STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

REPORT OF PROCEEDINGS ON THE PROPOSED RECLASSIFICATION OF ROANOKE RIVER SEGMENT IN BERTIE AND MARTIN COUNTIES (ROANOKE RIVER BASIN) FROM C TO WS-IV CA AND WS-IV

PUBLIC HEARING
JUNE 5, 2012
WILLIAMSTON, NORTH CAROLINA

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SUMMARY AND RECOMMENDATION

SUMMARY

In 2011, Martin County Regional Water and Sewer Authority (MCRWASA) requested that a Roanoke River segment along the Martin County / Bertie County line be reclassified (request package attached as pages a-2 through a-9) to allow its use as a water supply. The resulting water supply will allow Martin County and the Town of Williamston to meet requirements of the Central Coastal Plain Capacity Use Area (CCPCUA) rule and projected water demands through 2030.

The WS-IV primary classification is assigned to waters protected as water supplies that are located generally in moderately to highly developed watersheds. The criteria and standards that must be met before waters can be classified to WS-IV are outlined in Rule 15A NCAC 2B .0104, Considerations/Assigning/Implementing Water Supply Classifications, and in Rule 15A NCAC 2B .0216, Fresh Surface Water Quality Standards for WS-IV Waters (rules attached as pages a-10 through a-18). These criteria include water supply standards and the requirement that water supply waters must be used for drinking, culinary, or food processing purposes. Additional management restrictions to prevent contamination are afforded to the Critical Area (CA) and Protected Area (PA) per these rules. A CA is the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed, and a PA is the area adjoining and upstream of the CA in a WS-IV water supply watershed in which protection measures are required. All Class C uses[1] are protected by the WS-IV classification.

For this proposed reclassification, the CA will extend along the Roanoke River from MCRWASA's proposed intake, which is to be located on the river nearly 0.3 mile upstream of US17/US13, to a point roughly 0.5 miles upstream; these waters are to be reclassified from Class C to WS-IV CA (Figure 1 on Page 2 and Table 1 on Page 3). The proposed CA encompasses approximately 313 acres. The proposed PA will extend along the river from a point approximately 0.5 miles upstream of the intake to nearly 1 mile downstream of Coniott Creek (Town Swamp). This portion of the river is to be reclassified from Class C to WS-IV (PA). This area encompasses approximately 27,206 acres.

There are several tributaries to the Roanoke River included in this reclassification proposal. Skewakee Gut, which is currently Class C from its source to the Roanoke River, is located within the proposed PA and CA; it will become WS-IV CA within 0.5 mile of the intake, and the remainder of this waterbody will become WS-IV (PA). Conoho Creek, which is currently Class C from its source to the Roanoke River, will be bisected and become WS-IV (PA) from 1.2 miles above Beaverdam Creek down to the Roanoke River. Finally, Beaverdam Creek and Mill Branch, which are currently Class C from their sources to the Roanoke River, are to be entirely included within the proposed PA and, therefore, are to be reclassified to WS-IV (PA).

[1] Class C uses, which are protected in all NC fresh surface waters, include aquatic life propagation, maintenance of biological integrity, fishing, wildlife, secondary recreation, agriculture and any other usages except primary recreation or as a source of water supply. Secondary recreation includes wading, boating, and other uses involving human body contact on an infrequent, unorganized, or incidental manner.

Figure 1. Proposed WS-IV Reclassification Area for Roanoke River

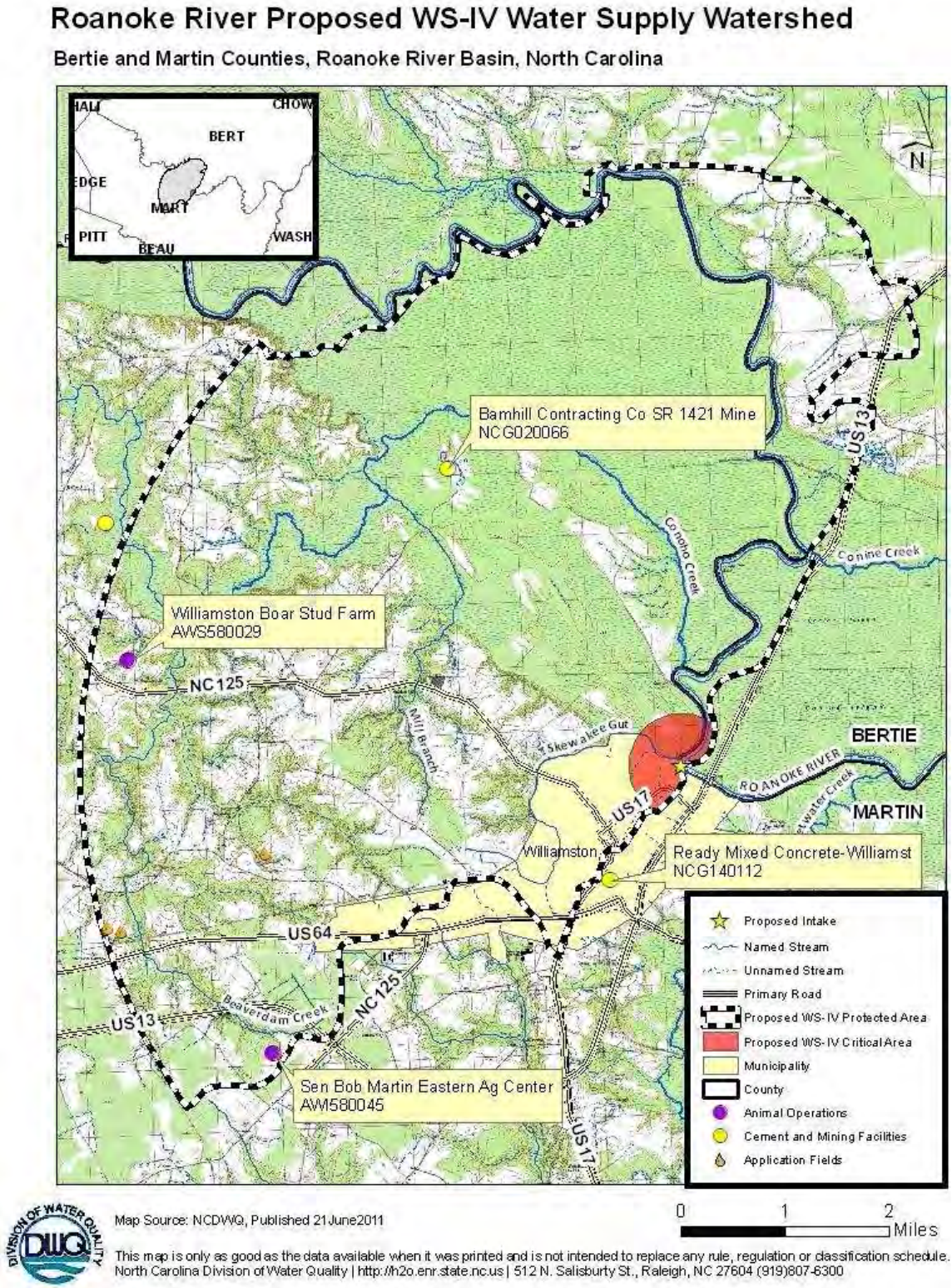


TABLE 1. PROPOSED AMENDMENT TO THE ROANOKE RIVER BASIN SCHEDULE OF CLASSIFICATIONS AS REFERENCED IN TITLE 15A NORTH CAROLINA ADMINISTRATIVE CODE 02B .0313				
Name of Stream	Description	Existing Class	Description of Recommended Segment	Recommended Class
Roanoke River	From a line across the river 50 feet downstream from N.C. Hwy. 48 bridge to 18 mile marker at Jamesville	C	From a line across the river 50 downstream from N.C. Hwy. 48 bridge to a point approximately 1 mile downstream of Coniott Creek (Town Swamp)	C
			From a point approximately 1 mile downstream of Coniott Creek (Town Swamp) to a point approximately 0.5 mile upstream of the Martin County Regional Water and Sewer Authority's intake	WS-IV
			From a point approximately 0.5 mile upstream of the Martin County Regional Water and Sewer Authority's intake to the Martin County Regional Water And Sewer Authority's intake, located approximately 0.3 mile upstream of US 13/US 17	WS-IV CA
			From the Martin County Regional Water And Sewer Authority's intake to 18 mile marker at Jamesville	C
Conoho Creek	From source to Roanoke River	C	From source to a point approximately 1.2 miles upstream of Beaverdam Creek	C
			From a point approximately 1.2 miles upstream of Beaverdam Creek to Roanoke River	WS-IV
Beaverdam Creek	From source to Conoho Creek	C	Same	WS-IV
Mill Branch	From source to Conoho Creek	C	Same	WS-IV
Skewakee Gut	From source to Roanoke River	C	From source to a point approximately 0.5 miles upstream of the Roanoke River	WS-IV
			From a point approximately 0.5 miles upstream of the Roanoke River to the Roanoke River	WS-IV CA

There is currently one permitted mine within the proposed area. This facility is located in the proposed PA and will not be impacted by the proposed reclassification based on its stormwater permit. No other permitted surface water discharges with a wastewater component exist in the entire proposed reclassification area besides the mine. In addition, according to Washington Regional Office and local government staff, there are not any known planned land application sites, landfills, wastewater discharges or developments in the subject area that would be impacted by the proposal. The proposed reclassification area is a mixture of wetlands, forested lands, pasture/crop lands, and developed properties.

Martin County, Bertie County, and the Town of Williamston are the local governments with jurisdiction in the reclassification area and will need to create or modify water supply watershed protection ordinances within the required 270 days after the reclassification effective date. The two counties and the town have provided favorable resolutions for this proposal. As a reminder, the purpose of a resolution is to indicate whether or not a potentially impacted local government will implement the water supply rules within its jurisdiction once a reclassification becomes effective.

A fiscal analysis for this proposal was completed and approved. The analysis' quantifiable results reveal a one-time cost of approximately $2,420 to the state, $5,500 to Bertie County, $5,000 to Martin County, and $3,500 to the Town of Williamston due to the proposal. The fiscal note with the local government resolutions and the proposed rule are attached as pages a-19 through a-29.

Staff with the NC Division of Water Resources (DWR) had no objections to the proposal.

The project was required to complete an Environmental Assessment under the National Environmental Policy Act. A Finding of No Significant Impact (FNSI) was issued for this project, indicating that the project, as proposed will not result in significant impacts to the environment. Finally, the waters to be reclassified meet water supply water standards according to 2011 DWQ studies (pages a-30 through a-47).

To receive necessary American Recovery and Reinvestment Act of 2009 (ARRA) funding, the proposed 2.0 mgd Water Treatment Plant (WTP) for this project must be able to operate by September 2015. Thus, MCRWASA requests that the reclassification become effective by early 2013.

Implications of the Proposed Reclassification

The protective management strategies for WS-IV watersheds are outlined in the following rules (pages a-10 through a-18):

- 15A NCAC 2B .0104 Considerations/Assigning/Implementing Water Supply Classifications
- 15A NCAC 2B .0216 Fresh Surface Water Quality Standards for WS-IV Waters

Rule 15A NCAC 2B .0104, Considerations/Assigning/Implementing Water Supply Classifications, describes regulations mainly pertaining to the responsibilities of local governments with jurisdiction in water supply watersheds, and these responsibilities involve actions concerning ordinances, engineered stormwater controls, normal pool elevation, Agricultural Cost Share Program, etc. (rule attached as pages a-10 through a-14). This regulation also addresses new, low density, high density, expanding, existing, and cluster development, redevelopment, and variances pertaining to development in water supply watersheds. Further topics include, but are not limited to, suitability of waters for water supply classifications, critical water supply watersheds, and future water supply use, as well as groundwater remediation projects, joint water quality monitoring and information sharing programs, roads, bridges, and silviculture activities in water supply watersheds.

One of the most important aspects of the rule is that local governments that have land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances. Designated local governments have 270 days after the effective date of the proposed rule to develop or modify watershed protection land use ordinances to at least meet the state's minimum requirements (15A NCAC 2B .0100 and .0200). The result of this proposed reclassification will be that the Town of Williamston, Bertie County, and Martin County would be required to create or modify water supply watershed protection ordinances within 270 days following the effective date of the proposed rule.

Rule 15A NCAC 2B .0216, Fresh Surface Water Quality Standards for WS-IV Waters, features regulations regarding the best usage of these waters, conditions related to best usage, and quality standards applicable to Class WS-IV waters (for sewage, industrial waste, non-process industrial wastes, or other wastes, as well as nonpoint source and stormwater pollution for the CA and PA) (rule attached as pages a-15 through a-18). The main features of the quality standards portion of this rule are described in the following paragraphs.

If reclassified, additional regulations associated with stormwater control for new development activities will be required in the proposed water supply watershed. Table 2 (on page 6) summarizes and compares the requirements of the existing and proposed classifications.

Projects located within the proposed water supply watershed and that require a state Sedimentation and Erosion Control Plan, which generally are projects disturbing one acre or more of land, will be required to comply with development density and setback requirements. More specifically, where land disturbing activities in WS-IV watersheds require a Sedimentation and Erosion Control Plan, development is limited to two dwelling units (du) per acre or 24% built upon area (low density option) in the CA and PA. For those developments without curb and gutter street systems, development may take place at up to three du/acre or 36% built upon area in the PA.

A high density option, which requires control of runoff of the first inch of rainfall though the use of engineered stormwater controls, permits development at up to 50% built upon area in the CA and 70% built upon area in the PA. Within these options there is considerable flexibility for local governments such as averaging development density.

Thirty foot stream setbacks are required with the low density option, and 100 foot setbacks are required with the high density option. State Department of Transportation (DOT) regulations for WS-IV watersheds require use of Best Management Practices (BMPs) associated with meeting the above-mentioned requirements.

In WS-IV water supply watersheds, water supply standards must be met by domestic and industrial permitted NPDES wastewater dischargers. In addition, new industrial process wastewater discharges will have additional wastewater treatment requirements in the WS-IV CA, and no new landfills and no new land application sites are allowed in the WS-IV CA. Forestry and farming practices as well as docks and other water dependent structures, recreational use, animal operations, and dam and water resource projects will not be affected.

As mentioned above, there are no current discharges in the proposed water supply watershed except for one mine, which would not be impacted by the proposed reclassification based on its permit. The proposed watershed is a mixture of wetlands, forested lands, pasture/crop lands, and developed properties. Furthermore, there are not any known planned discharges, land application sites, landfills, and developments in the proposed area that would be impacted by the proposal.

TABLE 2. SUMMARY AND COMPARISON OF EXISTING AND PROPOSED CLASSIFICATIONS' REQUIREMENTS

Classification	Area Affected	Low Density Development Option	High Density Development Option*	Allowable Wastewater Discharges	Landfills and Land Application Sites Allowed	DOT BMPs
Class C (Existing)	Receiving Stream	No Restrictions		Domestic and Industrial	No Specific Restrictions	No Specific BMPS Required
WS-IV Critical Area (Proposed)	½ Mile and Draining to Intake	1 DU / 0.5 acre or 24% BUA and 30' Setbacks**	24-50% BUA and 100' Setbacks**	Domestic and Industrial (New Industrial Process Discharges Will Require Additional Treatment Requirements)	No New Landfills or Land Application Sites	Required
WS-IV Protected Area (Proposed)	10 miles Run-of-River Upstream and Draining to Intake	1 DU / 0.5 acre or 24% BUA and 30' Setbacks** Optional: 3 DU / 1.0 acre or 36% BUA w/o curb and gutter street system	24-70% BUA and 100' Setbacks** Optional: 3 DU / 1.0 acre or 36% BUA w/o curb and gutter street system	Domestic and Industrial	No Specific Restrictions	Required

DU = Dwelling Unit; BUA = Built Upon Area

*High Density Option requires control of runoff from first 1" of rainfall by engineered stormwater controls. Local governments must assume ultimate responsibility for operation/maintenance of these controls in a WS-IV watershed.

