

1 15A NCAC 02B .0301 is proposed for amendment as follows:

2
3 **SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS**

4
5 **15A NCAC 02B .0301 CLASSIFICATIONS: GENERAL**

6 (a) The classifications assigned to the waters of the State of North Carolina are set forth in river basin classification
7 schedules provided at [https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification)
8 [standards/river-basin-classification](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification) and in Rules .0302 to .0317 of this Section. These classifications are based upon
9 procedures described in Rule .0101 of this Subchapter.

10 (b) Classifications. The classifications assigned to the waters of North Carolina are denoted by the letters C, B, WS-
11 I, WS-II, WS-III, WS-IV, WS-V, WL, SC, SB, SA, SWL, Tr, Sw, NSW, ORW, HQW, and UWL. The "best usage",
12 as defined in Rule .0202 of this Subchapter, for each classification is defined in the rules as follows:

13 (1) Fresh Waters Classifications:

- 14 (A) Class C: Rule .0211 of this Subchapter;
15 (B) Class B: Rule .0219 of this Subchapter;
16 (C) Class WS-I (Water Supply): Rule .0212 of this Subchapter;
17 (D) Class WS-II (Water Supply): Rule .0214 of this Subchapter;
18 (E) Class WS-III (Water Supply): Rule .0215 of this Subchapter;
19 (F) Class WS-IV (Water Supply): Rule .0216 of this Subchapter;
20 (G) Class WS-V (Water Supply): Rule .0218 of this Subchapter; and
21 (H) Class WL (Wetlands): Rule .0231 of this Subchapter.

22 (2) Tidal Salt Waters Classifications:

- 23 (A) Class SC: Rule .0220 of this Subchapter;
24 (B) Class SB: Rule .0222 of this Subchapter;
25 (C) Class SA: Rule .0221 of this Subchapter; and
26 (D) Class SWL: Rule .0231 of this Subchapter.

27 (3) Supplemental Classifications:

- 28 (A) Class Tr (Trout Waters): Rule .0202 of this Subchapter;
29 (B) Class Sw (Swamp): Rule .0202 of this Subchapter;
30 (C) Class NSW (Nutrient Sensitive Waters): Rule .0223 of this Subchapter;
31 (D) Class ORW (Outstanding Resource Waters): Rule .0225 of this Subchapter;
32 (E) Class HQW (High Quality Waters): Rule .0224 of this Subchapter; and
33 (F) Class UWL (Unique Wetlands): Rule .0231 of this Subchapter.

34 (c) Water Quality Standards. The water quality standards applicable to each classification assigned are those
35 established in the rules of Section .0200 of this Subchapter.

1 (d) Index Number. The index number is an identification number assigned to each stream or segment of a stream,
 2 indicating the specific tributary progression between the main stem stream and tributary stream. The index number
 3 can be referenced to the Division's river basin classification schedules (hydrologic and alphabetic) for each river basin.

4 (e) Classification Date. The classification date indicates the date on which enforcement of the provisions of General
 5 Statutes 143-215.1 became effective with reference to the classification assigned to the various streams in North
 6 Carolina.

7 (f) Unnamed Streams.

8 (1) Any stream that is not listed in a river basin classification schedule carries the same classification
 9 as that assigned to the stream segment to which it is tributary except:

10 (A) unnamed freshwaters tributary to tidal saltwaters will be classified "C"; or

11 (B) after November 1, 1986, any areas of tidal saltwater created by dredging projects approved
 12 in accordance with 15A NCAC 07H .0208 and connected to Class SA waters shall be
 13 classified "SC" unless case-by-case reclassification proceedings are conducted per Rule
 14 .0101 of this Subchapter.

