

Regulatory Impact Analysis

Rule Citation: 15A NCAC 02B .0309

Rule Title: Yadkin-Pee Dee River Basin

DEQ Division: Division of Water Resources (DWR)

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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

Salisbury-Rowan Utilities (SRU) has requested the reclassification of portions of the Yadkin River, South Yadkin River, and associated tributaries in Rowan, Davie, and Davidson Counties to Class Water Supply IV (WS-IV) Critical Area (CA), Class Water Supply IV (WS-IV) Protected Area (PA), and Class Water Supply V (WS-V) so these waters can be used as a source of drinking water supply. Pursuant to 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 Classifications

Water Supply (WS) is a primary classification assigned to surface waters that are sources of water supply for drinking, culinary, or food processing purposes. There are five WS classifications (WS-I through WS-V) that generally reflect varying levels of development in the watersheds, with WS-I located in undeveloped watersheds. Each classification has water quality criteria associated with it to protect and maintain the water supply use.

Water supply watersheds are divided into two areas: the Critical Area (CA) and the Protected Area (PA). The critical area is the area nearest to the water supply intake in which the risk of pollutants to the water supply is the greatest. The CA is defined as the lands and waters within 0.5 miles upstream of, and draining to, a water intake or reservoir. The PA is the area upstream of, and adjoining, the CA where protections are required. The PA is defined as the lands and waters which are not included in the CA but are 10 miles upstream of, and draining to, a water intake, or 5 miles upstream of, and draining to, a reservoir. The upstream miles are measured in a “run-of-the-river” manner. Critical and protected area boundaries can extend a different distance from the reservoir or intake as adopted by the North Carolina Environmental Management Commission (EMC) during the reclassification.¹

2.2 Water Supply Reclassification of Portions of the Yadkin River, South Yadkin River, and Associated Tributaries

Salisbury-Rowan Utilities (SRU) plans to relocate their existing pump station and raw water intake approximately 2,100 ft downstream of the current intake location, below the confluence of the Yadkin and South Yadkin Rivers and approximately 125 ft downstream of the confluence with Deals Creek.

The existing intake draws water from the Yadkin River; therefore, CA and PA have been established and presently exist along the Yadkin River and its tributaries. The proposed intake would draw water from a location further downstream which would encompass flows from not only the Yadkin River and its tributaries, but also the South Yadkin River, Deals Creek, and associated tributaries. Therefore, this reclassification will result in changes to the current CA and PA.

This reclassification will remove the current CA and establish a new CA 0.5 miles linearly upstream and draining to the new intake. In addition, this reclassification will expand the current PA to also include the lands and waters from the South Yadkin River, Deals Creek, and associated tributaries extending approximately ten miles upstream from the new intake. The existing portion of the PA along the Yadkin River and its tributaries will be shifted to the south slightly, since the new proposed intake is 2,100 ft further downstream. A full list of the surface waters affected by this rulemaking with the current and proposed classifications is shown in Table 1.

¹ 15A NCAC 02B .0202 (20) and (48)

Table 1: List of Surface Waters for Reclassification

Waterbody	Area Description	Current Surface Water Classification	Proposed Surface Water Classification
Yadkin River (including upper portion of High Rock Lake below normal operating level)	From the mouth of the South Yadkin River to a point 125 ft downstream of Deals Creek confluence	WS-V	WS-IV CA
	From a point 0.7 mi upstream of the mouth of the South Yadkin River to a point 0.2 mi upstream of the mouth of the South Yadkin River	WS-IV CA	WS-IV ²
	From a point 1.0 mi upstream of the mouth of Dutchman Creek to Dutchman Creek	WS-IV	WS-V
Deals Creek	From its source to a point 0.7 mi upstream of the mouth of the Yadkin River	C	WS-IV
	From a point 0.7 mi upstream of the mouth of the Yadkin River to the Yadkin River	C	WS-IV CA
Portion of Second Creek	From Highway 70 crossing to the mouth of the South Yadkin River	C	WS-IV
Portion of Beaverdam Creek	From NC 801 crossing to the mouth of Second Creek	C	WS-IV
Portion of Walnut Branch	From Highway 70 crossing to the mouth of Second Creek	C	WS-IV
Portion of Setman Branch	From Highway 70 crossing to the mouth of Walnut Branch	C	WS-IV
Portion of Fourth Creek	From NC 801 crossing to the mouth of the South Yadkin River	C	WS-IV
Portion of South Yadkin River	From NC 801 crossing to a point 0.2 mi upstream of the Yadkin River confluence	C	WS-IV
	From a point 0.2 mi upstream of the mouth of the Yadkin River to the Yadkin River	C	WS-IV CA
Portion of Peeler Creek	From Davie County SR 1802 to NC 801 crossing	WS-IV	WS-V
Portion of Cody Creek	From a point 0.3 mile upstream of NC 801 to NC 801 crossing	WS-IV	WS-V