** These rules apply only to projects requiring a Sedimentation and Erosion Control Plan.

Public Hearing Process and Comments Received

In accordance with North Carolina General Statutes, a public hearing was held on June 5, 2012, in Williamston, North Carolina (Martin County). Notice of the proposal and hearing, including the proposed rule amendment, was published in the May 1, 2012, *North Carolina Register* (Volume 26, Issue 21) (proposed rule amendment attached as pages a-24 through a-26).

Announcements of the public hearing (announcement attached as pages a-48 and a-49) were sent to the Water Quality Rule-Making Announcements mailing list, the Division of Water Quality Rules e-mail list, staff of local governments with jurisdiction over land adjacent to the waters proposed to be reclassified, a wastewater discharger (the above-mentioned mine), local libraries, and to other persons potentially interested in the proposed reclassification, including staff of local interest groups, environmental organizations, and legislators and state agencies within North Carolina. The public announcement and request for publication were submitted on May 2, 2012 to four local newspapers, *Roanoke-Chowan News Herald*, *Bertie Ledger-Advance*, *Williamston Enterprise* and *Weekly Herald* (newspaper request for publication attached as page a-50).

Danny Smith, Surface Water Protection Section Supervisor for the Raleigh Regional Office, served as hearing officer (hearing officer designation letter attached as page a-51). 13 people registered at the public hearing (list of attendees attached as page a-52**)**. Of those 13 people, all provided the organization they were representing: Martin County, MCRWASA, NC Forest Service, Roanoke Rapids Sanitary District, Town of Williamston, and Wooten Company.

Opening comments and slides were presented by DWQ staff to provide a brief overview of the DWQ classification program and detailed information about the proposed reclassification. Then public comments on the proposed reclassification were taken.

Two individuals registered to make comments at the hearing and were the only two individuals to speak. The speakers, representing the Roanoke Rapids Sanitary District and the Town of Williamston, supported the reclassification.

Written comments were accepted for this proposed reclassification from May 1, 2012 through July 2, 2012. Two letters providing a positive position were received (letters attached as page a-53 through a-55). One letter was authored by staff with the Roanoke River Basin Association. The other letter was written by staff with the Roanoke Rapids Sanitary District, who had also presented their position on this proposal at the hearing.

RECOMMENDATION

It is the recommendation of the Hearing Officer that the reclassification of the segment of the Roanoke River, as proposed herein, be approved by the Environmental Management Commission. In making this recommendation, the Hearing Officer has considered the requirements of General Statutes 150B-21.2, 143-214.1, 143-215, and 143-215.3(a)(1), and Rules 15A NCAC 2B .0100 [Procedures for Assignment of Water Quality Standards, especially 15A NCAC 2B .0104 (Considerations/Assigning/Implementing Water Supply Classifications)] and 15A NCAC 2B .0216 (Fresh Surface Water Quality Standards for WS-IV Waters). In addition, the need for a new permanent intake structure to be placed in the Roanoke River in order for Martin County and the Town of Williamston to meet requirements of the Central

Coastal Plain Capacity Use Area (CCPCUA) rule and meet water demands projected through 2030 was considered. Furthermore, comments received by DWQ were considered as well as the FNSI that the project had received.

In taking this action, Rule 15A NCAC 2B .0313, which references the Schedule of Classifications for the Roanoke River Basin, will show that the Environmental Management Commission has revised the schedule for:

- a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from the Martin County Regional Water and Sewer Authority's intake, located approximately 0.3 mile upstream of US 13/US 17, to a point approximately 0.5 mile upstream of the Martin County Regional Water and Sewer Authority's intake from Class C to Class WS-IV CA.
- a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from a point approximately 0.5 mile upstream of the Martin County Regional Water and Sewer Authority's intake to a point approximately 1 mile downstream of Coniott Creek (Town Swamp) from Class C to Class WS-IV.

The proposed effective date of this reclassification is January 1, 2013.

APPENDICES

THE
WOOTEN
COMPANY

ENGINEERING

PLANNING

ARCHITECTURE

June 27, 2011

Elizabeth Kountis
Classifications and Standards Unit
Division of Water Quality- Planning Section
North Carolina Department of Environment and Natural Resources
1617 Mail Service Center
Raleigh, NC 27699-1617

Re: Application to Request Reclassification of a Portion of the Roanoke River
Proposed 2.0 MGD Water Treatment Plant
Martin County Regional Water and Sewer Authority (MCRWASA)
Martin County, North Carolina
TWC No. 3104-G

Dear Ms. Kountis:

On behalf of our client, the Martin County Regional Water and Sewer Authority (the Authority), we are submitting the enclosed application to request classification of a portion of the Roanoke River in Martin and Bertie counties. The Authority proposes to construct a 2 MGD surface water treatment plant with a raw water intake structure in the Roanoke River northeast of the town of Williamston. To allow for the proposed intake, the Authority requests that a segment of the Roanoke River and certain tributaries from the intake to 10 miles upstream be reclassified from Class "C" to "WS-IV".

Attached to this letter, please find the following items:

1. Application to Request Reclassification of NC Surface Water
2. A Map entitled: Roanoke River Proposed WS-IV Water Supply Watershed
3. A signed resolution of support for the reclassification from the Town of Williamston
4. A signed resolution of support for the reclassification from Martin County
5. A draft resolution of support for the reclassification from Bertie County
6. Report entitled: Justification for a 2 MGD Surface Water Treatment Plant in Martin County, which substantiates the need for the proposed intake

It is our understanding that the Bertie County Board of Commissioners at their July 2011 meeting will consider the enclosed resolution. We will forward you a signed copy as soon as it is available.

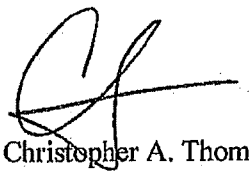
In order for the Authority to receive essential project funding from the American Recovery and Reinvestment Act of 2009 (ARRA), the treatment plant associated with this reclassification must be operational by September of 2015. To meet this cut-off date, it is imperative that all required permits for the treatment plant - including the proposed reclassification - be obtained by December 14, 2012. Therefore, we request that this reclassification be treated as a **time sensitive** matter.

120 North Boylan Avenue
Raleigh NC 27603-1423

919.828.0531
fax 919.834.3589

Thank you for your time and attention to this important issue. We look forward to continuing to work with you towards approval of this reclassification. If you have any questions or require more information, please do not hesitate to call me at (919)828-0531.

Sincerely,



Christopher A. Thomson, PE

Enclosures

cc: Don Christopher, Executive Director, MCRWASA
TWC File

APPLICATION TO REQUEST RECLASSIFICATION OF NC SURFACE WATER

1. Date of Request: *June 27, 2011*

2. Requested by: *Martin County Regional Water and Sewer Authority (MCRWASA)*
   305 E. Main St.
   Williamston, NC 27892

3. River Basin/s: *Roanoke*
   County/ies: *Martin, Bertie*

4. List Waterbody(ies) Requested for Reclassification:

Waterbody Name	*Waterbody Index #*	*Current Class*	*Requested Class*
Roanoke River	*NC23-(26)*	*C*	*WS-IV, WS-IV CA*
Conoho Creek	*NC23-49*	*C*	*WS-IV*
Beaverdam Creek	*NC23-49-2*	*C*	*WS-IV*
Mill Branch	*NC23-49-3*	*C*	*WS-IV*
Skewakee Gut	*NC23-49.5*	*C*	*WS-IV, WS-IV CA*

5. ATTACHMENTS:
   - *Map entitled: Roanoke River Proposed WS-IV Water Supply Watershed*
   - *Resolutions from local governments with land use jurisdiction within the proposed water supply watershed*
   - *Report entitled: Justification for a 2 MGD Surface Water Treatment Plant in Martin County*

6. Longitude and latitude for the proposed intake location:
   Latitude: 35°51'43.63304" N
   Longitude: 77°02'39.97005" W

7. Has an EA/EIS been submitted? *Yes*
   If so, please provide the status of the EA/EIS.
   - *The EA was published on February 2, 2010 with the U.S. Department of Agriculture - Rural Development (USDA-RD) as the lead agency. A finding of no significant impact (FONSI) was issued by USDA-RD on March 24, 2010 for the project utilizing Riverbank Infiltration (RBI) wells. Since that FONSI, additional testing led to the abandonment of RBI and the selection of a run-of-river intake for the project. A revised scoping request detailing the run-of-river intake was distributed via The North Carolina Environmental Clearinghouse on February 22, 2011. Based upon review comments, a EA Amendment was published on June 1, 2011. This amendment is currently under review, and USDA-RD is expected to issue a FONSI.*

8. Reason for request: *To supply the proposed 2 MGD MCRWASA WTP (See enclosed report)*

9. Would you be willing to assist DWQ in identifying potentially affected and interested partics? *Yes*

10. Who will be the local champion(s) for the proposed reclassification?
    - *MCRWASA*
    - *Martin County*
    - *The Town of Williamston*

Water systems in Martin County have historically relied on groundwater as their water supply source. Currently the Martin County Regional Water and Sewer Authority (MCRWASA) has two member entities that serve a total of three water systems. These include two water and sewer districts maintained by Martin County. These districts, Water and Sewer District 1 (WSD 1) and Water and Sewer District 2 (WSD 2), are standalone entities and are currently served by groundwater wells in the Cretaceous Aquifers. (Martin County also has WSD 4 in the planning stages.) The third MCRWASA entity is the Town of Williamston, centrally located along the Roanoke River in Martin County. The town also utilizes the Cretaceous Aquifers in the area as a water source.

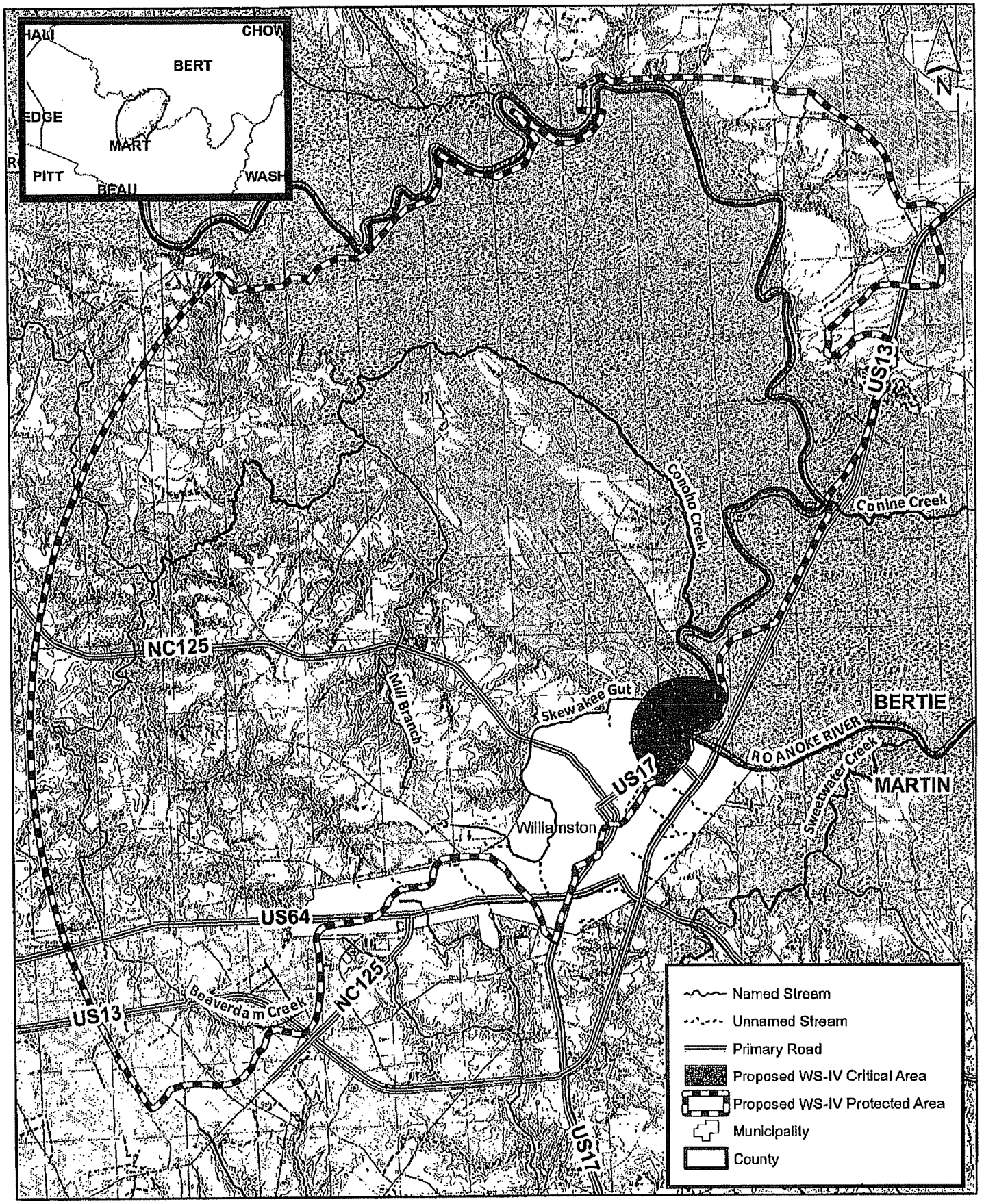
Because of heavy use, the Cretaceous Aquifers have become stressed over time. As a result, in August of 2002 the Central Coastal Plain Capacity Use Area (CCPCUA) rule (Appendix 5) came into effect. This rule protect the integrity of the Cretaceous Aquifers by regulating and reducing the allowable rates of withdrawal in the aquifers. Martin County's water and sewer districts and the Town of Williamston must decrease their rates of withdrawal under the CCPCUA, greatly reducing the available water supplies in the area. In 2009 the total available water supply for the project area is approximately 1.83 MGD. The total of the base rates for WSD 1, WSD 2 and the Town of Williamston, as approved by the Division of Water Resources, is 2.297 MGD. The projected supply, in 2030, after CCPCUA reductions is 0.896 MGD.

While the population of the study area is declining, the total water demand is increasing over the design period. This is due to the fact that the systems are expanding and adding new lines to serve rural customers in the existing population that have not previously been served. In 2009 the average daily demand (ADD) for the project area was 1.06 MGD. In 2030, the projected ADD is 1.74 MGD.

Comparing the project demands for the entire project area to the available base rates it becomes apparent that the water system demands will begin to exceed the supply. As safe water is essential for human health, and as North Carolina's CCPCUA rule curtails the region's continued utilization of its groundwater resources for the health of its citizens, the development of a new water supply is essential for human health in the project area. Therefore, MCRWASA proposes to construct a 2 MGD surface water treatment plant with an intake structure on the Roanoke River.

