

15A NCAC 02B .0315 NEUSE RIVER BASIN

(a) Classifications assigned to the waters within the Neuse River Basin are set forth in the Neuse River Basin Classification Schedule, which may be inspected at the following places:

- (1) the Internet at <https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification>; and
- (2) the following offices of the North Carolina Department of Environmental Quality:
 - (A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, NC 27609
 - (B) Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
 - (C) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405; and
 - (D) Division of Water Resources
Central Office
512 North Salisbury Street
Raleigh, NC 27604.

(b) The Neuse River Basin Classification Schedule was amended effective March 1, 1977, with a total of 179 streams in the Neuse River Basin reclassified from Class D to Class C.

(c) The Neuse River Basin Classification Schedule was amended effective December 13, 1979, as follows: Little River Index No. 27-57-(21.5) from source to the dam at Wake Forest Reservoir was reclassified from Class A-II to Class A-II and B.

(d) The Neuse River Basin Classification Schedule was amended effective September 14, 1980, as follows: The Eno River from Durham County State Road 1003 to U.S Highway 501 Index No. 27-2-(16) was reclassified from Class C and B to Class A-II and B.

(e) The Neuse River Basin Classification Schedule was amended effective August 9, 1981, to remove the swamp water designation from waters designated SA in the Neuse River Basin.

(f) The Neuse River Basin Classification Schedule was amended effective January 1, 1982, as follows: The Trent River from the mouth of Brice Creek to the Neuse River Index No. 27-101-(39) was reclassified from Class SC Sw to Class SB Sw.

(g) The Neuse River Basin Classification Schedule was amended effective April 1, 1982, as follows:

- (1) Longview Branch from source to Crabtree Creek Index No. 27-33-(21) was reclassified from Class C1 to Class C; and
- (2) Watson Branch from source to Walnut Creek Index No. 27-34-(8) was reclassified from Class C1 to Class C.

(h) The Neuse River Basin Classification Schedule was amended effective December 1, 1983, to add the Nutrient Sensitive Waters classification to the entire river basin above Falls Lake Dam.

(i) The Neuse River Basin Classification Schedule was amended effective January 1, 1985, as follows: Nobel Canal from source to Swift Creek Index No. 27-97-(2) was reclassified from Class C1 to Class C.

(j) The Neuse River Basin Classification Schedule was amended effective August 1, 1985, as follows:

- (1) Southeast Prong Beaverdam Creek from source to Beaverdam Creek Index No. 27-33-15-(2) was reclassified from Class C1 to Class C;
- (2) Pigeon House Branch from source to Crabtree Creek Index No. 27-33-(18) was reclassified from Class C1 to Class C;
- (3) Rocky Branch from source to Pullen Road Index No. 27-34-6-(1) was reclassified from Class C1 to Class C; and
- (4) Chavis Branch from source to Watson Branch Index No. 27-37-8-1 was reclassified from Class C1 to Class C.

(k) The Neuse River Basin Classification Schedule was amended effective February 1, 1986, to reclassify Class A-II streams in the Neuse River Basin to Class WS-III.

(l) The Neuse River Basin Classification Schedule was amended effective May 1, 1988, to add the Nutrient Sensitive Waters classification to the waters of the Neuse River Basin below the Falls Lake Dam.

(m) The Neuse River Basin Classification Schedule was amended effective July 1, 1988, as follows:

