

## **Regulatory Impact Analysis**

**Rule Citation Number:** 15A NCAC 02B .0315 Neuse River Basin

**Rule Topic:** Proposed Reclassification of the Teer Quarry and a segment of the Eno River from Class WS-IV NSW to Class WS-IV NSW CA (Durham County)

**DEQ Division:** Division of Water Resources

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**Impact Summary:** Federal government: No  
State government: Yes  
NC DOT: No  
Local government: Yes  
Substantial Impact: No

### **1. Necessity for Rule Change**

The City of Durham has requested the proposed reclassification of the Teer Quarry and a section of the Eno River so each of these waters can be used as a source of drinking water supply. Under 15A NCAC 18C .0202, “any surface water which is to receive treatment for removal of dissolved matter or suspended matter in order to be used for a public water system shall be obtained from a source that meets the WS-I, WS-II, WS-III, WS-IV or WS-V stream classification standards established by the Environmental Management Commission codified in 15A NCAC 02B.”

### **2. Background**

#### **2.1 Water Supply Classification**

The purpose of this rule change is to apply the Critical Area (CA) designation to the Water Supply (WS) classification of the Teer Quarry and a short segment of the Eno River in Durham County/City of Durham. The proposed rule change will reclassify the waters from Class WS-IV NSW to Class WS-IV NSW CA. The CA designation is needed in order to construct a new intake in the river, pump water from the riverine intake to the quarry, and utilize the quarry’s waters as a public water supply.

“Critical Area” is defined in Rule 15A NCAC 02B .0202 and refers to the lands and waters 0.5 miles linearly upstream and draining to a water intake or reservoir. The “WS” classification is a primary classification assigned to surface waters which provides protection for drinking water supply use. It provides additional protections to drinking waters beyond what is provided by the Class C classification. There are five WS classifications (WS-I through WS-V) that provide different levels of protection and generally reflect varying levels of development in the watersheds.

The waters proposed for reclassification already carry the WS-IV classification as well as the supplemental Nutrient Sensitive Waters (NSW) classification. By default, waters that are classified as “WS-IV” without the suffix “CA” have an associated “Protected Area” or “PA.” The “PA” suffix is not used in the classification itself, so it does not appear in the proposed reclassification request. “Protected area” is defined in Rule 15A NCAC 02B .0202 and refers to the lands and waters 10 miles run-of-the-river upstream and draining to a water intake, or 5 miles run-of-the-river upstream and draining to a reservoir, not including the Critical Area. There would be no change to the supplemental NSW classification.

## 2.2 Teer Quarry and Segment of Eno River

The Teer Quarry (formerly Hanson Aggregates Durham Quarry) is located adjacent to the Eno River in Durham County, approximately five miles west of Falls Lake at the northern terminus of Denfield Street in Durham. The proposed riverine intake is located about 1.1 miles downstream of the U.S. 501 bridge.

