

Agenda Item: 11-19 Request to Proceed to Public Hearing with the Proposed Reclassification of the Haw River in Alamance, Caswell, Guilford, and Rockingham Counties (Cape Fear River Basin) from Class WS-V to Class WS-IV (PA) and WS-IV CA –

Explanation:

During 2002's drought, the City of Greensboro ("City") received permission from the Division of Environmental Health and funding from the Division of Water Resources to construct and use an emergency intake on the Haw River. The intake was utilized from October 2007 - April 2008. Continued use of the intake requires the reclassification of the surface waters draining to it, and thus, this proposal serves the public interest per Executive Order #70.

DWQ waited for the rulemaking associated with the Jordan Lake rules to be completed prior to taking current actions on the City's requested reclassification, due to the complexity involved in those rules. Under current regulations, the source must be classified as a WS-I, WS-II, WS-III, or WS-IV to be used as a public water supply. The waters draining to the intake meet water supply quality water standards according to DWQ studies. Review of existing and applicable state and local government regulations led to the proposed WS-IV designation for these waters.

If reclassified, regulations affecting new development and wastewater discharges would apply. There are no land application sites in the proposed CA, and three NPDES wastewater discharges and two permitted animal operations in the proposed watershed; none of these operations would be impacted by this proposal. In the proposed area, there are no known planned wastewater discharges and developments, and no known plans for existing wastewater discharges to become process industrial wastewater discharges. Alamance County would need to implement the Jordan buffer requirements upon reclassification.

The proposed watershed is located within the jurisdictions of Alamance, Caswell, Guilford, and Rockingham Counties. Resolutions have been received from all of these counties. Local governments are required to modify their water supply watershed protection ordinances within 270 days after a reclassification's effective date.

At the March 2011 Water Quality Committee (WQC) meeting, the WQC granted staff approval to proceed to the full Environmental Management Commission (EMC) with the reclassification following review of the fiscal analysis at the May 2011 WQC meeting. The draft fiscal analysis' quantifiable results revealed a one-time cost of approximately \$2,500, \$2,650, \$4,640, and \$2,500 to Alamance, Caswell, Guilford and Rockingham Counties, respectively, and a one-time cost of about \$2,940 to the state. These costs were presented to the WQC at their May 2011 meeting. The proposed reclassification's effective date is March 1, 2012.

Recommendation:

That the EMC grant staff approval to proceed to public hearing with the proposed reclassification.