Roanoke River Proposed WS-IV Water Supply Watershed

Bertie and Martin Counties, Roanoke River Basin, North Carolina



Map Source: NCDWQ, Published 21June2011
Hydrography Source: NCDWQ, Published 21May2010

This map is only as good as the data available when it was printed and is not intended to replace any rule, regulation or classification schedule.
North Carolina Division of Water Quality | http://h2o.enr.state.nc.us | 512 N. Salisbury St., Raleigh, NC 27604 (919)807-6300

Resolution R-2011-42

Resolution of Support for the MCRWASA WTP

WHEREAS, THE Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA'S proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, The Town of Williamston Board of Commissioner (Town Board) has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, The Town Board has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, The Town Board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, The Town Board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

NOW, THEREFORE, BE IT RESOLVED that the Town of Williamston Board of Commissioner supports this proposed reclassification of the Roanoke River' and

BE IT FURTHER RESOLVED, that the Town of Williamston Board of Commissioners will develop (or modify) watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources – Division of Water Quality Planning Section.

Adopted this 16th day of May, 2011

Mayor

Town Clerk

W. RUSSELL OVERMAN
COUNTY MANAGER

MARION B. THOMPSON
CLERK TO THE BOARD

P.O. BOX 668
WILLIAMSTON, NC 27892
PHONE (252) 789-4300
FAX (252) 789-4309
EMAIL martin@martincountyncgov.com

Resolution of Support
For the Martin County Regional Water and Sewer Authority
Water Treatment Plant

WHEREAS, the Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA's proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, the Martin County Board of Commissioners has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, the Martin County Board of Commissioners has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, the Board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, the Board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners supports this proposed reclassification of the Roanoke River; and

BE IT FURTHER RESOLVED, that the Martin County Board of Commissioners will develop watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources - Division of Water Quality, Planning Section.

Adopted this 13th day of June, 2011.

Elmo "Butch" Lilley, Chairman of the Board

Marion B. Thompson, Clerk to the Board

(Example) Resolution of Support
For the MCRWASA WTP

WHEREAS, the Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA's proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, the _____ (board) has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, _____ has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, the board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, the board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

THEREFORE BE IT RESOLVED, that the ____ supports this proposed reclassification of the Roanoke River; and

BE IT FURTHER RESOLVED, that the ____ will develop (or modify) watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources - Division of Water Quality, Planning Section.

15A NCAC 02B .0104 CONSIDERATIONS/ASSIGNING/IMPLEMENTING WATER SUPPLY CLASSIFICATIONS

(a) In determining the suitability of waters for use as a source of water supply for drinking, culinary or food processing purposes after approved treatment, the Commission will be guided by the physical, chemical, and bacteriological maximum contaminant levels specified by Environmental Protection Agency regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 201 et seq., as amended by the Safe Drinking Water Act, 42 U.S.C. 300(f) et seq. In addition, the Commission shall be guided by the requirements for unfiltered and filtered water supplies and the maximum contaminant levels specified in the North Carolina Rules Governing Public Water Supplies, 15A NCAC 18C .1100, .1200 and .1500 and comments provided by the Division of Environmental Health.

(b) All local governments that have land use authority within designated water supply watersheds shall adopt and enforce ordinances that at a minimum meet the requirements of G.S. 143-214.5 and this Subchapter. The Commission shall approve local water supply protection programs if it determines that the requirements of the local program equal or exceed the minimum statewide water supply watershed management requirements adopted pursuant to this Section. Local governments may adopt and enforce more stringent controls. Local management programs and modifications to these programs must be approved by the Commission and shall be kept on file by the Division of Environmental Management, Division of Environmental Health and the Division of Community Assistance.

(c) All waters used for water supply purposes or intended for future water supply use shall be classified to the most appropriate water supply classification as determined by the Commission. Water supplies may be reclassified to a more or less protective water supply classification on a case-by-case basis through the rule-making process. A more protective water supply classification may be applied to existing water supply watersheds after receipt of a resolution from all local governments having land use jurisdiction within the designated water supply watershed requesting a more protective water supply classification. Local government(s) requesting the Future Water Supply classification must provide to the Division evidence of intent which may include one or a combination of the following: capital improvement plans, a Water Supply Plan as described in G.S. 143-355(l), bond issuance for the water treatment plant or land acquisition records. A 1:24,000 scale USGS topographical map delineating the location of the intended water supply intake is also required. Requirements for activities administered by the State of North Carolina, such as the issuance of permits for landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be effective upon reclassification for future water supply use. The requirements shall apply to the critical area and balance of the watershed or protected area as appropriate. Upon receipt of the final approval letter from the Division of Environmental Health for construction of the water treatment plant and water supply intake, the Commission shall initiate rule-making to modify the Future Water Supply supplemental classification. Local government implementation is not required until 270 days after the Commission has modified the Future Water Supply (FWS) supplemental classification through the rule-making process and notified the affected local government(s) that the appropriate local government land use requirements applicable for the water supply classifications are to be adopted, implemented and submitted to the Commission for approval. Local governments may also adopt land use ordinances that meet or exceed the state's minimum requirements for water supply watershed protection prior to the end of the 270 day deadline. The requirements for FWS may also be applied to waters formerly used for drinking water supply purposes, and currently classified for water supply use, at the request of local government(s) desiring protection of the watershed for future water supply use.

(d) In considering the reclassification of waters for water supply purposes, the Commission shall take into consideration the relative proximity, quantity, composition, natural dilution and diminution of potential sources of pollution to determine that risks posed by all significant pollutants are adequately considered.

(e) For the purposes of implementing the water supply watershed protection rules (15A NCAC 2B .0100, .0200 and .0300) and the requirements of G.S. 143-214.5, the following schedule of implementation shall be applicable:

August 3, 1992 - Activities administered by the State of North Carolina, such as the issuance of permits for landfills, NPDES wastewater discharges, and land application of sludge/residuals, and road construction activities, shall become effective regardless of the deadlines for municipal and county water supply watershed protection ordinance adoptions;

By July 1, 1993 - Affected municipalities with a population greater than 5,000 shall adopt and submit the appropriate drinking water supply protection, maps and ordinances that meet or exceed the minimum management requirements of these Rules;

By October 1, 1993 - Affected municipalities with a population less than 5,000 shall adopt and submit the appropriate drinking water supply protection, maps and ordinances that meet or exceed the minimum management requirements of these Rules;

By January 1, 1994 -Affected county governments shall adopt and submit the appropriate drinking water supply protection, maps and ordinances that meet or exceed the minimum management requirements of these Rules.

Affected local government drinking water supply protection ordinances shall become effective on or before these dates. Local governments may choose to adopt, implement and enforce these provisions prior to this date. Three copies of the adopted and effective relevant ordinances shall be sent to the Division along with a cover letter from the municipal or county attorney, or its designated legal counsel, stating that the local government drinking water supply protection ordinances shall meet or exceed the rules in 15A NCAC 2B .0100, .0200 and .0300. If the rules in 15A NCAC 2B .0100, .0200 and .0300 are revised, the Division shall modify and distribute to local governments, as appropriate, a revised model ordinance. The Division shall approve the amended local maps and ordinances, or request the Commission to take appropriate action under G.S. 143-214.5.

(f) Wherever in this Subchapter it is provided that local governments assume responsibility for operation and maintenance of engineered stormwater control(s), this shall be construed to require responsible local governments to inspect such controls at least once per year, to determine whether the controls are performing as designed and intended. Records of inspections shall be maintained on forms supplied by the Division. Local governments may require payment of reasonable inspection fees by entities which own the controls, as authorized by law. In the event inspection shows that a control is not performing adequately, the local government shall order the owning entity to take corrective actions. If the entity fails to take sufficient corrective actions, the local government may impose civil penalties and pursue other available remedies in accordance with the law. The availability of new engineered stormwater controls as an alternative to lower development density and other measures under the provisions of this Subchapter and local ordinances approved by the Commission shall be conditioned on the posting of adequate financial assurance, in the form of a cash deposit or bond made payable to the responsible local government, or other acceptable security. The establishment of a stormwater utility by the responsible local government shall be deemed adequate financial assurance. The purpose of the required financial assurance is to assure that maintenance, repairs or reconstruction necessary for adequate performance of the controls may be made by the owning entity or the local government which may choose to assume ownership and maintenance responsibility.

(g) Where higher density developments are allowed, stormwater control systems must use wet detention ponds as described in 15A NCAC 2H .1003(g)(2), (g)(3), (i), (j), (k), and (l). Alternative stormwater management systems consisting of other treatment options, or a combination of treatment options, may be approved by the Director. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also the discharge rate shall meet one of the following criteria:

(1) the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or

(2) the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

(h) Where no practicable alternative exists, discharge from groundwater remediation projects addressing water quality problems shall be allowed in accordance with other applicable requirements in all water supply classifications.

(i) To further the cooperative nature of the water supply watershed management and protection program provided for herein, local governments with jurisdiction over portions of classified watersheds and local governments which derive their water supply from within such watersheds are encouraged to establish joint water quality monitoring and information sharing programs, by interlocal agreement or otherwise. Such cooperative programs shall be established in consultation with the Division.

(j) Where no practicable alternative exists other than surface water discharge, previously unknown existing unpermitted wastewater discharges shall incorporate the best possible technology treatment as deemed appropriate by the Division.

(k) The Commission may designate water supply watersheds or portions thereof as critical water supply watersheds pursuant to G.S. 143-214.5(b).

(l) A more protective classification may be allowed by the Commission although minor occurrences of nonconforming activities are present prior to reclassification. When the Commission allows a more protective classification, expansions of existing wastewater discharges that otherwise would have been prohibited may be allowed if there is no increase in permitted pollutant loading; other discharges of treated wastewater existing at the time of reclassification may be required to meet more stringent effluent limitations as determined by the Division. Consideration of all practicable alternatives to surface water discharge must be documented.

(m) The construction of new roads and bridges and non-residential development shall minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs)

to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area shall be avoided. The Department of Transportation shall use BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" which is hereby incorporated by reference including all subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Environmental Management, Water Quality Planning Branch, 512 North Salisbury Street, Raleigh, North Carolina.

(n) Activities within water supply watersheds are also governed by the North Carolina Rules Governing Public Water Supplies, 15A NCAC 18C .1100, .1200 and .1500. Proposed expansions of treated wastewater discharges to water supply waters must be approved by the Division of Environmental Health.

(o) Local governments shall correctly delineate the approximate normal pool elevation for backwaters of water supply reservoirs for the purposes of determining the critical and protected area boundaries as appropriate. Local governments must submit to the Division a 1:24,000 scale U.S.G.S. topographic map which shows the local government's corporate and extraterritorial jurisdiction boundaries, the Commission's adopted critical and protected area boundaries, as well as the local government's interpreted critical and protected area boundaries. All revisions (expansions or deletions) to these areas must be submitted to the Division and approved by the Commission prior to local government revision.

(p) Local governments shall encourage participation in the Agricultural Cost Share Program. The Soil and Water Conservation Commission is the designated management agency responsible for implementing the provisions of the rules in 15A NCAC 2H .0200 pertaining to agricultural activities. Agricultural activities are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624) and 15A NCAC 2H .0217). The following shall be required within WS-I watersheds and the critical areas of WS-II, WS-III and WS-IV watersheds:

(1) Agricultural activities conducted after January 1, 1993 shall maintain a minimum 10 foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies; and

(2) Animal operation deemed permitted and permitted under 15A NCAC 2H .0217 are allowed in all classified water supply watersheds.

(q) Existing development is not subject to the requirements of these Rules. Redevelopment is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater stormwater control than the previous development, except that there are no restrictions on single family residential redevelopment. Expansions to structures classified as existing development must meet the requirements of the rules in 15A NCAC 2B .0100, .0200 and .0300; however, the built-upon area of the existing development is not required to be included in the density calculations. Expansions to structures other than existing development must meet the density requirements of these Rules for the entire project site. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of these Rules if it is developed for single-family residential purposes. Local governments may, however, require the combination of contiguous nonconforming lots of record owned by the same party in order to establish a lot or lots that meet or nearly meet the development restrictions of the rules under 15A NCAC 2B. Any lot or parcel created as part of a family subdivision after the effective date of these Rules shall be exempt from these Rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these Rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable. Local governments may also apply more stringent controls relating to determining existing development, redevelopment or expansions.

(r) Development activities may be granted minor variances by local governments utilizing the procedures of G.S. 153A Article 18, or G.S. 160A, Article 19. A description of each project receiving a variance and the reason for granting the variance shall be submitted to the Commission on an annual basis by January 1. For all proposed major and minor variances from the minimum statewide watershed protection rules, the local Watershed Review Board shall make findings of fact showing that:

(1) there are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the ordinance;

(2) the variance is in harmony with the general purpose and intent of the local watershed protection ordinance and preserves its spirit; and

(3) in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

The local Watershed Review Board may attach conditions to the major or minor variance approval that support the purpose of the local watershed protection ordinance. If the variance request qualifies as a major variance, and the local Watershed Review Board decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision which authorizes the local Watershed Review Board to issue a final decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a Commission decision to be sent to the local Watershed Review Board. The local Watershed Review Board shall prepare a final decision denying the major variance. For all proposed major and minor variances the local government considering or requesting the variance shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the watershed area governed by these Rules and the entity using the water supply for consumption. Appeals from the local government decision on a major or minor variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. When local ordinances are more stringent than the state's minimum water supply protection rules a variance to the local government's ordinance is not considered a major variance as long as the result of the variance is not less stringent than the state's minimum requirements.

(s) Cluster development is allowed on a project-by-project basis as follows:

(1) Overall density of the project meets associated density or stormwater control requirements under 15A NCAC 2B .0200;

(2) Buffers meet the minimum statewide water supply watershed protection requirements;

(3) Built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;

(4) Areas of concentrated density development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways;

(5) Remainder of tract to remain in vegetated or natural state;

(6) The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds; and

(7) Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

(t) Local governments may administer oversight of future development activities in single family residential developments that exceed the applicable low density requirements by tracking dwelling units rather than percentage built-upon area, as long as the wet detention pond or other approved stormwater control system is sized to capture and treat runoff from all pervious and built-upon surfaces shown on the development plan and any off-site drainage from pervious and built-upon surfaces, and when an additional safety factor of 15 percent of built-upon area of the project site is figured in.

(u) All new development shall meet the development requirements on a project-by-project basis except local governments may submit ordinances and ordinance revisions which use density or built-upon area criteria averaged throughout the local government's watershed jurisdiction instead of on a project-by-project basis within the watershed. Prior to approval of the ordinance or amendment, the local government must demonstrate to the Commission that the provisions as averaged meet or exceed the statewide minimum requirements, and that a mechanism exists to ensure the orderly and planned distribution of development potential throughout the watershed jurisdiction.

(v) Silviculture activities are subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 1I .0101 - .0209). The Division of Forest Resources is the designated management agency responsible for implementing the provisions of the rules in 15A NCAC 2B .0200 pertaining to silviculture activities.

(w) Local governments shall, as the existing laws allow, develop, implement, and enforce comprehensive nonpoint source and stormwater discharge control programs to reduce water pollution from activities within water supply watersheds such as development, forestry, landfills, mining, on-site sanitary sewage systems which utilize ground adsorption, toxic and hazardous materials, transportation, and water based recreation.

