

Action Item: 14-18

Request for Waiver of 30-day Rule and Request to Proceed to Public Comment and Hearing on Proposed Amendments to Stormwater Rule 15A NCAC 02H .1002 including a Definition of Gravel and Approval of the Fiscal Note in accordance with G.S. 150B-19.1(e)

Explanation:

During the 2013 Regular Session of the 2013 North Carolina General Assembly, Session Law 2013-413 amended G.S. 143-214.7 to exclude "gravel" from the definition of "built-upon area." This proposed rulemaking incorporates the revised definition of "built-upon area" into Rule 15A NCAC 02H .1002 as required by G.S. 143-214.7 and replaces the identical temporary rule currently in effect. This proposed rulemaking also defines the term "gravel" and includes other changes that are technical in nature, such as renumbering and alphabetizing the definitions. All of these changes provide clarity to the regulated community on the implementation of stormwater rules that are required by G.S. 143-214.7. In accordance with G.S. 150B-19.1, DEMLR has submitted a Fiscal Note to the Office of State Budget Management for review.

The EMC will be asked to waive the 30-day rule in order to allow adoption of these permanent rule changes before the temporary rule expires on January 10, 2015. If approved to proceed, DEMLR will conduct a public hearing and public comment period for the proposed rule changes and return to the WQC and EMC in November 2014 with a final recommendation for EMC action.

Recommendation:

That the Commission waive the 30-day rule and approve the proposed rule amendments and fiscal note to proceed to public comment and hearing and that the Chairman appoint a member of the Commission to serve as Hearing Officer.