- (1) Smith Creek Index No. 27-23-(1) from source to the dam at Wake Forest Reservoir was reclassified from Class WS-III to WS-I;
 - (2) Little River Index No. 27-57-(1) from source to the N.C. Hwy. 97 Bridge near Zebulon and tributaries to this portion of the Little River were reclassified from Class WS-III to WS-I; and
 - (3) an unnamed tributary to Buffalo Creek just upstream of Robertson's Pond in Wake County from source to Buffalo Creek including Leo's Pond was reclassified from Class C to B.
- (n) The Neuse River Basin Classification Schedule was amended effective October 1, 1988, as follows:
- (1) Lake Johnson and Lake Raleigh, which are a portion of Walnut Creek (Lake Johnson, Lake Raleigh) Index No. 27-34-(1), were reclassified from Class WS-III to Class WS-III B; and
 - (2) Haw Creek (Camp Charles Lake) Index No. 27-86-3-7 from the backwaters of Camp Charles Lake to dam at Camp Charles Lake was reclassified from Class C to Class B.
- (o) The Neuse River Basin Classification Schedule was amended effective January 1, 1990, as follows:
- (1) Neuse-Southeast Pamlico Sound ORW Area, which includes waters within a line beginning at the southwest tip of Ocracoke Island and extending northwest along the Tar-Pamlico River Basin and Neuse River Basin boundary line to Lat. 35 degrees 06' 30", then in a southwest direction to Ship Point, and tributaries to the Neuse-Southeast Pamlico Sound ORW Area, were reclassified from Class SA NSW to Class SA NSW ORW; and
 - (2) Core Sound Index No. 27-149 from northeastern limit of White Oak River Basin, which is a line from Hall Point to Drum Inlet, to Pamlico Sound, and tributaries to Core Sound except Thorofare and John Day Ditch, were reclassified from Class SA NSW to Class SA NSW ORW.
- (p) The Neuse River Basin Classification Schedule was amended effective August 1, 1990, as follows:
- (1) a portion of the Little River Index No. 27-2-21-(1) from source to Little River Reservoir Dam and tributaries to this portion of the South Fork Little River except Forrest Creek (Foster Creek) from source to NC Highway 57 were reclassified from Class WS-III NSW to Class WS-III NSW HQW and Forrest Creek (Foster Creek) Index No. 27-2-21-2-2-(1) from source to NC Highway 57 was reclassified from Class C NSW to Class C NSW HQW;
 - (2) a portion of Greens Creek (Oriental Restricted Area) Index No. 27-129, including tributaries to this portion of Greens Creek, from inside a line beginning at a point on the northwest side of the mouth of Whittaker Creek and running due southeast 100 yards to a stake in the Neuse River, then running in a southwesterly direction 100 yards from shore to a stake due south of Whorton's Point, then in a straight line to flash beacon #6, then in a straight line to Windmill Point, then in a northerly direction to a point on the southern shore directly across from the western edge of the mouth of Kershaw Creek, then to a point on the western edge of Kershaw Creek, then along the northern shore line to Dewey Point including a portion of Smith Creek from source to a point 0.1 miles downstream of Morris Creek, Shop Gut, Morris Creek, Unnamed Tributary #1 and #2 to Smith Creek, Kershaw Creek, Unnamed Tributary #1, #2, and #3 to Greens Creek, Camp Creek (Oriental Harbor), Raccoon Creek, and Oriental Seawall to the point of beginning were reclassified from Class SC NSW to Class SC NSW HQW;
 - (3) a portion of Chapel Creek Index No. 27-150-7 from source to a line 0.1 miles downstream of Bee Tree Creek and tributaries to this portion of Chapel Creek were reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (4) a portion of Swindell Bay Index No. 27-150-8 from source to the narrows was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (5) Mason Creek Index No. 27-150-9 from source to the Bay River and the tributary to Mason Creek, which is Lewis Creek, were reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (6) Harper Creek Index No. 27-150-10 from source to the Bay River was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (7) Moore Creek Index 27-150-12 from source to the Bay River and the tributary to Moore Creek, which is Chappel Creek, were reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (8) Smith Creek Index No. 27-150-14 from source to the Bay River was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (9) Little Vandemere Creek Index No. 27-150-15-1 from source to Vandemere Creek was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW;
 - (10) Long Creek Index No. 27-150-15-2 from source to Vandemere Creek was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW; and