(x) When the Commission assumes a local water supply protection program as specified under G.S. 143-214.5(e) all local permits authorizing construction and development activities as regulated by the statewide minimum water supply watershed protection rules of this Subchapter must be approved by the Commission prior to local government issuance.
(y) In the event that stormwater management systems or facilities may impact existing waters or wetlands of the United States, the Clean Water Act requires that these systems or facilities be consistent with all federal and state requirements.
(z) A model local water supply watershed management and protection ordinance, as approved by the Commission in accordance with G.S. 143-214.5, is on file with the Office of Administrative Hearings and may be obtained by writing to: Water Quality Planning Branch, Division of Environmental Management, Post Office Box 29535, Raleigh, North Carolina 27626-0535.
(aa) The Commission may delegate such matters as variance approval, extension of deadlines for submission of corrected ordinances and assessment of civil penalties to the Director.

History Note: *Authority G.S. 143-214.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. August 1, 1995; August 3, 1992; March 1, 1991; October 1, 1989.

15A NCAC 02B .0216 FRESH SURFACE WATER QUALITY STANDARDS FOR WS-IV WATERS

The following water quality standards apply to surface water supply waters that are classified WS-IV. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section also apply to Class WS-IV waters.

(1) The best usage of WS-IV waters are as follows: a source of water supply for drinking, culinary, or food-processing purposes for those users where a more protective WS-I, WS-II or WS-III classification is not feasible and any other best usage specified for Class C waters;

(2) The conditions related to the best usage are as follows: waters of this class are protected as water supplies which are generally in moderately to highly developed watersheds or protected areas and meet average watershed development density levels as specified in Sub-Items (3)(b)(i)(A), (3)(b)(i)(B), (3)(b)(ii)(A) and (3)(b)(ii)(B) of this Rule; discharges which qualify for a General Permit pursuant to 15A NCAC 02H .0127, trout farm discharges, recycle (closed loop) systems that only discharge in response to 10-year storm events, other stormwater discharges and domestic wastewater discharges shall be allowed in the protected and critical areas; treated industrial wastewater discharges are allowed in the protected and critical areas; however, new industrial wastewater discharges in the critical area shall be required to meet the provisions of 15A NCAC 02B .0224(1)(b)(iv), (v) and (vii), and 15A NCAC 02B .0203; new industrial connections and expansions to existing municipal discharges with a pretreatment program pursuant to 15A NCAC 02H .0904 are allowed; the waters, following treatment required by the Division of Environmental Health, shall meet the Maximum Contaminant Level concentrations considered safe for drinking, culinary, or food-processing purposes which are specified in the national drinking water regulations and in the North Carolina Rules Governing Public Water Supplies, 15A NCAC 18C .1500. Sources of water pollution which preclude any of these uses on either a short-term or long-term basis shall be considered to be violating a water quality standard. The Class WS-II or WS-III classifications may be used to protect portions of Class WS-IV water supplies. For reclassifications of these portions of WS-IV water supplies occurring after the July 1, 1992 statewide reclassification, the more protective classification requested by local governments shall be considered by the Commission when all local governments having jurisdiction in the affected area(s) have adopted a resolution and the appropriate ordinances to protect the watershed or the Commission acts to protect a watershed when one or more local governments has failed to adopt necessary protection measures;

(3) Quality standards applicable to Class WS-IV Waters are as follows:

(a) Sewage, industrial wastes, non-process industrial wastes, or other wastes: none shall be allowed except for those specified in Item (2) of this Rule and Rule .0104 of this Subchapter and none shall be allowed that shall have an adverse effect on human health or that are not effectively treated to the satisfaction of the Commission and in accordance with the requirements of the Division of Environmental Health, North Carolina Department of Environment and Natural Resources. Any discharges or industrial users subject to pretreatment standards may be required by the Commission to disclose all chemical constituents present or potentially present in their wastes and chemicals which could be spilled or be present in runoff from their facility which may have an adverse impact on downstream water supplies. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances;

(b) Nonpoint Source and Stormwater Pollution: none shall be allowed that would adversely impact the waters for use as water supply or any other designated use.

(i) Nonpoint Source and Stormwater Pollution Control Criteria For Entire Watershed or Protected Area:

(A) Low Density Option: development activities which require a Sedimentation/Erosion Control Plan in accordance with 15A NCAC 4 established by the North Carolina Sedimentation Control Commission or approved local government programs as delegated by the Sedimentation Control Commission shall be limited to no more than either: two dwelling units of single family detached development per acre (or 20,000 square foot lot excluding roadway right-of-way) or 24 percent built-upon on area for all other residential and non-residential development; or three dwelling units per acre or 36 percent built-upon area for projects without curb and gutter street systems in the protected area outside of the critical area; stormwater

runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable;

(B) High Density Option: if new development activities which require a Sedimentation/Erosion Control Plan exceed the low density requirements of Sub-Item (3)(b)(i)(A) of this Rule then development shall control the runoff from the first inch of rainfall; new residential and non-residential development shall not exceed 70 percent built-upon area;

(C) Land within the critical and protected area shall be deemed compliant with the density requirements if the following condition is met: the density of all existing development at the time of reclassification does not exceed the density requirement when densities are averaged throughout the entire area;

(D) Cluster development shall be allowed on a project-by-project basis as follows:

(I) overall density of the project meets associated density or stormwater control requirements of this Rule;

(II) buffers meet the minimum statewide water supply watershed protection requirements;

(III) built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;

(IV) areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways;

(V) remainder of tract to remain in vegetated or natural state;

(VI) area in the vegetated or natural state may be conveyed to a property owners association, a local government for preservation as a park or greenway, a conservation organization, or placed in a permanent conservation or farmland preservation easement;

(VII) a maintenance agreement for the vegetated or natural area shall be filed with the Register of Deeds; and

(VIII) cluster development that meets the applicable low density option requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable;

(E) If local governments choose the high density development option which requires engineered stormwater controls, then they shall assume ultimate responsibility for operation and maintenance of the required controls as outlined in Rule .0104 of this Subchapter;

(F) Minimum 100 foot vegetative buffer is required for all new development activities that exceed the low density option requirements as specified in Sub-Item (3)(b)(i)(A) or Sub-Item (3)(b)(ii)(A) of this Rule, otherwise a minimum 30 foot vegetative buffer for development shall be required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies;

(G) No new development shall be allowed in the buffer; water dependent structures, or other structures, such as flag poles, signs and security lights, which result in only de minimus increases in impervious area and public projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize

built-upon surface area, divert runoff away from surface waters and maximize the utilization of BMPs;

(H) For local governments that do not use the high density option, a maximum of 10 percent of each jurisdiction's portion of the watershed outside of the critical area as delineated on July 1, 1995 may be developed with new development projects and expansions to existing development of up to 70 percent built-upon surface area in addition to the new development approved in compliance with the appropriate requirements of Sub-Item (3)(b)(i)(A) of this Rule. For expansions to existing development, the existing built-upon surface area shall not be counted toward the allowed 70 percent built-upon surface area. A local government having jurisdiction within the watershed may transfer, in whole or in part, its right to the 10 percent/70 percent land area to another local government within the watershed upon submittal of a joint resolution for review by the Commission. When the designated water supply watershed area is composed of public land, such as National Forest land, local governments may count the public land acreage within the designated watershed area outside of the critical area in figuring the acreage allowed under this provision. Each project shall, to the maximum extent practicable, minimize built-upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts;

(ii) Critical Area Nonpoint Source and Stormwater Pollution Control Criteria:

(A) Low Density Option: new development activities which require a Sedimentation/Erosion Control Plan in accordance with 15A NCAC 4 established by the North Carolina Sedimentation Control Commission or approved local government programs as delegated by the Sedimentation Control Commission shall be limited to no more than two dwelling units of single family detached development per acre (or 20,000 square foot lot excluding roadway right-of-way) or 24 percent built-upon area for all other residential and non-residential development; stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable;

(B) High Density Option: if new development density exceeds the low density requirements specified in Sub-Item (3)(b)(ii)(A) of this Rule, engineered stormwater controls shall be used to control runoff from the first inch of rainfall; new residential and non-residential development shall not exceed 50 percent built-upon area;

(C) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed;

(D) No new landfills shall be allowed;

(c) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the aesthetic qualities of water supplies and to prevent foaming;

(d) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or waste, as will not cause taste and odor difficulties in water supplies which can not be corrected by treatment, impair the palatability of fish, or have a deleterious effect upon any best usage established for waters of this class;

(e) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems due to chlorinated phenols shall be allowed. Specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;

(f) Total hardness shall not exceed 100 mg/l as calcium carbonate;

(g) Total dissolved solids shall not exceed 500 mg/l;

(h) Toxic and other deleterious substances:

(i) Water quality standards (maximum permissible concentrations) to protect human health through water consumption and fish tissue consumption fornon-carcinogens in Class WS-IV waters:

(A) Barium: 1.0 mg/l;
(B) Chloride: 250 mg/l;
(C) Manganese: 200 ug/l;
(D) Nickel: 25 ug/l;
(E) Nitrate nitrogen: 10.0 mg/l;
(F) 2,4-D: 100 ug/l;
(G) 2,4,5-TP (Silvex): 10 ug/l;
(H) Sulfates: 250 mg/l;

(ii) Water quality standards (maximum permissible concentrations) to protect human health through water consumption and fish tissue consumption for carcinogens in Class WS-IV waters:

(A) Aldrin: 0.05 ng/l;
(B) Arsenic: 10 ug/l;
(C) Benzene: 1.19 ug/l;
(D) Carbon tetrachloride: 0.254 ug/l;
(E) Chlordane: 0.8 ng/l;
(F) Chlorinated benzenes: 488 ug/l;
(G) DDT: 0.2 ng/l;
(H) Dieldrin: 0.05 ng/l;
(I) Dioxin: 0.000005 ng/l;
(J) Heptachlor: 0.08 ng/l;
(K) Hexachlorobutadiene: 0.44 ug/l;
(L) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
(M) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
(N) Tetrachloroethylene: 0.7 ug/l;
(O) Trichloroethylene: 2.5 ug/l;
(P) Vinyl Chloride: 0.025 ug/l.

History Note: *Authority G.S. 143-214.1; 143-215.3(a)(1);*
Eff. February 1, 1986;
Amended Eff. May 1, 2007; April 1, 2003; June 1, 1996; October 1, 1995; August 1, 1995; June 1, 1994.

FISCAL NOTE

Rule Citation Number: 15A NCAC 2B .0313 Roanoke River Basin

Rule Topic: Proposed Reclassification of Portion of the Roanoke River from Class C to Class Water Supply-IV (WS-IV) Critical Area (CA) and WS-IV (Protected Area or PA)

DENR Division: Division of Water Quality

Staff Contact: Elizabeth Kountis, Environmental Senior Specialist, Division of Water Quality (DWQ)
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Impact Summary:

State government:	Yes
Local government:	Yes
Substantial impact:	No
Federal government:	No

Authority: G.S. 143-214.5

Necessity: This proposed reclassification is necessary to ensure the supply of drinking water for Martin County and the Town of Williamston. 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...".

Summary

Martin County Regional Water and Sewer Authority (Authority) has requested that a portion of the Roanoke River and its associated watershed in Bertie and Martin Counties (Roanoke River Basin) be reclassified for public water supply use. The WS-IV Critical Area[1] (CA) and WS-IV [Protected Area[2] (PA)] designations would be the most appropriate classifications for this use and these waters (see Appendix 1 for the proposed rule change text). This proposal would permit the Authority to put a new water intake in the river for use as a permanent water supply, to allow Martin County and the Town of Williamston to meet requirements of the Central Coastal Plain Capacity Use Area (CCPCUA) rule and to meet local water demands through 2030. The goal of the CCPUA rule is to decrease withdrawals from overused aquifers in the central coastal plain region to a sustainable rate of use. Numerous central coastal municipalities and counties use these aquifers for water supply and are also reducing their dependence on it. The Authority is required to reduce its groundwater withdrawals by 75 percent over the next 15 years.

No existing or planned wastewater discharges, no planned landfills, no planned land application sites, and no planned development would be affected by this proposed rule change. Bertie County, Martin County, and the Town of Williamston are the local governments with jurisdiction in the proposed reclassification area. These local governments have provided resolutions indicating that they will

[1] Critical Area: The lands and waters 0.5 miles linearly upstream and draining to a water intake.

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

implement the proposed rule within their jurisdictions once the reclassification becomes effective (see Appendix 2 for resolutions). The one-time cost to Bertie County, Martin County, the Town of Williamston, and DENR for this proposal is estimated at $5,500, $5,000, $3,500, and $2,420, respectively. The analysis of the proposed rule does not indicate that estimated annual economic impacts would meet or exceed $500,000. The expected effective reclassification date is January 1, 2013.

I. Purpose of Rules and Background

The purpose of this rule change is to provide the Authority with a permanent source of drinking water that meets the requirements of the Central Coastal Plain Capacity Use Area (CCPCUA) rule and the projected water demands of Martin County and the Town of Williamston through 2030. The waters to be reclassified meet water supply standards according to 2011 DWQ studies. The US Department of Agriculture (USDA) has issued a Finding of No Significant Impact (FONSI) for this project, indicating that the project will not result in significant impacts to the environment. In order to reach this finding, an Environmental Assessment (EA) (the direct, secondary, cumulative, long-range, and short-term impacts of projects) was generated that presented the preferred alternative and other reasonable project alternatives to allow resource agencies and the public to determine if the preferred alternative would have significant impacts to the environment. Multiple project factors were considered in the EA, and multiple state and federal agencies agreed that the project could move ahead as proposed with their input.

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 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.

In order to proceed with the Authority's preferred water-supply alternative, the Authority has requested that a portion of the Roanoke River and its associated watershed in Bertie and Martin Counties (Roanoke River Basin) be reclassified for public water supply use. 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). The CA would extend along the river from the new intake, which is to be located nearly 0.3 mile upstream of US17/US13, to a point roughly 0.5 miles upstream of that intake. The PA would extend along the river from approximately 0.5 miles upstream of the intake to nearly 1 mile downstream of Coniott Creek (Town Swamp)**.** See the Guide to Freshwater Classifications Chart (PDF) for WS-IV regulations at the following website: http://portal.ncdenr.org/web/wq/ps/csu/classifications.

The costs and benefits estimated in this fiscal note represent the direct benefits and costs of the proposed reclassification, as required by general statute. However, the EA for the proposed project

includes many of the potential environmental impacts, financial aspects, and other relevant features and impacts of the preferred project as well as several alternatives. This report, including relevant amendments and supporting documents, can be accessed at the following web address: http://mcrwasa.thewootencompany.com/.

II. Costs

Regulated Parties

(a) New and Existing Wastewater Discharges, Landfills and Land Application Sites

There is currently one permitted wastewater discharge within the proposed area, but it would not be impacted by the proposed reclassification. In addition, there are no known planned wastewater discharges into the proposed waters. There are no existing or planned landfills or land application sites in the Critical Area.

(b) New Development

According to NC DWQ Regional office staff, as well as Brent Kanipe (Director of Planning and Development for the Town of Williamston), Traci White (Director of Planning and Inspections for Bertie County), and David Bone (Martin County Manager), there are no known plans for new development in either the proposed CA or PA. Although there are no known plans for new development, future development in the proposed WS-IV area would be subject to WS-IV development restrictions, including density and stream setback requirements.

(c) Local Governments

The Town of Williamston, Bertie County, and Martin County would be required to create or modify 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. These local governments have provided resolutions regarding the proposed reclassification indicating that they will implement the proposed rule within their jurisdictions once the reclassification becomes effective (see Appendix 2 for resolutions).