² By default, waters that are classified as WS-IV without the “CA” designation are within the PA. There is no “PA” suffix in the classification schedule.

Table 1: List of Surface Waters for Reclassification (continued)

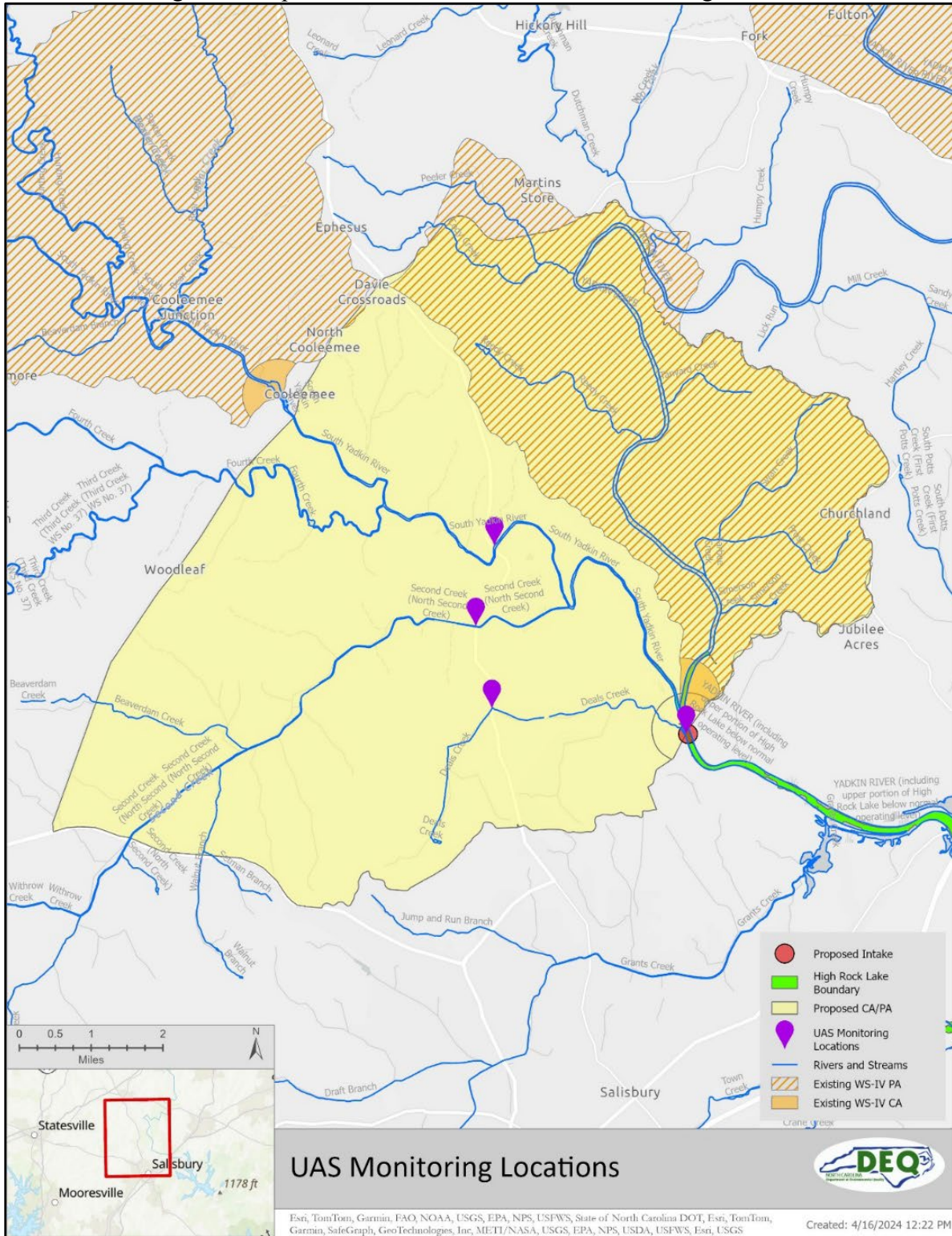
Waterbody	Area Description	Current Surface Water Classification	Proposed Surface Water Classification
Portion of Dutchman Creek	From a point 0.9 mile upstream of the confluence with the Yadkin River to the Yadkin River	WS-IV	WS-V
Portion of Humpy Creek	From a point 0.3 mile upstream of the mouth of Dutchman Creek to Dutchman Creek	WS-IV	WS-V

