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BILL DRAFT 2015-SBz-26A [v.1]   (03/29)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
04/11/2016 04:02:44 PM

Short Title: Prohibit Certain Stormwater Control Measures.   (Public)

Sponsors:

Referred to:

1   A BILL TO BE ENTITLED
2   AN ACT TO PROHIBIT THE DIRECTOR OF THE DIVISION OF WATER RESOURCES
3   FROM REQUIRING ON-SITE STORMWATER CONTROL MEASURES UNDER
4   CERTAIN CIRCUMSTANCES, AS RECOMMENDED BY THE ENVIRONMENTAL
5   REVIEW COMMISSION.
6   The General Assembly of North Carolina enacts:
7   **SECTION 1.**   Until the effective date of the revised permanent rule that the
8   Environmental Management Commission is required to adopt pursuant to Section 3 of this act, the
9   Commission and the Department of Environmental Quality shall implement 15A NCAC 02H
10   .0506 (Review of Applications) as provided in Section 2 of this act.
11   **SECTION 2.**   Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC 02H
12   .0506 (c)(5), the Director of the Division of Water Resources shall not require the use of on-site
13   stormwater control measures to protect downstream water quality standards, except as required by
14   State or federal law.
15   **SECTION 3.**   The Environmental Management Commission shall adopt rules to
16   amend 15A NCAC 02H .0506 (Review of Applications) consistent with Section 2 of this act.
17   Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
18   shall be substantively identical to the provisions of Section 2 of this act. Rules adopted pursuant
19   to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
20   Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1)
21   as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).
22   **SECTION 4.**   This act is effective when it becomes law. Section 2 of this act expires
23   on the date that rules adopted pursuant to Section 3 of this act become effective.