

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0306

**DEADLINE FOR RECEIPT: Thursday, August 7, 2014**

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*I realize that you have a series of rules that look the same in Section .0300, but address different water sources. Therefore, if you do not want to make the following three changes in order to ensure the rules continue to mirror each other, that is fine. However, I offer the following suggestions that you may wish to consider:*

- 1) *Begin Subparagraph (a)(2) "The following offices of the North Carolina Department..."*
- 2) *Insert a semicolon and "and" after "North Carolina" on line 20.*
- 3) *Rewrite Paragraph (b) to state, "Unnamed streams entering South Carolina are classified as "C."*

*Why is the term "Broad River Basin Schedule of Classifications and Water Quality Standards" on Page 1 (in (a), line 5, and (c), line 25), but beginning on Page 2, it is the "Schedule of Classifications and Water Quality Standards for the Broad River Basin"? (In (d), line 1, (e), line 9, etc.) Was the schedule renamed at some point?*

*When I look at (c)(1) through (5), it appears to be a list. However, I note that the following paragraphs are also part of that list, but they are more detailed descriptions of the amendments made to the schedule. Thus, Paragraph (c) is not really a list. Therefore, I think you should end (c)(1) through (4) with a period, not semicolons.*

*On Page 1, Paragraph (c), I take it you are deleting subparagraphs (6) through (11) because they are detailed in the following paragraphs?*

*In Paragraph (d), on Page 2, I believe the comma on line 4 that is currently after "rules" should be behind the language in parenthesis.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 24, 2014

*In Paragraph (e), line 12, I know that the water classifications are in Rule 15A NCAC 02B .0101, so I know that many of the water classifications are defined there. However, I cannot find what "CA" stands for. I am sure I am just missing it from other rules, but could you tell me what that term means and the rule where it is set forth?*

*In Paragraphs (k) and (l), is the use of the future tense for where the proposed water supply intake "is to be placed" still appropriate for amendments effective March 1, 2007?*

*On Page 3, Paragraph (m), lines 8 and 11, in order to be consistent with the rest of the Rule, delete the parenthesis from "including tributaries" and set the language off using a comma. Further, in other places in the Rule [see Paragraphs (g), (h) and (i)], you speak of "all" tributaries. Do you want to include this language here?*

*Delete the extra line space between the end of the text and the History Note.*

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: July 24, 2014

1 **15A NCAC 02B .0306 HAS BEEN AMENDED AS PUBLISHED IN 28:16 NCR 1865-1868 AS FOLLOWS:**

2  
3 **15A NCAC 02B .0306 BROAD RIVER BASIN**

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

- 7 (1) the Internet at <http://portal.ncdenr.org/web/wq/ps/csu/classifications>; and~~Clerk of Court:~~  
8 ~~Buncombe County~~  
9 ~~Cleveland County~~  
10 ~~Gaston County~~  
11 ~~Henderson County~~  
12 ~~Lincoln County~~  
13 ~~McDowell County~~  
14 ~~Polk County~~  
15 ~~Rutherford County~~

16 (2) North Carolina Department of Environment and Natural Resources:

- 17 (A) Mooresville Regional Office  
18 610 East Center Avenue  
19 Suite 301  
20 Mooresville, North Carolina  
21 (B) Asheville Regional Office  
22 2090 US Highway 70  
23 Swannanoa, North Carolina.

24 (b) Unnamed Streams. Such streams entering South Carolina are classified "C."

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

- 26 (1) March 1, 1977;  
27 (2) February 12, 1979;  
28 (3) August 12, 1979;  
29 (4) April 1, 1983;  
30 (5) February 1, ~~1986;~~1986.  
31 ~~(6) August 3, 1992;~~  
32 ~~(7) September 1, 1994;~~  
33 ~~(8) August 1, 1998;~~  
34 ~~(9) August 1, 2000;~~  
35 ~~(10) April 1, 2001;~~  
36 ~~(11) March 1, 2007.~~