2.3 Use and Value Demonstration – Water Reclassification Study

A Use and Value Demonstration (UVD) study is a water quality investigation required by 40 CFR 131.10 and 15A NCAC 02B .0101. The purpose of the study is to evaluate and measure the physical and chemical composition of the waters proposed to be reclassified to ensure they can attain the rule criteria associated with the classified use, in this case water supply. The scope of this study included surface waters to the west of the existing PA (South Yadkin River, Second Creek, and Deals Creek) and south of the existing intake (at the proposed intake location).

A map of the proposed Critical and Protected Areas, as well as the UVD study monitoring locations is shown in Figure 1. The UVD study concluded that the waters in the designated study area met the WS-IV classification requirements and are appropriate to be reclassified to water supply waters.

Figure 1: Proposed WS-IV CA/PA and UVD Monitoring Locations



3. Impact Analysis

The reclassification is a requirement for SRU to construct a new surface water intake in the Yadkin River approximately 2,100 ft downstream of the current intake. The relocated intake will provide resilience against future flooding events and excessive sedimentation that is impacting the current intake at its present location. If reclassified to Class WS-IV CA or Class WS-IV PA, rules affecting new landfills, sites that land apply sludge and residuals, development density, and industrial process wastewater discharges would apply.

For the areas proposed to be reclassified from Class WS-IV to Class WS-V, these rules would no longer apply. However, local municipalities implement the land-use rules through their ordinances. According to SRU, the municipalities with jurisdiction in those areas (Davie and Davidson Counties) do not intend to modify their ordinances to relax the existing requirements for these small areas. Therefore, no cost or benefits are expected from the relaxing of the state water supply watershed requirements in these areas.

In addition, agricultural activities are subject to a vegetative setback in the CA, though no land within the CA is currently zoned for agriculture. The relocation of the CA from its current position around the Yadkin River (including the upper portion of High Rock Lake) to the new position around the South Yadkin River and a portion of the current CA (including the upper portion of High Rock Lake) is not expected to result in any significant impact. The land along the western side of the Yadkin River within the current CA is held in conservation by The Land Trust for Central North Carolina (also known as Three Rivers Land Trust). The land on the eastern side of the Yakin River in the present CA is zoned rural/agricultural. The removal of the CA requirements would allow new landfills and the land application of waste residuals in these small areas. However, when considering the current zoning and land use of these small areas, we do not expect new landfills or waste application sites to locate here even if the CA requirements are removed and as such, did not quantify these or the small additional area relieved from the 10-foot vegetative setback for agricultural activities as potential benefits. Based on zoning and current conditions in the area, the reclassification is anticipated to have no effect on farming practices.

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 .0309](#) (*Yadkin-Pee Dee River Basin*). Under the current rule, the Yadkin River is classified as Classes WS-IV and WS-V and the South Yadkin River, Deals Creek, and associated tributaries are classified as Class C.

Once reclassified to Classes WS-IV CA or WS-IV PA, additional rules would apply in the CA and PA as a result. The following regulatory requirements would apply:

- 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 and there will be no economic impact.