15 (2) In addition to Subparagraph ~~(f)(1) (1)~~ of this Rule, Paragraph, for unnamed streams entering other
 16 states, states, tribes approved for treatment as a state and administering a U.S. Environmental
 17 Protection Agency approved water quality standards program, or for specific areas of a river basin,
 18 the following Rules shall apply:

19 (A) Hiwassee River Basin (Rule .0302 of this Section);

20 (B) Little Tennessee River Basin and Savannah River Drainage Area (Rule .0303 of this
 21 Section);

22 (C) French Broad River Basin (Rule .0304 of this Section);

23 (D) Watauga River Basin (Rule .0305 of this Section);

24 (E) Broad River Basin (Rule .0306 of this Section);

25 (F) New River Basin (Rule .0307 of this Section);

26 (G) Catawba River Basin (Rule .0308 of this Section);

27 (H) Yadkin-Pee Dee River Basin (Rule .0309 of this Section);

28 (I) Lumber River Basin (Rule .0310 of this Section);

29 (J) Roanoke River Basin (Rule .0313 of this Section);

30 (K) Tar-Pamlico River Basin (Rule .0316 of this Section); and

31 (L) Pasquotank River Basin (Rule .0317 of this Section).

32
 33 *History Note:* Authority G.S. 143-214.1; 143-214.5; 143-215.1; 143-215.3(a)(1);

34 *Eff. February 1, 1976;*

35 *Amended Eff. August 1, 1995; August 3, 1992; August 1, 1990; October 1, 1989;*

36 *Readopted Eff. ~~November 1, 2019.~~ November 1, 2019;*

37 *Amended Eff. xxxxx*

1 15A NCAC 02B .0311 proposed for amendment as follows:
2

3 **15A NCAC 02B .0311 CAPE FEAR RIVER BASIN**

4 (a) Classifications assigned to the waters within the Cape Fear River Basin are set forth in the Cape Fear River
5 Basin Classification Schedule, which may be inspected at the following places:

6 (1) the Internet at <https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification>; and
7

8 (2) the following offices of the North Carolina Department of Environmental Quality:

9 (A) Winston-Salem Regional Office

10 450 West Hanes Mill Road

11 Winston-Salem, North Carolina;

12 (B) Fayetteville Regional Office

13 225 Green Street

14 Systel Building Suite 714

15 Fayetteville, North Carolina;

16 (C) Raleigh Regional Office

17 3800 Barrett Drive

18 Raleigh, North Carolina;

19 (D) Washington Regional Office

20 943 Washington Square Mall

21 Washington, North Carolina;

22 (E) Wilmington Regional Office

23 127 Cardinal Drive Extension

24 Wilmington, North Carolina; and

25 (F) Division of Water Resources

26 Central Office

27 512 North Salisbury Street

28 Raleigh, North Carolina.

29 (b) The Cape Fear River Basin Classification Schedule was amended effective:

30 (1) March 1, 1977;

31 (2) December 13, 1979;

32 (3) December 14, 1980;

33 (4) August 9, 1981;

34 (5) April 1, 1982;

35 (6) December 1, 1983;

36 (7) January 1, 1985;

37 (8) August 1, 1985;

38 (9) December 1, 1985;

- 1 (10) February 1, 1986;
- 2 (11) July 1, 1987;
- 3 (12) October 1, 1987;
- 4 (13) March 1, 1988;
- 5 (14) August 1, 1990.

6 (c) The Cape Fear River Basin Classification Schedule was amended effective June 1, 1988 as follows:

- 7 (1) Cane Creek [Index No. 16-21-(1)] from source to a point 0.5 mile north of N.C. Hwy. 54 (Cane
8 Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from
9 Class WS-III to WS-I.
- 10 (2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and
11 all tributaries has been reclassified from Class WS-III to WS-I.

12 (d) The Cape Fear River Basin Classification Schedule was amended effective July 1, 1988 by the reclassification
13 of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all
14 tributaries from C to WS-III.

15 (e) The Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows:

- 16 (1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to
17 western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern
18 mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest
19 mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek
20 Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek
21 were reclassified from Class SA to Class SA ORW.
- 22 (2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier
23 Islands and the Intracoastal Waterway located between a line running from the western most shore
24 of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western
25 shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class
26 SA to Class SA ORW.
- 27 (3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the
28 mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal
29 Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal
30 Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified
31 from Class SA to Class SA ORW.

