

**Agenda Item: 11-25 Request Approval of the Proposed Reclassification of Dan River Segments in Caswell County (Roanoke River Basin) to Class WS-IV and WS-IV CA**

**Explanation:**

Pease Associates, Inc., on behalf of the City of Roxboro, requested that Dan River segments (Caswell County, Roanoke River Basin) be reclassified from Class C to WS-IV CA and WS-IV (PA). The reclassification is needed to construct a water supply intake in the river. The new intake will initially serve Roxboro and the Towns of Yanceyville and Milton with an emergency potable water supply source and eventually a permanent potable water supply source.

The Division of Water Resources (DWR) supports the proposed reclassification. Staff from Division of Environmental Health (DEH) has stated that the subject waters can be treated for potable water supply use. An Environmental Assessment (EA) for this project received a Finding of No Significant Impact. DWQ studies indicated that the subject waters meet WS-IV water supply water standards.

Virginia officials received a Public Water Supply (PWS) reclassification request regarding the proposed intake, and have begun reclassification proceedings. This process has occurred partially in tandem with NC's rule-making process. Virginia and NC signed a Memorandum of Agreement (MOA) regarding this reclassification.

If reclassified, NC WS-IV wastewater discharge and new development restrictions will apply in the proposed NC reclassification area. In that area, there are no current discharges, and no known planned discharges and developments that would be impacted by the proposal. Caswell County would need to modify, and has agreed to modify, its water supply watershed protection ordinances within 270 days after the reclassification effective date.

Virginia's proposed PWS designation for waters draining to the NC subject watershed would place additional restrictions only on permitted wastewater discharges. There are no current or planned permitted wastewater discharges in VA's proposed PWS waters.

In 2008 and 2009, the Water Quality Committee and the Commission, respectively, approved the request to proceed with rule-making for the proposed reclassification. A public hearing was held in March 2011 in Providence. Six speakers made comments. Two of the speakers, representing the City of Danville and Roanoke River Basin Association, respectively, clearly stated they did not support the reclassification. One speaker representing Person County supported the reclassification. The remaining speakers did not state a position on the reclassification.

During the comment period, one letter in support of the reclassification from the Town of Yanceyville, and one letter that stated concerns but did not state a stance on the reclassification, were received. In addition, 18 letters against the reclassification were received. Nearly half of the 18 letters were from landowners and residents, and the remaining letters that provided authors' affiliations came from the Caswell County Soil and Water District, Roanoke River Basin Association, and citizens. These comment letters raised several issues of concern regarding the proposal, which DWQ staff subsequently investigated thoroughly. The issues of concern, which DWQ addressed by referencing information already presented by staff and/or publicly available, involved such topics as WS-IV regulations, rulemaking requirements, reclassification steps, the EA review process and contents, the reclassification request, and Caswell County involvement. The Report of Proceedings sent to the members of the EMC includes all written comments received and further details on this proposed reclassification.

**Recommendation:**

The Hearing Officer recommends that the proposed reclassification be approved by the Commission. If reclassified as proposed, and approved by the Rules Review Commission in August 2011, the effective date for this reclassification will be September 1, 2011.