There are one-time costs associated with the creation or modification of water supply watershed ordinances. These expenditures include costs for creating or revising water supply watershed protection language in ordinances, creating or 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 total cost of staff time and physical materials required for these activities to the Town of Williamston, Bertie County, and Martin County is approximately $3,500, $5,500, and $5,000, respectively, according to Brent Kanipe (Director of Planning and Development for the Town of Williamston), Traci White (Director of Planning and Inspections for Bertie County), and David Bone (Martin County Manager).

(d) Department of Transportation (DOT)

This reclassification would not affect any known DOT activities in the area according to Matthew Lauffer (NC DOT Highway Stormwater Program Project Manager) and David Harris (NC DOT State Roadside Erosion Control and Vegetation Management Engineer).

Implementing Agencies

(a) Division of Water Quality

The NC DWQ Central office and Regional office staff will oversee the processing of the proposed rule as well as the implementation and enforcement of the requirements. DWQ staff will handle administrative procedures, 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 issues permits, conducts inspections and takes enforcement actions. DWQ monitors and keep records of compliance associated with their inspections and enforcement activities.

The Division of Water Quality anticipates that if this rule becomes effective, there will be a one-time cost of $2,420 to the state. This cost is to be incurred to support notification of the Town of Williamston, Bertie County, and Martin County, and review and approval of new or modified local ordinances and maps.

The cost to the state per county and municipality varies depending on the particular staff required to review specific types of local programs as well as the complexity of the different local programs. The cost to the state for these activities associated with the Town of Williamston, Bertie County, and Martin County is $910, $910, and $600, respectively. The formula used to estimate the cost associated with each municipality or county is the following:

One-time Cost to State = [[#tasks] X [hrs/task] X [staff cost/hr]] + [25% overhead]

"Tasks" include phone calls, letters, site visits, and meetings that would be performed by state staff, and "staff cost/hr," which is based on salary information from OSBM as of July 1, 2008, includes salary, payroll taxes, retirement, and health benefits.

III. Benefits

(a) Humans

The citizens of the area will benefit from the reclassification of this river segment for use as a source of permanent potable water. Reclassifying the waters will help protect the water supply for human consumption by decreasing the risk of contamination via implementation of wastewater discharge and stormwater management requirements for potential future developments and discharges.

After consideration of the proposed water supply intake and possible alternative sources, the Authority determined that a run-of-river intake on the Roanoke River is the most appropriate option to meet the potable water needs of its local residents while protecting the environment, adhering to applicable state and federal requirements, and wisely utilizing taxpayers' money, including federal funding available through the American Recovery and Reinvestment Act of 2009 (ARRA).

(b) Environment/Ecosystem

Implementation of stormwater management strategies and narrative and numeric water quality standards benefit and protect ecosystem health and environmental assets. The protective management criteria associated with the WS-IV classification will help to mitigate impacts and reduce risk from potential future discharges and development and, thus could benefit fish and wildlife and their habitats. More specifically, portions of the area proposed to be reclassified may experience decreased stormwater runoff as well as decreased pollution, which may increase and improve aquatic habitat and, in turn, may increase propagation and survival of 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 and stormwater runoff that this rule may create.

IV. Total Costs and Benefits

The one-time cost to Bertie County, Martin County, and the Town of Williamston is estimated at $5,500, $5,000, and $3,500, respectively, and DENR anticipates approximately $2,420 in one-time costs for this reclassification. The analysis of the proposed rule indicates that estimated annual economic impacts would be significantly less than $500,000.

APPENDIX 1

15A NCAC 02B .0313 is proposed for amendment as follow s (text highlighted in yellow is pending legislative approval):

15A NCAC 02B .0313 ROANOKE RIVER BASIN

(a) Effective February 1, 1976, the adopted classifications assigned to the waters within the Roanoke River Basin are set forth in the ~~The~~ Roanoke River Basin Schedule of Classifications and Water Quality ~~Standards~~ Standards, which 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) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina

(B) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina

(C) Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, North Carolina

(D) Division of Water Quality
Regional Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C", except that all backwaters of John H. Kerr Reservoir and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "B," and all backwaters of Lake Gaston and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "C and B".

(c) The Roanoke River Basin Schedule of Classification and Water Quality Standards was amended effective:

(1) May 18, 1977;

(2) July 9, 1978;

(3) July 18, 1979;

(4) July 13, 1980;

(5) March 1, 1983;

(6) August 1, 1985;

(7) February 1, ~~1986;~~ 1986.

~~(8) July 1, 1991;~~

~~(9) August 3, 1992;~~

~~(10) August 1, 1998;~~

~~(11) April 1, 1999;~~

~~(12) April 1, 2001~~

~~(13) November 1, 2007.2007;~~

~~(14) September 1, 2011.~~

(d) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective July 1, 1991 with the reclassification of Hyco Lake (Index No. 22-58) from Class C to Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Roanoke 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 2B .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.

(f) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Cascade Creek (Camp Creek) [Index No. 22-12] and its tributaries from its source to the backwaters at the swimming lake from Class B to Class B ORW, and reclassification of Indian Creek [index No. 22-13] and its tributaries from its source to Window Falls from Class C to Class C ORW.

(g) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Dan River and Mayo River WS-IV Protected Areas. The Protected Areas were reduced in size.

(h) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 1999 as follows:

(1) Hyco River, including Hyco Lake below elevation 410 [Index No. 22-58-(0.5)] was reclassified from Class B to ~~Class.~~Class WS-V B.

(2) Mayo Creek (Maho Creek) (Mayo Reservoir) [Index No. 22-58-15] was reclassified from its source to the dam of Mayo Reservoir from Class C to Class WS-V.

(i) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 2001 as follows:

(1) Fullers Creek from source to a point 0.8 mile upstream of Yanceyville water supply dam [Index No. 22-56-4-(1)] was reclassified from Class WS-II to Class WS-III.

(2) Fullers Creek from a point 0.8 mile upstream of Yanceyville water supply dam to Yanceyville water supply dam [Index No. 22-56-4-(2)] was reclassified from Class WS-II CA to Class WS-III CA.

(j) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective November 1, 2007 with the reclassification of Hanging Rock Hillside Seepage Bog near Cascade Creek

[Index No. 22-12-(2)] to Class WL UWL as defined in 15A NCAC 02B .0101. The Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

(k) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin ~~was~~ is amended effective ~~September 1, 2011~~ [*pending legislative approval*] as follows:

(1) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from the City of Roxboro's intake, located approximately 0.7 mile upstream of ~~NC62,~~NC Highway 62, to a point approximately 0.5 mile upstream of the City of Roxboro's intake from Class C to Class WS-IV CA.

(2) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from a point approximately 0.5 mile upstream of the City of Roxboro's intake to the North Carolina-Virginia state line from Class C to Class WS-IV.

(l) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin is amended effective January 1, 2013 as follows:

(1) a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from the Martin County Regional Water And Sewer Authority's intake, located approximately 0.3 mile upstream of US 13/US 17, to a point approximately 0.5 mile upstream of the Martin County Regional Water And Sewer Authority's intake from Class C to Class WS-IV CA.

(2) a portion of the Roanoke River [Index No. 23-(26)] (including tributaries) from a point approximately 0.5 mile upstream of the Martin County Regional Water And Sewer Authority's intake to a point approximately 1 mile downstream of Coniott Creek (Town Swamp) from Class C to Class WS-IV.

History Note: *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. January 1, 2013; ~~September 1, 2011;~~ [pending legislative approval]; November 1, 2007; April 1, 2001; April 1, 1999; August 1, 1998; August 3, 1992; July 1, 1991; February 1, 1986; August 1, 1985.

APPENDIX 2

Resolution of Support
For the MCRWASA WTP

WHEREAS, the Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA's proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, the Bertie County Board of Commissioners has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, the Bertie County Board of Commissioners has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, the board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, the board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

THEREFORE BE IT RESOLVED, that the Bertie County Board of Commissioners supports this proposed reclassification of the Roanoke River; and

BE IT FURTHER RESOLVED, that the Bertie County Board of Commissioners will develop (or modify) watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources - Division of Water Quality, Planning Section.

Lewis C. Hoggard, III, Chairman

Misty J. Deanes, Clerk to the Board

Resolution R-2011-42
Resolution of Support for the MCRWASA WTP

WHEREAS, THE Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA'S proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, The Town of Williamston Board of Commissioner (Town Board) has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, The Town Board has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, The Town Board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, The Town Board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

NOW, THEREFORE, BE IT RESOLVED that the Town of Williamston Board of Commissioner supports this proposed reclassification of the Roanoke River' and

BE IT FURTHER RESOLVED, that the Town of Williamston Board of Commissioners will develop (or modify) watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources – Division of Water Quality Planning Section.

Adopted this 16th day of May, 2011

Mayor

Town Clerk

W. RUSSELL OVERMAN
COUNTY MANAGER

MARION B. THOMPSON
CLERK TO THE BOARD

P.O. BOX 668
WILLIAMSTON, NC 27892
PHONE (252) 789-4300
FAX (252) 789-4309
EMAIL martin@martincountyncgov.com

Resolution of Support
For the Martin County Regional Water and Sewer Authority
Water Treatment Plant

WHEREAS, the Martin County Regional Water and Sewer Authority (MCRWASA) has submitted to the State a request for reclassification of a segment of the Roanoke River in Bertie and Martin Counties from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply IV Critical Area (WS-IV CA); and

WHEREAS, the purpose of the reclassification is to allow for a new intake structure in the Roanoke River which will supply MCRWASA's proposed surface water treatment facility; and

WHEREAS, local governments with land use jurisdiction within a water supply watershed are responsible for developing and implementing water supply watershed ordinances; and

WHEREAS, the Martin County Board of Commissioners has been presented a map outlining the proposed Water Supply IV Protected and Critical Areas; and

WHEREAS, the Martin County Board of Commissioners has land use jurisdiction within the proposed Water Supply IV Protected Area; and

WHEREAS, the Board finds that the availability of water resources fit for use by industry, agriculture and human consumption is important for economic development; and

WHEREAS, the Board finds that the preservation of regional groundwater supplies requires the use of long-term sustainable resources, including surface water.

THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners supports this proposed reclassification of the Roanoke River; and

BE IT FURTHER RESOLVED, that the Martin County Board of Commissioners will develop watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the Department of Environmental and Natural Resources - Division of Water Quality, Planning Section.

Adopted this 13th day of June, 2011.

Elmo "Butch" Lilley, Chairman of the Board

Marion B. Thompson, Clerk to the Board

Division of Water Quality

November 28, 2011

MEMORANDUM

To: Elizabeth Kountis

From: Harold Quidley
Laura Spell

Through: Jason Green

Subject: Roanoke River Reclassification Study 2011

Williamston, Martin County proposed water supply intake
12 digit HUC's: 030101070509, 030101070508

Accompanying this memo are the results from the Roanoke River Reclassification Study conducted by the Intensive Survey Unit during August of 2011. The study was conducted on a 10-mile reach of the Roanoke River located in Martin County near Williamston. Martin County has proposed to use the Roanoke River as a future source for drinking water and has requested help in assessing whether the proposed classifications changes are appropriate for the designated 10 mile reach of the river. Also evaluated during the study were several miles of tributaries that drain from riparian wetlands adjacent to the Roanoke River and upland areas outside the river's floodplain. The upstream boundary of the requested protected area on the Roanoke River is located at (35.94217 -77.056183). The downstream boundary is located at the proposed raw water intake site which is approximately 0.3 miles upstream from US Hwy 13 bridge at (35.86212 -77.044436).

Current classification: C

Proposed Classification: WS-IV, WS-IV CA

Findings: Based on three chemical/physical sampling events, and review of historical DWQ monitoring data, the Roanoke River in the designated study area currently meets WS–IV, WS-IV CA standards during normal seasonal flow conditions.

If you need additional information or have comments regarding the Roanoke River Reclassification Study, please contact the Intensive Survey Unit of the Environmental Sciences Section.

Cc: Al Hodge (DWQ WRO)
Dianne Reid (DWQ)

NC Division of Water Quality

Roanoke River Reclassification Study 2011

Williamston, Martin County proposed water supply intake
12 digit HUC's: 030101070509, 030101070508

Findings: Based on three chemical/physical sampling events, and review of historical DWQ monitoring data, the Roanoke River in the designated study area currently meets WS–IV, WS-IV CA standards during normal seasonal flow conditions.

Background

Martin County has proposed to use the Roanoke River as a future source for drinking water and has requested help in assessing whether the proposed classifications changes are appropriate for the designated 10 mile reach of the river. Also evaluated during the study were several miles of tributaries that drain from riparian wetlands and upland areas outside the river's floodplain but fall within the protected area. The upstream boundary of the requested protected area on the Roanoke River is located at (35.94217 -77.056183). The downstream boundary is located at the proposed raw water intake site which is approximately 0.3 miles upstream from US Hwy 13 bridge at (35.86212 -77.044436).

Current Classification: C

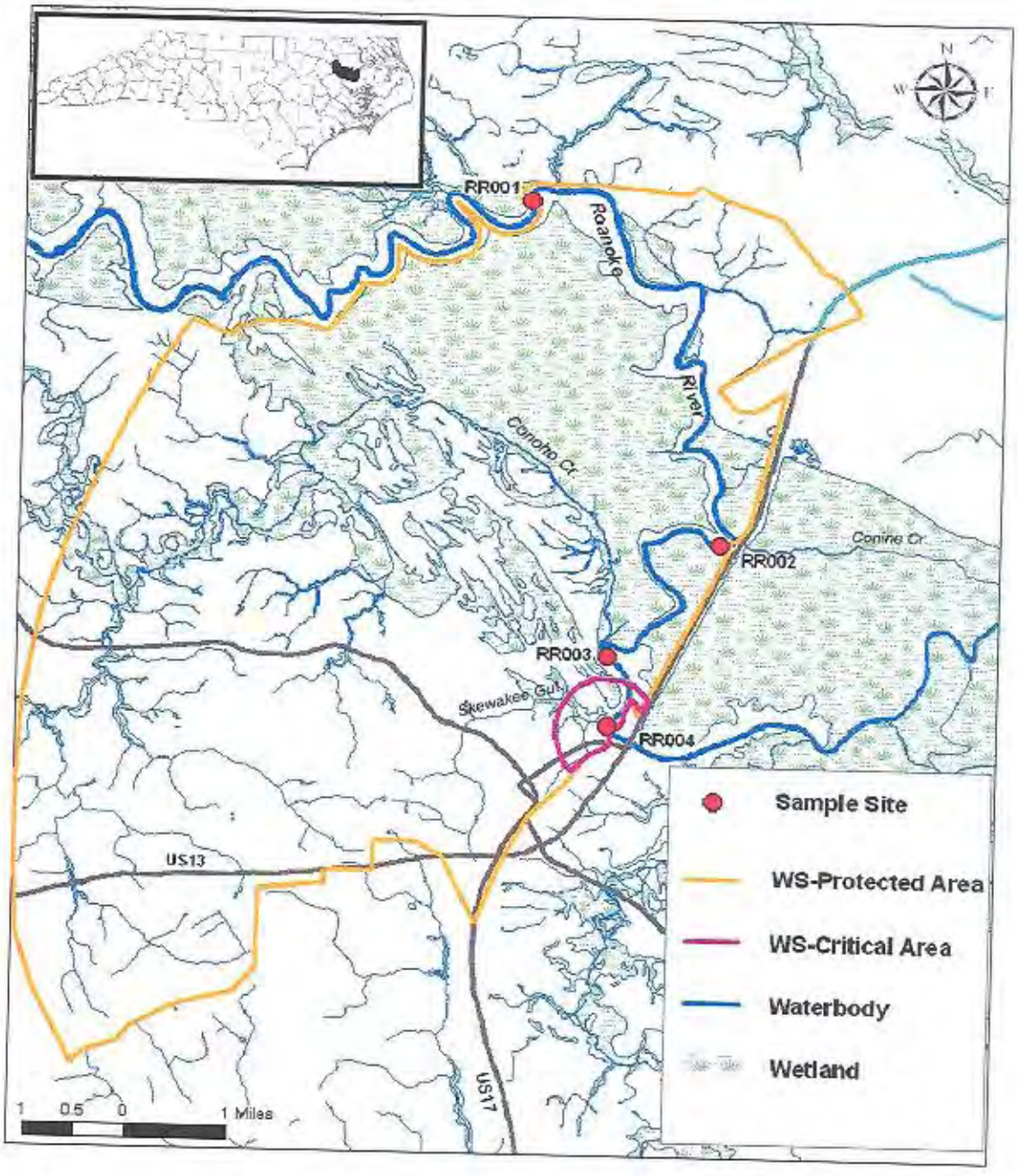
Proposed Classification: WS-IV, WS-IV CA

Roanoke River Reclassification Study 2011

At the request of the Classifications and Standards Unit, a Roanoke River Reclassification Study was conducted by the Intensive Survey Unit (ISU) during August of 2011. The study was conducted on a 10-mile reach of the Roanoke River located in Martin County near Williamston.

