



# Regulatory Review of 15A NCAC 02G Water Resources Programs



Water Allocation Committee  
Environmental Management Commission  
July 11, 2018

Linwood Peele  
Water Supply Planning Branch



*Department of Environmental Quality*



# Review Process

## Three Step Process

### Step 1: Agency Determination


(Initial determination and public comment period)

Step 2: Rules Review Commission (RRC) Review (Reviews agency's report and makes final determination)

Step 3: Administrative Procedure Oversight (APO) Committee Consultation (Opportunity to review final determination before it becomes effective)

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- Regulatory Review of 15A NCAC 02G
  - Sections: Title of Rule (# of Rules)
    - .0100 – State Participation in Water Resources Projects (12)
    - .0300 – Beach Project Revolving Fund Advances (5)
    - .0400 – Floodway Establishment (2)
    - .0500 – Allocation of Jordan Lake Water Supply Storage (7)
    - .0600 – Aquatic Weed Control (1)

## Initial Determination

- 15A NCAC 02G – 27 rules
  - No rule necessary with substantive public interest
  - 20 rules necessary without substantive public interest
    - Sections .0100, .0500 & .0600
  - 7 rules unnecessary
    - Sections .0300 & .0400

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## Initial Determination

- Rules listed as necessary without substantive public interest. We intend to make technical revisions later to update:
  - Names and references
  - Remove obsolete references
- Rules were deemed unnecessary because ....
  - The revolving fund cited never existed
  - It was repealed in 1984



# Comments

(The comment period was March 15, 2018 through May 24, 2018)

## Sections:

- .0100 – State Participation in Water Resources Projects
  - No comments submitted
- .0300 – Beach Project Revolving Fund Advances
  - No comments submitted
- .0400 – Floodway Establishment
  - No Comments submitted

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## Comments (Cont'd)

### Sections:

- .0500 – Allocation of Jordan Lake Water Supply Storage
  - This rule is important and "necessary without substantive public interest" as defined in this rules review process. The Jordan Lake water supply storage is vitally important to the Triangle Region, the economic engine of North Carolina. It is important to have the objective, fact-based process for allocating that storage as provided by this rule.
- .0600 – Aquatic Weed Control
  - Your list is a good one. It would be wonderful if the NCDA list added the plants from your "additional species" section to their list of Class B noxious weeds. The agencies need to be more coordinated in their efforts against these weed species. The lower southeast portion of the state has many issues with some of these plants, as they are able to overwinter quite well.

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# Schedule

Action / Responsibility	Date
Initial Determinations / WAC	January 10, 2018
Approve Determinations for Public Comment / EMC	March 8, 2018
Public Comment Period	March 15 – May 24, 2018
Update to the WAC	July 11, 2018
Action to Approve Determinations / EMC	September 13, 2018
Report due to RRC	November 15, 2018 (No later)
RRC Review/Approval	December 20, 2018
Final Determination Effective in 60 days / APO	February 18, 2019
Commence Rulemaking to re-adopt rules in accordance with APA	

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