- Rules [15A NCAC 02B .0620 through .0624](#) (*Water Supply Watershed Protection Program*³). These rule requirements associated with Class WS-IV already apply to a portion of the subject watershed area along the Yadkin River. As a result of the rulemaking, these requirements will apply to the additional PA. This area includes portions of the South Yadkin River, Deals Creek, and associated tributaries.
- Critical Area. The rulemaking will also result in the dissolution of the current CA and the establishment of a new CA. For the portions that are reclassified to Class WS-IV CA, the following more stringent land development requirements will apply. However, in Class WS-IV watersheds, these density and setback rules only apply to new development projects that require an Erosion and Sedimentation Control Plan.
 - The low-density built-upon area limit for a new single-family residential development will be 2 dwelling units per acre or 20,000 square foot lot (excluding roadway right-of-way) or 24% built-upon area. For non-residential and residential developments other than single-family, the limit will be 24% built-upon area. Low-density projects require a 30-foot vegetative setback from perennial waterbodies.
 - The built-upon area limit for a new high-density development project will be 50%. High-density projects require a 100-foot vegetative setback from perennial waterbodies.
 - Agricultural activities require a 10-foot vegetative setback (or equivalent non-point source controls) in the CA.

In addition, upon reclassification to the more protective CA 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 CA will 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. No new industrial wastewater discharges are planned or anticipated in the proposed CA; as such, there is no anticipated economic impact.
- New landfills and new permitted sites for land application of residuals or petroleum-contaminated soils will not be allowed in the proposed CAs. No new landfills or land application sites are planned or anticipated in the CA; as such, there is no anticipated economic impact.

³ A plain-language explanation of the water supply watershed rule requirements are available on the program's website: [NC DEQ Water Supply Watershed Program](#)

- Rule [15A NCAC 02H .1017](#) (*NPDES MS4 and Urbanizing Areas: Post-Construction Requirements*). NPDES stormwater control requirements, which includes a 24% built-upon area limit on low-density development, will apply to the proposed CA. This is equivalent to the requirements in Rules 15A NCAC 02B .0620 through .0624 noted above.
- Protected Area. The rulemaking will also result in the establishment of a new larger PA. For the PA, the following more stringent land development requirements will apply. However, in Class WS-IV watersheds, these density and setback rules only apply to new development projects that require an Erosion and Sedimentation Control Plan.
 - The low-density built-upon area limit for a new single-family residential development will be 2 dwelling units per acre or 20,000 square foot lot (excluding right-of-way) or 24% built-upon area; or 3 dwelling units per acre or 36% built-upon area without curb system. For non-residential and residential developments other than single-family, the limit will be 24% built-upon area or 36% built-upon area without curb and gutter system. Low-density projects require a 30-foot vegetative setback from perennial waterbodies.
 - The built-upon area limit for a new high-density development project will be 70%. High-density projects require a 100-foot vegetative setback from perennial waterbodies.

Once the current Class WS-IV CA is dissolved and reclassified to Class WS-IV, the rules governing the CA will no longer be applicable. These are detailed above and include expanding the built-upon areas for low- and high-density developments and eliminating the need for additional wastewater discharge and land use requirements per 15A NCAC 02B .0216(4). In addition, agricultural activities would no longer require a 10-foot vegetative setback (or equivalent non-point source controls). The regulations governing the PA as described above would be applicable. However, in Class WS-IV watersheds, these density and setback rules only apply to new development projects that require an Erosion and Sedimentation Control Plan. Therefore, no additional costs are expected from the possible relaxing of the water supply watershed CA requirements in these areas. Further, because the water supply intake will be relocated, it is no longer necessary to protect the current CA from the greatest risk of pollution, and the dissolving of this area would not result in any additional adverse effects and health costs to the population.

Once the two small areas to the north of the current PA are reclassified from Class WS-IV to Class WS-V, the restrictions on activities governed by the Water Supply Watershed Protection Program Rules ([15A NCAC 02B .0620 through .0624](#)) would no longer apply. The following regulatory requirement would still apply:

- Rule [15A NCAC 02B .0218](#) (*Fresh Surface Water Quality Standards for Class WS-V Waters*). The water quality standards in 15A NCAC 02B .0218(3) for Class WS-V waters are the same

as for Class WS-IV waters; as such, they will not change as a result of the proposed reclassification and there will be no economic impact.

Local government ordinances will need to be amended to reflect the land use requirements in the subject watershed areas. The rules provide local governments with considerable flexibility (such as density averaging) when implementing these ordinances⁴. The rules also provide local governments the authority to approve rule variances if there are difficulties or hardships in compliance with implementing the ordinances⁵.

