

3.1: Subchapter 02B – Surface Water and Wetland Standards

Section .0600 – Water Quality Management Plans

Rule	Proposed Change	Source of Change	Economic Impact	Environment Impact
15A NCAC 02B .0601 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Purpose	Added a section to rule reference for clarity and repealed Rule 609.	Staff Review	None	None
15A NCAC 02B .0602 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Stormwater Control Requirements	Updated reference to NCDOT and reference to 02H stormwater rules	Staff Review	None	None
15A NCAC 02B .0603 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Wastewater Control Requirements	Updated name.	Staff Review	None	None
15A NCAC 02B .0604 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Control Toxicity Including Ammonia	Formatting change for rule reference.	Staff Review	None	None
15A NCAC 02B .0605 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Riparian Buffer Widths	Clarification and reorganization.	Staff Review	None	None
15A NCAC 02B .0606 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Variance for Activities Within Riparian Buffers	Updated terminology; moved authorization certificate language from .0607 into this Rule; clarification and simplifying language; changed hardships;	Staff Review and public comments	None	None
15A NCAC 02B .0607 Site Specific Water Quality Management Plan for the Goose	Clarification; grammar revision; reorganization; updated terminology and reference; added	Staff Review	None	None

Creek Watershed (Yadkin Pee-Dee River Basin): Buffer Types and Managing Activities Within Riparian Buffers	new uses; codifying policy; and added new language to be consistent with other rules;	and public comments		
15A NCAC 02B .0608 Site Specific Water Quality Management Plan for the Goose Creek Watershed (Yadkin Pee-Dee River Basin): Forest Harvesting Requirements	Clarification; updated reference; reorganization; grammar revision; and removing requirement for consistency.	Staff Review and public comments	None	None
15A NCAC 02B .0609	Repealed Eff. October 24, 2014	Staff Review	None	None
15A NCAC 02B .0610 Managing Activities within Riparian Buffers: Definitions	Moved definitions from .0233, .0243 .0250, .0259, and .0607 into this new Rule; clarification and simplifying language	Staff Review and public comments	None	None
15A NCAC 02B .0611 Managing Activities within Riparian Buffers: Authorization Certificates	Updated terminology; moved authorization certificate language from .0233, .0243, .0250 and .0259 into this Rule; clarification and simplifying language; changed hardships;	Staff Review and public comments	None	None
15A NCAC 02B .0612 Managing Activities within Riparian Buffers: Forest Harvesting Requirements	Clarification; updated reference; reorganization; grammar revision; and removing requirement for consistency.	Staff Review and public comments	None	None
15A NCAC 02B .0613	Reserved for Future Codification	Staff Review	None	None
15A NCAC 02B .0614 Catawba River Basin: Protection and Maintenance of Existing Riparian Buffers	Clarification; grammar revision; reorganization; updated terminology and reference; added new uses; codifying policy; and added new language to be consistent with other rules;	Staff Review and public comments	None	None
15A NCAC 02B .0615 - .0619	Reserved for Future Codification	Staff Review	None	None
15A NCAC 02B .0620 Water Supply Watershed Protection Program: Purpose	Added statement of purpose	Staff Review	None	None
15A NCAC 02B .0621 Water Supply Watershed Protection Program: Definitions	Added definitions for clarification and for consistency with 15A NCAC 02H stormwater rules Changed definition of term "built-upon area" to match stormwater	Staff Review	None	None

