

NC Division of Coastal Management

**NC Dept. of Environmental Quality
Division of Coastal Management**

Annual Review of Rules

*Daniel Govoni
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Annual Review of Rules



- **G.S. 150B-19.1(b) directs that**
“Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review”
- **Periodic Review was codified in G.S. 150B-21.3A in 2013**
Requires agencies to review their existing rules at least once every ten years overseen by the Rules Review Commission

Uncertainty if the Periodic Review will satisfy the Annual Review requirements

Annual Review of Rules



- **G.S. 150B-19.1(b) remains in effect**

No statutorily-prescribed format

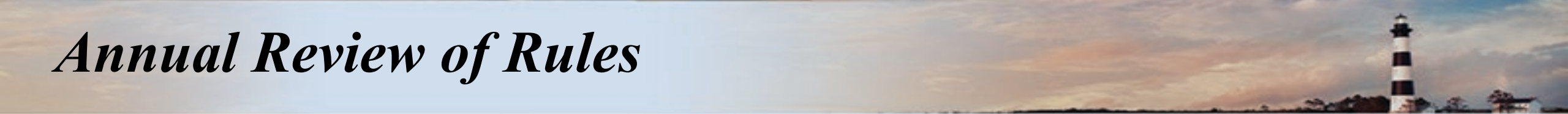
No reporting requirement

Agency discretion how to conduct

Annual Review of Rules



- **Developed comprehensive master spreadsheet**
 - Compliance with statutory criteria in G.S. 150B-19.1
 - Consistency with recently enacted session laws
 - Necessary
 - Required by law
 - Serve the public interest
 - Clearly written
 - Reasonably necessary to interpret federal or state law



Annual Review of Rules

15A NCAC 07H.0307	H	Use Standards for Ocean Hazard Areas: Exceptions	Repealed	09/15/1979			NA		NA
15A NCAC 07H.0308	H	Specific Use Standards for Ocean Hazard Areas	Amended	04/01/2024			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(6)a.,	Clear
15A NCAC 07H.0309	H	Use Standards for Ocean Hazard Areas: Exceptions	Amended	08/01/2022			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(6)a; ;	Clear
15A NCAC 07H.0310	H	Use Standards for Inlet Hazard Areas	Amended	08/01/2022			Necessary	113A-107; 113A-113(b); 113A-124	Clear
15A NCAC 07H.0311	H	Installation and Maintenance of Sand Fencing	Readopted	12/01/2020			Necessary	113A-107; 113A-113(b)(6)	Clear
15A NCAC 07H.0312	H	Technical Standards for Beach Fill Projects	Amended	04/01/2024			Necessary	113-229; 113A-102(b)(1); 113A-103(5)(a); 113-	Clear
15A NCAC 07H.0313	H	Use Standards for State Port Inlet Management Areas	Adopted	04/01/2020			Necessary	113A-107; 113A-107.1; 113A-113; 113A-124	Clear
15A NCAC 07H.0401	H	Public Water Supply Categories	Readopted	06/01/2021			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(3)a; ;	Clear
15A NCAC 07H.0402	H	Significance	Readopted	03/06/2018			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(3)a; ;	Clear
15A NCAC 07H.0403	H	Management Objective for Public Water Supplies	Readopted	03/06/2018			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(3)a; ;	Clear
15A NCAC 07H.0404	H	AECS within Public Water Supplies	Repealed	06/01/2021			NA	NA	NA
15A NCAC 07H.0405	H	Small Surface Water Supply Watersheds	Readopted	06/01/2021			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(3)a; ;	Clear
15A NCAC 07H.0406	H	Public Water Supply Well Fields	Readopted	06/01/2021			Necessary	113A-107(a); 113A-107(b); 113A-113(b)(3)a; ;	Clear
15A NCAC 07H.0501	H	General	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a); 113A-107(b); 113A-113(b)(4)e t	Ambiguous
15A NCAC 07H.0502	H	Significance	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a); 113A-107(b); 113A-113(b)(4)e t	Ambiguous
15A NCAC 07H.0503	H	Nomination and Designation Procedures	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a),(b); 113A-113(b)(4)e,f,g, and h;	Ambiguous
15A NCAC 07H.0504	H	AECS Within Category	RRC Objected	9/16/2022	Returned to Agency 12/7/22		NA		
15A NCAC 07H.0505	H	Coastal Areas that Sustain Remnant Species	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal		113A-107(a),(b); 113A-113(b)(4)f; 113A-124	Ambiguous
15A NCAC 07H.0506	H	Coastal Complex Natural Areas	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal		113A-107(a),(b); 113A-113(b)(4)f; 113A-124	Ambiguous
15A NCAC 07H.0507	H	Unique Coastal geologic Formations	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a),(b); 113A-113(b)(4)g.; 113A-124	Clear
15A NCAC 07H.0508	H	Use Standards	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a),(b); 113A-113(b)(4e) to (b)(4h);	Clear
15A NCAC 07H.0509	H	Significant Coastal Archaeological Resources	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a); 113A-107(b); 113A-113(b)(4h);	Clear
15A NCAC 07H.0510	H	Significant Coastal Historic Architectural Resources	RRC Objected	9/17/2022	Returned to Code 3/3/2025	Under Appeal	Necessary	113A-107(a); 113A-107(b); 113A-113(b)(4h);	Clear
15A NCAC 07H.0601	H	No Violation of Any Rule	RRC Objected	09/16/2022	Returned to Agency 12/7/22		NA		
15A NCAC 07H.0602	H	Pollution of Waters	Amended	07/01/1987			Necessary	113A-107(a),(b); 113A-124;	Clear
15A NCAC 07H.0603	H	Minimum Altitudes	RRC Objected	09/16/2022	Returned to Agency 12/7/22		NA		
15A NCAC 07H.0604	H	Noise Pollution	RRC Objected	09/16/2022	Returned to Agency 12/7/22		NA		

Area of Environmental Concern Review



- **G.S. 113A-115(c)**

The Commission shall review the designated areas of environmental concern at least biennially. New areas may be designated and designated areas may be deleted, in accordance with the same procedures as apply to the original designations of areas under this section. Areas shall not be deleted unless it is found that the conditions upon which the original designation was based shall have been found to be substantially altered.