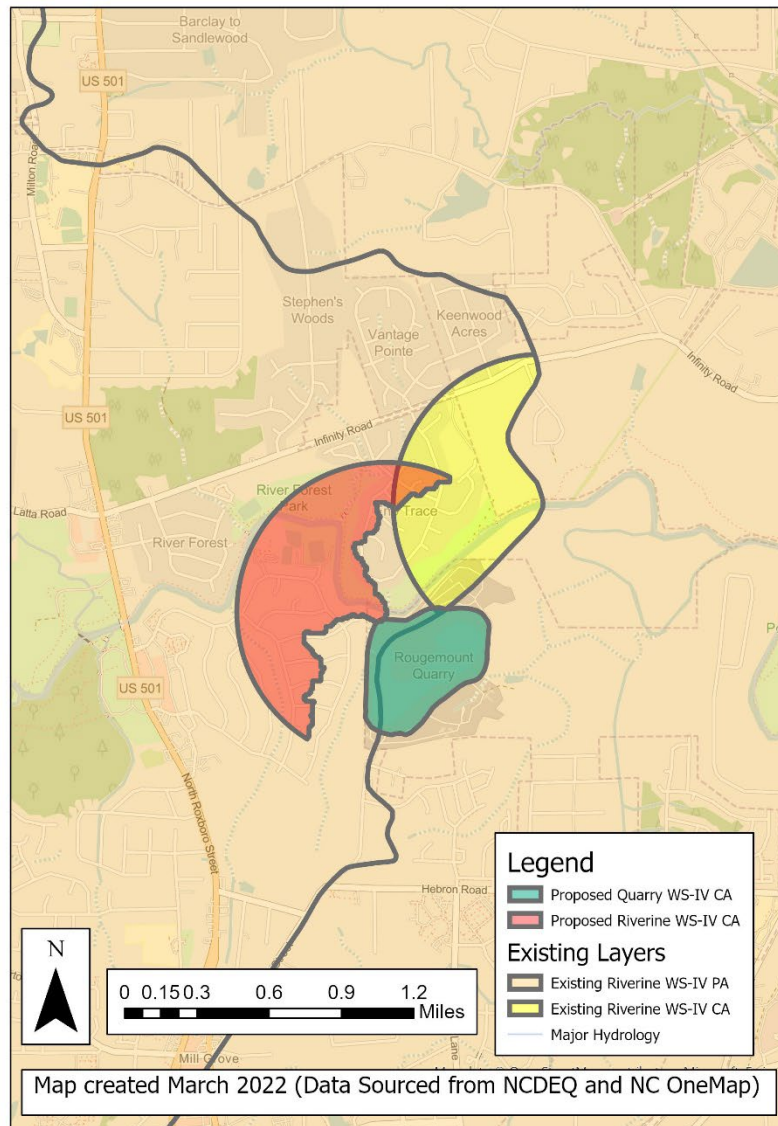
The City of Durham has requested that the Teer Quarry and one segment of the Eno River be reclassified for public water supply use. The quarry will be used as raw water storage for drinking water supply. Water in the quarry will be used to help meet local water demands; thus, this proposal serves the public interest per Executive Order #70 and complies with G.S. 150B, the Administrative Procedures Act (APA).

A new surface water intake will be installed to pump water from the quarry to the water treatment plant. This action will require a reclassification of the quarry from WS-IV NSW to WS-IV NSW CA. An additional intake will be installed on the Eno River to pump water into the quarry during periods of ample surface flow. This action will require the reclassification of a segment of the Eno River at the new intake location from WS-IV NSW to WS-IV NSW CA (Figure 1).

A Finding of No Significant Impact (FNSI) was issued for this project in 2010 (“City of Durham Teer Quarry Supplemental Raw Water Storage Project”). The FNSI indicated that the project, which included diverting water into the quarry and pumping water from the quarry, would not result in significant impacts to the environment. In 2019, DWR staff, the NC Wildlife Resources Commission, and the City of Durham came to an agreement regarding the conditions for water withdrawal from the Eno River. A 2021 Use-Attainability Study conducted by DWR showed that the waters to be reclassified met surface water supply water quality standards and support the WS-IV CA and WS-IV designations. These documents are available upon request to DWR staff.

**Figure 1**

**Proposed Water Supply-IV Critical Area Reclassification  
Teer Quarry and Eno River, Durham County, Neuse River Basin, NC**



### 3. Impact Analysis

The reclassification would allow the City of Durham to place a new surface water intake in the quarry and the Eno River in order to utilize quarry and river water as potable water supplies to meet water demands. If reclassified, regulations affecting new landfills, land application sites, development/land use, and industrial process wastewater discharges would apply. Forestry and farming practices would not be affected.

### 3.1 Regulatory Baseline

To understand the impact of the proposed rule change, it is necessary to establish a regulatory baseline for comparison. For purpose of this analysis, the baseline is comprised of:

- the current version of [Rule 15A NCAC 02B .0315](#) (Neuse River Basin). Under the current rule, the quarry and the segment of the Eno River are classified as WS-IV NSW.

Other regulations and legal limitations that alleviate the impact of the proposed rule change include:

