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Director



May 1, 2025

TO: DEQ-DWR-Wetlands-Public Listserv

FROM: Paul Wojoski, N.C. Division of Water Resources, Water Quality Permitting Section

RE: Public hearing for proposed amendments to 15A NCAC 02B .0202 – Definitions to amend the definition of wetlands pursuant to SL 2023-63

The purpose of this public notice is outlined below. This notice is available electronically at <http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-public-notices>.

I. Public notice and notice of public hearing on June 26, 2025, for proposed amendments to 15A NCAC 02B .0202 – Definitions

PUBLIC NOTICE is hereby given that the North Carolina Environmental Management Commission is intending to amend the rule 15A NCAC 02B .0202 – Definitions in order to revise the definition of wetlands, pursuant to the 2023 NC Farm Act, SL 2023-63.

Session Law 2023-63, "An Act to Make Various Changes to the Agricultural and Wastewater Laws of this State," became effective on June 27, 2023. Section 15 of the Session Law revised the definition of "wetlands" in 15A NCAC 02B .0202. The revised definition limits wetlands protected under state water quality rules to those under federal Clean Water Act jurisdiction. The session law also dictated immediate implementation of the revision and directed the Environmental Management Commission to adopt a rule consistent with the revised definition.

The Regulatory Impact Analysis associated with the revised definition was approved by the N.C. Office of State Budget and Management on Dec. 31, 2024.

The public is hereby notified that the North Carolina Department of Environmental Quality Division of Water Resources will hold a public hearing at 6 p.m. on Thursday, June 26, 2025, to receive public comment on the revision. Members of the public may attend in-person or join the meeting by computer or phone. The hearing will be held in the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St, Raleigh, NC, 27604, and via an online WebEx meeting event detailed below.

The purpose of this public hearing is to allow interested persons to submit verbal comments regarding the proposed amendment to rule 15A NCAC 02B .0202.

In-person sign-in and speaker registration will begin at 5:30 p.m. The hearing will conclude by 9 p.m., however, the hearing officer may conclude the hearing earlier if all registered speakers have



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512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
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been heard. The hearing officer may limit the length of time for each speaker to allow everyone and opportunity to be heard. Written comments and copies of prepared remarks will be accepted at the hearing.

To register to speak at this hearing via WebEx, you must submit the following registration form by noon on June 26, 2025.

Online Speaker Registration form: <https://forms.office.com/g/ApH3aQwDQg>

Also, if you wish to speak, please login to WebEx using your first and last name so that the host knows who you are when calling on people to offer comments.

WebEx event address for attendees:

<https://ncgov.webex.com/ncgov/j.php?MTID=mc924957b9d3395883ef8e61c5eda6d54>

Password: NCDEQ

WebEx Access Code: 2425 792 4510 (if the above link doesn't work, go to <https://signin.webex.com/join> and enter the access code as an alternate way to join the meeting)

Connect via Telephone (if you can't use computer audio): 1-415-655-0003 (US Toll), Access Code: 2425 792 4510

For instructions on ways to join the public hearing, please refer to the following link:
<https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0>

In addition to receiving public comments during the hearing on the change to the rule, public comments will also be accepted by mail or email.

Written public comments will be accepted between May 1, 2025, and June 30, 2025. The public is invited to comment in writing via email to Sue.Homewood@deq.nc.gov. Please include "Wetland Definition Amendment" in the email's subject line. Comments may also be submitted in writing to: Sue Homewood, Division of Water Resources, 1617 Mail Service Center, Raleigh NC 27699-1617.

The proposed permanent rules and supporting documents are available on DWR's website: Environmental Management Commission Proposed Rules and the Periodic Review of Existing Rules
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>



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