

**\*\*INFORMATION IN THIS NOTE WILL CHANGE UPON RECEIPT OF CASWELL COUNTY RESOLUTION \*\*****FISCAL NOTE****Rule Citation Number:** 15A NCAC 2B .0311 Cape Fear River Basin**Rule Topic:** Proposed Reclassification of Portions of the Haw River from Class Water Supply-V (WS-V) Nutrient Sensitive Waters (NSW) to Class WS-IV Critical Area (CA) NSW and Class WS-IV (Protected Area or PA)**DENR Division:** Division of Water Quality**Staff Contact:** Elizabeth Kountis, Environmental Senior Specialist  
Division of Water Quality  
(919) 807-6418  
elizabeth.kountis@ncdenr.gov**Impact Summary:**  
State government: Yes  
Local government: Yes  
Substantial impact: No  
Federal government: No  
Small Business: No**Authority:** G.S. 143-214.5**Necessity:** This proposed reclassification is necessary to prepare for future emergencies and to ensure the supply of drinking water for the City of Greensboro. Under North Carolina 15A NCAC 18C .0202, "any surface water which is to receive treatment...in order to be used for a public water system shall be obtained from a source which meets the water supply stream classification standards established by the EMC...".

This rule does not:

- require a federal certification statement under NCGS 150B-21(f1)
- meet the criterion of Federal Exemption found in NCGS 150B-21.4(b1)
- meet the criteria listed in NCGS 150B-21 relating to Temporary Rules
- meet the criteria for a Technical Correction laid out in NCGS 150B-21.5
- meet any of the criteria cited in the Help file list of a series of situations which may render a rule obsolete

**I. Summary**

The City of Greensboro (City) has requested that portions of the Haw River and associated watershed in Alamance, Caswell, Guilford, and Rockingham Counties (Cape Fear River Basin) be reclassified for public water supply use, and the WS-IV Critical Area<sup>1</sup> (CA) and WS-IV [Protected Area<sup>2</sup> (PA)] designations

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<sup>1</sup> Critical Area: The lands and waters .5 miles linearly upstream and draining to a water intake

<sup>2</sup> Protected Area: The lands and waters 10 miles run-of-the-river upstream and draining to a water intake, not including the Critical Area.

would be the most appropriate classifications for this use and these waters (see Appendix 1 for the proposed rule change text). The reclassification would recognize the City's existing emergency intake in the river. If reclassified, regulations affecting new development and discharges would apply. Currently, there are no new developments or discharges impacted by this proposal. Alamance, Caswell, Guilford, and Rockingham Counties are the local governments with jurisdiction in the proposed water supply watershed area. Rockingham, Guilford, and Alamance Counties have provided a resolution indicating that these local governments will implement the proposed rule within their jurisdiction once the reclassification becomes effective (see Appendix 2 for resolutions), and thus would incur costs due to the rule change. Given that a resolution has not been received for this proposal from Caswell County, the cost to the state of NC, and not that local government, that would result due to the rule change was estimated (See Appendix 3 for cost calculations). These costs would be largely based on the average number of new development projects annually within Caswell County, and as stated above, there are no known planned new developments in the proposed reclassification area. The analysis of the proposed rule does not indicate that estimated annual economic impacts will exceed \$3 million.

The state anticipates the effective date of this reclassification to be to May 1, 2012.

#### **I. Purpose of Rules and Background**

The purpose of this rule change is to allow the continued utilization of an existing emergency intake in the Haw River that was constructed for immediate use due to drought. The waters to be reclassified meet water supply water standards according to DWQ studies, and a Finding of No Significant Impact (FONSI) was not required for this project.

The Division of Water Quality assigns all surface waters a primary classification to designate their best uses. Class C is the most basic classification for freshwater and this classification is intended to protect the following uses: secondary recreation, fishing, wildlife, fish and aquatic life propagation and survival, and agriculture. Secondary recreation includes wading, boating, and other uses involving human body contact with water where such activities take place in an infrequent, unorganized, or incidental manner. Other primary classifications are assigned to protect waters for such uses as shellfishing (Class SA), drinking water supply (WS-I through WS-V), and primary recreation (B). Supplemental classifications afford additional protections, and include Nutrient Sensitive Waters (NSW) and High Quality Waters (HQW).

