

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

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**SENATE BILL 763**

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

Sponsors: Senators Wade, Brock, B. Jackson (Primary Sponsors); and Rabin.

Referred to: Agriculture/Environment/Natural Resources

April 28, 2016

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE DIRECTOR OF THE DIVISION OF WATER RESOURCES  
2 FROM REQUIRING ON-SITE STORMWATER CONTROL MEASURES UNDER  
3 CERTAIN CIRCUMSTANCES, AS RECOMMENDED BY THE ENVIRONMENTAL  
4 REVIEW COMMISSION.  
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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 to  
19 this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules  
20 adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as  
21 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.

