

March 16, 2026

MEMORANDUM

To: Environmental Review Commission
Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources
Senate Appropriations Committee on Agriculture and Natural and Economic Resources
House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources

From: JD Solomon, Chair, Environmental Management Commission
Richard Rogers, Director, Division of Water Resources, Department of Environmental Quality

Re: Required Report in Accordance with SL 2024-44 Section 5.1(f)

The following report is the second quarterly report regarding the implementation of SL 2024.44 Sections 5.1(d) and 5.1(e)

SL 2024.44 5.1(d) – March 1, 2026, Report

In accordance with SL 2024-44 the Director of the Division of Water Quality and the Chair of the Environmental Management Commission submitted to Katie Butler, Region 4 Water Division Director of the U.S. Environmental Protection Agency (EPA) a letter on July 31, 2024, requesting EPA's comments on rule modifications proposed in the SL 2024-44 Section 5.1(d). EPA responded to the letter on December 20, 2024. EPA responses were very similar to their previous response to Session Law 2023-134 citing the lack of a requirement for an application identifying all pollutants, lack of data justifying effluent limits, lack of public participation in the permitting process, and lack of adherence to the Clean Water Act (CWA). EPA went on to state that since implementation of this legislation would be considered a NPDES programmatic change, NC would have to submit these rules to EPA for review and approval; however, given its failure to comply with procedures required by CWA or by regulations thereunder or by the MOA, EPA may object.

At its March 12th meeting the Water Quality Committee of the EMC instructed staff to revise the draft rule sent to EPA to address comments in their December 20, 2024, letter and to present the revised draft rule to the Water Quality Committee in May. At the May 7th meeting of the Water Quality Committee staff reviewed the revised draft rule and received comments and feedback from the Committee. Staff were instructed to revise the draft rule to retain the legislative intent while ensuring its compliance with the CWA and to present the revised proposed draft rule and

its Regulatory Impact Analysis to the Water Quality Committee for action at its next meeting on July 9, 2025.

At the July 9, 2025 Water Quality Committee meeting, the Committee discussed and approved the draft rule revisions and fiscal note to proceed to the Environmental Management Commission for consideration. On July 10, 2025, the Environmental Management Commission approved the draft rule revisions and fiscal note to proceed to public hearing.

This link provides the Office of State Budget and Management's approved fiscal note for the rule's revisions and the revised rule. [Approved RIA-02B .0206 - 02H .0107](#)

The proposed rule was publicly noticed for comment from September 15 through November 15. SL 2025-94, which amended SL 2024-44, was ratified on September 24, 2025. Due to the passage of SL 2025-94 the EMC extended the public comment period until December 15th to allow appropriate time for any public comment related to the changes proposed in SL 2025-94.

A public hearing was held on November 5, 2025, at 3:30 pm in Raleigh. There were eight speakers at the public meeting.

The public comment period closed on December 15, 2025, at which time comments submitted were reviewed by staff and the hearing officer.

The EMC hearing officer reviewed the public comments on the rule and drafted the hearing officer's report. The recommended rule package came before the EMC for adoption on March 13, 2026. The EMC adopted the proposed rule after discussion and voting. The [hearing officer's report for 02B .0206 and 02H .0107](#) proposed rule adopted by the EMC on March 13, 2026 is at this link.

SL 2024.44 5.1(e) – March 1, 2025, Report

In accordance with SL 2024-44 the Director of the Collaboratory appointed 5 members to the work group who are active or have worked in the fields of environmental regulation, wastewater regulation, water quality regulation, and wastewater treatment regulation. The Department in conjunction with the Collaboratory held six meetings of the Wastewater General Permit Working Group on **August 26, 2024, October 3, 2024, October 30, 2024, November 22, 2024, January 14, 2025, and February 2, 2025.**

The Collaboratory submitted the final report to the Environmental Review Commission on March 14, 2025, which provides a summary of the work group meetings and their findings.