- Rules 15A NCAC 02B .0620 through .0624 ([Water Supply Watershed Protection Program](#)). The requirements associated with a WS-IV already apply to the subject watershed areas. Upon reclassification to WS-IV Critical Area, the following more stringent land development requirements apply to land within the Critical Area:
  - The built-upon area limit for a new low-density development project (without curb and gutter systems) would decrease from 36% to 24%. Because the City of Durham and Durham County are also subject to NPDES Phase 2 stormwater requirements -- which limit low-density development to 24% -- there would be no impact from the addition of this particular requirement.
  - The built-upon area limit for a new high-density development project would decrease from 70% to 50%. There are no other existing regulations that would alleviate the impact of the 50% built-upon area cap on new high-density development. However, of the two proposed CAs to be reclassified, only the Eno River CA is potentially affected by this requirement. The Teer Quarry is owned by the City of Durham and will not be developed beyond the installation of the new intake. Within the proposed CA for the Eno River, all but two of the 134 parcels are zoned for single-family residential development, and nearly all of the parcels are fully built out. The Durham City-County Planning Department does not expect there to be additional high-density development in this area. There are also two parcels that are zoned industrial; both parcels are fully built out and will not be impacted by the new built-upon area limits.
- [Rule 15A NCAC 02B .0216](#) (Fresh Surface Water Quality Standards for Class WS-IV Waters). The water quality standards in 15A NCAC 02B .0216(3) for Class WS-IV waters are the same as for Class WS-IV CA waters; as such, they will not change as a result of the proposed reclassification.

Wastewater discharge and land use requirements already apply to the subject watershed areas; however, upon reclassification to the more protective critical area classification, portions of these watershed areas will be subject to additional wastewater discharge and land use requirements per 15A NCAC 02B .0216(4), as follows:

- New industrial discharges of treated wastewater in the critical area would be required to meet provisions related to treatment design for emergencies (e.g., stand-by power capability); volume of treated wastewater (not to exceed 50% of the total instream flow under 7Q10 conditions); and safety factors for toxic substances. There are no other existing regulations that would alleviate the impact of these new requirements. However, the Durham City-County Planning Department does not expect new industrial wastewater discharges in the Critical Areas. If there were new discharges, they would be tied into the City's existing collection system and not subject to the more stringent treatment requirements. Costs associated with tying into the City's collection system would not be the result of the proposed rulemaking.
- New landfills and new permitted sites for land application of residuals or petroleum-contaminated soils would not be allowed in the proposed Critical Areas. No new landfills or land application sites are planned or anticipated in the Critical Areas; as such, there should be no impact from the proposed reclassification on land use.
- [Rule 15A NCAC 02H .1017](#) (NPDES MS4 and Urbanizing Areas: Post-Construction Requirements). These NPDES stormwater control requirements already apply to the proposed CAs, and this will not change as a result of the proposed reclassification. This rule has a 24% built-upon area limit on low-density development, which alleviates some of the impact of the proposed Water Supply reclassification.
- [Durham City-County Planning Unified Development Ordinance](#). The Durham City-County ordinance already requires stream buffers and stormwater controls that meet the Class WS-IV requirements; as such, the proposed reclassification will not result in additional buffer or stormwater control requirements.

### 3.2 Local Government

The City of Durham and Durham County are the local governments with land use jurisdiction in the proposed reclassification areas. Within 270 days after the effective date of the reclassification, their Unified Development Ordinance and watershed map will need to be updated to reflect the new Critical Areas. Both entities support the proposed reclassification. The Durham City-County Planning Department estimated their shared one-time cost will be approximately \$8,000. This cost is associated with the required rezoning and ordinance text amendments. This cost is budgeted for and will not require additional expenditures.

### 3.3 State Government

#### *DEQ*

DWR staff estimate that the one-time cost to the State would be approximately \$2,000. This cost is associated with the notification of the City of Durham and Durham County, review and approval of changes to their local ordinance, and updating the DEQ water supply watershed map. The cost was calculated using the following formula:

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. “Staff cost/hr” is based on salary information from OSBM as of July 1, 2021 (plus a 2.5% legislative increase effective July 2, 2022) and includes salary, payroll taxes, retirement and health benefits. These tasks would be considered part of the DEQ staff’s regular duties; associated costs would be accounted for under the existing budget.

The one-time cost estimate of \$2,000 can be broken down as follows:

\$2,000 one-time cost = [13 tasks] x [avg 2 hrs/task] x [\$50.52 staff cost/hr] + [\$328.38 overhead] = [\$1,642], rounded up to \$2,000.

#### *NC Department of Transportation (NC DOT)*

According to NC DOT staff, there are no current or future planned NC DOT projects in the area to be reclassified.

