

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 201

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H201-ATP-103 [v.6]

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Comm. Sub. [YES]  
Amends Title [YES]  
Fifth Edition

Date \_\_\_\_\_, 2014

Senator Brock

1 moves to amend the bill on page 1, lines 7 – 9, by rewriting those lines to read:

2  
3 "EXISTING BUILDING OR FACILITY, AND TO AMEND THE STATUTE GOVERNING  
4 THE DEPARTMENT OF COMMERCE RURAL ECONOMIC DEVELOPMENT  
5 DIVISION.";

6  
7  
8 and on page 1, line 19, by deleting the word "on" and substituting the phrase "prior to";

9  
10  
11 and on page 1, line 29, through page 3, line 4, by rewriting the lines to read:

12  
13 "SECTION 2. G.S. 143-214.7 reads as rewritten:

14 "**§ 143-214.7. Stormwater runoff rules and programs.**

15 (a) Policy, Purpose and Intent. – The Commission shall undertake a continuing  
16 planning process to develop and adopt a statewide plan with regard to establishing and  
17 enforcing stormwater rules for the purpose of protecting the surface waters of the State. It is the  
18 purpose and intent of this section that, in developing stormwater runoff rules and programs, the  
19 Commission may utilize stormwater rules established by the Commission to protect classified  
20 shellfish waters, water supply watersheds, and outstanding resource waters; and to control  
21 stormwater runoff disposal in coastal counties and other nonpoint sources. Further, it is the  
22 intent of this section that the Commission phase in the stormwater rules on a priority basis for  
23 all sources of pollution to the water. The plan shall be applied evenhandedly throughout the  
24 State to address the State's water quality needs. The Commission shall continually monitor  
25 water quality in the State and shall revise stormwater runoff rules as necessary to protect water  
26 quality. As necessary, the stormwater rules shall be modified to comply with federal  
27 regulations.

28 (a1) Definitions. The following definitions apply in this section:

29 (1) Development. – Any land-disturbing activity that increases the amount of  
30 built-upon area or that otherwise decreases the infiltration of precipitation  
31 into the subsoil. When additional development occurs at a site that has  
32 existing development, the built-upon area of the existing development shall



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1 not be included in the density calculations for additional stormwater control  
2 requirements, and stormwater control requirements cannot be applied  
3 retroactively to existing development, unless otherwise required by federal  
4 law.

5 (2) Redevelopment. – Any land-disturbing activity that does not result in a net  
6 increase in built-upon area and that provides greater or equal stormwater  
7 control to that of the previous development.

8 (b) The Commission shall implement stormwater runoff rules and programs for point  
9 and nonpoint sources on a phased-in statewide basis. The Commission shall consider standards  
10 and best management practices for the protection of the State's water resources in the following  
11 order of priority:

12 (1) Classified shellfish waters.

13 (2) Water supply watersheds.

14 (3) Outstanding resource waters.

15 (4) High quality waters.

16 (5) All other waters of the State to the extent that the Commission finds control  
17 of stormwater is needed to meet the purposes of this Article.

18 (b1) The Commission shall develop model practices for incorporation of stormwater  
19 capture and reuse into stormwater management programs and shall make information on those  
20 model practices available to State agencies and local governments.

21 (b2) For purposes of implementing stormwater programs, "built-upon area" means  
22 impervious surface and partially impervious surface to the extent that the partially impervious  
23 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon  
24 area" does not include a wooden slatted deck, the water area of a swimming pool, or gravel.

25 (b3) Stormwater runoff rules and programs shall not require new or increased stormwater  
26 controls for (i) pre-existing development or (ii) redevelopment activities that do not remove or  
27 decrease existing stormwater controls.

28 (b4) When determining built-upon area, stormwater programs authorized by this section  
29 shall approve and incorporate data provided by an applicant that is stamped and signed by an  
30 engineer licensed in accordance with Chapter 89C of the General Statutes, a geologist licensed  
31 in accordance with Chapter 89E of the General Statutes, or a soil scientist licensed in  
32 accordance with Chapter 89F of the General Statutes that calculates stormwater variables,  
33 including permeability, infiltration, and retention of partially impervious materials, including  
34 gravel, mulch, and permeable pavement. If an applicant does not provide such data, the  
35 stormwater program shall perform the applicable calculations of stormwater variables.

36 ... "";

37  
38  
39 and on page 3, lines 5 – 10, by deleting those lines;

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41  
42 and on page 5, lines 37 – 39, by deleting those lines;

43

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1 and by renumbering all parts and sections accordingly.  
2  
3

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**