

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0304

**DEADLINE FOR RECEIPT: Friday, December 7, 2018**

The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following technical changes be made:

*In (g), Page 2, line 6, please insert a comma after "WS-II"*

*Also on line 6, please insert a comma after "WS-IV"*

*On line 7, consider removing the parenthesis around the citations and setting it off at the end with a comma, so it would look like this: "... protection rules, 15A NCAC 02B .0100, .0200, and .0300, which became..."*

*If you do not want to do that, please do insert a comma after ".0200"*

*In (i), line 19, please insert a comma after "WS-V Tr"*

*In (j), line 23, insert a comma after "Trout"*

*In (s), Page 3, line 23, why do you state "as defined in 15A NCAC 02B .0101"? That Rule defines the other classifications, so I was not sure why this specific Paragraph has the cross-reference but it is not referenced anywhere else in the Rule.*

*In (v), line 31, please remove the errant underline between "Basin" and "is" Since you published it correctly, do not show it as a change – simply do it.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: November 26, 2018

1 **15A NCAC 02B .0304 has been amended as published in 32:24 NCR 2661-2663 as follows:**  
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3 **15A NCAC 02B .0304 FRENCH BROAD RIVER BASIN**

4 (a) Effective February 1, 1976, the adopted classifications assigned to the waters within the French Broad River Basin  
5 are set forth in the French Broad River Basin Schedule of Classifications and Water Quality Standards, which may be  
6 inspected at the following places:

7 (1) the Internet at ~~http://h2o.enr.state.nc.us/esu/~~; <https://deq.nc.gov/river-basin-classification-schedule>; and

8 (2) the North Carolina Department of ~~Environment and Natural Resources~~; Environmental Quality:

9 (A) Asheville Regional Office

10 2090 US Highway 70

11 Swannanoa, North ~~Carolina~~Carolina; and

12 (B) Division of Water ~~Quality~~Resources

13 Central Office

14 512 North Salisbury Street

15 Raleigh, North Carolina.

16 (b) Unnamed Streams. Such streams entering Tennessee are classified "B."

17 (c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

18 (1) September 22, 1976;

19 (2) March 1, 1977;

20 (3) August 12, 1979;

21 (4) April 1, 1983;

22 (5) August 1, 1984;

23 (6) August 1, 1985;

24 (7) February 1, 1986;

25 (8) May 1, 1987;

26 (9) August 1, 1990.

27 (d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended  
28 effective March 1, 1989 as follows:

29 (1) Cataloochee Creek (Index No. 5-41) and all tributary waters were reclassified from Class C-trout and  
30 Class C to Class C-trout ORW and Class C ORW.

31 (2) South Fork Mills River (Index No. 6-54-3) down to Queen Creek and all tributaries were reclassified  
32 from Class WS-I and Class WS-III-trout to Class WS-I ORW and Class WS-III-trout ORW.

33 (e) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended  
34 effective October 1, 1989 as follows: Cane River (Index No. 7-3) from source to Bowlens Creek and all tributaries were  
35 reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(f) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1990 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

(g) The Schedule of Classifications and Water Quality Standards for the French Broad 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 French Broad River Basin was amended effective October 1, 1993 as follows: Reasonover Creek [Index No. 6-38-14-(1)] from source to Reasonover Lake Dam and all tributaries were reclassified from Class B Trout to Class WS-V and B Trout, and Reasonover Creek [Index No. 6-38-14-(4)] from Reasonover Lake Dam to Lake Julia Dam and all tributaries were reclassified from Class C Trout to Class WS-V Trout.

(i) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective July 1, 1995 with the reclassification of Cane Creek [Index Nos. 6-57-(1) and 6-57-(9)] from its source to the French Broad River from Classes WS-IV and WS-IV Tr to Classes WS-V, WS-V Tr and WS-IV.

(j) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 1995 as follows: North Toe River [Index Numbers 7-2-(0.5) and 7-2-(37.5)] from source to a point 0.2 miles downstream of Banjo Branch, including tributaries, has been reclassified from Class WS-III, WS-III Trout and WS-III Trout CA (critical area) to Class WS-IV Trout, WS-IV, WS-IV Trout CA, and C Trout.