### 3.4 Regulated Community

Existing regulations and local ordinances that already apply to the subject areas as well as existing land uses make it highly unlikely that the additional restrictions or requirements associated with the Critical Area designation will be felt by the regulated community. Specifically,

- Local ordinance and Phase 2 stormwater regulations already limit low-density development to 24% built-upon area;
- The single-family residential area (which comprises all but two of the reclassified parcels) is nearly completely built out, and new high-density development is unlikely;
- No new industrial discharges are anticipated. If there were new discharges, they would be tied into the City of Durham’s collection system and would therefore not be subject to the new treatment requirements; and
- No new landfills or land application sites are anticipated, nor would they be suitable for a zoned residential area.

### 3.5 Water Users

The citizens of the City of Durham and Durham County should benefit from the reclassification of the quarry and the segment of the Eno River as the reclassification is a necessary step for establishing new sources of public drinking water.

In theory, reclassifying the waters to a more protective WS classification should help protect

the quality of the source waters by decreasing the risk of contamination from industrial wastewater discharge and stormwater runoff. It is unlikely that this benefit will be realized, however, because 1) additional development and wastewater discharges are unlikely, and 2) existing regulations/ordinances provide equal or better protection than the regulations associated with the proposed reclassification.

#### **4. Summary**

As measured from the baseline conditions, there will be a one-time cost to Durham City-County Planning of approximately \$8,000 to amend their Unified Development Ordinance and complete the associated rezoning. There will also be a one-time cost to DEQ of approximately \$2,000 associated with program administration and technical assistance upon reclassification. These costs are budgeted for and will not require additional expenditures. Water users should benefit in that the reclassification is a necessary step before the quarry and Eno River can be used to supply public drinking water. It is unlikely that there will be environmental benefits because existing regulations and ordinances already provide equal or better protection than the regulations associated with the proposed reclassification, and additional development and wastewater discharges are unlikely. As such, we do not expect that there will be any new impacts on the regulated community as a result of the reclassification.

The proposed rulemaking will not meet or exceed the \$1,000,000 threshold for substantial economic impact as defined in G.S. 150B-21.4.

1 **15A NCAC 02B .0315 is proposed for amendment as follows:**

2  
3 **15A NCAC 02B .0315 NEUSE RIVER BASIN**

4 (a) Classifications assigned to the waters within the Neuse River Basin are set forth in the Neuse River Basin  
5 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-](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification)  
7 [standards/river-basin-classification](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification); and

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

9 (A) Raleigh Regional Office

10 3800 Barrett Drive

11 Raleigh, North Carolina;

12 (B) Washington Regional Office

13 943 Washington Square Mall

14 Washington, North Carolina;

15 (C) Wilmington Regional Office

16 127 Cardinal Drive Extension

17 Wilmington, North Carolina; and

18 (D) Division of Water Resources

19 Central Office

20 512 North Salisbury Street

21 Raleigh, North Carolina.

22 (b) The Neuse River Basin Classification Schedule was amended effective:

23 (1) March 1, 1977 see Paragraph (c) of this Rule;

24 (2) December 13, 1979 see Paragraph (d) of this Rule;

25 (3) September 14, 1980 see Paragraph (e) of this Rule;

26 (4) August 9, 1981 see Paragraph (f) of this Rule;

27 (5) January 1, 1982 see Paragraph (g) of this Rule;

28 (6) April 1, 1982 see Paragraph (h) of this Rule;

29 (7) December 1, 1983 see Paragraph (i) of this Rule;

30 (8) January 1, 1985 see Paragraph (j) of this Rule;

31 (9) August 1, 1985 see Paragraph (k) of this Rule;

32 (10) February 1, 1986 see Paragraph (l) of this Rule;

33 (11) May 1, 1988 see Paragraph (m) of this Rule;

34 (12) July 1, 1988 see Paragraph (n) of this Rule;

35 (13) October 1, 1988 see Paragraph (o) of this Rule;

36 (14) January 1, 1990 see Paragraph (p) of this Rule;

37 (15) August 1, 1990;



- (16) December 1, 1990 see Paragraph (q) of this Rule;
- (17) July 1, 1991 see Paragraph (r) of this Rule;
- (18) August 3, 1992;
- (19) April 1, 1994 see Paragraph (t) of this Rule;
- (20) July 1, 1996 see Paragraph (u) of this Rule;
- (21) September 1, 1996 see Paragraph (v) of this Rule;
- (22) April 1, 1997 see Paragraph (w) of this Rule;
- (23) August 1, 1998 see Paragraph (x) of this Rule;
- (24) August 1, 2002 see Paragraph (y) of this Rule;
- (25) July 1, 2004 see Paragraph (z) of this Rule;
- (26) November 1, 2007 see Paragraph (aa) of this Rule;
- (27) January 15, 2011 see Paragraph (bb) of this Rule; ~~and~~
- (28) July 1, 2012 see Paragraph (cc) of this ~~Rule~~ Rule; ~~and~~
- (29) May 1, 2023 see Paragraph (dd) of this Rule.

