

**15A NCAC 02B .0104 CONSIDERATIONS/ASSIGNING/IMPLEMENTING WATER SUPPLY CLASSIFICATIONS**

(a) In determining the suitability of waters for use as a source of water supply for drinking, culinary, or food processing purposes after approved treatment, the Commission shall consider the physical, chemical, and bacteriological maximum contaminant levels specified by U.S. Environmental Protection Agency regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 201 et seq., as amended by the Safe Drinking Water Act, 42 U.S.C. 300(f) et seq. In addition, the Commission shall be guided by the requirements for unfiltered and filtered water supplies and the maximum contaminant levels specified in 15A NCAC 18C .1100, .1200 and .1500, which are incorporated by reference including subsequent amendments and editions.

(b) All waters used for water supply purposes or intended for future water supply use shall be classified to the most appropriate water supply classification as determined by the Commission in accordance with Sections .0100 and .0200 of this Subchapter. A more protective water supply classification may be applied to existing water supply watersheds after receipt of a resolution from all local governments having land use jurisdiction within the designated water supply watershed requesting a more protective water supply classification. Requests for reclassification of non-water supply segments and watersheds to a water supply classification shall include submittal to the Commission of resolutions from all local governments having land use jurisdiction within the proposed water supply watershed for which a water supply classification is being requested, provided that the Commission may reclassify waters without the consent of local governments if the Commission deems such reclassifications appropriate and necessary in accordance with Rule .0101 of this Section. Local governments requesting water supply reclassifications shall provide a topographic map (such as a 1:24,000 scale USGS map) indicating the normal pool elevation for backwaters of water supply reservoirs, longitude and latitude coordinates of intended water supply intakes, and critical areas and other watershed boundaries as appropriate.

(c) In considering the reclassification of waters for water supply purposes, the Commission shall take into consideration the risks posed by pollutants and the relative proximity, quantity, composition, natural dilution, and diminution of potential sources of pollution.

(d) The water supply watershed protection requirements of Rules .0620 through .0624 of this Subchapter and G.S. 143-214.5 that are applicable to State agencies and units of local government with land use authority in water supply watersheds that were classified as such on or before August 3, 1992, shall be effective no later than:

- (1) August 3, 1992 - Activities administered by the State of North Carolina, such as the issuance of permits for landfills, NPDES wastewater discharges, and land application of sludge/residuals, and road construction activities;
- (2) July 1, 1993 - Municipalities with a population greater than 5,000;
- (3) October 1, 1993 - Municipalities with a population less than 5,000; and
- (4) January 1, 1994 - County governments and other units of local government, as applicable.

(e) The water supply watershed protection requirements of Rules .0620 through .0624 of this Subchapter and G.S. 143-214.5 that are applicable to State agencies and units of local government with land use authority in water supply watersheds that were classified as such after August 3, 1992, shall be effective no later than:

- (1) for activities administered by the State of North Carolina, such as the issuance of permits for landfills, NPDES wastewater dischargers, and land application of sludge or residuals, and road construction activities, the date the reclassification became effective; and
- (2) for local governments, the date the local watershed ordinance was adopted or revised to reflect the reclassification, but no later than 270 days after receiving notice of a reclassification from the Commission.

(f) Discharge from groundwater remediation projects addressing water quality problems shall be allowed if an engineering alternatives analysis submitted for approval in accordance with 15A NCAC 02H .0105(c) demonstrates that no practicable alternative exists to such a discharge. Such discharges shall meet applicable requirements of Rules .0212 through .0218 of this Subchapter.

(g) For previously unknown existing unpermitted wastewater discharges to surface water, an engineering alternatives analysis shall be submitted for approval in accordance with 15A NCAC 02H .0105(c). If the analysis finds that no practicable alternative exists to surface water discharges, such discharges shall meet the "Minimum treatment requirements" as defined in Rule .0403 of this Subchapter.

(h) A more protective classification may be allowed by the Commission although minor occurrences of nonconforming activities are present prior to reclassification. When the Commission allows a more protective classification, expansions of existing wastewater discharges that otherwise would have been prohibited may be allowed if there is no increase in permitted pollutant loading. Other discharges of treated wastewater existing at the

time of reclassification may be required to meet more stringent effluent limitations in accordance with Section .0400 of this Subchapter. Consideration of all practicable alternatives to surface water discharge shall be documented.

(i) Animal operations deemed permitted, as defined in 15A NCAC 02T .0103, and permitted under 15A NCAC 02T .1300 are allowed in all classified water supply watersheds.

(j) Local government water supply watershed ordinances for water supply classified watersheds shall be implemented in accordance with Rules .0620 through .0624 of this Subchapter.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);  
Eff. February 1, 1976;  
Amended Eff. August 1, 1995; August 3, 1992; March 1, 1991; October 1, 1989;  
Readopted Eff. November 1, 2019.*