

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 480

Short Title: Environmental Permitting Reform. (Public)

Sponsors: Representatives Millis, Moffitt, Catlin, and Hardister (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Environment, if favorable, Regulatory Reform.

April 1, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY
REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR
STORMWATER PERMITS AND EROSION AND SEDIMENTATION CONTROL
PLANS TO GUIDE REGULATORY AGENCIES IN PERMIT ISSUANCE AND PLAN
APPROVAL AND TO REFORM THE PERMITTING PROCESS TO ALLOW A
FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS AND PLAN
SUBMITTALS CERTIFIED BY A PROFESSIONAL ENGINEER TO BE IN
COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Stormwater. – The Department of Environment and Natural Resources shall develop Minimum Design Criteria for permits issued by the stormwater runoff permitting programs authorized by G.S. 143-214.7. The Minimum Design Criteria shall include all requirements for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for the Department to issue a stormwater permit.

SECTION 1.(b) Erosion and Sedimentation Control. – The Department of Environment and Natural Resources shall develop Minimum Design Criteria for erosion and sedimentation control plans issued by the Department and local governments under the authority of Article 4 of Chapter 113A of the General Statutes. The Minimum Design Criteria shall include all requirements for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for the Department or a local government stormwater program to approve an erosion and sedimentation control plan.

SECTION 2. In developing the Minimum Design Criteria, the Department shall consult with a technical working group that consists of industry experts, environmental engineers or consultants, relevant faculty from The University of North Carolina, and other interested stakeholders. The Department shall submit its recommendations to the Environmental Review Commission no later than March 1, 2014.

SECTION 3. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.7B. Fast-track permitting.

The Commission shall adopt rules implementing a fast-track permitting process allowing for issuance of stormwater management system permits without a technical review when the permit applicant (i) complies with the Minimum Design Criteria for stormwater management developed by the Department and (ii) submits a permit application sealed by a professional engineer."



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1 **SECTION 4.** Article 4 of Chapter 113A of the General Statutes is amended by
2 adding a new section to read:

3 "**§ 113A-68. Fast-track plan approval.**

4 The Commission shall adopt rules implementing a fast-track plan approval process
5 allowing for approval of erosion and sedimentation control plans by the Department or a local
6 erosion and sedimentation control program without a technical review when the person files a
7 plan that (i) complies with the Minimum Design Criteria for erosion and sedimentation control
8 developed by the Department and (ii) is sealed by a professional engineer."

9 **SECTION 5.(a)** The Environmental Management Commission shall adopt rules
10 implementing Section 3 of this act no later than February 1, 2014.

11 **SECTION 5.(b)** The Sedimentation Control Commission shall adopt rules
12 implementing Section 4 of this act no later than February 1, 2014.

13 **SECTION 6.** This act is effective when it becomes law.