- (11) Cedar Creek Index No. 27-150-3 from source to Vandemere Creek was reclassified from Class SC Sw NSW to Class SC Sw NSW HQW.
- (q) The Neuse River Basin Classification Schedule was amended effective December 1, 1990, as follows:
- (1) Northwest Creek from its source to the Neuse River Index No. 27-105 was reclassified from Class SC Sw NSW to Class SB Sw NSW;
 - (2) Upper Broad Creek Index No. 27-106-(7) from Pamlico County SR 1103 at Lees Landing to the Neuse River was reclassified from Class SC Sw NSW to Class SB Sw NSW; and
 - (3) Goose Creek Index No. 27-107-(11) from Wood Landing to the Neuse River was reclassified from Class SC Sw NSW to Class SB Sw NSW.
- (r) The Neuse River Basin Classification Schedule was amended effective July 1, 1991, with the reclassification of the Bay River Index No. 27-150-(1) within a line running from Flea Point to the Hammock, east to a line running from Bell Point to Darby Point, including Harper Creek, Tempe Gut, Moore Creek and Newton Creek, and excluding that portion of the Bay River landward of a line running from Poorhouse Point to Darby Point from Classes SC Sw NSW and SC Sw NSW HQW to Class SA NSW.
- (s) The Neuse River Basin Classification Schedule was amended effective August 3, 1992, as follows:
- (1) Class WS-I, WS-II or WS-III waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules 15A NCAC 02B .0100 - .0300, which became effective on August 3, 1992.
 - (2) Additional waters classified as Class C were reclassified to a WS classification and additional waters classified as Class B were reclassified to a Class WS & B classification due to proximity and linkage to water supply waters.
 - (3) Additional Class WS-I, WS-II, or WS-III waters were reclassified to remove the WS classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.
- (t) The Neuse River Basin Classification Schedule was amended effective April 1, 1994, as follows:
- (1) Lake Crabtree Index No. 27-33-(1) was reclassified from Class C NSW to Class B NSW;
 - (2) Eno River from Orange County State Road 1561 to Durham County State Road 1003 Index No. 27-10-(16) was reclassified from Class WS-IV NSW to Class WS-IV B NSW; and
 - (3) Silver Lake Index No. 27-43-5 was reclassified from Class WS-III NSW to Class WS-III B NSW.
- (u) The Neuse River Basin Classification Schedule was amended effective July 1, 1996, with the reclassification of Austin Creek Index Nos. 27-23-3-(1) and 27-23-3-(2) from its source to Smith Creek from Classes WS-III NSW and WS-III NSW CA to Class C NSW.
- (v) The Neuse River Basin Classification Schedule was amended effective September 1, 1996, with the reclassification of an unnamed tributary to Hannah Creek (Tuckers Lake) Index No. 27-52-6-0.5 from Class C NSW to Class B NSW.
- (w) The Neuse River Basin Classification Schedule was amended effective April 1, 1997, with the reclassification of the Neuse River Index No. 27-(36) from the mouth of Marks Creek to a point 1.3 miles downstream of Johnston County State Road 1908 and tributaries to this portion of the Neuse River to Class WS-IV NSW and the Neuse River Index No. 27-(38.5) from a point 1.3 miles downstream of Johnston County State Road 1908 to the Johnston County Water Supply intake, which is located 1.8 miles downstream of Johnston County State Road 1908, and tributaries to this portion of the Neuse River to Class WS-IV CA NSW.
- (x) The Neuse River Basin Classification Schedule was amended effective August 1, 1998, with the revision of the Critical Area and Protected Area boundaries surrounding the Falls Lake water supply reservoir. The revisions to these boundaries are the result of the US Army Corps of Engineers raising the lake's normal pool elevation. The results of these revisions are the Critical and Protected Area boundaries (classifications) may extend further upstream than the current designations. The Critical Area for a WS-IV reservoir is defined as 0.5 miles and draining to the normal pool elevation. The Protected Area for a WS-IV reservoir is defined as 5 miles and draining to the normal pool elevation. The normal pool elevation of the Falls Lake reservoir changed from 250.1 feet mean sea level (msl) to 251.5 feet msl.
- (y) The Neuse River Basin Classification Schedule was amended effective August 1, 2002, with the reclassification of portions of Neuse River Index No. 27-(56), including tributaries to those portions of the Neuse River, from a point 0.7 mile downstream of the mouth of Coxes Creek to a point 0.6 mile upstream of Lenoir County proposed water supply intake from Class C NSW to Class WS-IV NSW and from a point 0.6 mile upstream of Lenoir County proposed water supply intake to Lenoir County proposed water supply intake from Class C NSW to Class WS-IV CA NSW.
- (z) The Neuse River Basin Classification Schedule was amended effective July 1, 2004, with the reclassification of the Neuse River Index Nos. 27-(20.7), 27-21, and 27-21-1 from the dam at Falls Lake to a point 0.5 mile upstream