3.2 Local Government

Rowan, Davie, and Davidson Counties are the local governments with land use jurisdiction in the proposed reclassification areas. Within 270 days after the effective date of the reclassification, these municipalities must update their Unified Development Ordinances and watershed maps to reflect the new CA and PA and the applicable land use requirements. For the areas proposed to be reclassified from Class WS-IV to Class WS-V, the state rule requirements would no longer apply. However, local municipalities implement the land-use rules through their ordinances. According to SRU, the municipalities with jurisdiction in those areas (Davie and Davidson Counties) do not intend to relax their ordinances for these small areas. All three municipalities support the proposed reclassification and have submitted resolutions stating they are committed to making the required ordinance changes. This is a rule-required part of the reclassification process.

- Rowan County Planning Unified Development Ordinance. The Rowan County ordinance does not require vegetative setbacks and stormwater controls that meet the Class WS-IV requirements in the areas to be reclassified; as such, the proposed reclassification would result in additional setback and stormwater control requirements.
- Davie County Planning Unified Development Ordinance. The Davie County ordinance does not require vegetative setbacks and stormwater controls that meet the Class WS-IV requirements in the areas to be reclassified; as such, the proposed reclassification would result in additional setback and stormwater control requirements.
- Davidson County Planning Unified Development Ordinance. The Davidson County ordinance does not require vegetative setbacks and stormwater controls that meet the Class WS-IV requirements in the areas to be reclassified; as such, the proposed reclassification would result in additional setback and stormwater control requirements.

The Rowan County Planning Department estimates that their one-time cost for this rule change will be approximately \$2,350. This cost is associated with the required rezoning and ordinance text amendments. This includes an assumed 20 hours of staff time for report writing, letters, mapping, mailing, board meetings, etc., associated with the overlay amendment. In addition, this includes the costs of public notices for the ordinance changes. The public notices include two half-page ads in

⁴ 15A NCAC 02b .0624(7)

⁵ 15A NCAC 02b .0623(5)

the Salisbury Post at \$831 each and postage costs associated with letters to adjoining property owners outside the Salisbury Post circulation area.

Comparable work is needed in both Davie and Davidson Counties. Therefore, the estimated cost of \$2,350 from Rowan County is also expected in Davie and Davidson Counties. The total cost to local governments would be \$7,050.

3.3 State Government

NC Department of Environmental Quality (DEQ)

DWR staff estimate that the one-time cost to the State will be approximately \$2,000 in staff time. This cost is associated with the notification of Rowan, Davie, and Davidson Counties, review, and approval of changes to their local ordinances, and updating the DEQ water supply watershed map.

NC Department of Transportation (DOT)

According to Cabarrus-Rowan Metropolitan Planning Organization (CRMPO), aside from potential bridge replacements, there are no current or future planned DOT projects in the area to be reclassified. Therefore, there are no anticipated costs for DOT.

3.4 Regulated Community

Because the areas within the proposed CA are not developed, local zoning already limits development density, and a large area is in conservation by Three Rivers Land Trust, there is no projected economic impact (costs or benefits) from the addition of the CA rule requirements. The area within the proposed PA is zoned rural/agricultural and has only two small commercial projects planned. The proposed rules do not limit these projects and therefore, there will be no economic impact from the addition of the PA rule requirements. According to SRU, the municipalities with jurisdiction in the areas proposed for Class WS-V reclassification (Davie and Davidson Counties) do not intend to modify their ordinances to relax the rule requirements for these small areas. Also, there are currently no known projects planned. Therefore, no cost or benefits are expected from the possible relaxing of the water supply watershed requirements in these areas.

Additionally:

- No new industrial discharges are anticipated or planned, and
- No new landfills or land application sites are anticipated or planned.

