

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 35

Committee Substitute Favorable 3/23/89

Environment & Natural Resources Senate Committee Substitute Adopted 6/19/89

Short Title: Statewide Stormwater Standards.

(Public)

Sponsors:

Referred to:

January 19, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE AND DIRECT THE ENVIRONMENTAL
MANAGEMENT COMMISSION TO PHASE IN STORMWATER RUNOFF
RULES AND PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-213 is amended by adding a new subdivision to read:

"(16a) 'Stormwater' means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt."

Sec. 2. Article 21 of G.S. 143 is amended by adding a new section to read:

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

(a) Policy, Purpose and Intent. The Commission shall undertake a continuing planning process to develop and adopt a statewide plan with regard to establishing and enforcing stormwater rules for the purpose of protecting the surface waters of the State. It is the purpose and intent of this section that, in developing stormwater runoff rules and programs, the Commission may utilize stormwater rules established by the Commission to protect classified shellfish waters, water supply watersheds, and outstanding resource waters; and to control stormwater runoff disposal in coastal counties and other nonpoint sources. Further, it is the intent of this section that the Commission phase in the stormwater rules on a priority basis for all sources of pollution to the water. The plan shall be applied evenhandedly throughout the State to address the State's water quality needs. The Commission shall continually monitor water quality in

1 the State and shall revise stormwater runoff rules as necessary to protect water quality.
2 As necessary, the stormwater rules shall be modified to comply with federal regulations.

3 (b) The Commission shall be authorized and directed to implement stormwater
4 runoff rules and programs for point and nonpoint sources on a phased-in statewide
5 basis. The Commission shall consider standards and best management practices for the
6 protection of the State's water resources in the following order of priority:

7 (1) Classified shellfish waters;

8 (2) Water supply watersheds;

9 (3) Outstanding resource waters;

10 (4) High quality waters; and

11 (5) Other waters where the Commission finds control of stormwater is
12 needed to meet the purposes of this Article. Provided however, that
13 prior to implementation of rules under this subdivision 5, the
14 Commission shall consult with the Environmental Review
15 Commission.

16 (c) The Commission shall hold public hearings in accordance with Article 2 of
17 Chapter 150B. Prior to implementation of the rules, the Administrative Rules Review
18 Commission shall review the rule pursuant to G.S. 143B-30.2 to determine whether the
19 rule:

20 (1) Is within the authority delegated to the agency by the General
21 Assembly;

22 (2) Is clear and unambiguous;

23 (3) Is reasonably necessary to enable the administrative agency to perform
24 a function assigned to it by statute or to enable or facilitate the
25 implementation of a program or policy in aid of which the rule was
26 adopted."

27 ◆ Sec. 3. The Commission shall report to the 1989 General Assembly on the
28 first day the Regular Session meets in 1990, provided that if the 1989 Regular Session
29 does not meet in 1990, the Commission shall report to the Environmental Review
30 Commission by October 1, 1989, concerning progress towards implementation of
31 stormwater runoff rules and programs.

32 Sec. 4. This act is effective upon ratification.