32 (f) The Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows: Big
33 Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been
34 reclassified from Class WS-III NSW to Class WS-II NSW.

35 (g) The Cape Fear River Basin Classification Schedule was amended effective August 3, 1992 with the
36 reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These
37 waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection

1 rules (15A NCAC 02B .0100, .0200 and .0300), which became effective on August 3, 1992. In some cases, streams
 2 with primary classifications other than WS were reclassified to a WS classification due to their proximity and
 3 linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate
 4 appropriate primary classification after being identified as downstream of a water supply intake or identified as not
 5 being used for water supply purposes.

6 (h) The Cape Fear River Basin Classification Schedule was amended effective June 1, 1994 as follows:

7 (1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and
 8 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

9 (2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-
 10 12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

11 (3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified
 12 from Class C Sw to Class C Sw ORW.

13 (i) The Cape Fear River Basin Classification Schedule was amended effective September 1, 1994 with the
 14 reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US
 15 highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

16 (j) The Cape Fear River Basin Classification Schedule was amended effective August 1, 1998 with the revision to
 17 the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to Class WS-V,
 18 Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from
 19 Class WS-IV to Class WS-V.

20 (k) The Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the
 21 reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the
 22 Dam at Harris Lake from Class C to Class WS-V.

23 (l) The Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the
 24 reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at
 25 Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C
 26 and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have
 27 been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the
 28 normal pool elevation of the reservoir. All waters within the Randleman Reservoir Water Supply Watershed are
 29 within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in
 30 Rule .0248 of this Subchapter.

31 (m) The Cape Fear River Basin Classification Schedule was amended effective August 1, 2002 as follows:

32 (1) Mill Creek [Index Nos. 18-23-11-(1), 18-23-11-(2), 18-23-11-3, 18-23-11-(5)] from its source to
 33 the Little River, including all tributaries was reclassified from Class WS-III NSW and Class WS-
 34 III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

35 (2) McDeed's Creek [Index Nos. 18-23-11-4, 18-23-11-4-1] from its source to Mill Creek, including
 36 all tributaries was reclassified from Class WS III NSW and Class WS-III B NSW to Class WS-III
 37 NSW HQW@ and Class WS-III B NSW HQW@.

1 The "@" symbol as used in this Paragraph means that if the governing municipality has deemed that a development
 2 is covered under a "5/70 provision" as described in Rule .0215(3)(b)(i)(E) of this Subchapter, then that development
 3 is not subject to the stormwater requirements as described in 15A NCAC 02H .1006.

4 (n) The Cape Fear River Basin Classification Schedule was amended effective November 1, 2004 as follows:

- 5 (1) the portion of Rocky River [Index Number 17-43-(1)] from a point 0.3 mile upstream of Town of
 6 Siler City upper reservoir dam to a point 0.3 mile downstream of Lacy Creek from WS-III to WS-
 7 III CA.
- 8 (2) the portion of Rocky River [Index Number 17-43-(8)] from dam at lower water supply reservoir
 9 for Town of Siler City to a point 65 feet below dam (site of proposed dam) from C to WS-III CA.
- 10 (3) the portion of Mud Lick Creek (Index No. 17-43-6) from a point 0.4 mile upstream of Chatham
 11 County SR 1355 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.
- 12 (4) the portion of Lacy Creek (17-43-7) from a point 0.6 mile downstream of Chatham County SR
 13 1362 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

14 (o) The Cape Fear River Basin Classification Schedule was amended effective November 1, 2007 with the
 15 reclassifications listed below, and the North Carolina Division of Water Resources maintains a Geographic
 16 Information Systems data layer of these UWLs.

