

Agenda Item: 10-33 Request to Adopt the Hearing Officer’s Recommendation on a Reclassification Proposal for the Upper Catawba River Area in McDowell County (Catawba River Basin)

Explanation:

The Environmental Management Commission approved the Division of Water Quality’s (DWQ) request to proceed with a High Quality Waters (HQW) reclassification proposal to public hearing for the Upper Catawba River area in McDowell County in the Catawba River basin. The notice for the hearing was published in the North Carolina Register on December 15, 2009, and a public hearing was held in the town of Old Fort, North Carolina. The 60-day public comment period for the reclassification proposal concluded on February 15, 2010.

In 2007, DWQ’s Central Office received from DWQ’s Asheville Regional Office a request that the upper Catawba River, west of Old Fort in McDowell County and from its source to the confluence with the Left Prong Catawba River, and all its tributaries including Clover Patch Branch, Youngs Fork Creek, Springs Branch, Chestnut Branch (Fork), and Left Prong Catawba River be evaluated for reclassification to HQW.

The High Quality Waters classification provides protection to waters with high quality. In order to qualify for this classification, waters must be of excellent quality based on physical, chemical or biological information. Biological sampling on the upper Catawba River and the Left Prong Catawba River that was conducted in 2007 by DWQ biologists shows that these waters have excellent water quality. About 39 miles of stream, which are currently classified C Trout, in an approximately 6,000 acre watershed are proposed to be reclassified as High Quality Waters.

HQW regulations for this watershed:

- require stormwater and erosion and sedimentation controls for transportation and new development projects that require an erosion and sedimentation control plan.
- require stricter treatment standards for any new wastewater treatment facilities (none are located here), and prevents new single family residence wastewater discharges.

DWQ received a total of 24 public comments on the reclassification proposal. The public comments received included 10 comments clearly supporting, 4 comments clearly opposing, and 10 comments that a position is not clearly stated.

The details on this proposed reclassification are in the Hearing Officer’s Report

Recommendation: It is the recommendation of the Hearing Officer and staff that the proposed reclassification, as presented in the Hearing Officer Report, be adopted by the EMC. If reclassified as proposed, and approved by the Rules Review Commission in August 2010, the effective date for this reclassification will be September 1, 2010.