3.5 Water Users

The citizens of the City of Salisbury and the Rowan County communities served by SRU should benefit from the reclassification of portions of the Yadkin River, South Yadkin River, and associated tributaries as the reclassification is a necessary step for establishing resiliency of their water supply intake. Although no development is currently planned in the area to be reclassified, the more protective WS classification would help protect the water supply for human consumption by decreasing the risk of potential future contamination via implementation of wastewater discharge

and stormwater management requirements from potential future developments and discharges. The municipalities with jurisdiction in the areas proposed for Class WS-V reclassification (Davie and Davidson Counties) do not intend to modify their ordinances to relax the rule requirements for these small areas. In addition, the Class WS-V requirements in Rule [15A NCAC 02B .0218](#) (*Fresh Surface Water Quality Standards for Class WS-V Waters*) includes a provision in subpart (4) that no discharges shall be allowed that have an adverse effect on human health and therefore no public health costs are anticipated from the relaxing of the requirements in these areas.

3.6 Environment

These stormwater and wastewater management requirements as well as narrative and numeric water quality standards will also protect environmental assets and ecosystem health by reducing risk from potential future discharges and development, which will may benefit fish and wildlife and their habitats. This potential secondary benefit was not quantified. In addition, the municipalities with jurisdiction in the areas proposed for Class WS-V reclassification (Davie and Davidson Counties) do not intend to modify their ordinances to relax the rule requirements further extending this secondary environmental benefit in these small areas.

3.7 Impact Summary

As measured from the baseline conditions, there will be a one-time cost to Rowan, Davie, and Davidson Counties of approximately \$7,050 to amend their Unified Development Ordinances 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 expenditure. Water users should benefit in that the reclassification is a necessary step before portions of the Yadkin River, South Yadkin River, and associated tributaries can be used as a source of public drinking water. We do not expect that there will be any new impacts on the regulated community because of the reclassification to Class WS-IV CA, Class WS-IV, or Class WS-V.

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 .0309 is proposed for amendment as follows:**

2

3 **15A NCAC 02B .0309 YADKIN-PEE DEE RIVER BASIN**

4 (a) Classifications assigned to the waters within the Yadkin-Pee Dee River Basin are set forth in the Yadkin 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-](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) Mooresville Regional Office

10 610 East Center Avenue, Suite 301

11 Mooresville, North Carolina;

12 (B) Winston-Salem Regional Office

13 450 West Hanes Mill Road

14 Winston-Salem, North Carolina;

15 (C) Fayetteville Regional Office

16 225 Green Street

17 Systel Building Suite 714

18 Fayetteville, North Carolina;

19 (D) Asheville Regional Office

20 2090 US Highway 70

21 Swannanoa, North Carolina; and

22 (E) Division of Water Resources

23 Central Office

24 512 North Salisbury Street

25 Raleigh, North Carolina.

26 (b) Unnamed streams entering Virginia are classified "C," and such streams entering South Carolina are classified
27 "C".

28 (c) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective:

29 (1) February 12, 1979;

30 (2) March 1, 1983;

31 (3) August 1, 1985;

32 (4) February 1, 1986;

33 (5) October 1, 1988;

34 (6) March 1, 1989;

35 (7) January 1, 1990;

36 (8) August 1, 1990;

37 (9) January 1, 1992;

- 1 (10) April 1, 1992;
- 2 (11) August 3, 1992;
- 3 (12) December 1, 1992;
- 4 (13) April 1, 1993;
- 5 (14) September 1, 1994;
- 6 (15) August 1, 1995;
- 7 (16) August 1, 1998;
- 8 (17) April 1, 1999;
- 9 (18) July 1, 2006;
- 10 (19) September 1, 2006;
- 11 (20) November 1, ~~2007-2007~~; and
- 12 (21) March 1, 2025.

13 (d) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective October 1, 1988 as follows:

- 14 (1) Mitchell River [Index No. 12-62-(1)] from source to mouth of Christian Creek (North Fork Mitchell
- 15 River) including all tributaries has been reclassified from Class B Tr to Class B Tr ORW.
- 16 (2) Mitchell River [Index No. 12-62-(7)] from mouth of Christian Creek (North Fork Mitchell River)
- 17 to Surry County SR 1315 including all tributaries has been classified from Class C Tr to C Tr ORW,
- 18 except Christian Creek and Robertson Creek which will be reclassified from Class B Tr to Class B
- 19 Tr ORW.
- 20 (3) Mitchell River [Index No. 12-62-(12)] from Surry County SR 1315 to mouth of South Fork Mitchell
- 21 River including all tributaries from Class C to Class C ORW.