The five drinking water supply classifications, WS-I through WS-V, reflect the variability in the types of water supply watersheds across the state. The Water Supply Watershed Protection Act (North Carolina General Statute 143-214.5) requires the Environmental Management Commission to adopt rules to protect the state's surface drinking water supply watersheds.

The City has requested that portions of the Haw River and associated watershed in Rockingham, Caswell, Alamance, and Guilford Counties (Cape Fear River Basin) be reclassified for public water supply use, and the WS-IV CA and WS-IV (PA) designations would be the most appropriate classifications for this use and these waters (see Appendix 1 for the proposed rule change text). For this proposal, the proposed CA would extend along the river from the intake, which is located approximately 650 feet upstream of Guilford County Road 2712, to a point approximately 0.5 miles upstream of the intake. The proposed CA is entirely located within Guilford County. The proposed PA would extend along the river from the proposed CA to a point approximately 0.6 mile downstream of U.S. Route 29. The proposed PA is located primarily within Guilford and Rockingham Counties, and small portions of the proposed PA

are located within Alamance and Caswell Counties. See the Guide to Freshwater Classifications Chart (PDF) for the regulations on discharges and new developments at the following website: <http://portal.ncdenr.org/web/wq/ps/csu/classifications>.

## II. Costs

### Regulated Parties

#### (a) Wastewater Discharge

In the proposed water supply watershed area, there are existing wastewater discharges, which would not be impacted by the proposal. In addition, there are no known planned wastewater discharges into the proposed waters.

#### (b) New Development

There are no known plans for new development in the area.

#### (c) Local Governments

Alamance, Caswell, Guilford, and Rockingham Counties would be required to modify their water supply watershed ordinances within 270 days after the effective date of the proposed rule to reflect the changes in surface waters classifications and resulting changes in land management requirements. Alamance, Guilford, and Rockingham Counties have provided resolutions regarding the proposed reclassification indicating that these local governments will implement the proposed rule within their jurisdiction once the reclassification becomes effective (see Appendix 2 for resolutions). Caswell County has not provided a resolution stating a position on the proposal.

There are one-time costs associated with the modification of water supply watershed ordinances. These expenditures include costs for revising water supply watershed protection language in the ordinances, changing the water supply boundaries on maps, public notification, and hearing costs. A single local government, a combined regional effort between several local governments, or a paid consulting firm could perform these tasks. The estimated cost of staff time and physical materials required for these activities has not been reported for Caswell County as that county has not provided a resolution indicating that they will implement the water supply rules via their ordinances. However, the estimated total cost of staff time and physical materials required for these activities for Rockingham, Guilford, and Alamance Counties is approximately \$2,500, \$4,640, and \$2,500, respectively, according to estimates provided by staff with these counties.

#### (d) Department of Transportation (DOT)

This reclassification would not affect any known DOT activities in the area.

### Implementing Agencies

#### (a) Division of Water Quality (DWQ)

The NC DWQ Central and Regional office staff will oversee the processing of the proposed rule as well as the implementation and enforcement of the requirements of the proposed rule. DWQ staff will handle administrative procedures and provide educational and technical assistance and rule/policy evaluations. In addition, there are DWQ staff that will specifically oversee and assist local governments with watershed planning and ordinances. The Division has staff that issue permits, as well as, conduct inspections and take enforcement actions. DWQ monitors and keep records of compliance associated

with their inspections and enforcement activities which are based on discharge limits, permits, and other regulations.

