

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 480
PROPOSED COMMITTEE SUBSTITUTE H480-PCS70370-SB-15

Short Title: Environmental Permitting Reform.

(Public)

Sponsors:

Referred to:

April 1, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY
3 REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR
4 STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT
5 AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE
6 PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR
7 APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN
8 COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The Department of Environment and Natural Resources shall
11 develop Minimum Design Criteria for permits issued by the stormwater runoff permitting
12 programs authorized by G.S. 143-214.7. The Minimum Design Criteria shall include all
13 requirements for siting, site preparation, design and construction, and post-construction
14 monitoring and evaluation necessary for the Department to issue a stormwater permit. In
15 developing and updating the Minimum Design Criteria, the Department shall consult with a
16 technical working group that consists of industry experts, engineers, environmental consultants,
17 relevant faculty from The University of North Carolina, and other interested stakeholders. The
18 Department shall submit its recommendations to the Environmental Review Commission no
19 later than September 1, 2014.

20 **SECTION 2.** Article 21 of Chapter 143 of the General Statutes is amended by
21 adding a new section to read:

22 "**§ 143-214.7B. Fast-track permitting for stormwater management systems.**

23 The Commission shall adopt rules to establish a fast-track permitting process that allows for
24 the issuance of stormwater management system permits without a technical review when the
25 permit applicant (i) complies with the Minimum Design Criteria for stormwater management
26 developed by the Department and (ii) submits a permit application prepared by a qualified
27 professional. In developing the rules, the Commission shall consult with a technical working
28 group that consists of industry experts, engineers, environmental consultants, relevant faculty
29 from The University of North Carolina, and other interested stakeholders. The rules shall, at a
30 minimum, provide for all of the following:

- 31 (1) A process for permit application, review, and determination.
32 (2) The types of professionals that are qualified to prepare a permit application
33 submitted pursuant to this section and the types of qualifications such
34 professionals must have.
35 (3) A process for ensuring compliance with the Minimum Design Criteria.



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1 (4) A process for establishing the liability of a qualified professional who
2 prepares a permit application for a stormwater management system that fails
3 to comply with the Minimum Design Criteria."

4 **SECTION 3.** The Environmental Management Commission shall adopt rules
5 implementing Section 2 of this act no later than July 1, 2016.

6 **SECTION 4.** This act is effective when it becomes law.