Physical measurements and chemical samples were collected at 4 sites in the proposed reclassification area. A map of the study area showing stations is presented as Figure 1. Photographs of each site are included at the end of this report as Figures 2 through 5. Each of the 4 sites were sampled 3 times during the study under normal seasonal flow conditions.

Figure 1.
Roanoke River Reclassification Study Map



Roanoke River Site Locations:

Sample Site RR001 Roanoke River 10 miles upstream of proposed raw water intake
Latitude 35.942147 Longitude -77.056183

Sample Site RR002 Roanoke River below mouth of Conine Creek
Latitude 35.874874 Longitude -77.044916

Sample Site RR003 Roanoke River below mouth of Conoho Creek
Latitude 35.861861 Longitude -77.044039

Sample Site RR004 Roanoke River at proposed raw water intake
Latitude 35.86212 Longitude -77.044436

The locations for sites RR002 and RR003 were selected to evaluate potential inputs originating from Conine and Conoho Creeks. Site RR001 is located at the upper boundary of the proposed reclassification area and site RR004 is located at the proposed water intake site (lower boundary). The majority of the study area is undisturbed forest or swampland within the riparian floodplain of the Roanoke River. There are also agricultural areas of row crops adjacent to the river which are located in the proposed critical area.

The Roanoke River sites were sampled on 08/11/2011, 08/18/2011 and 08/25/2011. Sampling was conducted during normal flow conditions with surface stage levels ranging from 4.7 feet to 5.1 feet reported at the US Geological Survey monitoring site #02081054 located near site RR004. All sample collections and field operations were conducted in accordance with ISU Standard Operating Procedures for Physical and Chemical Monitoring, Version 1.3.

Study Parameters:

Depth integrated physical samples and chemical samples were collected during the 3 sampling events at all 4 sites. Depth integrated physical measurements (dissolved oxygen, temperature, pH and conductivity) were recorded at 0.15 meters below the water's surface, followed by 1.0 meter intervals until the bottom was reached. Chemical "grab" samples were collected from 0.15m below the water's surface and photic zone "composite" samples were taken from the photic zone. The photic zone is the surface layer of the water column where there is enough light to encourage primary productivity. It is defined as a depth range from the water surface to a depth equal to two times the Secchi depth. All sample collections and field operations were conducted in accordance with ISU Standard Operating Procedures for Physical and Chemical Monitoring, Version 1.3. Chemical and physical sample parameters including the method of collection (stratified measurement, surface grab sample and photic zone sample) are presented in Table 1.

Table 1. Chemical and Physical Parameters

Stratified Depth	Surface Grab	Photic Zone Composite
Temperature (°C) Dissolved Oxygen (mg/L) Dissolved Oxygen (% sat) pH (s.u.) Conductivity (umhos/cm)	Total Solids (TS) Total Suspended Solids (TSS) Methylene-Blue activated substances (MBAS) Hardness (Ca, Mg) Total Metals Cd, Cr, Ni, Pb, Zn, Al, Ca, Fe, Mg, Mn, As, Ba Organochlorine Pesticides Acid herbicides Base/Neutral & Acid Extractable Organics Purgeable Organics (VOA) Sulfide Chloride, Sulfate, Flouride Tannin and Lignin TOC	Nitrogen & Phosphorous NH3, TKN, NO2+NO3, P-total, Chlorophyll *a*

For future planning purposes, Tannin/Lignin and TOC samples will be collected once per month for six months at site RR004 starting in December of 2011. Samples will be collected by staff from the Estuarine Monitoring Team in Washington during regular Ambient Monitoring operations.

Additional water quality data used in the evaluation of the proposed reach of the Roanoke River came from DWQ Ambient Monitoring Station # N8550000, (Roanoke River at US17 and US13 at Williamston). The station is located 0.3 miles downstream from the proposed intake site and provided useful historical water quality information. A review of the 5-year station summary indicates no significant water quality issues in respect to WS classifications for the site (Table 2). DWQ ambient water quality station summaries can be found at: http://portal.ncdenr.org/group/wq/datasummaries.

Study Results and Discussion:

Physical Parameters

Physical measurements; temperature, dissolved oxygen, pH and conductivity were taken during each sampling event and are presented in Table 3. Physical measurements taken at the Roanoke River sites indicate all values to be within acceptable levels. Dissolved oxygen ranged from 5.60 mg/L to 7.60 mg/L at the 4 sites. Dissolved oxygen was consistently lower at all sites during the first sampling event conducted on 08/11/2011. This was likely due to decreased D.O. saturation resulting from higher water temperatures (31°C or greater) measured in the Roanoke River at all 4 sites during the first sampling event. Values for pH ranged from 7.3 su to 8.3 su in the Roanoke River during the study. Conductivity values remained relatively consistent throughout the study and ranged from139 umhos/cm to148 umhos/cm.

Table 2.

Ambient Monitoring System Station
NCDENR, Division of Water Quality
Basinwide Assessment

Location: ROANOKE RIV AT US 13 AND US 17 AT WILLIAMSTON
Station #: N8550000 **Hydrologic Unit Code:** 03010107
Latitude: 35.85986 **Longitude:** -77.04069 **Stream class:** C
Agency: NCAMBNT **NC stream index:** 23-(26)

Time period: 01/12/2006 to 12/07/2010

	# results	# ND	EL	Results not meeting EL #	%	%Conf	Min	10th	25th	50th	75th	90th	Max
Field													
D.O. (mg/L)	59	0	<4	0	0		4.7	6.2	6.7	7.6	9.8	11.1	11.6
	59	0	<5	1	1.7		4.7	6.2	6.7	7.6	9.8	11.1	11.6
pH (SU)	59	0	<6	1	1.7		5.8	6.4	6.8	7	7.2	7.4	7.9
	59	0	>9	0	0		5.8	6.4	6.8	7	7.2	7.4	7.9
Salinity (ppt)	59	0	N/A				0.03	0.04	0.04	0.05	0.06	0.06	0.06
Spec. conductance (umhos/cm at 25°C)	59	0	N/A				85	95	104	117	126	132	138
Water Temperature (°C)	59	0	>32	0	0		3.2	6.4	10.5	17.8	25.1	28.6	30.2
Other													
Hardness (mg/L)	4	0	N/A				34	34	34	36	37	37	37
TSS (mg/L)	20	2	N/A				6.2	6.9	10.1	14	21.8	28.7	39
Turbidity (NTU)	60	0	>50	0	0		6.2	9.2	12	15	19.8	25.9	38
Nutrients (mg/L)													
NH3 as N	59	56	N/A				0.02	0.02	0.02	0.02	0.02	0.04	0.05
NO2+NO3 as N	59	0	N/A				0.08	0.13	0.17	0.21	0.27	0.29	0.34
TKN as N	57	1	N/A				0.2	0.26	0.3	0.34	0.38	0.48	0.63
Total Phosphorus	59	0	N/A				0.04	0.05	0.05	0.06	0.07	0.09	0.1
Metals (ug/L)													
Aluminum, total (Al)	5	0	N/A				330	330	460	650	850	1000	1000
Arsenic, total (As)	3	3	>10	0	0		3	3	3	3	3	3	3
Cadmium, total (Cd)	5	5	>2	0	0		1	1	1.5	2	2	2	2
Chromium, total (Cr)	5	5	>50	0	0		10	10	10	25	25	25	25
Copper, total (Cu)	5	4	>7	0	0		2	2	2	2	2	2	2
Iron, total (Fe)	5	0	>1000	2	40		820	820	910	1000	1300	1500	1500
Lead, total (Pb)	5	5	>25	0	0		10	10	10	10	10	10	10
Mercury, total (Hg)	4	4	>0.012	0	0		0.2	0.2	0.2	0.2	0.2	0.2	0.2
Nickel, total (Ni)	5	5	>88	0	0		10	10	10	10	10	10	10
Zinc, total (Zn)	5	4	>50	0	0		10	10	10	10	11	12	12

Fecal Coliform Screening(#/100mL)

# results	Geomean	#> 400	% > 400	%Conf
60	26.6	1	1.7	

Key:
results: number of observations
NDs: number of observations reported to be below detection level (non-detect)
EL: Evaluation Level; applicable numeric or narrative water quality standard or action level
Results not meeting EL: number and percentages of observations not meeting evaluation level
%Conf: States the percent statistical confidence that the actual percentage of exceedances is at least 10% (20% for Fecal Coliform)
Stations with less than 10 results for a given parameter were not evaluated for statistical confidence

Table 3.
Roanoke River Reclassification Study - Physical Depth Profile.

Station	Date m/d/y	Time hrs	Depth meters	Temp °C	DO mg/L	pH su	Cond umhos/cm	Secchi m
RR001	8/11/2011	1325	0.1	31.2	5.96	7.4	139	0.5
			1.0	31.1	5.93	7.3	140	
			2.0	31.1	5.88	7.3	141	
			3.0	31.1	5.90	7.3	141	
			4.0	31.1	5.94	7.3	139	
			5.0	31.1	5.87	7.3	139	
	8/18/2011	1400	0.1	29	7.10	8.0	146	0.8
			1.0	28.9	7.00	7.8	147	
			2.0	28.9	6.97	7.7	147	
			3.0	28.9	6.94	7.7	145	
			4.0	28.8	6.87	7.7	146	
			5.0	28.8	6.78	7.6	146	
			5.8	28.8	6.69	7.6	147	
	8/25/2011	1305	0.1	28.9	7.20	7.9	147	0.8
			1.0	28.9	7.18	7.9	147	
			2.0	28.9	7.19	7.9	147	
			3.0	28.9	7.26	7.9	148	
			4.0	28.9	7.18	7.8	148	
			5.0	28.9	7.21	7.8	148	
			6.0	28.9	7.22	7.8	148	
			7.0	28.9	7.27	7.7	148	
			7.3	28.9	7.16	7.7	148	
RR002	8/11/2011	1245	0.1	31.2	5.63	7.8	142	0.5
			1.0	31.2	5.60	7.7	142	
			2.0	31.2	5.64	7.6	142	
			3.0	31.2	5.69	7.6	142	
			4.0	31.2	5.74	7.5	142	
			5.0	31.2	5.80	7.5	143	
	8/18/2011	1310	0.1	28.6	6.40	8.2	146	0.8
			1.0	28.6	6.66	8.0	146	
			2.0	28.7	6.57	7.7	147	
			3.0	28.5	6.58	7.7	147	
			4.0	28.6	6.56	7.7	148	
			5.0	28.6	6.57	7.7	148	
	8/25/2011	1220	0.1	28.9	7.39	7.9	148	0.8
			1.0	28.8	7.37	7.8	148	
			2.0	28.8	7.23	7.8	148	
			3.0	28.8	7.20	7.8	148	
			4.0	28.1	7.60	7.8	148	
			5.0	28.8	7.12	7.8	148	

continue Table 3.
Roanoke River Reclassification Study - Physical Depth Profile.

Station	Date m/d/y	Time hrs	Depth meters	Temp °C	DO mg/L	pH su	Cond umhos/cm	Secchi m
RR003	8/11/2011	1200	0.1	31.1	5.79	7.5	143	0.5
			1.0	31.0	5.77	7.4	143	
			2.0	31.1	5.84	7.4	143	
			3.0	31.1	5.85	7.4	143	
			4.0	31.1	5.96	7.4	144	
			5.0	31.1	5.94	7.4	144	
			6.0	31.1	5.91	7.4	142	
			7.0	31.1	5.87	7.4	143	
			7.4	31.1	5.86	7.4	144	
	8/18/2011	1235	0.1	28.5	6.60	8.3	146	0.8
			1.0	28.5	6.48	8.2	145	
			2.0	28.5	6.45	8.1	145	
			3.0	28.5	6.45	8.0	146	
			4.0	28.4	6.48	7.9	145	
			5.0	28.4	6.45	7.9	146	
			6.0	28.4	6.45	7.9	146	
			7.0	28.5	6.49	7.9	145	
			8.0	28.5	6.48	7.9	145	
	8/25/2011	1145	0.1	28.9	7.32	7.8	146	0.8
			1.0	28.9	7.04	7.7	146	
			2.0	28.9	6.98	7.7	146	
			3.0	28.9	7.06	7.6	146	
			4.0	28.9	7.10	7.6	146	
			5.0	28.9	7.11	7.6	146	
			6.0	28.9	7.10	7.6	146	
			7.0	28.9	7.04	7.6	146	
			7.8	28.9	7.00	7.6	146	
RR004	8/11/2011	1110	0.1	31.0	5.84	7.9	144	0.5
			1.0	31.0	5.84	7.8	144	
			2.0	31.0	5.78	7.7	146	
			3.0	31.0	5.71	7.6	145	
			4.0	31.0	5.68	7.5	145	
			5.0	31.0	5.68	7.5	144	
			6.0	31.0	5.81	7.5	144	
	8/18/2011	1145	0.1	28.7	6.33	8.3	142	0.8
			1.0	28.6	6.47	8.1	143	
			2.0	28.7	6.42	8.0	142	
			3.0	28.7	6.40	7.9	143	
			4.0	28.7	6.36	7.8	143	
			5.0	28.6	6.30	7.8	143	
			6.0	28.6	6.20	7.7	144	
			6.6	28.6	6.11	7.7	143	
	8/25/2011	1100	0.1	28.9	7.10	7.7	145	0.8
			1.0	28.8	7.08	7.6	145	
			2.0	28.8	7.05	7.6	146	
			3.0	28.8	7.05	7.6	146	
			4.0	28.8	7.03	7.6	146	
			5.0	28.8	7.00	7.5	144	
			6.0	28.8	7.01	7.5	145	
			7.0	28.8	7.01	7.5	145	

Nutrients

Nutrients, (NH3, TKN, NO2+NO3 and Total P) from the Roanoke River sites were detected at moderate concentrations similar to those reported in the DWQ Ambient Monitoring Station (N8550000) Summary. Nutrient data from the Roanoke River Reclassification Study are shown in Table 4.