22 (e) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective March 1, 1989 as follows: Elk

23 Creek [Index Nos. 12-24-(1) and 12-24-(10)] and all tributary waters were reclassified from Class B-trout, Class

24 C-trout and Class B to Class B-trout ORW, Class C-trout ORW and Class B ORW.

25 (f) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective January 1, 1990 as follows:

26 Barnes Creek (Index No. 13-2-18) was reclassified from Class C to Class C ORW.

27 (g) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective January 1, 1992 as follows:

- 28 (1) Little River [Index Nos. 13-25-(10) and 13-25-(19)] from Suggs Creek to Densons Creek has been
- 29 reclassified from Classes WS-III and C to Classes WS-III HQW and C HQW.
- 30 (2) Densons Creek [Index No. 13-25-20-(1)] from its source to Troy's Water Supply Intake including
- 31 all tributaries has been reclassified from Class WS-III to Class WS-III HQW.
- 32 (3) Bridgers Creek (Index No. 13-25-24) from its source to the Little River has been reclassified from
- 33 Class C to Class C HQW.

34 (h) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective April 1, 1992 with the

35 reclassification of the North Prong South Fork Mitchell River from Class C to Class C Trout.

36 (i) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective August 3, 1992 with the

37 reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These

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

7 (j) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective December 1, 1992 as follows:

- 8 (1) Pike Creek (Index No. 12-46-1-2) was reclassified from Class C Tr to Class C Tr HQW;
- 9 (2) Basin Creek (Index No. 12-46-2-2) was reclassified from Class C Tr to Class C Tr ORW;
- 10 (3) Bullhead Creek (Index No. 12-46-4-2) was reclassified from Class C Tr to Class C Tr ORW;
- 11 (4) Rich Mountain Creek (Index No. 12-46-4-2-2) was reclassified from Class Tr to Class C Tr ORW;
- 12 and
- 13 (5) Widows Creek (Index No. 12-46-4-4) was reclassified from Class C Tr HQW to Class C Tr ORW.

14 (k) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective September 1, 1994 as follows:

- 15 (1) Lanes Creek [Index Nos. 13-17-40-(1) and 13-17-40-(10.5)] from its source to the Marshville water
16 supply dam including tributaries was reclassified from Classes WS-II and WS-II CA to Class WS-
17 V.
- 18 (2) The South Yadkin River [Index Nos. 12-108-(9.7) and 12-108-(15.5)] from Iredell County SR 1892
19 to a point 0.7 mile upstream of the mouth of Hunting Creek including associated tributaries was
20 reclassified from Classes WS-V, C and WS-IV to Classes WS-V, WS-IV, C and WS-IV CA.
- 21 (3) The Yadkin River [Index Nos. 12-(53) and 12-(71)] from a point 0.3 mile upstream of the mouth of
22 Elkin Creek (River) to the Town of King water supply intake including associated tributaries was
23 reclassified from Classes C and WS-IV to Classes WS-IV and WS-IV CA.
- 24 (4) The Yadkin River [Index Nos. 12-(80.5), 12-(81.5) and 12-(84.5)] from the Town of King water
25 supply intake to the Davie County water supply intake reclassified from Classes C, B, WS-IV and
26 WS-V to Classes WS-IV, WS-IV B and WS-IV CA.

27 (l) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective August 1, 1995 as follows: Bear
28 Creek [Index Nos. 12-108-18-(3), 12-108-18-(3.3)], Little Bear Creek (Index No. 12-108-18-2), and Blue Branch
29 (Index No. 12-108-18-2-1) were reclassified from WS-II and WS-II CA (Critical Area) to C and WS-IV.

30 (m) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective August 1, 1998 with the revision
31 to the primary classification for portions of the Yadkin River [Index No. 12-(45)] from Class WS-IV to WS-V, Yadkin
32 River [Index No. 12-(67.5)] from Class WS-IV to Class C, Yadkin River [Index Nos. 12-(93.5) and 12-(98.5)] from
33 Class WS-IV to Class WS-V, South Yadkin River [Index No. 12-108-(12.5)] from Class WS-IV to Class WS-V, and
34 South Yadkin River [Index Nos. 12-108-(19.5) and 12-108-(22)] from Class WS-IV to Class C.

