

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: April 21, 2010

SUBJECT: Draft Resolution for Proposed Water Supply Intake on the French Broad River for the City of Hendersonville

ATTACHMENTS:

1. Staff Memo
2. January 12, 2010 Letter from DWQ
3. DWQ Map
4. New Proposed Water Supply Watershed Boundary Map
5. Draft Resolution
6. PowerPoint

SUMMARY OF REQUEST:

At its meeting on December 7, 2009, the Board of Commissioners discussed the City of Hendersonville's request to the N.C. Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) to consider a new proposed surface water intake on the French Broad River (See Attachment 1). DWQ indicated that the proposed intake requires an expansion of the Water Supply Watershed Boundary. The expanded regulated area, as originally proposed by DWQ, did not account for the relocation of an existing drainage ditch.

The Board directed the Planning Director to send a letter to DWQ to request that the State reconsider the proposed WS-IV boundary based on the local engineering data. DWQ considered the County's request and accepted the boundary proposed by Henderson County (See Attachment 2). The State has provided a map showing the proposed WS-IV boundary (See Attachment 3). A small addition (approximately 13 acres) requires expansion of the WS-IV critical area for the proposed intake (See Attachment 4).

BOARD ACTION REQUESTED:

The City's project is contingent upon a grant awarded to the City of Hendersonville. The grant deadline was February 2010 and as a result the City has bid a portion of the pipeline construction and is awaiting final approval by the State to begin construction. The State requires a resolution of support by the County prior to approving the new raw water intake. If the Board supports the proposed intake on the French Broad River by the City of Hendersonville, a draft resolution of support (as required by the State) has been provided for the Board's consideration (See Attachment 5). The County Attorney's office reviewed the draft resolution.

Approval of the intake by the State requires County action to amend the County Water Supply Watershed Boundary Map. That map change would occur at a later date using a standard "rezoning" process with a public hearing.

Suggested Motion:

I move that the Board approve the resolution of support for the City of Hendersonville's raw water intake on the French Broad River based on the proposed watershed boundary map.

HENDERSON COUNTY
Planning Department

213 First Avenue East • Hendersonville, NC 28792
Phone 828-697-4819 • Fax 828-697-4533

MEMORANDUM

TO: Board of Commissioners
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager

FROM: Anthony W. Starr, AICP, Planning Director
Autumn Radcliff, Senior Planner

DATE: April 8, 2010

SUBJECT: Proposed Water Supply Intake on the French Broad River for the City of Hendersonville

The City of Hendersonville has been working with the N.C. Department of Environment and Natural Resources (DENR) Public Water Supply Section and Division of Water Quality (DWQ) to approve a new surface water intake on the French Broad River. The intake is proposed north (downstream) of the confluence of Mills River and will allow the City to continue to supply water to customers during drought conditions that might deplete the amount of surface water available at the existing intake on the Mills River.

DWQ stated that the proposed intake requires an expansion of the existing water supply watershed boundary due to an existing drainage ditch upstream of the proposed intake. According to the City, the Public Water Supply Section of DENR will require the drainage ditch to be relocated downstream of the proposed intake to ensure that the water flow is redirected away from the intake. Staff worked with the City and McGill and Associates (the City's Project Engineering Firm) to determine the validity of these new boundaries. Planning Staff and the engineer determined that relocating the existing drainage ditch will alter the existing watershed drainage area to the new intake and will eliminate the need to expand the Water Supply Watershed Boundary on the west side of the French Broad River for this project. A small WS-IV critical area addition (approximately 13 acres), near the River, would be required for the area draining to the new intake.

At its meeting on December 7, 2009, the Board discussed the proposed boundaries and directed the Planning Director to send a letter to DWQ to request that the State reconsider the proposed WS-IV boundary based on the engineer's determination. DWQ has considered the County's request and acknowledges that the relocated ditch will no longer impact the proposed reclassification reach of the French Broad River except for a small addition of WS-IV critical area at the new intake location (See Attachment 2). A map showing the new WS-IV boundary has been provided by the State and by Staff (See Attachment 3 and 4).

