

**Agenda Item: 12-15 Request to Proceed to Public Hearing with the Proposed Reclassification of Segments of Maiden and Allen Creeks in Catawba and Lincoln Counties (Catawba River Basin) to Class WS-V**

**Explanation:**

The Town of Maiden (Town) has requested that two portions of Maiden Creek and two portions of Allen Creek be reclassified from WS-II Critical Area (CA) High Quality Waters (HQW) and WS-II (Balance of Watershed or BW) HQW to WS-V. Because these waters are no longer used as public water supplies, this reclassification will result in an updated, accurate representation of these waters' current uses, and thus, this proposal serves the public interest per Executive Order #70 and Session Law 2011-398. The Town understands that it cannot use these waters as public water supply sources once these waters become WS-V.

Staff with the Division of Water Resources (DWR) concurs with the reclassification as the Town is currently purchasing treated water and plans to do so into the future, and their water treatment plant has been decommissioned. In addition, according to available DWQ data, it appears that the HQW designation was assigned to these waters solely due to the WS-II designation; all WS-II waters are HQW by definition.

If reclassified, significant restrictions for wastewater discharges, new development, new landfills, and new land application sites will no longer apply to these water supply watersheds. The local governments may keep their current water supply watershed protection ordinances in place, or may alter those ordinances with the understanding that Phase II requirements still must be met. The Phase II rules apply substantial, albeit not as stringent, restrictions on new development compared to the restrictions associated with the subject waters' existing classifications. Finally, water supply water quality standards will remain in effect for the subject waters due to the proposed WS-V designation.

There are currently no permitted or known planned wastewater discharges, landfills, land application sites or development in the proposed areas that would be impacted by the reclassification. The subject areas are dominated, and projected to be dominated, by primarily a mixture of undeveloped forested and pasture lands, which the WS, HQW, and Phase II rules do not affect.

At the March 2012 Water Quality Committee (WQC) meeting, the WQC granted staff approval to proceed to the full Environmental Management Commission (EMC) with the reclassification and approved the fiscal note. The fiscal analysis' quantifiable results showed a one-time cost of approximately \$355 to the state and no cost to any local government. The proposed effective date for this reclassification is March 1, 2013.

**Recommendation:**

That the EMC approve the fiscal note and grant staff approval to proceed to public hearing for the proposed reclassification and fiscal note.