Given that a resolution has not been received from Caswell County for this reclassification proposal, the cost to the state of NC to convey local program deficiency, initiate enforcement, assess penalties, and ultimately administer the watershed protection rules within the proposed water supply watershed area in this county has been considered (see Appendix 3 for cost calculations). The cost for NC to conduct the above-activities, except administration of the watershed protection rules, would span across approximately one year of time and would be about \$2,000 for this county. The annual cost to NC to administer the water supply watershed protection rules would occur after the year spent on the other above-mentioned activities, and is primarily based on the average number of new development projects annually within the entirety of Caswell County; as stated above, there are no known planned new developments in the proposed reclassification area. The portion of the cost to NC to administer the rules that is not based on the average number of new development projects is a one-time cost of approximately \$900 for this county. Thus, there would be a one-time cost of about \$2,900 to the state due to this proposal. Currently, the state does not administer the watershed protection rules within any Water Supply classified watersheds.

### **III. Benefits**

#### **(a) Humans**

The population of the City will benefit from the reclassification of these river segments because they will be able to use it as a source of emergency potable water. Reclassifying the waters will help protect the water supply for human consumption by decreasing the risk of contamination via application of wastewater discharge and stormwater management requirements for new future developments and discharges. The benefits from this use are dependent on the probability of another drought or other emergency that would negatively affect the current water supply.

#### **(b) Environment/Ecosystem**

Land use restrictions that protect water quality through stormwater management strategies and other narrative and numeric water quality standards benefit human health as well as ecosystem health and environmental assets. The protective management criteria will help to mitigate impacts from new development and wastewater discharges, and will also benefit fish and wildlife. More specifically, portions of the area proposed to be reclassified may experience lower levels of development density as well as decreased pollution, which may increase and improve habitat and, in turn, propagation and survival of aquatic life including wildlife and fish. DWQ currently does not have adequate data and models to quantify the potential benefits associated with the increase in wildlife habitat or reduction of pollution that this rule may create.

The analysis of the proposed rule does not indicate that estimated annual economic impacts will exceed \$3 million.

**APPENDIX 1**

**15A NCAC 02B .0311 CAPE FEAR RIVER BASIN**

(a) The Cape Fear River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) the Internet at <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
  - (A) Winston-Salem Regional Office  
585 Waughtown Street  
Winston-Salem, North Carolina
  - (B) Fayetteville Regional Office  
225 Green Street  
Systel Building Suite 714  
Fayetteville, North Carolina
  - (C) Raleigh Regional Office  
3800 Barrett Drive  
Raleigh, North Carolina
  - (D) Washington Regional Office  
943 Washington Square Mall  
Washington, North Carolina
  - (E) Wilmington Regional Office  
127 Cardinal Drive Extension  
Wilmington, North Carolina
  - (F) Division of Water Quality  
Central Office  
512 North Salisbury Street  
Raleigh, North Carolina.

(b) The Cape Fear River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) December 14, 1980;
- (4) August 9, 1981;
- (5) April 1, 1982;
- (6) December 1, 1983;
- (7) January 1, 1985;
- (8) August 1, 1985;
- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) October 1, 1987;
- (13) March 1, 1988;
- (14) June 1, 1988;
- (15) July 1, 1988;
- (16) January 1, 1990;
- (17) August 1, 1990;
- (18) August 3, 1992;
- (19) September 1, 1994;
- (20) August 1, 1998;
- (21) April 1, 1999;
- (22) August 1, 2002;
- (23) November 1, 2004;
- (24) November 1, 2007;
- (25) January 1, 2009;
- (26) August 11, 2009;
- (27) September 1, ~~2009~~2009;
- (28) May 1, 2012.

(c) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective June 1, 1988 as follows:

- (1) Cane Creek [Index No. 16-21-(1)] from source to a point 0.5 mile north of N.C. Hwy. 54 (Cane Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from Class WS-III to WS-I.
- (2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.

(d) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective July 1, 1988 by the reclassification of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all tributaries from C to WS-III.

(e) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows:

- (1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.
- (2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW.
- (3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.

(f) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin has been amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.

(g) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective June 1, 1994 as follows:

- (1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.
- (3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to Class WS-V, Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class WS-IV to Class WS-V.

(k) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the normal pool elevation of the reservoir. All waters within the Randleman Reservoir Water Supply Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in 15A NCAC 02B .0248.