Chemical Parameters (Metals)

Metals samples collected during the study included aluminum (Al), arsenic (As), calcium (Ca), cadmium (Cd), chromium (Cr), iron (Fe), magnesium (Mg), manganese (Mn), nickel (Ni), lead (Pb), zinc (Zn) and barium (Ba). Metals data are presented in Table 4. All arsenic, cadmium, chromium, nickel, and lead values were reported at levels below detection "non detect" (U) for samples collected during the study. Manganese, barium and iron were detected at concentrations below Water Supply (WS) standards or below "Action Level" standards (AL) at all study sites. Calcium and magnesium results were used to calculate hardness data for the study (Table 5). Resulting hardness values ranged from 42.2 mg/L to 51.3 mg/L, below the water quality standard of 100 mg/L. Aluminum ranged from 380 ug/L to 600 ug/l, similar to those values reported in the DWQ Ambient Monitoring Station (N8550000) Summary, (Table 2).

Additional Chemical Parameters (Sulfate, MBAS, TS, TSS, Fluoride and Chloride)

Total suspended solids (TSS) values were reported at concentrations ranging from 12 mg/L "non detect" (U) to 18 mg/L and Total solids (TS) values ranged from 98 mg/L to 110 mg/L in the Roanoke River samples. The TSS values are similar to those reported in the DWQ Ambient Monitoring Station (N8550000) Summary. Sulfate and MBAS values for all study sites were reported at levels below the 250 mg/L (WS) standard for sulfate and the narrative water supply standard of 0.5 mg/L for MBAS. Fluoride and sulfide was reported at concentrations below detection levels, "non detect" (U) at all sites. Chloride values were reported at low levels, well below the 250 mg/L (WS) standard. Total organic carbon (TOC) was reported at values ranging from 2.3 mg/L to 3.2 mg/L. Tannin and lignin levels ranged from 0.4 mg/L to 0.6 mg/L with reported values from the 08/11/2011 sampling event being qualified as J2 at the Water Quality Laboratory. This code (J2) is used for laboratory analysis that "failed to meet the established quality control criteria for either precision or accuracy". Therefore, tannin and lignin data from first sampling event (08/11/2011) are shown in Table 5 with qualifier code (J2) but will not be considered valid or used to evaluate water quality at those sites. Sulfate, MBAS, fluoride, chloride, sulfide, TOC, tanin & lignins, total solids and total suspended solids data can be found in Table 5.

Table 4.
Roanoke River Reclassification Study – Nutrients and Metals

Station	NH3	TKN	NOX	P Total	Al	As	Ba	Ca	Cd	Cr	Fe	Mg	Mn	Ni	Pb	Zn
	mg/L	mg/L	mg/L	mg/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L	ug/L
RR001 8/11/2011	0.02 (U)	0.25	0.16	0.04	600	2.0 (U)	30	10	1.0 (U)	10 (U)	700	4.2	47	2.0 (U)	2.0 (U)	10 (U)
RR001 8/18/2001	0.02 (U)	0.34	0.24	0.05	520	2.0 (U)	30	11	1.0 (U)	10 (U)	630	4.6	68	2.0 (U)	2.0 (U)	10 (U)
RR001 8/25/2011	0.02 (U)	0.30	0.22	0.04	440	2.0 (U)	30	11	1.0 (U)	10 (U)	520	4.6	63	2.0 (U)	2.0 (U)	14
RR002 8/11/2011	0.02 (U)	0.29	0.18	0.04	570	2.0 (U)	31	11	1.0 (U)	10 (U)	660	4.3	48	2.0 (U)	2.0 (U)	10 (U)
RR002 8/18/2001	0.02 (U)	0.23	0.23	0.04	490	2.0 (U)	30	11	1.0 (U)	10 (U)	560	4.7	63	2.0 (U)	2.0 (U)	10 (U)
RR002 8/25/2011	0.02 (U)	0.35	0.24	0.04	420	2.0 (U)	31	11	1.0 (U)	10 (U)	490	4.7	60	2.0 (U)	2.0 (U)	10 (U)
RR003 8/11/2011	0.02 (U)	0.25	0.19	0.04	520	2.0 (U)	31	11	1.0 (U)	10 (U)	620	4.5	48	2.0 (U)	2.0 (U)	10 (U)
RR003 8/18/2001	0.02 (U)	0.23	0.24	0.04	540	2.0 (U)	31	12	1.0 (U)	10 (U)	580	4.7	64	2.0 (U)	2.0 (U)	10 (U)
RR003 8/25/2011	0.02 (U)	0.31	0.23	0.04	530	2.0 (U)	34	12	1.0 (U)	10 (U)	630	5.2	68	2.0 (U)	2.0 (U)	10 (U)
RR004 8/11/2011	0.02 (U)	0.24	0.20	0.04	520	2.0 (U)	32	11	1.0 (U)	10 (U)	610	4.5	51	2.0 (U)	2.0 (U)	10 (U)
RR004 8/18/2001	0.02 (U)	0.23	0.24	0.04	550	2.0 (U)	30	11	1.0 (U)	10 (U)	570	4.6	65	2.0 (U)	2.0 (U)	10 (U)
RR004 8/25/2011	0.02 (U)	0.28	0.22	0.03	380	2.0 (U)	32	12	1.0 (U)	10 (U)	450	5.0	61	2.0 (U)	2.0 (U)	10 (U)

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected.

Table 5.
Roanoke River Reclassification Study – Additional Chemical Parameters.

Station	TOC mg/L	TS mg/L	TSS mg/L	Sulfides mg/L	Chloride mg/L	Fluoride mg/L	Sulfate mg/L	MBAS mg/L	Tanin & Lignins mg/L	Hardness mg/L
RR001 8/11/2011	2.7	106	18	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.5 (J2)	42.2
RR001 8/18/2001	3.2	108	12	0.1 (U)	10	0.4 (U)	12	0.1	0.4	46.4
RR001 8/25/2011	2.8	110	13	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.4	46.4
RR002 8/11/2011	2.6	102	14	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.6 (J2)	45.17
RR002 8/18/2001	2.4	104	14	0.1 (U)	10	0.4 (U)	12	0.1	0.6	46.8
RR002 8/25/2011	3.1	108	12	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.4	46.8
RR003 8/11/2011	2.3	100	12	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.7 (J2)	46
RR003 8/18/2001	2.3	108	12	0.1 (U)	10	0.4 (U)	12	0.1 (U)	0.4	49.3
RR003 8/25/2011	2.9	108	12 (U)	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.4	51.3
RR004 8/11/2011	2.4	98	14	0.1 (U)	12	0.4 (U)	12	0.1 (U)	0.5 (J2)	46
RR004 8/18/2001	3.1	107	14	0.1 (U)	10	0.4 (U)	12	0.2	0.5	46.4
RR004 8/25/2011	2.6	104	9	0.1 (U)	12	0.4 (U)	11	0.1 (U)	0.5	51

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected.
(J2) – The reported value failed to meet the established quality control criteria for either precision or accuracy.

Chlorinated Pesticides

Chlorinated pesticide samples collected during the 3 sampling events at all 4 sites resulted in all 48 targeted compounds reported as "non detect" (Tables 6 - 9). Unidentified peaks ranged from 2 to 6 in chlorinated pesticide samples. Unidentified peaks are frequently found in pesticide scans of surface waters and are not considered significant.

Phosphorus Based Pesticides

Phosphorus based pesticide samples collected during the 3 sampling events resulted in all 25 targeted compounds reported as "non detect" (Tables 6 - 9). There were no unidentified peaks in the phosphorus based pesticide samples.

Nitrogen Based Pesticides

Nitrogen based pesticides samples collected during the 3 sampling events resulted in all 33 targeted compounds reported as "non detect" (Tables 6 - 9). There were no unidentified peaks in the nitrogen based pesticide samples.

Acid Herbicides

Acid Herbicide sample analysis resulted in all 14 target compounds reported as "non detect". Unidentified peaks ranged from 4 to 10 in acid herbicides samples (Tables 6 - 9). Unidentified peaks are frequently found in acid herbicide scans of surface waters and are not considered significant.

Semivolatile Organics (BNA's)

Semivolatile organics samples collected during the 3 sampling events resulted in all 66 target compounds reported as "non detect" with 0 unidentified peaks (Tables 6 - 9).

Volatile Organics (VOA's)

Volatile organic samples collected during the 3 sampling events resulted in 59 of 60 targeted compounds reported as "non detect" with 0 unidentified peaks (Tables 6 - 9). One identified peak for chloroform was detected but reported at a level below PQL.

Table 6.
Roanoke River (Site RR01)
Pesticides, Herbicides, Semivolatile Organics (BNA's) and Volatile Organics (VOA's)

Pesticides and Organics	Roanoke River RR001 8/11/2011	Roanoke River RR001 8/18/2011	Roanoke River RR001 8/25/2011
Chlorinated Pesticides	all 48 target compounds (U) not deteced 2 unidentified peak detected	all 48 target compounds (U) not deteced 3 unidentified peaks detected	all 48 target compounds (U) not deteced 3 unidentified peaks detected
Phosporus Based Pesticides	all 25 target compounds (U) not deteced 0 unidentified peak detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected
Nitrogen Based Pesticides	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected
Acid Herbicides	all 14 target compounds (U) not deteced 4 unidentified peaks detected	all 14 target compounds (U) not deteced 10 unidentified peaks detected	all 14 target compounds (U) not deteced 9 unidentified peaks detected
Semivolatile Organics (BNAs)	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected
Volatile Organics (VOAs)	all 60 target compounds (U) not deteced 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 identified peaks

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected.

Table 7.
Roanoke River (Site RR02)
Pesticides, Herbicides, Semivolatile Organics (BNA's) and Volatile Organics (VOA's)

Pesticides and Organics	Roanoke River RR002 8/11/2011	Roanoke River RR002 8/18/2011	Roanoke River RR002 8/28/2011
Chlorinated Pesticides	all 48 target compounds (U) not deteced 2 unidentified peak detected	all 48 target compounds (U) not deteced 2 unidentified peaks detected	all 48 target compounds (U) not deteced 2 unidentified peaks detected
Phosporus Based Pesticides	all 25 target compounds (U) not deteced 0 unidentified peak detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected
Nitrogen Based Pesticides	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected
Acid Herbicides	all 14 target compounds (U) not deteced 4 unidentified peaks detected	all 14 target compounds (U) not deteced 8 unidentified peaks detected	all 14 target compounds (U) not deteced 7 unidentified peaks detected
Semivolatile Organics (BNAs)	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected
Volatile Organics (VOAs)	all 60 target compounds (U) not deteced 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 identified peaks

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected.

Table 8.
Roanoke River (Site RR03)
Pesticides, Herbicides, Semivolatile Organics (BNA's) and Volatile Organics (VOA's)

Pesticides and Organics	Roanoke River RR003 8/11/2011	Roanoke River RR003 8/18/2011	Roanoke River RR003 8/25/2011
Chlorinated Pesticides	all 48 target compounds (U) not deteced 3 unidentified peak detected	all 48 target compounds (U) not deteced 3 unidentified peaks detected	all 48 target compounds (U) not deteced 3 unidentified peaks detected
Phosporus Based Pesticides	all 25 target compounds (U) not deteced 0 unidentified peak detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected
Nitrogen Based Pesticides	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected
Acid Herbicides	all 14 target compounds (U) not deteced 5 unidentified peaks detected	all 14 target compounds (U) not deteced 7 unidentified peaks detected	all 14 target compounds (U) not deteced 8 unidentified peaks detected
Semivolatile Organics (BNAs)	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected
Volatile Organics (VOAs)	all 60 target compounds (U) not deteced 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 unidentified peaks detected	59 target compounds (U) not detected 1 target compound (Chlorofrom) detected below PQL 0 identified peaks

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected

Table 9.
Roanoke River (Site RR04)
Pesticides, Herbicides, Semivolatile Organics (BNA's) and Volatile Organics (VOA's)

Pesticides and Organics	Roanoke River RR004 8/11/2011	Roanoke River RR004 8/18/2011	Roanoke River RR004 8/25/2011
Chlorinated Pesticides	all 48 target compounds (U) not deteced 2 unidentified peak detected	all 48 target compounds (U) not deteced 6 unidentified peaks detected	all 48 target compounds (U) not deteced 2 unidentified peaks detected
Phosporus Based Pesticides	all 25 target compounds (U) not deteced 0 unidentified peak detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected	all 25 target compounds (U) not deteced 0 unidentified peaks detected
Nitrogen Based Pesticides	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected	all 33 target compounds (U) not deteced 0 unidentified peaks detected
Acid Herbicides	all 14 target compounds (U) not deteced 5 unidentified peaks detected	all 14 target compounds (U) not deteced 10 unidentified peaks detected	all 14 target compounds (U) not deteced 6 unidentified peaks detected
Semivolatile Organics (BNAs)	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected	all 66 target compounds (U) not deteced 0 unidentified peaks detected
Volatile Organics (VOAs)	all 60 target compounds (U) not deteced 0 unidentified peaks detected	all 60 target compounds (U) not detected 0 unidentified peaks detected	59 target compounds (U) not detected 1 target compound (Chlorofrom) detected below PQL 0 identified peaks

Qualifier Codes:
(U) – Samples analyzed for this compound but not detected

Figure 2. Roanoke River at Site RR001, approx. 10.0 miles upstream from proposed water intake.

Figure 3. Roanoke River near Site RR002, showing mouth of Conine Creek, approx. 4.7 miles upstream from proposed water intake.

Figure 4. Roanoke River near Site RR003, showing mouth of Conoho Creek, approx. 1.4 miles upstream from proposed water intake.

Figure 5. Roanoke River near Site RR004, showing proposed intake site.

ANNOUNCEMENT

PROPOSED WATER SUPPLY RECLASSIFICATION OF ROANOKE RIVER: PUBLIC HEARING SET FOR JUNE

A public hearing is going to be conducted in order to receive public comments on the proposed reclassification and associated fiscal note for a section of the Roanoke River in Bertie and Martin Counties (Roanoke River Basin). This reclassification is needed to construct a new water supply intake that Martin County and the Town of Williamston intend to use. These waters will be reclassified to the Class Water Supply-IV (WS-IV) classification, including the Critical Area (CA) and Protected Area (PA) designations.

PUBLIC HEARING

Location: Martin Community College
Building 1 – Room 14
1161 Kehukee Park Road
Williamston, NC 27892

Date: Tuesday, June 5, 2012

Time: 7:00 p.m.

BACKGROUND OF RECLASSIFICATION REQUEST

A request for reclassification of a section of the Roanoke River was submitted by Martin County Regional Water and Sewer Authority. The subject portion of the Roanoke River is to be reclassified from Class C to Class WS-IV CA and WS-IV (PA). The reclassification is needed to construct the public water supply intake. This new water supply source will allow Martin County and the Town of Williamston to meet requirements of the Central Coastal Plain Capacity Use Area (CCPCUA) rule and meet water demands through 2030.

The Division of Water Resources staffs have no objections to the proposal. A Finding of No Significant Impact (FNSI) has been issued for this project, and the waters to be reclassified meet water supply water quality standards according to 2011 DWQ studies.

