

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 35
Committee Substitute Favorable 3/23/89

Short Title: Statewide Stormwater Standards.

(Public)

Sponsors:

Referred to:

January 19, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE AND DIRECT THE ENVIRONMENTAL
3 MANAGEMENT COMMISSION TO PHASE IN STORMWATER RUNOFF
4 RULES AND PROGRAMS.

5 The General Assembly of North Carolina enacts:

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

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

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

10 "**§ 143-214.1A. Stormwater runoff rules and programs.**

11 (a) Policy, Purpose and Intent. The Commission shall undertake a continuing
12 planning process to develop and adopt a statewide plan with regard to establishing and
13 enforcing stormwater rules. It is the purpose and intent of this section that, in
14 developing stormwater runoff rules and programs, the Commission may utilize
15 stormwater rules established by the Commission to protect classified shellfish waters,
16 water supply watersheds, and outstanding resource waters; and to control stormwater
17 runoff disposal in coastal counties and other nonpoint sources. Further, it is the intent
18 of this section that the Commission phase in the stormwater rules on a priority basis for
19 all sources of pollution to the water. The plan shall be applied evenhandedly throughout
20 the State to address the State's water quality needs. As necessary, the stormwater rules
21 shall be modified to comply with federal regulations.

22 (b) The Commission shall be authorized and directed to implement stormwater
23 runoff rules and programs for point and nonpoint sources on a phased-in statewide

1 basis. The Commission shall consider standards and best management practices for the
2 protection of the State's water resources in the following order of priority:

3 (1) Classified shellfish waters;

4 (2) Water supply watersheds;

5 (3) Outstanding resource waters;

6 (4) High quality waters; and

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

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

16 (1) Is within the authority delegated to the agency by the General
17 Assembly;

18 (2) Is clear and unambiguous;

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

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

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