(c) The Neuse River Basin Classification Schedule was amended effective March 1, 1977 with the a total of 179 streams in the Neuse River Basin reclassified from Class D to Class C.

(d) The Neuse River Basin Classification Schedule was amended effective December 13, 1979 as follows: Little River [Index No. 27-57-(21.5)] from source to the dam at Wake Forest Reservoir has been reclassified from Class A-II to Class A-II and B.

(e) The Neuse River Basin Classification Schedule was amended effective September 14, 1980 as follows: The Eno River from Durham County State Road 1003 to U.S Highway 501 [Index No. 27-2-(16)] was reclassified from Class C and B to Class A-II and B.

(f) The Neuse River Basin Classification Schedule was amended effective August 9, 1981 to remove the swamp water designation from all waters designated SA in the Neuse River Basin.

(g) The Neuse River Basin Classification Schedule was amended effective January 1, 1982 as follows: The Trent River from the mouth of Brice Creek to the Neuse River [Index No. 27-101-(39)] was reclassified from Class SC Sw to Class SB Sw.

(h) The Neuse River Basin Classification Schedule was amended effective April 1, 1982 as follows:

(1) Longview Branch from source to Crabtree Creek [Index No. 27-33-(21)] was reclassified from Class C1 to Class C.

(2) Watson Branch from source to Walnut Creek [Index No. 27-34-(8)] was reclassified from Class C1 to Class C.

(i) The Neuse River Basin Classification Schedule was amended effective December 1, 1983 to add the Nutrient Sensitive Waters classification to the entire river basin above Falls dam.

(j) The Neuse River Basin Classification Schedule was amended effective January 1, 1985 as follows: Nobel Canal from source to Swift Creek [Index No. 27-97-(2)] was reclassified from Class C1 to Class C.

(k) The Neuse River Basin Classification Schedule was amended effective August 1, 1985 as follows:

- (1) Southeast Prong Beaverdam Creek from source to Beaverdam Creek [Index No. 27-33-15(2)] was reclassified from Class C1 to Class C.
  - (2) Pigeon House branch from source to Crabtree Creek [Index No. 27-33-(18)] was reclassified from Class C1 to Class C.
  - (3) Rocky Branch from source to Pullen Road [Index No. 27-34-6-(1)] was reclassified from Class C1 to Class C.
  - (4) Chavis Branch from source to Watson Branch [Index No. 27-37-8-1] was reclassified from Class C1 to Class C.
- (l) The Neuse River Basin Classification Schedule was amended effective February 1, 1986 to reclassify all Class A-I and Class A-II streams in the Neuse River Basin to WS-I and WS-III.
- (m) The Neuse River Basin Classification Schedule was amended effective May 1, 1988 to add the Nutrient Sensitive Waters classification to the waters of the Neuse River Basin below the Falls Lake dam.
- (n) The Neuse River Basin Classification Schedule was amended effective July 1, 1988 as follows:
- (1) Smith Creek [Index No. 27-23-(1)] from source to the dam at Wake Forest Reservoir has been reclassified from Class WS-III to WS-I.
  - (2) Little River [Index No. 27-57-(1)] from source to the N.C. Hwy. 97 Bridge near Zebulon including all tributaries has been reclassified from Class WS-III to WS-I.
  - (3) An unnamed tributary to Buffalo Creek just upstream of Robertson's Pond in Wake County from source to Buffalo Creek including Leo's Pond has been reclassified from Class C to B.
- (o) The Neuse River Basin Classification Schedule was amended effective October 1, 1988 as follows:
- (1) Walnut Creek (Lake Johnson, Lake Raleigh) [Index No. 27-34-(1)]. Lake Johnson and Lake Raleigh have been reclassified from Class WS-III to Class WS-III B.
  - (2) Haw Creek (Camp Charles Lake)(Index No. 27-86-3-7) from the backwaters of Camp Charles Lake to dam at Camp Charles Lake has been reclassified from Class C to Class B.
- (p) The Neuse River Basin Classification Schedule was amended effective January 1, 1990 as follows:
- (1) Neuse-Southeast Pamlico Sound ORW Area which includes all waters within a line beginning at the southwest tip of Ocracoke Island, and extending north west along the Tar-Pamlico River Basin and Neuse River Basin boundary line to Lat. 35 degrees 06' 30", thence in a southwest direction to Ship Point and all tributaries, were reclassified from Class SA NSW to Class SA NSW ORW.
  - (2) Core Sound (Index No. 27-149) from northeastern limit of White Oak River Basin (a line from Hall Point to Drum Inlet) to Pamlico Sound and all tributaries, except Thorofare, John Day Ditch were reclassified from Class SA NSW to Class SA NSW ORW.
- (q) The Neuse River Basin Classification Schedule was amended effective December 1, 1990 with the reclassification of the following waters as described in (1) through (3) of this Paragraph.
- (1) Northwest Creek from its source to the Neuse River (Index No. 27-105) from Class SC Sw NSW to Class SB Sw NSW;