GENERAL DEFINITION OF PROPOSED RECLASSIFICATION

Waters designated WS-IV are protected as a water supply for drinking, culinary, or food processing purposes and for those uses where a higher WS classification (such as WS-I, II, or III) is not feasible. A Critical Area (CA) is defined as the area within approximately one-half mile and draining to a river intake for WS-IV waters. A Protected Area (PA) for WS-IV waters is defined as the area within 10 miles and draining to a river intake, excluding the CA.

WATERS TO BE AFFECTED BY THE PROPOSED RECLASSIFICATION

The portion of the river proposed to be reclassified to WS-IV CA extends along the river from the intake, which is to be placed about 0.3 mile upstream of US17/US 13, to a point nearly 0.5 miles upstream of that intake, and includes approximately 313 acres. There is a portion of one named tributary to the Roanoke River (Skewakee Gut) in the proposed CA that is to be reclassified to WS-IV CA. The portion of the river proposed to be reclassified to WS-IV (PA) extends along the river from approximately 0.5 miles upstream of the intake to nearly 1 mile downstream of Coniott Creek (Town Swamp), and includes almost 27,206 acres. A portion of two named tributaries to the Roanoke River (Skewakee Gut and Conoho Creek) and two entire named tributaries to the Roanoke River (Beaverdam Creek and Mill Branch) exist in the proposed PA; these waters are to be reclassified to WS-IV (PA).

REGULATIONS ASSOCIATED WITH THE PROPOSED RECLASSIFICATION

If reclassified, regulations affecting new development as well as existing and new wastewater discharges would apply throughout the proposed area. Other requirements, which would apply only in the CA, are additional treatment for new industrial process wastewater discharges, no new land application sites, and no new landfills. Forestry and farming practices will not be affected.

There is currently one permitted mine within the proposed area; this facility is located in the proposed PA and would not be impacted by the proposed reclassification based on its permit. There are not any known planned land application sites in the proposed CA, or known planned wastewater discharges or developments in the entire proposed area.

The local governments that have land use jurisdiction within the proposed areas are responsible for developing and implementing the water supply watershed ordinances within the PA and the CA. The local governments will have 270 days after the effective date of the proposed reclassification to develop or modify water supply watershed protection ordinances that must at least meet the state's minimum requirements (15A NCAC 2B .0100 and .0200). The proposed areas are located entirely within the jurisdiction of Bertie County, Martin County, and the Town of Williamston.

A fiscal analysis for this proposal has been completed and approved, and the analysis' quantifiable results revealed a one-time cost of approximately$5,500, $5,000, $3,500, and $2,420 to Bertie County, Martin County, the Town of Williamston, and the state, respectively.

MEETING FEDERAL TRIENNIAL REVIEW REQUIREMENTS

The public hearing and comment period are to be held in accordance with the federal Water Pollution Control Act (the Clean Water Act) which requires States, at least every three years, to review and revise water quality standards to protect aquatic life and human health. These standards are provided in existing rules NCAC 15A 02B .0100 and .0201 through .0228. The process is called the Triennial Review and includes an assessment and revision of the designated uses of waters (classifications) and the water quality criteria (standards), which are based on the designated uses. More specifically, the public hearing and associated comment period are to address the potential assignment of a WS-IV classification to a portion of the Roanoke River watershed, for the purpose of protecting its proposed designated use as a public water supply. This proposal will result in changing the water quality standards for waters within the above-mentioned Critical Area and Protected Area.

HOW TO SUBMIT COMMENTS

You may attend the public hearing and provide verbal comments that specifically address the proposed reclassification and its fiscal note for the subject portion of the Roanoke River. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have an opportunity to do so. In addition, written comments addressing the proposed reclassification and fiscal note for the Roanoke River segment will be accepted until July 2nd, 2012.

All persons interested and potentially affected by the proposal are encouraged to read this entire announcement and make comments on the proposed reclassification. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (General Statute 150B 21.2 (g)). The proposed effective date for the final rule for this proposed reclassification pursuant to this hearing process is January 1, 2013 pending EPA approval. Written comments on the proposed reclassification of the Roanoke River segment may be submitted to Elizabeth Kountis of the Water Quality Planning Section at the postal address, e-mail address, or fax number listed below.

FOR ADDITIONAL INFORMATION

Existing Division of Water Quality rules are located on the internet at http://portal.ncdenr.org/web/wq/ps/csu/rules. This announcement and a map of the waters proposed to be reclassified are located on the internet via http://portal.ncdenr.org/web/wq/event-calendar (look under "2012-06-05"). Further explanations and details on reclassifications may be obtained by writing or calling:

Elizabeth Kountis
DENR-Division of Water Quality, Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617
phone (919) 807-6418
fax (919) 807-6497
Elizabeth.Kountis@ncdenr.gov

In the case of inclement weather on the day of the scheduled public hearing, please contact the above telephone number for a recorded message regarding any changes to the location, date or time of the hearing.

North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

May 2, 2012

TO: Major Newspapers of NC

FROM: Ms. Elizabeth Kountis
Environmental Senior Specialist
N.C. Department of Environment and Natural Resources
Division of Water Quality

SUBJECT: Publication of Announcement for Proposed Reclassification of Roanoke River

Attached is an announcement for the Proposed Reclassification of the Roanoke River. The legal requirements for notice as required by G.S. 150B-21.2 have been met by publishing this notice in the *NC Register*. Publishing this notice in newspapers is not a statutory requirement and has therefore been recently cut from the Department's budget as non-essential spending. However, we do recognize that newspapers are one of the most effective methods to convey information to the public, and many newspapers contain a public announcement (or similar) section that does not charge a fee to service its readers with public announcements. Therefore, we are presenting the attached announcement to you for your information to publish at your discretion.

Should you decide to publish this information, it would be greatly appreciated if you would notify us. I can be contacted at any of the following:

By Email: Elizabeth.Kountis@ncdenr.gov
By Fax #: (919) 807-6497
By postal mail:
Ms. Elizabeth Kountis
NCDENR-DWQ-Planning Section
1617 Mail Service Center, Raleigh, NC 27699-1617
By phone: (919) 807-6418

If you should have any questions, please do not hesitate to contact me. Thank you sincerely for your consideration.

Enclosure

North Carolina Department of Environment and Natural Resources
Division of Water Quality
Charles Wakild, P. E.
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

March 30, 2012

MEMORANDUM

TO: Danny Smith
FROM: Chuck Wakild CW
SUBJECT: Hearing Officer Designation

I hereby designate you as the Hearing Officer for the public hearing to be held on the proposed reclassification of the Roanoke River in Bertie and Martin Counties (Roanoke River Basin) from Class C to Class WS-IV, including a Critical Area (CA) and Protected Area (PA). Staff will be contacting you to discuss the process and establish the date, time, and location of the public hearing.

The purpose of the hearing is to receive public comments on the proposed reclassification. You are requested to hold the hearing and receive all relevant comments. Following the close of the hearing record, staff will work with you in developing findings and recommendations to be considered by the EMC. If reclassified, the effective date of the rule is expected to be January 1, 2013.

A copy of the public announcement for this hearing will be forwarded to you. I appreciate your willingness to be a part of this rule-making process. If you have any questions, please contact Elizabeth Kountis (919-807-6418).

CW:ek

cc: Elizabeth Kountis

1617 Mail Service Center, Raleigh, North Carolina 27699-1617
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6492
Internet: www.ncwaterquality.org

LIST OF ATTENDEES

PROPOSED RECLASSIFICATION OF ROANOKE RIVER
PUBLIC HEARING: JUNE 5, 2012, WILLIAMSTON, NC

Hearing Officer

Smith	Danny	Regional Supervisor, Raleigh Regional Office

Division of Water Quality Staff (CSU = Classifications and Standards Unit)

Kountis	Elizabeth	Senior Environmental Specialist, CSU, Planning Section
Kreiser	Gary	Groundwater Vairance and Rulemaking, CSU, Planning Section
Reid	Dianne	Supervisor, CSU, Planning Section
Ventaloro	Julie	Water Supply Watershed Protection Program Coordinator, Wetlands & Stormwater Branch
Hodge	Al	Regional Supervisor, Washington Regional Office
Thorp	Roger	Environmental Engineer, Washington Regional Office
Salyer	Marlene	Senior Environmental Specialist, Washington Regional Office
Stilley	Megan	Environmental Specialist, Washington Regional Office
Vinson	Scott	Environmental Engineer, Washington Regional Office

Department of Environment and Natural Resources

Bailey	Harry	NC Division of Water Resources, Washington Regional Office

Citizens in Attendance (*=made verbal comments)

Last Name	First Name	Entity Representing	City	County	State
Bone	David	Martin County / MCRWASA	Williamston	Martin	NC
Christopher	Don	MCRWASA	Williamston	Martin	NC
Hoggard	Mike	NC Forest Service	Windsor	Bertie	NC
Caddy	James	NC Forest Service	Elizabeth City	Camden/Pasquotank	NC
Comes	Vance	NC Forest Service	Williamston	Martin	NC
Brown	Dan	Roanoke Rapids Sanitary District	Roanoke Rapids	Halifax	NC*
Camp	A. Gregg	Roanoke Rapids Sanitary District	Weldon	Halifax	NC
Roberson	Tommy	Town of Williamston	Williamston	Martin	NC*
Kanipe	Brent	Town of Williamston	Williamston	Martin	NC
Chesson	Al	Town of Williamston	Williamston	Martin	NC
Pearson	Eric	Town of Williamston	Williamston	Martin	NC
Echols	Matt	Wooten Company	Raleigh	Wake	NC
Thomson	Chris	Wooten Company	Raleigh	Wake	NC

Kountis, Elizabeth

From: Gene Addesso [gene@gaddesso.net]
Sent: Tuesday, May 29, 2012 10:50 AM
To: Kountis, Elizabeth
Cc: Fransen, Tom; Reeder, Tom; Andrew Lester; Anne Zeneski; Charles Lee; Chuck Peoples; Cyrill Young; Dan Brown; Frank Ruff; Gene Addesso; Greg Godard; Henry Davis; Jean Richter; John Cannon; John Feild; John Lindsey; John Palya; Michael Ward; Mike Pucci; Nancy Wilson; Olga Kolotushkina; Pete Kornegay; Rick Seekins; Rives Manning; Scott Murray; William Lindenmuth; Ryke Longest; dbone@martincountyncgov.com; cblevins@martincountyncgov.com; kerrys@suddenlinkmail.com; epearson@townofwilliamston.com; bertie.county@bertie.nc.gov; Ricky Spivey
Subject: Proposed Reclassification of Roanoke River section to Water Supply IV

Please be advised that the Roanoke River Basin Association supports the reclassification of a section of the Roanoke River (Bertie and Martin Counties, Roanoke River Basin) to Class Water Supply-IV (WS-IV) , including the Critical Area (CA) and Protected Area (PA) designations. We agree with the need to construct a new public water supply intake that Martin County and the Town of Williamston intend to use.

Our position is in concert with our policy to protect source basin water resources under riparian rights and our opposition to Inter-Basin Transfers of Surface Water that would impede on those rights. It also should be noted that critical basin water quality must be protected from the threat and possibility of radio-active materials as a result of the proposed Uranium Mining and Milling venture in Chatham County, VA.

Gene Addesso
VP & Acting President
Roanoke River Basin Association
(919) 414-4591
<rrba.org> <upperreach.org> <readthereports.org> ;

Exhibit 061412.01

Roanoke Rapids Sanitary District

P.O. Box 308
1000 Jackson Street
Roanoke Rapids, NC 27870
(252) 537-9137
Fax: (252) 537-3064
www.rrsd.org

RESOLUTION OF SUPPORT FOR RECLASSIFICATION OF ROANOKE RIVER SECTION TO WATER SUPPLY IV

WHEREAS: Martin County Regional Water and Sewer Authority has submitted a request for reclassification of a section of the Roanoke River in Bertie and Martin Counties (Roanoke River Basin) from Class C to Class Water Supply-IV (WS-IV) classification, including the Critical Area (CA) and Protected Area (PA) designations; and

WHEREAS: Roanoke Rapids Sanitary District (RRSD) has discharged its wastewater effluent to the Roanoke River in Northampton County; which is outside of the proposed reclassification area but eventually enters the proposed area, under permit NPDES NC0024201 active since the mid-1970's; and

WHEREAS: the reclassification is needed to construct a new water supply intake that Martin County and the Town of Williamston intend to use; and

WHEREAS: this new water supply source will allow Martin County and the Town of Williamston to meet requirements of the Central Coastal Plain Capacity Use Area (CCPCUA) rule and meet water demands through 2030; and

WHEREAS: the State's Department of Environmental and Natural Resources' Division of Water Quality (DWQ) 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 Roanoke River and its tributaries, as evidenced by their resolve to develop (or modify) watershed protection land use ordinance(s) to meet the requirements of 15A NCAC 2B .0100 and .0200 within 270 days following the effective date of the proposed rule or before the subject waters are used as a potable water source, whichever comes first; and

WHEREAS: The US Department of Agriculture (USDA) has issued a Finding of No Significant Impact (FONSI) for this project, indicating that the project will not result in significant impacts to the environment and the waters to be reclassified meet water supply water quality standards according to 2011 DWQ studies; and

WHEREAS: The Environmental Report prepared by the Wooten Company and Robert J. Goldstein & Associates, Inc. for this project does not specifically address upstream discharges outside the protected area; and

WHEREAS: Fiscal Analysis (2012-04-02) finds no existing or planned wastewater discharges, no planned landfills, no planned land application sites, and no planned development would be affected by this proposed rule change.

NOW THEREFORE, BE IT RESOLVED BY ROANOKE RAPIDS SANITARY DISTRICT THAT:

1. **NPDES permit limits are set by DWQ based on water quality based effluent standards appropriate for the Roanoke River receiving water at the point of RRSD's effluent discharge; the reclassification of a section of the river does not warrant changes in RRSD's permit limitations.**

Exhibit 061412.01: RESOLUTION OF SUPPORT
FOR Reclassification of Roanoke River section to Water Supply IV

2. **RRSD recognizes its NPDES permit to discharge treated effluent and is accountable to protect aquatic life, the river ecosystem and supporting a habitat conducive to aquatic species.**
3. **Background contaminants, such as trace organic compounds and total trihalomethanes (TTHMs), are inherent in surface water sources and must be mitigated by the end user through drinking water treatment processes.**
4. **The permitting of new drinking water intakes by DWQ reinforces local positions as uranium mining looms under the Commonwealth of Virginia's struggle to legislate its' ban and the fiduciary responsibility of the commonwealth on the activity in its portion of the Roanoke River Basin.**
5. **RRSD holds sustainability of human life and health in its highest regard.**
6. **RRSD supports the reclassification of a section of the Roanoke River in Bertie and Martin Counties to Class Water Supply-IV (WS-IV) classification, including the Critical Area (CA) and Protected Area (PA) designations; which includes approximately 27,519 acres of the lands identified by the State Department of Environment And Natural Resources in Fiscal Note for 15A NCAC 2B .0313 (Roanoke River Basin) and referenced for a June 5, 2012 public hearing.**

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 reclassified section of the Roanoke River in Bertie and Martin Counties (Roanoke River Basin).

Adopted this the 14th day of June 2012 at Roanoke Rapids, North Carolina.

Paul W. Heaton, Jr. — 6-29-12

SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE — **DATE**

Paul W. Heaton, Jr. — **TYPED NAME**

Chairman — **TYPED TITLE**

ATTEST: (Seal)

James Bailey, Secretary