



15A NCAC 04 Sedimentation Control - Periodic Review of Existing Rules

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Overview

- Jennifer Everett just provided an overview of this process.
- The Sedimentation Control Rules (15A NCAC 04) went through a first-round review that was completed in 2019.
- As Jennifer Everett has already presented, this is just the first step in the process for rules review and readoption.
- This part of the process makes no changes to the rules it just categorizes them into the “Necessary” and “Unnecessary” determinations.
- At this time, we are recommending an initial determination of “Necessary” for all the rules and for the report to be submitted for public comment.
- Later steps in this overall process will allow the Commission to address any substantive changes they would like to make with the rules.



Initial Determination

- Rules Report Example

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]
SUBCHAPTER 04A - SEDIMENTATION CONTROL COMMISSION ORGANIZATION		15A NCAC 04A .0101	OFFICES OF THE SEDIMENTATION CONTROL COMMISSION	Amended Eff. April 1, 2020	Necessary
		15A NCAC 04A .0105	DEFINITIONS	Readopted Eff. April 1, 2020	Necessary
SUBCHAPTER 4B - EROSION AND SEDIMENT CONTROL		15A NCAC 04B .0105	PROTECTION OF PROPERTY	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0106	BASIC EROSION AND SEDIMENTATION CONTROL PLAN OBJECTIVES	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0107	MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0108	DESIGN AND PERFORMANCE STANDARD	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0109	STORMWATER OUTLET PROTECTION	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0110	BORROW AND WASTE AREAS	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0111	ACCESS AND HAUL ROADS	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0112	OPERATIONS IN LAKES OR NATURAL WATERCOURSES	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0113	RESPONSIBILITY FOR MAINTENANCE	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0115	ADDITIONAL MEASURES	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0118	APPROVAL OF PLANS	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0120	INSPECTIONS AND INVESTIGATIONS	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0122	SEVERABILITY CLAUSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest. Eff. February 2, 2016	Necessary
		15A NCAC 04B .0124	DESIGN STANDARDS IN SENSITIVE WATERSHEDS	Readopted Eff. April 1, 2020	Necessary
		15A NCAC 04B .0125	BUFFER ZONE REQUIREMENTS	Readopted Eff. April 1, 2020	Necessary
	15A NCAC 04B .0126	APPLICATION FEE	Readopted Eff. April 1, 2020	Necessary	
	15A NCAC 04B .0127	CERTIFICATE OF PLAN APPROVAL	Readopted Eff. April 1, 2020	Necessary	
	15A NCAC 04B .0129	EROSION CONTROL PLAN EXPIRATION DATE	Readopted Eff. April 1, 2020	Necessary	
	15A NCAC 04B .0130	EMERGENCIES	Readopted Eff. April 1, 2020	Necessary	
	15A NCAC 04B .0131	SELF-INSPECTIONS	Readopted Eff. April 1, 2020	Necessary	
	15A NCAC 04B .0132	DESIGN STANDARDS FOR THE UPPER NEUSE RIVER BASIN (FALLS LAKE WATERSHED)	Readopted Eff. April 1, 2020	Necessary	
SUBCHAPTER 4C - SEDIMENTATION CONTROL CIVIL PENALTIES		15A NCAC 04C .0107	PROCEDURES: NOTICES	Readopted Eff. April 1, 2020	Necessary
SUBCHAPTER 04E - RULEMAKING PROCEDURES	SECTION .0100 - GENERAL PROVISIONS	15A NCAC 04E .0104	COPIES OF RULES	Amended Eff. April 1, 2020	Necessary
	SECTION .0200 - PETITIONS FOR RULEMAKING	15A NCAC 04E .0201	FORM AND CONTENT OF PETITION	Amended Eff. April 1, 2020	Necessary
	SECTION .0500 - DECLARATORY RULINGS	15A NCAC 04E .0501	DECLARATORY RULINGS: GENERALLY	Amended Eff. April 1, 2020	Necessary
		15A NCAC 04E .0502	PROCEDURE FOR REQUESTING DECLARATORY RULINGS	Amended Eff. April 1, 2020	Necessary
		15A NCAC 04E .0503	DISPOSITION OF REQUEST	Amended Eff. April 1, 2020	Necessary



Schedule

Action	Responsibility	Date
Approve initial determinations for (60-day) public comment	SCC	February 2025
Public comment period	Staff	February - April 2025
Approve final determinations & responses to public comments	SCC	May or August 2025
Report due to RRC	Staff	December 19, 2025
RRC review/approval	Staff	January 2026
Final determinations effective in 61 days unless the APO meets (whichever comes sooner)	OAH/RRC	February/March 2026
Establish readoption deadline	RRC	Early 2026

we are here



Request and Recommendation

- Staff request the Sedimentation Control Commission find the full set of Sedimentation Control Rules in 15A NCAC 04 as “Necessary” as its initial determinations.
- Staff Recommend the Sedimentation Control Commission Approval to send the Periodic Review of Existing Rules Report for 15A NCAC 04 – Sedimentation Control, Initial Determinations to Public Comment in Accordance with S.L. 2013-413 (HB 74)



Questions?

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