The Environmental Management Commission (EMC) approves any new intakes and reclassifications. Once approved by the EMC, the Rules Review Commission reviews the document. At that point, the State review is complete and the local jurisdictions have 270 days to adopt the watershed map and regulations. It is uncertain what the expected timeframe for State approval or local adoption is at this point. The County will still be required, at a later date, to

amend the official Water Supply Watershed Boundary Map to address inconsistencies with the State's corrected watershed boundary. These amendments are essentially treated as rezonings and require a public hearing by the Board of Commissioners before amending the map. Amending the Watershed Boundaries once will attempt to avoid public confusion as opposed to conducting separate hearings for the new intake and map corrections. Staff anticipates moving forward with these amendments to the County Water Supply Watershed Boundary Map upon approval by the State for the new raw water intake and the proposed WS-IV critical area boundary.

This project is contingent upon a grant awarded to the City of Hendersonville. The grant deadline was February 2010 and as a result the City has bid a portion of the pipeline construction and is awaiting final approval by the State to begin construction. The State is awaiting a resolution of support by the County for the City's new intake for the City to move forward and utilize the grant funds. If the Board supports the proposed intake on the French Broad River by the City of Hendersonville, a draft resolution of support (as required by the State) has been provided for the Board's consideration (See Attachment 5).



For more information about the 2010 Census, please go to www.blueridgencensus.com



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

January 12, 2010

Mr. Anthony Starr, AICP
Planning Director
Henderson County Planning Department
213 First Avenue East
Hendersonville, NC 28792

RE: City of Hendersonville Proposed Intake on the French Broad River and Expanded WS-IV Water Supply Watershed Boundary

Dear Mr. Starr:

With regards to your December 18th letter, I am writing to respond to your request that the Division of Water Quality consider Henderson County's proposed water supply IV watershed boundary based on the relocation of the existing drainage ditch .

Since the Public Water Supply Section of DENR requires the relocation of the drainage ditch to a point downstream of the proposed raw water intake, DWQ agrees with that requirement for reclassification and acknowledges the relocated ditch will no longer impact the proposed reclassification reach of the French Broad River. Based on the map provided by the engineer at McGill and Associates and the drainage ditch reroute, DWQ accepts the new water supply watershed boundary.

After favorable review of the Use Attainability Study, which DWQ staff should receive in February 2010, DWQ will proceed with the reclassification recommendation to the Environmental Management Commission.