(k) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective January 1, 1996 as follows: Stokely Hollow [Index Numbers 6-121.5-(1) and 6-121.5-(2)] from source to mouth of French Broad River has been reclassified from Class WS-II and Class WS-II CA to Class C.

(l) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended April 1, 1996 with the reclassification of the French Broad River [Index No. 6-(1)] from a point 0.5 miles downstream of Little River to Mill Pond Creek to Class WS-IV; French Broad River [Index No. 6-(51.5)] from a point 0.6 miles upstream of Mills River to Mills River to Class WS-IV CA (Critical Area), from Mills River to a point 0.1 miles upstream of Boring Mill Branch to Class C; and the Mills River [Index No. 6-54-(5)] was reclassified from City of Hendersonville water supply intake to a point 0.7 miles upstream of mouth of Mills River to Class WS-III, and from a point 0.7 miles upstream of mouth of Mills River to French Broad River to Class WS-III CA (Critical Area).

(m) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the revision to the primary classification for portions of the French Broad River [Index No. 6-(38.5)] and the North Toe River 7-2-(10.5) from Class IV to Class C.

(n) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 1998 with the reclassification of Clear Creek [Index No. 6-55-(1)] from its source to Lewis Creek from Class C Tr to Class B Tr.

(o) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2000 with the reclassification of Rough Creek [Index No. 5-8-4-(1)], including all tributaries, from its source to the Canton Reservoir from Class WS-I to Class WS-I Tr ORW.

(p) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the revision to the primary classification for the French Broad River [Index No. 6-(1), 6-(27), 6-(47.5), 6-(52.5), and 6-(54.5)] including its four headwater forks' mainstems, watershed of tributary Davidson River, and watershed of tributary Bent Creek below Powhatan Dam, and the Nolichucky River [Index No. 7] including a lower portion of the North Toe River from Class C and Class WS-IV to Class B.

(q) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended August 1, 2002 with the reclassification of the North Toe River [Index No. 7-2-(0.5)], including all tributaries, from source to a point 0.2 mile upstream of Pyatt Creek, from Class C Tr to Class WS-V Tr.

(r) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended September 1, 2004 with the reclassification of a portion of Richland Creek [Index No. 5-16(1)], from source to a point approximately 11.2 miles from source (Boyd Avenue), from Class B to Class B Tr, and all tributaries to the portion of the creek referenced in this Paragraph from C, C HQW, and WS-I HQW, and WS-I HQW to C Tr, C HQW Tr, and WS-I HQW Tr, respectively, except Hyatt Creek [Index No. 5-16-6], Farmer Branch [Index No. 5-16-11], and tributaries already classified as Tr.

(s) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective November 1, 2007 with the reclassification of McClure's Bog near Gash Creek [Index No. 6-47] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water ~~Quality~~Resources maintains a Geographic Information Systems data layer of the UWL.

(t) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Big Laurel Creek (Index No. 6-112) from source to the French Broad River from Class C Tr to Class C ORW Tr.

(u) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective September 1, 2009 with the reclassification of the entire watershed of Spring Creek [Index No. 6-118-(1) and 6-118-(27)] from source to the French Broad River from Class C Tr and Class C to Class C ORW Tr and Class C ORW.

(v) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin\_is amended December 1, 2011 with the reclassification of a portion of the French Broad River [Index No. 6-(54.5)] from the confluence of the Mills River to a point 0.2 miles downstream of the confluence of the Mills River from Class B to Class WS-IV&B CA.

(w) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended January 1, 2019 with the reclassification of Enka Lake, which is a portion of the Bill Moore Creek (Index No. 6-76-7), from Class C to Class B.

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*History Note:* Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);  
Eff. February 1, 1976;  
Amended Eff. January 1, 2019; December 1, 2011; September 1, 2009; November 1, 2007; September  
1, 2004; August 1, 2002; August 1, 2000; August 1, 1998; April 1, 1996; January 1, 1996; November  
1, 1995; July 1, 1995.