- 17 (1) Military Ocean Terminal Sunny Point Pools, all on the eastern shore of the Cape Fear River [Index
 18 No. 18-(71)] were reclassified to Class WL UWL.
- 19 (2) Salters Lake Bay near Salters Lake [Index No. 18-44-4] was reclassified to Class WL UWL.
- 20 (3) Jones Lake Bay near Jones Lake [Index No. 18-46-7-1] was reclassified to Class WL UWL.
- 21 (4) Weymouth Woods Sandhill Seep near Mill Creek [18-23-11-(1)] was reclassified to Class **WL**
 22 UWL.
- 23 (5) Fly Trap Savanna near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- 24 (6) Lily Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- 25 (7) Grassy Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- 26 (8) The Neck Savanna near Sandy Run Swamp [Index No. 18-74-33-2] was reclassified to Class WL
 27 UWL.
- 28 (9) Bower's Bog near Mill Creek [Index No. 18-23-11-(1)] was reclassified to Class WL UWL.
- 29 (10) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL UWL.

30 (p) The Cape Fear River Basin Classification Schedule was amended effective January 1, 2009 as follows:

- 31 (1) the portion of Cape Fear River [Index No. 18-(26)] (including tributaries) from Smithfield Packing
 32 Company's intake, located approximately 2 miles upstream of County Road 1316, to a point 0.5
 33 miles upstream of Smithfield Packing Company's intake from Class C to Class WS-IV CA.
- 34 (2) the portion of Cape Fear River [Index No.18-(26)] (including tributaries) from a point 0.5 miles
 35 upstream of Smithfield Packing Company's intake to a point 1 mile upstream of Grays Creek from
 36 Class C to Class WS-IV.

1 (q) The Cape Fear River Basin Classification Schedule was amended effective August 11, 2009 with the
2 reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at B. Everett Jordan
3 Reservoir from Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All
4 waters within the B. Everett Jordan Reservoir Watershed are within a designated Critical Water Supply Watershed
5 and are subject to a special management strategy specified in Rules .0262 through .0273 of this Subchapter.

6 (r) The Cape Fear River Basin Classification Schedule was amended effective September 1, 2009 with the
7 reclassification of a portion of the Haw River [Index No. 16-(28.5)] from the Town of Pittsboro water supply intake,
8 which is located approximately 0.15 mile west of U.S. 15/501, to a point 0.5 mile upstream of the Town of Pittsboro
9 water supply intake from Class WS-IV to Class WS-IV CA.

10 (s) The Cape Fear River Basin Classification Schedule was amended effective March 1, 2012 with the
11 reclassification of the portion of the Haw River [Index No. 16-(1)] from the City of Greensboro's intake, located
12 approximately 650 feet upstream of Guilford County 2712, to a point 0.5 miles upstream of the intake from Class
13 WS-V NSW to Class WS-IV CA NSW, and the portion of the Haw River [Index No. 16-(1)] from a point 0.5 miles
14 upstream of the intake to a point 0.6 miles downstream of U.S. Route 29 from Class WS-V NSW to Class WS-IV
15 NSW.

16 (t) The Cape Fear River Basin Classification Schedule was amended effective June 30, 2017 with the
17 reclassification of a section of 18-(71) from upstream mouth of Toomers Creek to a line across the river between
18 Lilliput Creek and Snows Cut from Class SC to Class SC Sw. A site-specific management strategy is outlined in
19 15A NCAC 02B .0227.

20 (u) The Cape Fear River Basin Classification Schedule was amended effective September 1, 2019 with the
21 reclassification of a portion of Sandy Creek [Index No. 17-16-(1)] (including tributaries) from a point 0.4 mile
22 upstream of SR-2481 to a point 0.6 mile upstream of N.C. Hwy 22 from WS-III to WS-III CA. The reclassification
23 resulted in an updated representation of the water supply watershed for the Sandy Creek reservoir.

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25 *History Note:* Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);
26 Eff. February 1, 1976;
27 Amended Eff. June 30, 2017; March 1, 2012; September 1, 2009; August 11, 2009; January 1,
28 2009; November 1, 2007; November 1, 2004; August 1, 2002; April 1, 1999; August 1, 1998;
29 September 1, 1994; June 1, 1994; August 3, 1992; August 1, 1990;
30 Readopted Eff. ~~November 1, 2019.~~ **November 1, 2019;**
31 **Amended Eff. Xxxx.**
32