

G.S. 150B-21.3A Report for 15A NCAC 02H, PROCEDURES FOR PERMITS: APPROVALS

Agency - Environmental Management Commission

Comment Period - March 15 - May 22, 2024

Date Submitted to APO - October 31, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 02H PROCEDURES FOR PERMITS: APPROVALS	SECTION .0100 POINT SOURCE DISCHARGES TO THE SURFACE WATERS	15A NCAC 02H .0101	PURPOSE	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0102	SCOPE	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0103	DEFINITION OF TERMS	Amended Eff. July 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0105	APPLICATION: PERMIT FEES: ASSESSMENT FOR NEW SOURCES	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0106	FILING APPLICATIONS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0107	STAFF REVIEW AND EVALUATION	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0108	FACT SHEETS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0109	PUBLIC NOTICE	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0111	PUBLIC HEARINGS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0112	FINAL ACTION ON PERMIT APPLICATIONS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0113	NOTIFICATION OF APPLICANTS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0114	MODIFICATION AND REVOCATION OF PERMITS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0115	PUBLIC ACCESS TO RECORDS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0117	INVESTIGATIONS: MONITORING: AND REPORTING	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0118	EFFLUENT LIMITATIONS AND STANDARDS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0120	LIMITATION ON DELEGATION	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0121	SUSPENSION OF REQUIREMENT FOR STATE NPDES PERMITS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
15A NCAC 02H .0124	RELIABILITY	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
15A NCAC 02H .0125	PERMIT REQUIREMENTS FOR PEAT MINING	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
15A NCAC 02H .0126	STORMWATER DISCHARGES	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		
15A NCAC 02H .0127	GENERAL PERMITS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt		

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		15A NCAC 02H .0138	AUTHORIZATION TO CONSTRUCT PERMITS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0139	MINIMUM DESIGN REQUIREMENTS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0140	CERTIFICATION OF COMPLETION	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0141	OPERATIONAL AGREEMENTS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0143	INCORPORATION BY REFERENCE	Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 102(a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0150	DEFINITIONS: NPDES MS4 STORMWATER	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 101(a); CWA Sec. 402; 40 CFR 122.21, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0151	NPDES MS4 STORMWATER: DESIGNATION AND PETITION PROCESS	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 101(a); CWA Sec. 402; 40 CFR 122.21, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0153	NPDES MS4 STORMWATER: PROGRAM IMPLEMENTATION	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 101(a); CWA Sec. 402; 40 CFR 122.21, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 WATER QUALITY CERTIFICATION	15A NCAC 02H .0501	APPLICABILITY AND DEFINITIONS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 401; 33 U.S.C. 1341	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0502	FILING APPLICATIONS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 401; 33 U.S.C. 1341	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0503	PUBLIC NOTICE AND PUBLIC HEARING	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 401; 33 U.S.C. 1341	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0506	REVIEW OF APPLICATIONS	Readopted Eff. June 15, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 401; 33 U.S.C. 1341	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0507	DECISION ON APPLICATION FOR CERTIFICATION	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	CWA Sec. 401; 33 U.S.C. 1341	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0800 – LABORATORY CERTIFICATION	15A NCAC 02H .0803	DEFINITIONS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0804	PARAMETERS FOR WHICH CERTIFICATION MAY BE REQUESTED	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0805	CERTIFICATION AND RENEWAL OF CERTIFICATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0806	FEES ASSOCIATED WITH CERTIFICATION PROGRAM	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0807	DECERTIFICATION AND CIVIL PENALTIES	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0808	RECERTIFICATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0809	RECIPROCITY	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0900 LOCAL PRETREATMENT PROGRAMS	15A NCAC 02H .0901	PURPOSE	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.1	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		15A NCAC 02H .0902	SCOPE	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.1	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0903	DEFINITION OF TERMS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.8	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0904	REQUIRED PRETREATMENT PROGRAMS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.8	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0905	POTW PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.5; 40 CFR 403.8; 40 CFR 403.9; 40 CFR 403.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0906	SUBMISSION FOR PRETREATMENT PROGRAM APPROVAL	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.5; 40 CFR 403.8; 40 CFR 403.9; 40 CFR 403.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0907	PROCEDURES FOR PRETREATMENT PROGRAM APPROVAL, REVISION AND WITHDRAWAL	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.11; 40 CFR 403.18	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0908	REPORTING/RECORD KEEPING REQUIREMENTS FOR POTWS/INDUSTRIAL USERS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.8; 40 CFR 403.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0909	NATIONAL PRETREATMENT STANDARDS: PROHIBITED DISCHARGES	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.5	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0910	NATIONAL PRETREATMENT STANDARDS: CATEGORICAL STANDARDS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.6	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0912	ADJUSTMENTS FOR FUNDAMENTALLY DIFFERENT FACTORS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.13	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0913	PUBLIC ACCESS TO INFORMATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.14	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0914	UPSET PROVISION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.16	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0915	NET/GROSS CALCULATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	41 CFR 403.15	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0916	PRETREATMENT PERMITS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.8	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0917	PRETREATMENT PERMIT SUBMISSION AND REVIEW	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0918	LOCAL LAW	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.4	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0919	BYPASS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.17	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0921	REVISION TO REFLECT POTW REMOVAL OF POLLUTANT	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403.7	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .0922	HEARINGS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR 403	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1000 STORMWATER MANAGEMENT	15A NCAC 02H .1001	POST-CONSTRUCTION STORMWATER MANAGEMENT: PURPOSE AND SCOPE	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1002	DEFINITIONS	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		15A NCAC 02H .1003	REQUIREMENTS THAT APPLY TO ALL PROJECTS	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1016	DEVELOPMENT IN URBANIZING AREAS: APPLICABILITY AND DELINEATION	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1017	NPDES MS4 and URBANIZING AREAS: POST-CONSTRUCTION REQUIREMENTS	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1018	URBANIZING AREAS: DELEGATION	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1019	COASTAL COUNTIES	Amended Eff. June 1, 2018	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1020	UNIVERSAL STORMWATER MANAGEMENT PROGRAM	Readopted Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12, 122.26, 122.28-122.37	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1021	NON-COASTAL COUNTY HIGH QUALITY WATERS (HQW) AND OUTSTANDING RESOURCE WATERS (ORW)	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1030	STORMWATER REQUIREMENTS: OIL AND GAS EXPLORATION AND PRODUCTION	Eff. March 17, 2015	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1040	PERMIT ADMINISTRATION	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1041	GENERAL PERMITS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1042	STANDARD PERMITTING PROCESS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1043	FAST TRACK PERMITTING PROCESS: AUTHORIZATION TO CONSTRUCT	Eff. January 1, 2017	Unnecessary	No	N/A	Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		15A NCAC 02H .1044	FAST TRACK PERMITTING PROCESS: FINAL PERMIT	Eff. January 1, 2017	Unnecessary	No	N/A	Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		15A NCAC 02H .1045	REQUIREMENTS FOR PERMIT TRANSFERS AND PERMIT RENEWALS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1050	MDC FOR ALL STORMWATER CONTROL MEASURES	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1051	MDC FOR INFILTRATION SYSTEMS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1052	MDC FOR BIORETENTION CELLS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1053	MDC FOR WET PONDS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1054	MDC FOR STORMWATER WETLANDS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1055	MDC FOR PERMEABLE PAVEMENT	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1056	MDC FOR SAND FILTERS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 15A NCAC 02H, PROCEDURES FOR PERMITS: APPROVALS

