

Agenda Item: AG15-33 **Request Approval of the Proposed Reclassification of a Portion of the Cape Fear River in New Hanover and Brunswick Counties (Cape Fear River Basin) from Class SC to Class SC Sw with a Water Quality Management Plan**

Explanation:

The Lower Cape Fear River Program has requested that a segment of the lower Cape Fear River in New Hanover and Brunswick Counties (Cape Fear River Basin) be reclassified from Class SC to Class SC Sw. According to the reclassification request, "...the DO standard of 5 mg/l for the Lower Cape Fear River Estuary is not appropriate since it is not achieved a significant portion of the time as a result of natural drainage from riverine wetlands and salt marshes;" in addition, the reclassification request states that "From a regulatory standpoint, a straightforward way to deal with this issue is to reclassify the area with the supplemental Sw classification." The proposed Sw reclassification would allow, if caused by natural conditions, the pH of the subject waters to reach as low as 4.3 and would allow, if caused by natural conditions, the DO to be lower than 5 mg/l. In addition, the proposed water quality management plan associated with the proposed reclassification codifies the current permitting policy already in existence for new individual NPDES wastewater discharges and expansions of existing individual NPDES wastewater discharges to the subject waters. The proposed reclassification in partnership with the proposed management plan spells out a path forward for the dischargers and enables the community to plan accordingly.

In July 2014 and November 2014, the Water Quality Committee and the Commission, respectively, approved the request to proceed with rule-making for the proposed reclassification and water quality management plan. A public hearing was held in February 2015 in Wilmington, NC. The Hearing Officer's Report of Proceedings sent to the members of the EMC includes all written comments received and further details on this proposed reclassification and water quality management plan.

Recommendation:

The Hearing Officer recommends that the proposed reclassification and water quality management plan be approved by the Commission. If approved by the EMC and then approved by the Rules Review Commission (RRC) in October of this year, the effective date for this reclassification and water quality management plan will be November 1, 2015.