

**ENVIRONMENTAL MANAGEMENT COMMISSION  
WATER QUALITY COMMITTEE MEETING SUMMARY**

**Archdale Building-Ground Floor Hearing Room  
March 7, 2012**

**BRIEF**

**At the March 7, 2012 meeting of the Environmental Management Commission (EMC) Water Quality Committee (WQC), the WQC:**

- approved to move the proposed reclassification of two segments of Maiden Creek and two segments of Allen Creek in Catawba and Lincoln Counties (Catawba River Basin) to Class WS-V and associated fiscal note to the full EMC.
- approved the Agriculture Nutrient Tracking and Accounting Methods for the Falls Lake Watershed.

**WQC Members in Attendance:**

Mr. Dickson Phillips III  
Mr. Donnie Brewer  
Mr. Tom Ellis  
Dr. David Moreau.  
Mr. Kevin Martin  
Mr. Steve Tedder  
Mr. Stephen Smith  
Dr. Ernest Larkin (Acting Chairman)  
Mr. Jeffrey Morse

**WQC Members in Not in Attendance:**

Dr. Charles H. Peterson (Chairman)  
Mr. William Les Hall, Jr.

**Others Present:**

Mr. Chuck Wakild, DWQ Director  
Mr. Frank Crawley, Attorney General Office  
Mr. Marvin Cavanaugh, EMC

According to General Statute 138-A15, Mr. Earnest Larkin, acting on behalf of the chairman of the WQC, Dr. Charles H. Peterson, gave the opportunity to each WQC member present to state any conflict or the appearance of a conflict of interest they may have with any matter on the meeting agenda. No one had stated that they had a conflict with any matter. Therefore, each WQC present was able to render a decision on any agenda matter.

**1. Request to Proceed to Environmental Management Commission (EMC) with the Proposed Reclassification of Two Segments of Maiden Creek and Two Segments of Allen Creek in Catawba and Lincoln Counties (Catawba River Basin) to Class WS-V – (Action Item) (Elizabeth Kountis)**

**Description**

The Town of Maiden (Town) has requested the reclassification of two segments of Maiden Creek and two segments of Allen Creek in Catawba and Lincoln Counties (Catawba River Basin). These creek portions are to be reclassified from WS-II Critical Area (CA) High Quality Waters (HQW) and WS-II (Balance of Watershed or BW) HQW to WS-V. The reasons provided by the Town for the desired reclassification are as follows: 1) the Town no longer uses and will not use these water supplies; 2) an existing long term contract allows the Town to receive treated water from the City of Hickory currently and into the future; and 3) other protective measures, namely Phase II stormwater regulations, apply. The WQC was asked to approve this reclassification request and the associated fiscal note. If approved, staff would proceed to the full EMC for approval of the fiscal note and for permission to send the proposed reclassification and fiscal note out to public hearing.

### **Discussion**

Mr. Smith asked staff to clarify the regulatory impact of the reclassification for the future EMC meeting. Mr. Tedder said that the recommended WS-V classification for the subject waterbodies is the most appropriate classification because they no longer will be used as water supplies by the Town. Dr. Moreau asked why the subject waters will not be reclassified to Class C since they are no longer going to be public water supplies. Staff said that the Clean Water Act doesn't allow existing uses to be removed from waters unless it can be demonstrated that 1) the use can't be attained feasibility, 2) the use can be attained through use of best management practices and effluent limits, and 3) a use is added requiring more stringent requirements for the waters. In this case, it has been shown that the water supply use can be attained and is feasibly and further requirements aren't what the requestor wants. In addition, it would be easier to go from one water supply classification to another water supply classification. Mr. Martin said that he agreed with Dr. Moreau's issue with recommending a WS classification for waters that will no longer be used public water supplies. Mr. Tedder commented that the Town requested a WS-V.

### **Motion**

Mr. Tedder made a motion for approval to move the proposed reclassification (and proposed fiscal note) to the full EMC. Mr. Brewer seconded the motion and the WQC unanimously passed it.

## **2. Request to Approve Agriculture Nutrient Tracking and Accounting Methods for the Falls Lake Watershed – (Action Item) (John Huisman)**

### **Description**

Item (7)(b) of the Falls Agriculture Rule, 15A NCAC 02B .0280, requires the Falls Watershed Oversight Committee (WOC) to develop tracking and accounting methods for nitrogen and phosphorus loss from agricultural lands in the Falls watershed. Specifically, the WOC shall develop nitrogen accounting methods for cropland and for pastureland, as well as a phosphorus accounting method. These are to be submitted to the Water Quality Committee for its approval based on standards set out in the rule within fourteen months of the rule's effective date, which was January 2011. The proposed methods will be used by the WOC to determine if agriculture has met its nutrient reduction goals. The accounting methods proposed for the Falls watershed are similar to those approved for the Jordan watershed by the Water Quality Committee in July 2011, with slight differences due to different reduction goals in the two watersheds. Initial findings will be returned to the Committee at its January 2013 meeting. The Falls Agriculture Rule and a report summarizing the proposed tracking and accounting methods were provided in the meeting materials.

### **Discussion**

Mr. Tedder advised staff to make in stream monitoring on smaller watershed to validate the results of the methods a high priority. Mr. Martin agreed and mentioned that the assumptions made on agriculture are similar to those made on stormwater best management practices.

### **Motion**

A WQC member made a motion to approve the Agriculture Nutrient Tracking and Accounting Methods for the Falls Lake Watershed. The motion was seconded by Mr. Ellis and unanimously passed by the WQC.

This summary was prepared by Adriene Weaver, Elizabeth Kountis and John Huisman in March 2009.