Sincerely,

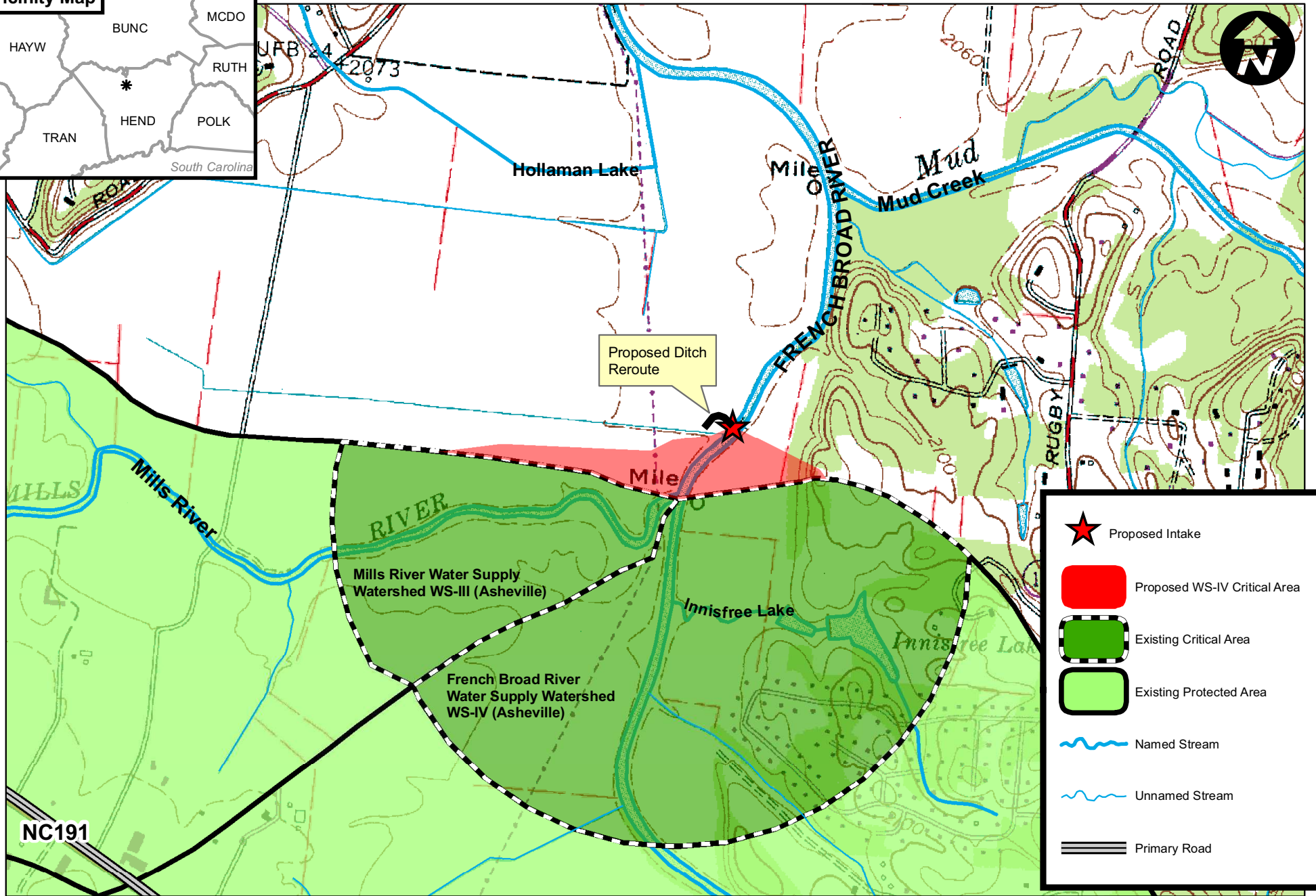
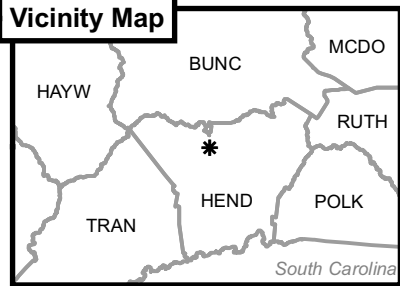
Jeff Manning
Environmental Program Supervisor
Division of Water Quality, Planning Section

Cc: Elizabeth Kountis, NCDENR, Environmental Senior Specialist
Jamie McNees, NCDENR, Environmental Specialist
Keith Webb, P.E., Project Engineer, McGill Associates
Lee Smith, City of Hendersonville Utilities Director
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager

French Broad River Proposed WS-IV Reclassification

Henderson County, French Broad River Basin, North Carolina

Vicinity Map



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Map Source: NCDENR Division of Water Quality, Classification & Standards Unit; Produced 16Feb2010

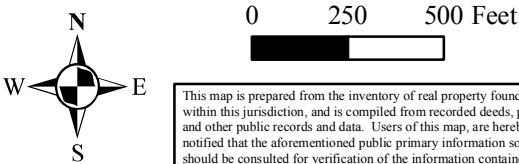
This map is only as good as the data available when it was printed and is not intended to replace any rule, regulation or classification schedule.
 North Carolina Division of Water Quality | <http://h2o.enr.state.nc.us> | 512 N. Salisbury St., Raleigh, NC 27604 (919)807-6300

