water quality in North Carolina, go to <http://portal.ncdenr.org/web/wq/home/wyk>.

In the case of inclement weather on the day of the scheduled public hearing, please contact the above telephone number for a recorded message regarding any changes to the location, date, or time of the hearing.