- 1 (d) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
2 August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II  
3 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  
4 supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some  
5 cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity  
6 and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate  
7 appropriate primary classification after being identified as downstream of a water supply intake or identified as not being  
8 used for water supply purposes.
- 9 (e) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
10 September 1, 1994 with the reclassification of the Second Broad River [Index No. 9-41-(0.5)] from its source to  
11 Roberson Creek including associated tributaries was reclassified from Class WS-V to Classes WS-V, WS-IV and WS-IV  
12 CA.
- 13 (f) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
14 August 1, 1998 with the revision to the primary classification for portions of the Broad River [Index No. 9-(23.5)] from  
15 Class WS-IV to Class C and Second Broad River [Index Nos. 9-41-(10.5) and 9-41-(14.5)] and First Broad River [Index  
16 No. 9-50-(11)] from Class WS-IV to Class WS-V.
- 17 (g) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended August 1,  
18 2000 with the reclassification of the Green River [Index No. 9-29-(1)], including all tributaries, from its source to its  
19 mouth in Lake Summit at elevation 2011 from Class C Tr to Class B Tr.
- 20 (h) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
21 August 1, 2000 with the reclassification of Lake Montonia [Index No. 9-54-1-(1)], and all tributaries, from Class B to  
22 Class B HQW.
- 23 (i) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective April  
24 1, 2001 with the reclassification of the Green River [Index No. 9-29-(1)], including all tributaries, from its source to the  
25 downstream side of the mouth of Rock Creek from Class B Tr to Class B Tr HQW.
- 26 (j) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
27 March 1, 2007 with the reclassification of the North Fork First Broad River (Index No. 9-50-4), including all tributaries,  
28 from its source to the First Broad River from Class C Tr to Class C Tr ORW.
- 29 (k) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
30 March 1, 2007 with the reclassification of a segment of the Broad River [Index No. 9-(25.5)] from a point 0.5 mile  
31 upstream of the City of Shelby proposed water supply intake to the City of Shelby proposed water supply intake from  
32 Class C to Class WS-IV CA, and from a point 0.5 mile upstream of the City of Shelby proposed water supply intake to a  
33 point approximately 0.3 mile downstream of its confluence with Cane Creek from Class C to Class WS-IV. The City of  
34 Shelby proposed water supply intake is to be placed on the Broad River at a point approximately one mile upstream of its  
35 confluence with the First Broad River.
- 36 (l) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
37 March 1, 2007 with the reclassification of a segment of the Broad River [Index No. 9-(25.5)] from a point 0.5 mile

1 upstream of the Town of Forest City proposed water supply intake to the Town of Forest City proposed water supply  
2 intake from Class C to Class WS-IV CA, and from a point 0.5 mile upstream of the Town of Forest City proposed water  
3 supply intake to a point approximately 0.2 mile downstream of Rutherford County SR 1145 (Town of Rutherfordton  
4 water supply intake) from Class C to Class WS-IV. The Town of Forest City proposed water supply intake is to be placed  
5 on the Broad River at a point approximately 0.4 mile downstream of McKinney Creek.

6 (m) The Schedule of Classifications and Water Quality Standards for the Broad River Basin was amended effective  
7 September 1, 2014, in order to allow a water supply intake to be placed in Lake Adger by Polk County, as follows:

8 (1) a portion of the Green River [Index No. 9-29-(33)] (including tributaries) from the dam at Lake Adger  
9 to a point 0.35 mile downstream of Rash Creek from Class C to Class WS-IV CA. The CA extends 0.5  
10 mile from and draining to the normal pool elevation of Lake Adger.

11 (2) a portion of the Green River [Index No. 9-29-(33)] (including tributaries) from a point 0.35 mile  
12 downstream of Rash Creek to a point 300 feet downstream of Laurel Branch from Class C to Class  
13 WS-IV. The PA extends 5.0 miles from and draining to the normal pool elevation of Lake Adger.

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16 *History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*  
17 *Eff. February 1, 1976;*  
18 *Amended Eff. September 1, 2014; March 1, 2007; April 1, 2001; August 1, 2000; August 1, 1998;*  
19 *September 1, 1994; August 3, 1992; February 1, 1986; January 1, 1985.*

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