Water Supply Watershed Subdistrict Expansion

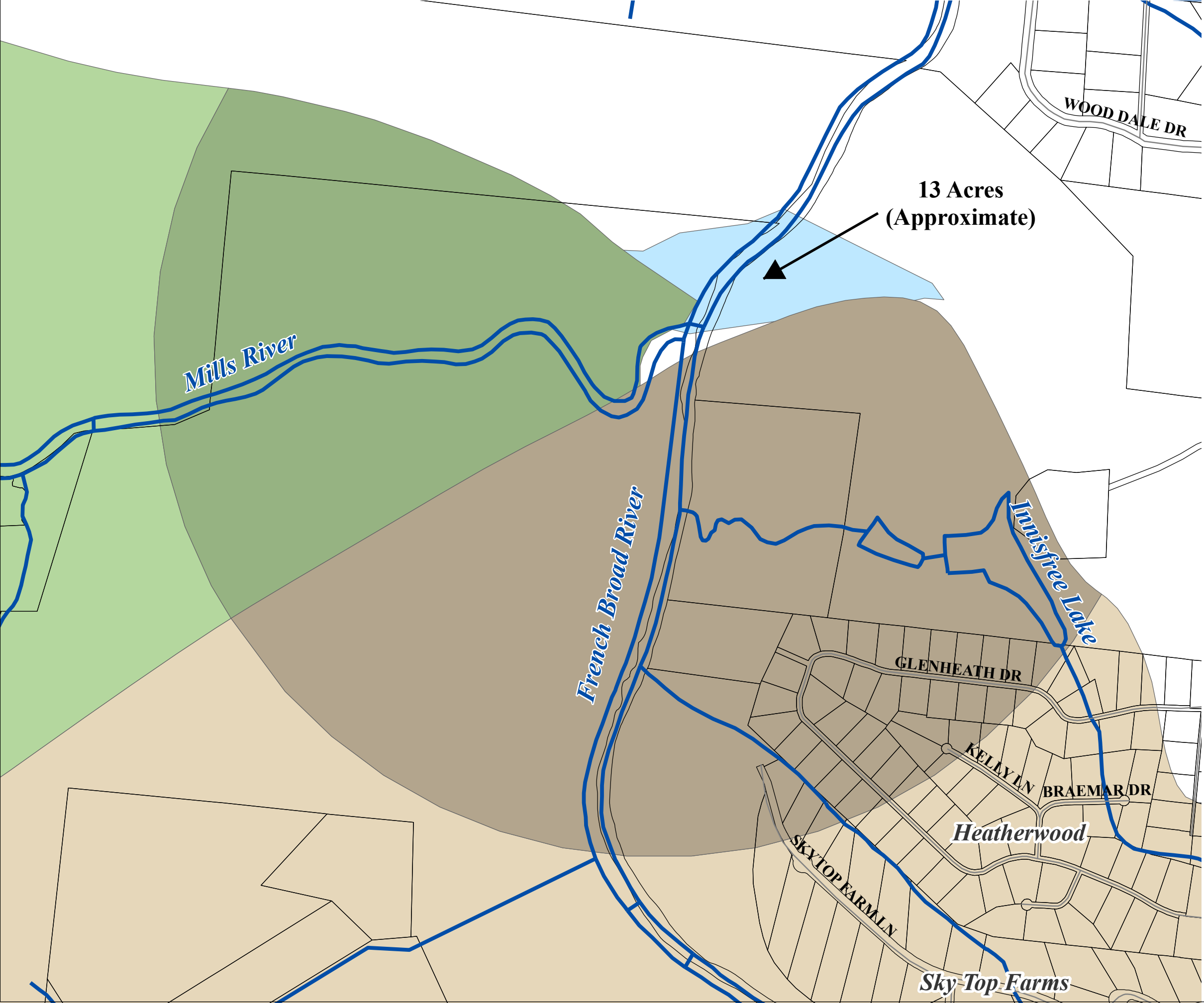
Proposed New Intake on the French Broad River for the City of Hendersonville

- Major Roads
- Streams
- WS-IV-CA Addition for Proposed Hendersonville Intake
- Current Water Supply Watershed Boundaries
 - WS-III-CA Lower Mills River
 - WS-III-BW Lower Mills River
 - WS-IV-CA Upper French Broad River
 - WS-IV-PA Upper French Broad River
- Parcels

Note: This map does not include necessary changes to the local water supply watershed map required irrespective of the proposed intake by the City of Hendersonville.



