

Action Item:

Request for Approval to Proceed to Public Comment and Hearing on Proposed Amendments to Stormwater Rules including new “Minimum Design Criteria” and Fast-Track Permitting Process and Approval of Regulatory Impact Analysis.

Explanation:

The Division of Energy, Mineral and Land Resources (DEMLR) staff requests approval from the EMC to proceed to public comment and hearing on proposed amendments to stormwater rules in Sections 15A NCAC 2H .0100 and 2H .1000. Amendments are proposed in accordance with G.S. 150B-21.3A which directs stage agencies to review and update their rules every 10 years. Proposed rules also include new “Minimum Design Criteria” and a Fast-Track Permitting Process required by S.L. 2013-82. Staff will also request the EMC’s approval of the Regulatory Impact Analysis (RIA) which has been submitted to the Office of State Budget Management in accordance with G.S. 150B-19.1.

If approved to proceed, DEMLR will conduct a public hearing and public comment period for the proposed rule changes and return to the EMC as early as July 2016 with a final recommendation for EMC action.

Recommendation:

That the Commission approve the proposed rule amendments and RIA to proceed to public comment and hearing and that the Chairman appoint a member of the Commission to serve as Hearing Officer.