- (2) Upper Broad Creek [Index No. 27-106-(7)] from Pamlico County SR 1103 at Lees Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW; and
- (3) Goose Creek [Index No. 27-107-(11)] from Wood Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW.
- (r) The Neuse River Basin Classification Schedule was amended effective July 1, 1991 with the reclassification of the Bay River [Index No. 27-150-(1)] within a line running from Flea Point to the Hammock, east to a line running from Bell Point to Darby Point, including Harper Creek, Tempe Gut, Moore Creek and Newton Creek, and excluding that portion of the Bay River landward of a line running from Poorhouse Point to Darby Point from Classes SC Sw NSW and SC Sw NSW HQW to Class SA NSW.
- (s) The Neuse River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules (15A NCAC 02B .0100, .0200 and .0300), which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.
- (t) The Neuse River Basin Classification Schedule was amended effective April 1, 1994 as follows:
- (1) Lake Crabtree [Index No. 27-33-(1)] was reclassified from Class C NSW to Class B NSW.
- (2) The Eno River from Orange County State Road 1561 to Durham County State Road 1003 [Index No. 27-10-(16)] was reclassified from Class WS-IV NSW to Class WS-IV B NSW.
- (3) Silver Lake (Index No. 27-43-5) was reclassified from Class WS-III NSW to Class WS-III B NSW.
- (u) The Neuse River Basin Classification Schedule was amended effective July 1, 1996 with the reclassification of Austin Creek [Index Nos. 27-23-3-(1) and 27-23-3-(2)] from its source to Smith Creek from classes WS-III NSW and WS-III NSW CA to class C NSW.
- (v) The Neuse River Basin Classification Schedule was amended effective September 1, 1996 with the reclassification of an unnamed tributary to Hannah Creek (Tuckers Lake) [Index No. 27-52-6-0.5] from Class C NSW to Class B NSW.
- (w) The Neuse River Basin Classification Schedule was amended effective April 1, 1997 with the reclassification of the Neuse River (including tributaries) from mouth of Marks Creek to a point 1.3 miles downstream of Johnston County State Road 1908 to class WS-IV NSW and from a point 1.3 miles downstream of Johnston County State Road 1908 to the Johnston County Water Supply intake (located 1.8 miles downstream of Johnston County State Road 1908) to class WS-IV CA NSW [Index Nos. 27-(36) and 27-(38.5)].
- (x) The Neuse River Basin Classification Schedule was amended effective August 1, 1998 with the revision of the Critical Area and Protected Area boundaries surrounding the Falls Lake water supply reservoir. The revisions to these boundaries are the result of the US Army Corps of Engineers raising the lake's normal pool elevation. The

1 result of these revisions is the Critical and Protected Area boundaries (classifications) may extend further upstream  
2 than the current designations. The Critical Area for a WS-IV reservoir is defined as 0.5 miles and draining to the  
3 normal pool elevation. The Protected Area for a WS-IV reservoir is defined as 5 miles and draining to the normal  
4 pool elevation. The normal pool elevation of the Falls Lake reservoir has changed from 250.1 feet mean sea level  
5 (msl) to 251.5 feet msl.