(m) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 2002 as follows:

- (1) Mill Creek [Index Nos. 18-23-11-(1), 18-23-11-(2), 18-23-11-3, 18-23-11-(5)] from its source to the Little River, including all tributaries was reclassified from Class WS-III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.
- (2) McDeed's Creek [Index Nos. 18-23-11-4, 18-23-11-4-1] from its source to Mill Creek, including all tributaries was reclassified from Class WS III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

The "@" symbol as used in this Paragraph means that if the governing municipality has deemed that a development is covered under a "5/70 provision" as described in Rule 15A NCAC 02B .0215(3)(b)(i)(E) (Fresh Surface Water Quality Standards for Class WS-III Waters), then that development is not subject to the stormwater requirements as described in rule 15A NCAC 02H .1006 (Stormwater Requirements: High Quality Waters).

(n) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective November 1, 2004 as follows:

- (1) A portion of Rocky River [Index Number 17-43-(1)] from a point approximately 0.3 mile upstream of Town of Siler City upper reservoir dam to a point approximately 0.3 mile downstream of Lacy Creek from WS-III to WS-III CA.
- (2) A portion of Rocky River [Index Number 17-43-(8)] from dam at lower water supply reservoir for Town of Siler City to a point approximately 65 feet below dam (site of proposed dam) from C to WS-III CA.
- (3) A portion of Mud Lick Creek (Index No. 17-43-6) from a point approximately 0.4 mile upstream of Chatham County SR 1355 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.
- (4) A portion of Lacy Creek (17-43-7) from a point approximately 0.6 mile downstream of Chatham County SR 1362 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

(o) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of these UWLs.

- (1) Military Ocean Terminal Sunny Point Pools, all on the eastern shore of the Cape Fear River [Index No. 18-(71)] were reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (2) Salters Lake Bay near Salters Lake [Index No. 18-44-4] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (3) Jones Lake Bay near Jones Lake [Index No. 18-46-7-1] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (4) Weymouth Woods Sandhill Seep near Mill Creek [18-23-11-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (5) Fly Trap Savanna near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (6) Lily Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (7) Grassy Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (8) The Neck Savanna near Sandy Run Swamp [Index No. 18-74-33-2] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.

- (9) Bower's Bog near Mill Creek [Index No. 18-23-11-(1)] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (10) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL UWL as defined in 15A NCAC 02B .0101.
- (p) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective January 1, 2009 as follows:
- (1) a portion of Cape Fear River [Index No. 18-(26)] (including tributaries) from Smithfield Packing Company's intake, located approximately 2 miles upstream of County Road 1316, to a point approximately 0.5 miles upstream of Smithfield Packing Company's intake from Class C to Class WS-IV CA.
  - (2) a portion of Cape Fear River [Index No.18-(26)] (including tributaries) from a point approximately 0.5 miles upstream of Smithfield Packing Company's intake to a point approximately 1 mile upstream of Grays Creek from Class C to Class WS-IV.
- (q) The schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 11, 2009 with the reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at B. Everett Jordan Reservoir from Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All waters within the B. Everett Jordan Reservoir Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in 15A NCAC 02B .0262 through .0272.
- (r) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective September 1, 2009 with the reclassification of a portion of the Haw River [Index No. 16-(28.5)] from the Town of Pittsboro water supply intake, which is located approximately 0.15 mile west of U.S. 15/501, to a point 0.5 mile upstream of the Town of Pittsboro water supply intake from Class WS-IV to Class WS-IV CA.
- (s) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective May 1, 2012 with the reclassification of a portion of the Haw River [Index No. 16-(1)] from the City of Greensboro's intake, located approximately 650 feet upstream of Guilford County 2712, to a point approximately 0.5 miles upstream of the intake from Class WS-V NSW to Class WS-IV CA NSW, and a portion of the Haw River [Index No. 16-(1)] from a point approximately 0.5 miles upstream of the intake to a point nearly 0.6 miles downstream of U.S. Route 29 from Class WS-V NSW to Class WS-IV NSW.