This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.





A Resolution of Support for the City of Hendersonville's Surface Water Intake on the French Broad River

WHEREAS, the City of Hendersonville has requested the N.C. Department of Environment and Natural Resources to allow for a new surface water intake to be located on the French Broad River; and

WHEREAS, the new surface water intake would serve the citizens of Henderson County and would provide raw water to the Hendersonville Water Treatment Facility; and

WHEREAS, the need for the new intake is necessary based on environmental issues and population growth in the service area as shown during the latest drought when the existing intake on the Mills River was insufficient to provide water to the City of Hendersonville and the Citizens of Henderson County; and

WHEREAS, the Environmental Program Supervisor for the Division of Water Quality, Planning Section acknowledged in a letter dated January 12, 2010 and a map dated February 16, 2010, that the relocated ditch will require a limited expansion of the water supply watershed boundary and minimally impacts the Water Supply Watershed Boundary Map;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Henderson County Board of Commissioners support the City of Hendersonville's effort to locate a surface water intake on the French Broad River in the County of Henderson, North Carolina as approved by the N.C. Department of Environment and Natural Resources (DENR) Public Water Supply Section and Division of Water Quality (DWQ).
2. This support is contingent on the following:
 - a. Approved reclassification of approximately 22 acres to a WS-IV Critical Area (approximately 13 additional acres will be reclassified to WS-IV Critical Area and approximately 9 acres will be reclassified from a WS-III Critical Area to a WS-IV Critical Area); and
 - b. Appropriate relocation of the existing agricultural drainage ditch as required by the Public Water Supply Section to ensure the drainage area of this ditch flows downstream of the proposed intake.

Adopted this 21st Day of April, 2010.