of the Town of Wake Forest Water Supply Intake, which is the former water supply intake for Burlington Mills Wake Finishing Plant, and tributaries to this portion of the Neuse River in Wake County from Class C NSW to Class WS-IV NSW and the Neuse River Index No. 27-(20.1) from a point 0.5 mile upstream of the Town of Wake Forest proposed water supply intake to Town of Wake Forest proposed water supply intake from Class C NSW to Class WS-IV NSW CA. Fantasy Lake Index No. 27-57-3-1-1, a former rock quarry within a WS-II NSW water supply watershed, was reclassified from Class WS-II NSW to Class WS-II NSW CA.

(aa) The Neuse River Basin Classification Schedule was amended effective November 1, 2007, with the reclassification of the entire watershed of Deep Creek (Index No. 27-3-4) from source to Flat River from Class WS-III NSW to Class WS-III ORW NSW.

(bb) The Neuse River Basin Classification Schedule was amended effective January 15, 2011, with the reclassification of Class C NSW waters upstream of the dam at Falls Reservoir to Class WS-V NSW and Class B NSW waters upstream of the dam at Falls Reservoir to Class WS-V & B NSW. Waters within the Falls Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in Rules .0275 through .0283 of this Subchapter.

(cc) The Neuse River Basin Classification Schedule was amended effective July 1, 2012, as follows:

- (1) Johnston County owned quarry near Little River Index No. 27-57-(20.2) was reclassified from Class C NSW to Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic Information Systems data layer of this quarry;
- (2) a portion of the Neuse River Index Number 27-(41.7) from a point close to 1.4 miles downstream of Gar Gut to a point close to 1.7 miles upstream of Bawdy Creek was reclassified from Class WS-V NSW to Class WS-IV NSW; and
- (3) a portion of the Neuse River Index No. 27-(49.5) from a point close to 0.5 mile upstream of S.R. 1201 to S.R. 1201, which is the location of a Johnston County intake, was reclassified from Class WS-IV NSW to Class WS-IV NSW CA.

(dd) The Neuse River Basin Classification Schedule was amended effective July 1, 2023, as follows:

- (1) City of Durham owned Nello Teer Quarry near Eno River Index No. 27-2-(19) was reclassified from Class WS-IV NSW to Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic Information Systems data layer of this quarry; and
- (2) a portion of the Eno River Index No. 27-2-(19) from a point close to 0.7 miles downstream of U.S. Highway 501 to a City of Durham raw intake located about 1.1 miles downstream of U.S. Highway 501 was reclassified from Class WS-IV NSW to Class WS-IV NSW CA.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. November 1, 2007; July 1, 2004 (see SL 2001-361); August 1, 2002; August 1, 1998; April 1, 1997; September 1, 1996; July 1, 1996; April 1, 1994; August 3, 1992; July 1, 1991; Amended Eff. January 15, 2011 (this permanent rule replaces the temporary rule approved by the RRC on December 16, 2010); Amended Eff. July 1, 2012; Readopted Eff. November 1, 2019; Amended Eff. July 1, 2023.