	statute G.S. 143-214.7 which allows areas of #57 stone to be considered pervious (less stringent).			
15A NCAC 02B .0622 Water Supply Watershed Protection Program: Applicability and Effective Dates	Updated references to NCDOT permit and NC Forest Service Guidelines	Staff review	None	None
15A NCAC 02B .0623 Water Supply Watershed Protection Program: Program Administration	<p>Provide detail about sources of information that can be used to approximate normal pool elevation</p> <p>Clarify process for local government ordinance and map approval and recordkeeping requirements</p> <p>Clarify that local governments may require owners of stormwater control measures (SCMs) to inspect SCMs rather than the local governments themselves</p> <p>Eliminate requirement that variance information be submitted to Division on an annual basis; instead, local governments must provide upon request (less stringent).</p> <p>Specify which laws give local government authority to impose civil penalties</p>	Staff review	None	None
15A NCAC 02B .0624 Water Supply Watershed Protection Program: Nonpoint Source and Stormwater Pollution Control	<p>Condense density and setbacks into one rule for all WS classifications).</p> <p>Update terminology to match 15A NCAC 02H stormwater rules</p> <p>Clarify how to calculate project density).</p> <p>Clarify meaning of term “maximum extent practicable”</p>	Staff review	None	None

	<p>New option to allow low density projects to use dispersed flow or curb outlet swales instead of traditional vegetated conveyances (less stringent).</p> <p>Allow SCMs other than wet ponds (less stringent).</p> <p>Allow SCMs to achieve runoff volume match as an alternative to basic treatment (one-inch storm) (less stringent).</p> <p>Update reference to 15A NCAC 02H design requirements for all SCMs (</p> <p>Allow built-upon area to be used instead of dwelling unit per acre or minimum lot size for single-family residential development (less stringent).</p> <p>Allow local governments to offer both the 10/70 option and the high density option in a WS-IV (less stringent).</p> <p>Codify NCGS reference to density averaging of noncontiguous parcels).</p> <p>Clarify process for stream determinations where USGS topographic maps do not distinguish between perennial and intermittent streams</p> <p>Clarify that the vegetated setback under the 10/70 option is 100 feet).</p>			
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3.2 Costs and Benefits Analysis

State Government, Local Government, Regulated Community, and the Environment

Changes to the subject rules represent an overall relaxation of the rules and, in some cases, provide additional flexibility to the regulated community. All substantive changes are a relaxation of a rule and impose a less stringent burden on the regulated community. None of these changes will require DEQ or local governments to revise their existing procedures or to procure additional staff; as such, there should be no economic cost to state agencies or local governments.

Administrative changes are mainly organizational in nature for the purpose of providing clarity to the regulated community thereby making the rule easier to understand. This should translate into less time spent by the development community on the permit application process as well as less time spent by regulatory staff providing technical assistance. The amount of time saved will be negligible and will not provide a significant financial benefit; however, it is noted here for completeness.

These changes will not affect environmental permitting of NC Department of Transportation (NCDOT); as such, there should be no economic impact to NCDOT.

Lastly, as measured from the baseline conditions, the proposed changes will maintain existing environmental protections at an equivalent level with no cost or benefit to the environment.

4. Total Economic Impact

As measured from the baseline conditions, there are no economic costs associated with these proposed rules review. Some of the language removed or added have the intent to reduce burden to the applicants; some of the language reviewed has the intent to be in accordance with current General Statutes and Rules. While some of those revisions could have a positive economic impact to some of the applicants, those impacts are not monetarily quantifiable here. Consequently, no new economic & environmental impacts or environmental & economic benefits are anticipated to result from these proposed rules review.

