

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** June 15, 2005

**SUBJECT:** Possible Request by the Town of Tryon to Reclassify a Portion of the North Pacolet River as a Public Water Supply Source

**ATTACHMENTS:**

1. Henderson County Water Supply Watershed Map
2. Summary of North Carolina Water Supply Watershed Classifications
3. Proposed Resolution

#### **SUMMARY OF REQUEST:**

Representatives of the Town of Tryon (the "Town") have informed Henderson County staff that the Town intends to request that the North Carolina Department of Environment and Natural Resources, Division of Water Quality (DWQ), and the North Carolina Environmental Management Commission initiate the process to designate a portion of the North Pacolet River as a public water supply source. According to representatives from the Town, the Town has, in recent years, experienced shortages in the amount of surface water available for treatment at its water purification plant. The Town would, therefore, like to install an intake on the North Pacolet River in order to increase its water supply. The intake is intended to serve both short-term and long-term water supply needs.

Reclassification of the North Pacolet River to a public water supply source would mean that local governments having land use jurisdiction within the designated watershed for such public water supply would have to adopt and implement water supply watershed protection ordinances, maps and management plans that meet State water supply watershed rules. Based on preliminary mapping by a consulting engineer for the Town, a portion of southeastern Henderson County would fall within the proposed water supply watershed. The Town has provided a large map of the proposed watershed, which Staff will bring to the Commissioners' meeting.

Henderson County already regulates part of the proposed water supply watershed as it contains the Henderson County portion of the Colt Creek Water Supply Watershed, which is classified WS-II (see attached map). The Colt Creek watershed provides water supply for the Town of Tryon. The Town plans to request a WS-II classification for the North Pacolet River. DWQ will study the watershed to determine what stream classification is most appropriate based on the level of development and other factors. A summary of North Carolina's water supply watershed classifications is attached for reference.

The reclassification process for the North Pacolet River could take from one to two years from the time the request is made. If the reclassification is approved and it affects land in Henderson County, the County would have 270 days from such reclassification to apply its Water Supply Watershed Protection Ordinance to the watershed area in its jurisdiction.

As part of its reclassification request to DWQ, the Town wants to submit documentation that the Henderson County Board of Commissioners supports its request. If the Board of Commissioners

is in favor of providing such documentation, Staff proposes that the Board consider the proposed resolution that is attached.

**COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:**

I recommend that the Board of Commissioners adopt the attached resolution. If the Town of Tryon proceeds with its North Pacolet River reclassification request, Staff will keep the Board informed of its status and any related actions that may be needed on the part of Henderson County government.

# Summary of North Carolina Water Supply Watershed Classifications

## **Water Supply I Watersheds**

Waters used as sources of water supply for drinking, culinary, or food processing purposes for those users desiring maximum protection for their water supplies. WS-I waters are those within essentially natural and undeveloped watersheds with no permitted point source (wastewater) discharges.

WS-I watersheds are entirely composed of publicly owned land and comprise just 0.2% of the total state land area.

Dischargers: None

Allowable Development: None

## **Water Supply II Watersheds**

Waters used as sources of water supply for drinking, culinary, or food processing purposes for those users desiring maximum protection for their water supplies where a WS-I classification is not feasible. WS-II waters are generally located within predominantly undeveloped watersheds.

### **WS-II Critical Area**

Dischargers: General Permits

Allowable Development:

Low Density Option: 1du/2ac or 6% built-upon area

High Density Option\*: 6-24% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Not allowed

Residuals application: No new sites allowed

Landfills: No new landfills

Agriculture BMPs: Required

### **WS-II Balance of Watershed**

Dischargers: General Permits

Allowable Development:

Low Density Option: 1du/ac or 12% built-upon area

High Density Option\*: 12-30% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Allowed

Residuals application: Allowed

Landfills: No new discharging

Agriculture BMPs: Not required

## **Water Supply III Watersheds**

Waters used as sources of water supply for drinking, culinary, or food processing purposes for those users where a more protective WS-I or WS-II classification is not feasible. WS-III waters are generally located within low to moderately developed watersheds.

### **WS-III Critical Area**

Dischargers: General Permits

Allowable Development:

Low Density Option: 1du/ac or 12% built-upon area

High Density Option\*: 12-30% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Not allowed

Residuals application: No new sites

Landfills: No new landfills

Agriculture BMPs: Required

**WS-III Balance of Watershed**

Dischargers: General Permits; Domestic and Non-process Industrial

Allowable Development:

Low Density Option: 2du/ac or 24% built-upon area

High Density Option\*: 24-50% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Allowed

Residuals application: Allowed

Landfills: No new discharging landfills

Agriculture BMPs: Not required

**Water Supply IV Watersheds**

Waters used as sources of water supply for drinking, culinary, or food processing purposes for those users where a WS-I, WS-II, or WS-III classification is not feasible. WS-IV waters are generally located within moderately to highly developed watersheds.

**WS-IV Critical Area**

Dischargers: Domestic and Industrial

Allowable Development:

Low Density Option: 2du/ac or 24% built-upon area

High Density Option\*: 24-50% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Not allowed

Residuals application: No new sites

Landfills: No new landfills

Agriculture Best Management Practices: Required

**WS-IV Protected Area**

Dischargers: Domestic and Industrial

Allowable Development:

Low Density Option: 2du/ac or 24% built-upon area

High Density Option\*: 24-70% built-upon area

(\* Required to control the 1" storm)

10/70 Provision: Allowed

Residuals application: Allowed

Landfills: Allowed

Agriculture Best Management Practices: Not required

Source: NC DENR, Division of Water Quality

**DRAFT**

**A Resolution Regarding a Request by the Town of Tryon, North Carolina, to Reclassify a Portion of the North Pacolet River as a Public Water Supply Source**

**WHEREAS**, the Town of Tryon, North Carolina, intends to request that the North Carolina Department of Environment and Natural Resources, Division of Water Quality, reclassify a portion of the North Pacolet River as a public water supply source; and

**WHEREAS**, it is likely that through such reclassification process, land within Henderson County, North Carolina, will be subject to the North Carolina Environmental Management Commission's Water Supply Watershed Protection Rules; and

**WHEREAS**, Henderson County has a Water Supply Watershed Protection Ordinance in effect which meets the minimum standards required by the aforementioned Water Supply Watershed Protection Rules; and

**WHEREAS**, such Water Supply Watershed Protection Ordinance could be applied to land designated as a water supply watershed as a result of the proposed reclassification of the North Pacolet River.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA THAT:**

The Board of Commissioners acknowledges that the Town of Tryon plans to request that the North Pacolet River be reclassified as a public water supply source and hereby expresses its intent to not oppose such classification so long as it is consistent with existing development and land planning in any area of Henderson County affected thereby, and its intent to apply its Water Supply Watershed Protection Ordinance to any land that becomes subject to the North Carolina Environmental Management Commission's Water Supply Watershed Rules as a result of such reclassification.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this \_\_\_ day of \_\_\_\_\_, 2005.

**Henderson County Board of Commissioners**

**DRAFT**

By: William L. Moyer, Chairman

**Attested By:**

**DRAFT**

[OFFICIAL SEAL]

Elizabeth W. Corn, Clerk to the Board