35 (n) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective April 1, 1999 with the
36 reclassification of a portion of the Yadkin River [Index No. 12-(80.5)] from WS-IV CA to WS-IV. A portion of the
37 Yadkin River 0.5 mile upstream of Bashavia Creek was reclassified from WS-IV to WS-IV CA. Bashavia Creek

1 [Index Nos. 12-81-(0.5) and 12-81-(2)] was reclassified from WS-IV and WS-IV CA to Class C. Tributaries to
2 Bashavia Creek were also reclassified to Class C. Portions of the Yadkin River [Index Nos. 12-(25.5) and 12-(27)]
3 were reclassified from WS-IV to Class C and from WS-IV & B to Class B. Tributaries were reclassified from Class WS-
4 IV to Class C. Supplemental classifications were not changed.

5 (o) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective July 1, 2006 with the
6 reclassification of a portion of the Uwharrie River. More specifically, Index No. 13-2-(25), Index No. 13-2-(17.5),
7 and a portion of Index No. 13-2-(1.5) was reclassified from Class WS-IV CA, WS-IV, and C, to Class WS-IV B CA,
8 WS-IV B, and B, respectively.

9 (p) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective September 1, 2006 with the
10 reclassification of a segment of the Yadkin River [portion of Index No. 12-(53)] from a point 0.3 mile upstream of the
11 Town of Elkin proposed water supply intake to the Town of Elkin proposed water supply intake from C to WS-IV
12 CA. The Town of Elkin proposed water supply intake is to be placed on the Yadkin River at a point directly above the
13 mouth of Elkin Creek.

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

- 17 (1) Black Ankle Bog near Suggs Creek [Index No. 13-25-12] was reclassified to Class WL UWL.
- 18 (2) Pilot Mountain Floodplain Pool near Horne Creek [Index No. 12-75] was reclassified to Class WL
19 UWL.

20 (r) The Yadkin-Pee Dee River Basin Classification Schedule was amended effective March 1, 2025, using Paragraphs
21 (20)(c) and (48)(c) of Rule .0202 of this Section, which defined the critical and protected areas a different distance
22 from the intake as adopted by the Commission during the reclassification process as follows:

23 (1) a portion of the Yadkin River Index No. 12-(108.5) from the mouth of the South Yadkin River to a
24 point 125 feet downstream of its confluence with Deals Creek, a portion of Deals Creek Index No.
25 12-109 from a point 0.7 miles upstream of the mouth of the Yadkin River to the Yadkin River, and
26 a portion of the South Yadkin River Index No. 12-108-(19.5) from a point 0.2 miles upstream of the
27 mouth of the Yadkin River to the Yadkin River, and the watersheds associated with these waterbody
28 portions were reclassified from Class C to Class WS-IV CA;

29 (2) a portion of the Yadkin River Index No. 12-(107.5) from a point 0.7 miles upstream of the mouth
30 of the South Yadkin River to a point 0.2 miles upstream of the mouth of the South Yadkin River, a
31 portion of Deals Creek Index No. 12-109 from its source to a point 0.7 miles upstream of the mouth
32 of the Yadkin River, a portion of Second Creek Index No. 12-108-21 from Highway 70 to the mouth
33 of the South Yadkin River, a portion of Fourth Creek Index No. 12-108-20 from NC 801 to the
34 mouth of the South Yadkin River, a portion of South Yadkin River Index No. 12-108-(19.5) from
35 NC 801 to a point 0.2 miles upstream of its confluence with the Yadkin River, and watersheds
36 associated with these waterbody portions were reclassified from Class C to Class WS-IV; and

1 (3) a portion of the Yadkin River Index No. 12-101.5 from a point 1.0 mile upstream of the mouth of
2 Dutchman Creek to Dutchman Creek and its watershed were reclassified from Class WS-IV to Class
3 WS-V.

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5 *History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
6 *Eff. February 1, 1976;*
7 *Amended Eff. November 1, 2007; September 1, 2006; July 1, 2006; April 1, 1999; August 1, 1998;*
8 *August 1, 1995; September 1, 1994; April 1, 1993; December 1, 1992;*
9 *Readopted Eff. November 1, ~~2019-2019~~;*
10 *Amended Eff. March 1, 2025.*

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