Appendix C: Notice of Text of Proposed Rulemaking



NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY
VOLUME:
ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing**
- Notice without a scheduled hearing**
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.**
 Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: Environmental Management Commission
2. Link to agency website pursuant to G.S. 150B-19.1(c): https://deq.nc.gov/news/events/public-notice-hearings
3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 15A NCAC 02B .0408, 15A NCAC 02B .0511, 15A NCAC 02B .0610-.0612, 15A NCAC 02B .0620 - .0624, 15A NCAC 02H .0143, 15A NCAC 02H .1306 <input checked="" type="checkbox"/> READOPTION with substantive changes: 15A NCAC 02B .0233, 15A NCAC 02B .0241, 15A NCAC 02B .0243, 15A NCAC 02B .0248-.0251, 15A NCAC 02B .0259, 15A NCAC 02B .0261, 15A NCAC 02B .0403-.0404, 15A NCAC 02B .0406, 15A NCAC 02B .0503, 15A NCAC 02B .0505-.0506, 15A NCAC 02B .0508, 15A NCAC 02B .0602, 15A NCAC 02B .0605-.0608, 15A NCAC 02H .0101-.0103, 15A NCAC 02H .0105-.0109, 15A NCAC 02H .0111-.0112, 15A NCAC 02H .0114-.0118, 15A NCAC 02H .0124-.0125, 15A NCAC 02H .0127, 15A NCAC 02H .0138-.0139, 15A NCAC 02H .0142, 15A NCAC 02H .0401-.0407, 15A NCAC 02H .0501-.0504, 15A NCAC 02H .0506-.0507, 15A NCAC 02H .0901-.0903, 15A NCAC 02H .0908, 15A NCAC 02H .0916-.0917, 15A NCAC 02H .0920, 15A NCAC 02H .1206, 15A NCAC 02H .1301-.1305 <input checked="" type="checkbox"/> READOPTION without substantive changes: 15A NCAC 02B .0402, 15A NCAC 02B .0407, 15A NCAC 02B .0501-0502, 15A NCAC 02B .0504, 15A NCAC 02B .0601, 15A NCAC 02B .0603-.0604, 15A NCAC 02H .0113, 15A NCAC 02H .0120-.0121, 15A NCAC 02H .0140-.0141, 15A NCAC 02H .0904-.0907, 15A NCAC 02H .0909-.0910, 15A NCAC 02H .0912-.0915, 15A NCAC 02H .0918-.0919, 15A NCAC 02H .0921-.0922, 15A NCAC 02H .1201-.1205 <input type="checkbox"/> AMENDMENT: <input type="checkbox"/> REPEAL:
4. Proposed effective date: January 1, 2019
5. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: May 23, 2018 Public Hearing time: 6:00 p.m. Public Hearing Location: Ground Flr Hearing Room, Archdale Building, 512 N. Salisbury St, Raleigh, NC 27604 Public Hearing date: June 7, 2018 Public Hearing time: 6:00 p.m. Public Hearing Location: Piedmont Triad Regional Council, 1398 Carrollton Crossing Dr, Kernersville, NC 27284

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): This package of rules has been proposed by the Environmental Management Commission to meet the requirements of G.S. 150B-21.3A "Periodic Review and Expiration of Existing Rules."

The content of 15A NCAC 02B .0620-.0624 were previously codified in 15A NCAC 02B .0104, 02B .0202 and 02B .0212-.0218. See attached table for cross references. 15A NCAC 02B .0104, 02B .0202, and 02B .0212-.0218 will be published at a later date. The Commission specifically requests comment on 15A NCAC 02B .0622(4), 02B .0624(3)(h) and .0624(12)(a)(iv) regarding the efficacy of the 10-foot vegetated setback requirement for agricultural activities. Comment is also specifically requested on the cumulative environmental impact of all the proposed changes to 15A NCAC 02B .0620-.0624.

The content of 15A NCAC 02B .0610-.0612, .0614, .0714-.0715, .0720-.0724, and .0734-.0735 were previously codified in 15A NCAC 02B .0233, .0241, .0243, .0248-.0251, .0259 and .0261. The content of 15A NCAC 02B .0606 (b) was previously codified in 15A NCAC 02B .0607 (e). See attached table for cross references.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference: See attached table

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Julie Ventaloro

Address: NCDEQ-DEMLR-Stormwater Permitting Program

1612 Mail Service Center

Raleigh, NC 27699-1612

Phone (optional):

Fax (optional):

E-Mail (optional): publiccomments@ncdenr.gov (please include rule number in email's subject line)

10. Comment Period Ends: July 2, 2018**11. Fiscal impact (check all that apply).**

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Jennifer Everett

Address: 1601 Mail Service Center
Raleigh, NC 27699-1601

Phone: 919-707-8614

E-Mail: jennifer.everett@ncdenr.gov

Agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: March 8, 2018

14. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to**
G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jennifer Everett

Title: Rulemaking Coordinator