

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 870
Apr 9, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30350-MCf-189

Short Title: Sedimentation Act & Other Env.'l Changes. (Public)

Sponsors: Representative Brody.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND SEDIMENTATION CONTROL PERMITTING REQUIREMENTS, TO
3 ESTABLISH NEW REQUIREMENTS FOR MEMORANDUMS OF AGREEMENT
4 BETWEEN THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE
5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND TO MAKE
6 OTHER CHANGES TO THE ADMINISTRATION OF ENVIRONMENTAL PROGRAMS
7 IN NORTH CAROLINA.

8 The General Assembly of North Carolina enacts:

9
10 **MEMORANDUM OF AGREEMENTS BETWEEN DEQ AND USEPA TO REQUIRE**
11 **GENERAL ASSEMBLY APPROVAL**

12 **SECTION 1.(a)** Article 7 of Chapter 143B of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 143B-279.4B. Requirements for Department administration of federally delegated**
15 **environmental programs.**

16 All memorandums of agreement between the United States Environmental Protection
17 Agency and the Department of Environmental Quality, the Environmental Management
18 Commission, the Coastal Resources Commission, the Sedimentation Control Commission, and
19 any other board or commission charged under the State's statutes with implementation of State
20 or federal environmental law shall, prior to execution, require approval of the General Assembly
21 by majority vote of the Senate and the House of Representatives. The Governor shall transmit
22 any proposed memorandums of agreements of this nature, or modifications to such agreements,
23 to the presiding officers of the Senate and the House of Representatives for confirmation by joint
24 resolution. Implementation of the terms of such agreements shall be prohibited absent
25 confirmation by the General Assembly."

26 **SECTION 1.(b)** G.S. 143B-279.4B, as enacted by subsection (a) of this section, shall
27 apply to memorandums of agreement, or modifications to such agreements, proposed for
28 execution on or after the effective date of this act.

29
30 **DEQ TO INITIATE DISCUSSIONS WITH USEPA TO REVISE MEMORANDUM OF**
31 **AGREEMENT(S) GOVERNING IMPLEMENTATION OF SEDIMENTATION**
32 **REQUIREMENTS IN THE STATE**

33 **SECTION 2.** No later than October 1, 2025, the Department of Environmental
34 Quality shall notify the United States Environmental Protection Agency (USEPA) of its intent to
35 initiate discussions to revise the National Pollutant Discharge Elimination System Memorandum
36 of Agreement between the State of North Carolina and USEPA Region 4, and any other



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agreement with USEPA, that governs the State's Sedimentation Pollution Control Act of 1973 (Act), and its implementation of NPDES General Permit NCG010000 (NCG01) to streamline the regulatory requirements of the Act and NCG01 for the purpose of eliminating program redundancies to minimize (i) unnecessary costs to, and duplication of efforts by, persons initiating land-disturbing activities, (ii) unnecessary delays in project development, and (iii) inefficient use of Department personnel and staff of local governments that administer delegated erosion and sedimentation control programs. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may each appoint a person to participate in the discussions, and the Department shall provide notice of and access to all discussions and materials related to the negotiations. The appointees shall report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate on the progress and results of the discussions. The Department shall report to the Environmental Policy Council on the status of their activities pursuant to this section quarterly, beginning January 1, 2026, until such time as the General Assembly repeals this reporting requirement.

DEQ TO REQUEST THAT USEPA CONSULT DEQ ON PROPOSED CHANGES TO ALL APPLICABLE FEDERAL REGULATIONS PRIOR TO NOTICE OF SAME IN THE FEDERAL REGISTER

SECTION 3. No later than October 1, 2025, the Department of Environmental Quality shall request that the United States Environmental Protection Agency (USEPA) consult with the Department on any proposed changes to federal regulations that would impact the State's administration of federal environmental programs in North Carolina, prior to the USEPA's notice of such proposed changes in the Federal Register, so that the State may have opportunity for meaningful collaborative input on development of regulations that it may be charged with administering. The Department shall report to the Environmental Policy Council on the status of their activities pursuant to this section quarterly, beginning January 1, 2026, until such time as the General Assembly repeals this reporting requirement.

DEQ TO PROVIDE COPIES OF AGREEMENTS WITH USEPA AND ASSOCIATED FUNDING INFORMATION

SECTION 4. No later than October 1, 2025, the Department of Environmental Quality shall submit copies of any agreements executed between the Department and the United States Environmental Protection Agency that govern the State's administration of programs under the Clean Water Act to the House Local Government – Land Use, Planning and Development Committee. In addition, the Department shall provide information to the Committee on:

- (1) Any federal funds received by the State in connection with the State's administration of such programs, and all federal requirements for receipt of such funds; and
- (2) The adequacy of funding from all sources to fully implement the requirements of such agreements.

SEVERABILITY CLAUSE

SECTION 5. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.