

ANNOUNCEMENT

PROPOSED RECLASSIFICATION OF CAPE FEAR RIVER: PUBLIC HEARING SET FOR AUGUST

PUBLIC HEARING

The N.C. Department of Environment and Natural Resources on behalf of the Environmental Management Commission (EMC) will conduct a public hearing in order to receive public comments on
Location: Multipurpose/Auditorium Bldg.

Bladen Community College

the proposed reclassification of a segment of the Cape 7418 Highway 41 West Fear River in Bladen and Cumberland Counties Dublin, NC

(Cape Fear River Basin) to the Class Water Supply-IV (WS-IV) and Class WS-IV CA (Critical Area) Date: August 14, 2008
classifications.

Time: 6:30 p.m.

GENERAL DEFINITION OF PROPOSED RECLASSIFICATION

A Water Supply-IV (WS-IV) water is 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. WS-IV waters are generally located in moderately to highly developed watersheds. In addition, 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.

BACKGROUND OF RECLASSIFICATION REQUEST

A request for reclassification of a segment of the Cape Fear River was submitted by the Lower Cape Fear Water and Sewer Authority (“Authority”). The purpose for this rule change is to allow a new intake structure to be placed in the river. Initially, the new intake will provide a potable water supply for the Smithfield Packing Company. In the future, the intake will provide a source of potable water for potentially several southern coastal plain municipalities.

The waters to be reclassified meet water supply water quality standards according to 2007 DWQ studies. The

Division of Water Resources (DWR) and Division of Environmental Health (DEH)
Public Water Supply (PWS)
Section do not object to the proposed reclassification.

In October 2004, the EMC, the DWR, and the Lumber River Council of Governments (COG) entered into a cooperative agreement to assure that area groundwater resources are monitored and “a regional plan for long-range, sustainable water supply sources is developed” that would include Smithfield’s participation and investigation of additional water sources, including surface water sources. A regional plan was developed, the Authority was formed to include representation of several municipalities, and this proposed reclassification is an outgrowth of that plan.

WATERS TO BE AFFECTED BY THE PROPOSED RECLASSIFICATION

The river segment requested for reclassification is currently Class C. The portion of the river proposed to be reclassified to WS-IV CA extends along the river from the proposed intake, which is to be placed approximately 2 miles upstream of County Road 1316, to a point approximately 0.5 miles upstream of the proposed intake. There are no named tributaries to the Cape Fear River in the proposed CA. The portion of the river proposed to be reclassified to WS-IV (PA) extends along the river from a point approximately 0.5 miles upstream of the proposed intake to a point approximately 1 mile upstream of Grays Creek. The proposed PA includes the entire length of several named tributaries, as well as the lower portions of many named tributaries, to the Cape Fear River; most of these waters are presently classified C and would be reclassified to WS-IV (PA), and the remaining waters, which carry the B classification, would be reclassified to WS-IV (PA) & B. Approximately 160 acres of land will become CA, and nearly 30,628 acres of land will become PA.

REGULATIONS ASSOCIATED WITH THE PROPOSED RECLASSIFICATION

If reclassified, development and discharge requirements associated with the WS-IV CA and WS-IV (PA) classifications will apply. There are several animal operations and one NPDES wastewater discharger, Dupont Fayetteville Works, in the proposed water supply watershed; the above-mentioned animal operations and discharger

most likely will not be impacted by current regulations associated with this reclassification. There are not any known planned dischargers and developments in the entire proposed reclassification area that would likely be affected by

the proposed reclassification according to DWQ staff in the Fayetteville Regional Office and local government staff.

Forestry and farming practices will not be affected.

The local governments that have land use jurisdiction within the proposed water supply watershed are responsible for developing and implementing the water supply watershed ordinances within the Protected Area and the Critical Area.

These 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 local governments with jurisdiction in the proposed water supply watershed consist of Bladen County and Cumberland County, which support and do not object to the proposal, respectively.

HOW TO SUBMIT COMMENTS

You may attend the public hearing and make relevant verbal comments, and/or submit written comments, data or other relevant information by September 15, 2008. 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.

The EMC is very interested in all comments pertaining to the proposed reclassification. All persons interested and potentially affected by the proposal are strongly 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 (see General Statute 150B 21.2 (g)). The proposed effective date for the final rule pursuant to this hearing process is May 1, 2009 pending EPA approval. Written comments 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

Division of Water Quality rules are located on the internet at <http://www.ncwaterquality.org/admin/rules/>. In addition, this announcement is located on the internet via <http://www.ncwaterquality.org/admin/pubinfo/pubinfo.html> (look under “Calendar” link), and more information about the waters proposed to be reclassified, including a map of these waters, is located on the internet at <http://www.ncwaterquality.org/admin/emc/AGENDAMAY2008.htm> (look under II.5.). Further explanations and details on reclassifications may be obtained by writing or calling:

Elizabeth Kountis

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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, day or time of the hearing.