*History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. May 1, 2012; September 1, 2009; August 11, 2009; January 1, 2009; November 1, 2007; November 1, 2004; August 1, 2002; April 1, 1999; August 1, 1998; September 1, 1994; June 1, 1994; August 3, 1992; August 1, 1990.*

**APPENDIX 2**  
**RESOLUTION OF SUPPORT BY THE COUNTY OF GUILFORD**  
**FOR THE WATERSHED IV RECLASSIFICATION OF THE LANDS DEFINING THE**  
**GREENSBORO EMERGENCY WATER SUPPLY WATERSHED**

WHEREAS, the City of Greensboro requested and received permission from the State of North Carolina (hereinafter referred to as "the State") Department of Environmental Health to put an emergency water supply intake on the Haw River in response to the drought of 2002; and

WHEREAS, the State's Department of Environmental and Natural Resources' Division of Water Quality requires the reclassification of all watersheds that serve as water supplies to protect the quality of those waters; and

WHEREAS, the jurisdictions affected by this reclassification have actively sought to protect the Haw River and its tributaries, as evidenced by the Memorandum of Understanding to preserve resources within the 500-foot corridor of the River for development of the Haw River Trail; and

WHEREAS, State legislation (Session Law 2009-216 and 2009-484) and Administrative Code (15A NCAC 02B.0262 – 0273) in response to State requirements for the B. Everett Jordan Lake Reservoir were enacted to reduce the net inputs of nitrogen and phosphorous within the entire Haw River by 8% and 5% respectively; and

WHEREAS, that same Session Law 2009-216 and 2009-484 requires Best Management Practices and other load reducing measures to reduce and maintain these required nitrogen and phosphorous concentrations from new and existing development within the affected communities; and

WHEREAS, the combinations of land use practices required by Session Law 2009-216 and 2009-484 within the protected Haw River riparian corridor and the Watershed IV reclassification of the emergency water supply watershed adequately protects the emergency water supply;

**NOW, THEREFORE, THE COUNTY OF GUILFORD HEREBY RESOLVES:**

To support the reclassification of the lands identified by the State Department of Environment  
 And Natural Resources in July 2010 as being within the Greensboro emergency water supply  
 Watershed from Watershed V to Watershed IV.

Nothing in this resolution shall affect or interfere with fulfillment of the obligations and rights of the parties hereto to manage the lands and programs administered by them in accordance

with their other basic land management responsibilities. Nor shall this resolution be understood to affect any lands outside of the designated emergency water supply watershed.

ATTEST:

*Thomas D. Vardimedes*

Clerk to Board

GUILFORD COUNTY

*Melvin Skip Alston*

Melvin Skip Alston, Chairman

Board of County Commissioners

Date:

*3/17/11*

**RESOLUTION OF SUPPORT  
BY THE COUNTY OF ALAMANCE  
FOR THE WATERSHED IV RECLASSIFICATION OF THE LANDS DEFINING  
THE GREENSBORO EMERGENCY WATER SUPPLY WATERSHED**

WHEREAS, the City of Greensboro requested and received permission from the State of North Carolina (hereinafter referred to as "the State") Department of Environmental Health to put an emergency water supply intake on the Haw River in response to the drought of 2002; and

WHEREAS, the State's Department of Environment and Natural Resources' Division of Water Quality requires the reclassification of all watersheds that serve as water supplies to protect the quality of those waters; and

WHEREAS, State legislation (Session Law 2009-216 and 2009-484) and Administrative Code (15A NCAC 02B .0262 - .0273) in response to State requirements for the B. Everett Jordan Lake Reservoir were enacted to reduce the net inputs of nitrogen and phosphorous within the entire Haw River by 8% and 5%, respectively; and

WHEREAS, that same Session Law 2009-216 and 2009-484 requires Best Management Practices and other load reducing measures to reduce and maintain these required nitrogen and phosphorous concentrations from new and existing development within the affected communities; and

WHEREAS, the combinations of the land use practices required by Session Law 2009-216 and 2009-484 within the protected Haw River riparian corridor and the Watershed IV reclassification of the emergency water supply watershed adequately protects the emergency water supply;

NOW, THEREFORE, the COUNTY OF ALAMANCE hereby resolves:

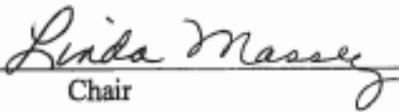
To support the reclassification of the lands identified by the State Department of Environment and Natural Resources in July 2010 as being within the Greensboro emergency water supply watershed from Watershed V to Watershed IV.