(SEAL)
William L. Moyer, Chairman
Henderson County Board of Commissioners

Teresa L. Wilson, Clerk to the Board

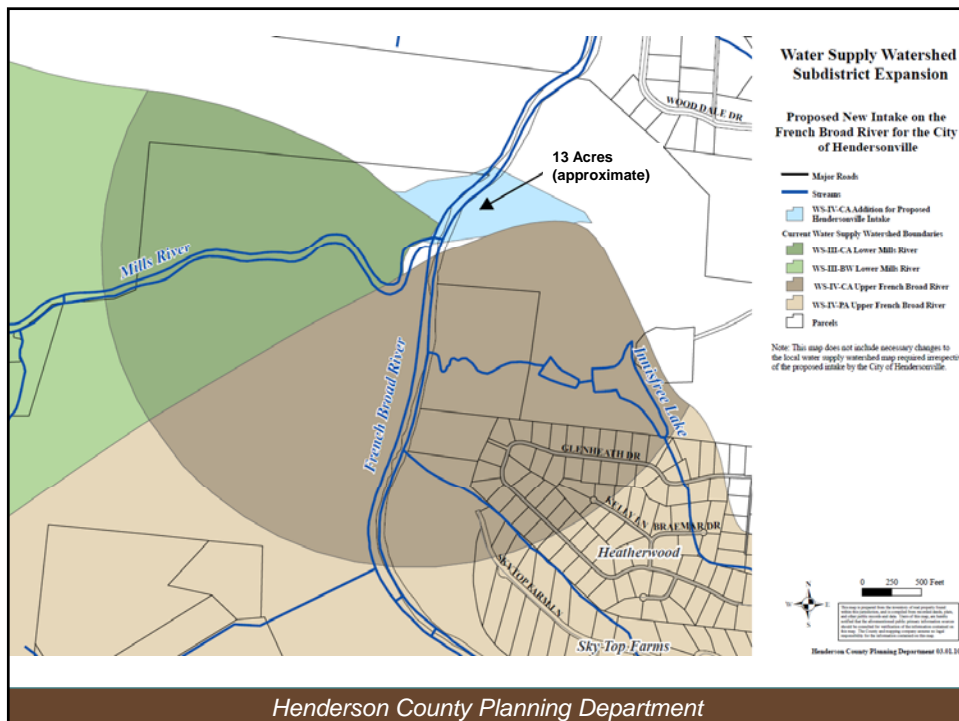
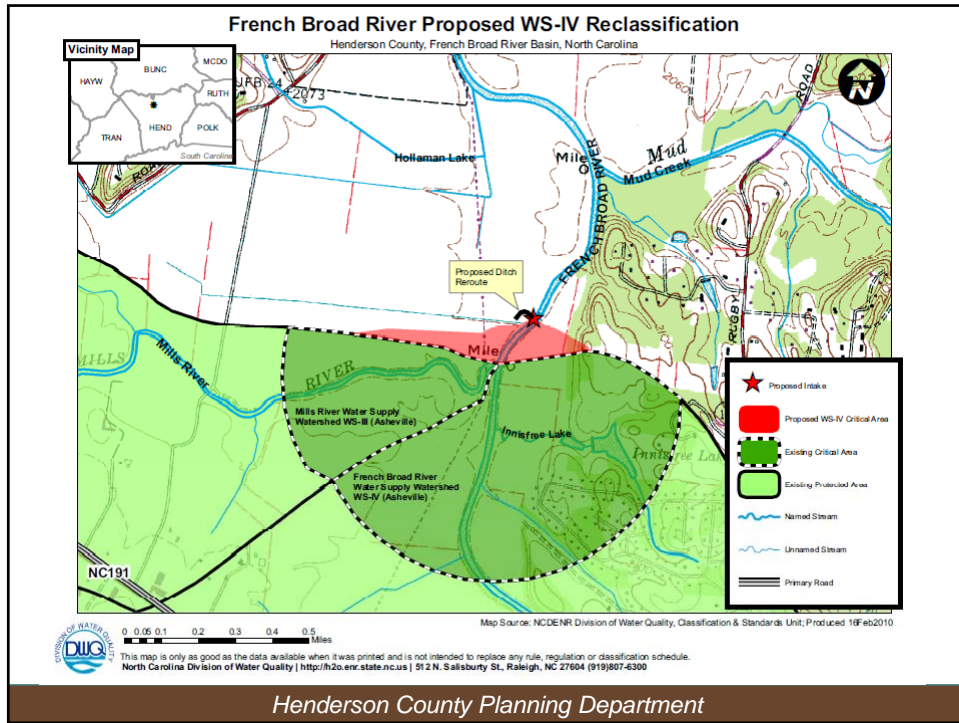
Proposed Water Supply Intake on the French Broad River for the City of Hendersonville

April 21, 2010 Board of Commissioners Meeting

Background

- City of Hendersonville requested a surface water intake on the French Broad River.
- DWQ requires expansion of the water supply watershed boundary for the proposed intake.
- NCDENR-Public Water Supply Section requires relocation of the drainage ditch to a point downstream of the intake.
- Engineering data show the relocated ditch will not impact the intake.
- DWQ accepted this data and has provided a new map of the WS-IV Critical Area. Approximately 13 additional acres will be regulated as a WS-IV watershed.

Henderson County Planning Department



County Action Requested

- **City project is contingent upon a grant awarded to the City of Hendersonville.**
 - Grant deadline was February 2010. As a result, City has bid out for the pipeline construction.
- **State requires a resolution of support by the County prior to approving the new intake.**
 - Draft resolution provided for Board consideration.
- **Rezoning process and public hearing required to amend the Official Water Supply Watershed Map.**
 - Occur at a later date.

Henderson County Planning Department

Questions and Discussion

Henderson County Planning Department