6 (y) The Neuse River Basin Classification Schedule was amended effective August 1, 2002 with the reclassification  
7 of the Neuse River [portions of Index No. 27-(56)], including portions of its tributaries, from a point 0.7 mile  
8 downstream of the mouth of Coxes Creek to a point 0.6 mile upstream of Lenoir County proposed water supply  
9 intake from Class C NSW to Class WS-IV NSW and from a point 0.6 mile upstream of Lenoir County proposed  
10 water supply intake to Lenoir proposed water supply intake from Class C NSW to Class WS-IV CA NSW.

11 (z) The Neuse River Basin Classification Schedule was amended effective July 1, 2004 with the reclassification of  
12 the Neuse River (including tributaries in Wake County) [Index Nos. 27-(20.7), 27-21, 27-21-1] from the dam at  
13 Falls Lake to a point 0.5 mile upstream of the Town of Wake Forest Water Supply Intake (former water supply  
14 intake for Burlington Mills Wake Finishing Plant) from Class C NSW to Class WS-IV NSW and from a point 0.5  
15 mile upstream of the Town of Wake Forest proposed water supply intake to Town of Wake Forest proposed water  
16 supply intake [Index No. 27-(20.1)] from Class C NSW to Class WS-IV NSW CA. Fantasy Lake [Index No. 27 -57-  
17 3-1-1], a former rock quarry within a WS-II NSW water supply watershed, was reclassified from Class WS-II NSW  
18 to Class WS-II NSW CA.

19 (aa) The Neuse River Basin Classification Schedule was amended effective November 1, 2007 with the  
20 reclassification of the entire watershed of Deep Creek (Index No. 27-3-4) from source to Flat River from Class WS-  
21 III NSW to Class WS-III ORW NSW.

22 (bb) The Neuse River Basin Classification Schedule was amended effective January 15, 2011 with the  
23 reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at Falls Reservoir from  
24 Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All waters within  
25 the Falls Watershed are within a designated Critical Water Supply Watershed and are subject to a special  
26 management strategy specified in Rules .0275 through .0283 of this Subchapter.

27 (cc) The Neuse River Basin Classification Schedule was amended effective July 1, 2012 as follows:

- 28 (1) Johnston County owned quarry near Little River [Index No. 27-57-(20.2)] from Class C NSW to  
29 Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic Information  
30 Systems data layer of this quarry;
- 31 (2) a portion of the Neuse River [Index Number 27-(41.7)] from a point approximately 1.4 miles  
32 downstream of Gar Gut to a point approximately 1.7 miles upstream of Bawdy Creek from Class  
33 WS-V NSW to Class WS-IV NSW; and
- 34 (3) a portion of the Neuse River [Index No. 27-(49.5)] from a point approximately 0.5 mile upstream  
35 of S.R. 1201 (Johnston County intake) to S.R. 1201 (Johnston County intake) from Class WS-IV  
36 NSW to Class WS-IV NSW CA.

37 (dd) The Neuse River Basin Classification Schedule was amended effective May 1, 2023 as follows:

- 1       (1) City of Durham owned Nello Teer quarry near Eno River [Index No. 27-2-(19) from Class WS-IV  
2       NSW to Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic  
3       Information Systems data layer of this quarry; and  
4       (2) a portion of the Eno River [Index No. 27-2-(19)] from a point approximately 0.7 miles  
5       downstream of U.S. Highway 501 to a City of Durham raw intake located about 1.1 miles  
6       downstream of US 501 from Class WS-IV NSW to Class WS-IV NSW CA .

7  
8  
9   *History Note:*    *Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*  
10                    *Eff. February 1, 1976;*  
11                    *Amended Eff. November 1, 2007; July 1, 2004 (see SL 2001-361); August 1, 2002; August 1,*  
12                    *1998; April 1, 1997; September 1, 1996; July 1, 1996; April 1, 1994; August 3, 1992; July 1,*  
13                    *1991;*  
14                    *Amended Eff. January 15, 2011 (this permanent rule replaces the temporary rule approved by the*  
15                    *RRC on December 16, 2010);*  
16                    *Amended Eff. July 1, 2012;*  
17                    *Readopted Eff. November 1, ~~2019-2019~~;*  
18                    *Amended Eff. May 1, 2023.*