Nothing in this resolution shall affect or interfere with fulfillment of the obligations and rights of the parties hereto to manage the lands and programs administered by them in accordance with their other basic land management responsibilities.

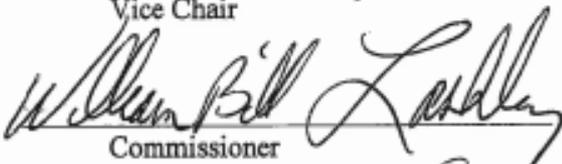
Nor shall this resolution be understood to affect any lands outside of the designated emergency water supply watershed.

IN WITNESS WHEREOF, the COUNTY OF ALAMANCE hereby resolves as of the date written below.

This 7th day of September, 2010.

  
Chair

  
Vice Chair

  
Commissioner

  
Commissioner

  
Commissioner

**ROCKINGHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING – AUGUST 23, 2010 – 3:30 P.M.**

The Rockingham County Board of Commissioners met in regular session on August 23, 2010, 3:30 p.m., Governmental Center, Commissioners Chambers, Wentworth, North Carolina. Present were Chairman Harold A. Bass; Vice-Chairman Bobby R. Stanley; Commissioners Amelia Whitley Dallas, James E. Kallam, and W. Thomas Flynt; Thomas B. Robinson, County Manager; Michael W. Apple, Assistant County Manager/Director of Financial Services; Robert Shaver, Assistant County Attorney; Pamela M. McLain, Clerk to the Board; and members of the local news media. Absent was W. Eugene Russell, County Attorney.

Chairman Bass called the meeting to order and gave invocation. The Pledge of Allegiance was recited, led by Commissioner Flynt.

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**ITEM #15 – ADOPTION OF RESOLUTION OF SUPPORT –  
RECLASSIFICATION OF LANDS AND WATERS WITHIN GREENSBORO  
EMERGENCY WATER SUPPLY WATERSHED**

Commissioner Kallam moved, Commissioner Dallas seconded and the vote was unanimous to adopt Resolution supporting the reclassification of the lands and waters within the Greensboro Emergency Water Supply Watershed as identified by the North Carolina Department of Environment and Natural Resources, *from Watershed V to Watershed IV*. The City of Greensboro requested and received permission from the North Carolina Division of Water Quality, Department of Environment and Natural Resources to put an emergency water supply intake on the Haw River in response to the drought of 2002. The watershed for this emergency water supply encompasses parts of Alamance, Caswell, Guilford, and Rockingham Counties; watershed area lying within the Jordan Lake Watershed. The North Carolina Division of Water Quality requires that all watersheds that serve as water supplies be reclassified from the basic WS-V classification to a classification that better protects the quality of those waters. Reclassification of this watershed to WS-IV is sufficient to adequately protect the emergency water supply in combination with the land use practices required by Session Laws 2009-216 and 2009-484 and protection of the Haw River riparian corridor.

**APPENDIX 3**

<b>Cost to Establish Local Program Deficiency, Initiate Enforcement, Assess Penalties</b> (Before assuming local program: Day 1 - Day 120 up to Day 365)			
	Size of County		
	SMALL pop. <50,000	MEDIUM pop. 50,000-249,999	LARGE pop. ≥250,000
SUBTOTAL (\$ staff cost)	\$1,615.06	\$1,426.72	\$1,426.72
+25% overhead	\$ 403.77	\$ 356.68	\$356.68
<b>TOTAL COST (\$)</b>	<b>\$2,018.83</b>	<b>\$1,783.40</b>	<b>\$1,783.40</b>
FTE (# staff based on 1840 hrs/yr)	0.03	0.03	0.03
	SUBTOTAL COST/YR = [#tasks/yr] X [hrs/task] X [staff\$/hr] TOTAL COST/YR = [SUBTOTAL] + [25% overhead]		
	----- A "task" includes phone calls, letters, site visits, meetings, etc. which would be performed by state staff.		

