

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 447
HOUSE BILL 35

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

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

- (1) Classified shellfish waters;
- (2) Water supply watersheds;
- (3) Outstanding resource waters;
- (4) High quality waters; and
- (5) Other waters where the Commission finds control of stormwater is needed to meet the purposes of this Article. Provided however, that prior to implementation of rules under this subdivision 5, the Commission shall consult with the Environmental Review Commission.

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

- (1) Is within the authority delegated to the agency by the General Assembly;
- (2) Is clear and unambiguous;
- (3) Is reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted."

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1989.