

## **MEMORANDUM FOR MARCH 8, 2018 EMC MEETING**

**SUBJECT: Proposed Reclassification of Enka Lake in Buncombe County (French Broad River Basin) to Class B**

The Division of Water Resources (DWR) is requesting that the Environmental Management Commission (EMC) grant staff permission to proceed to public notice with the proposed reclassification of Enka Lake, which is a portion of Bill Moore Creek in Buncombe County (French Broad River Basin). Biltmore Lake Association, the homeowners' association for the Biltmore Lake community, has requested that Enka Lake in Enka, North Carolina, be reclassified from Class C to Class B. Anchor QEA, a consultant for the Biltmore Lake Association, provided the following information about the lake:

- Enka Lake is a 62-acre man-made lake built in 1933 that is recharged by Bill Moore Creek and multiple small tributaries. Until 2001, the lake was used...for a nearby manufacturing facility. In 2001, the lake and approximately 1,000 acres of surrounding forest land were sold to the Biltmore Farms Company, which developed the Biltmore Lake residential community. Enka Lake is the center piece of the Biltmore Lake community. “

As a reminder, primary freshwater classifications assigned to North Carolina surface waters include Class C and Class B. Class C waters are protected for aquatic life propagation and maintenance of biological integrity (including fishing and fish), wildlife, secondary recreation, agriculture and any other usages except for primary recreation or as a source of water supply for drinking, culinary or food processing purposes. Secondary recreation includes wading, boating, other uses not involving human body contact with water, and activities involving human body contact with water where such activities take place on an infrequent, unorganized, or incidental basis. All waters of the state are at least protected for Class C uses.

Class B waters are protected for primary recreation as well as for all Class C purposes. Primary recreation includes swimming, skin diving, water skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis.

The purpose of this rule change is to protect the existing waters' primary recreation uses; thus, this proposal serves the public interest per Executive Order #70 and complies with G.S. 150B, the Administrative Procedures Act (APA). The request states that “Enka Lake is used for organized full body-contact activities so Class B is the appropriate classification to protect those uses.” In addition, the request states that there is a swimming area used by the community that “...includes a swim beach, swim dock, and buoys farther out from the swim beach that are used for longer distance swimming” and “...the swim season normally...” starts on “...Memorial Day and runs through the end of September...” Water quality studies conducted during the summer of last year show that the waters proposed to be reclassified meet Class B standards.

The land around the lake is predominantly residentially developed in the form of subdivisions accompanied by forested land and a school. The remainder of the watershed draining to the lake is comprised mainly of forested lands and rural development along with limited forestry and agricultural lands, including a portion of the Pisgah National Forest and Buncombe County Open Space. The lake and its watershed exist solely within the jurisdiction of Buncombe County.

If reclassified, new NPDES wastewater discharges to these waters that contain fecal coliform will be required to have a coliform limit. There are no permitted or planned NPDES wastewater discharges to these waters that would be impacted by the proposal, according to Asheville Regional Office staff. Thus, the regulatory impact analysis for this proposal shows no cost due this proposed rule amendment.

Staff recommends sending this item to the March 2018 EMC meeting to request permission to proceed to public notice. The estimated effective date of this proposal is January 1, 2019.