<b>Annual Cost to Administer Local Program</b> (After assuming local program: Day 120/365+)			
	Size of County		
	SMALL pop. <50,000	MEDIUM pop. 50,000-249,999	LARGE pop. ≥250,000
SUBTOTAL (\$ staff cost per year)	\$11,377.55	\$37,579.49	\$59,074.15
+25% overhead per year	\$ 2,844.39	\$ 9,394.87	\$14,768.54
<b>TOTAL COST (\$ PER YEAR)</b>	<b>\$14,221.94</b>	<b>\$46,738.98</b>	<b>\$73,607.30</b>
FTE (# staff based on 1840 hrs/yr)	0.19	0.78	1.23
	SUBTOTAL COST/YR = [#tasks/yr] X [hrs/task] X [staff\$/hr] TOTAL COST/YR = [SUBTOTAL] + [25% overhead]		
	----- A "task" includes phone calls, letters, plan reviews, site visits, meetings, etc. which would be performed by state staff.		

<b>Estimated Cost to State per WS Project</b>				
	Size of County (2009 pop. data)			
	SMALL	MEDIUM	LARGE	
Avg. # WS projects/year	19	65	94	
Cost per Project (includes overhead) =[ [#tasks/yr] X [hrs/task] X [staff\$/hr]] /#WS projects + [25% overhead]	\$703.10	\$709.40	\$776.38	<i>Does <b>not</b> include initial program setup tasks needed to establish review coordination process w/ local government.</i>
Cost if zero projects in first year	\$863.09	\$627.70	\$627.70	<i>Includes <b>only</b> initial program setup tasks needed to establish review coordination process w/ local govt.</i>

Avg. Hourly DWQ Staff Salary* July 1, 2008 OSBM		Examples of Counties in each Size Group			
		Size Group (2009 pop.)			
		SMALL	MEDIUM	LARGE	
*Includes salary, payroll taxes, retirement, and health benefits (low/high; 0-25+ years of service)		<i>(based on 2009 certified population estimates NC OSBM website)</i>	McDowell Co	Pitt Co	Guilford Co
			Vance Co	Randolph Co	Mecklenburg Co
			Caswell Co	Granville Co	Wake Co
			Madison Co	Buncombe Co	Forsyth Co
			Avery Co	Gaston Co	Cumberland Co
Yancey Co	New Hanover Co	Durham Co			
Ashe Co	Co				
Watauga Co	Rockingham Co				
	Alamance Co				

**Assumptions**

- 4 hours/yr to establish initial review/permitting process with Local Governments (LGs)
- 0.5 hours for each project to coordinate specific project review with LG
- 2 hours/project for initial plan review
- 0.5 hours \* 3/project for preliminary review follow up phone calls/emails
- Preliminary site visits for 20% of projects (travel time varies – longest for small LG; shortest for large LG)
- 0-15-25% (small-medium-large)of projects require plan review by engineer
- 2 hours/project review construction plans
- 1 hour \* 3/project for construction plan review follow up
- Construction site visits for 20% of projects (travel time varies – longest for small LG; shortest for large LG)
- 1 hour/project for as-built review; assume as-built review for all projects
- Site inspection upon completion for all projects with stormwater devices
- Spot-check inspection of 10% of stormwater devices annually
- 5% of projects will request variance from the state’s rules; 8/hrs per request
- 5% of projects will require state’s attorney involvement; 16/hrs per task
- Murphy –Morganton – Charlotte (small-medium-large) to estimate driving time
- Built estimate on estimated/actual # Watershed Permits issued by LG’s. This data is collected during Water Supply audits.
- Overhead calculated as 25% of staff costs.
- Assume projects are located throughout county, not in any particular watershed.