Agency - Environmental Management Commission

Comment Period - March 15 - May 22, 2024

Date Submitted to APO - October 31, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		15A NCAC 02H .1057	MDC FOR RAINWATER HARVESTING	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1058	MDC FOR GREEN ROOFS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1059	MDC FOR LEVEL SPREADER-FILTER STRIPS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1060	MDC FOR DISCONNECTED IMPERVIOUS SURFACES	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1061	MDC FOR TREATMENT SWALES	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1062	MDC FOR DRY PONDS	Eff. January 1, 2017	Necessary	Yes If yes, include the citation to the federal law	CWA; 40 CFR 131.10, 131.12	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1100 BIOLOGICAL LABORATORY CERTIFICATION	15A NCAC 02H .1101	PURPOSE	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1103	DEFINITIONS	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1104	FEES ASSOCIATED WITH CERTIFICATION PROGRAM	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1105	CERTIFICATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1106	DECERTIFICATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1107	RECERTIFICATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1108	RECIPROCITY	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1109	ADMINISTRATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1110	IMPLEMENTATION	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1111	BIOLOGICAL LABORATORY CERTIFICATION AND QUALITY ASSURANCE	Readopted Eff. July 1, 2019	Necessary	Yes If yes, include the citation to the federal law	40 CFR Part 122; 40 CFR Part 136	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1200 SPECIAL ORDERS	15A NCAC 02H .1201	PURPOSE	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1202	DEFINITIONS	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1203	PUBLIC NOTICE	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1204	FINAL ACTION ON SPECIAL ORDERS BY CONSENT	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1205	ACTION ON SPECIAL ORDERS ISSUED WITHOUT CONSENT	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

G.S. 150B-21.3A Report for 15A NCAC 02H, PROCEDURES FOR PERMITS: APPROVALS

Agency - Environmental Management Commission

Comment Period - March 15 - May 22, 2024

Date Submitted to APO - October 31, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		15A NCAC 02H .1206	WATER QUALITY SPECIAL ORDERS BY CONSENT	Readopted Eff. May 1, 2020	Necessary	Yes If yes, include the citation to the federal law	CWA Sect 102 (a)	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1300 – DISCHARGES TO ISOLATED WETLANDS AND ISOLATED WATERS	15A NCAC 02H .1301	SCOPE AND PURPOSE	Temporary Amendment Exp. Eff. October 3, 2023	Necessary	No	N/A	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1302	FILING APPLICATIONS	Readopted Eff. June 1, 2019	Necessary	No	N/A	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1303	PUBLIC NOTICE AND PUBLIC HEARING	Readopted Eff. June 1, 2019	Necessary	No	N/A	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1304	DECISION ON APPLICATION FOR PERMITS OR CERTIFICATES OF COVERAGE	Readopted Eff. June 1, 2019	Necessary	No	N/A	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1305	REVIEW OF APPLICATIONS	Readopted Eff. June 15, 2020	Necessary	No	N/A	Yes	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02H .1306	SOIL SERIES	Eff. June 15, 2020	Unnecessary	No	N/A	Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Copy all columns in this row to the right of this yellow cell and paste in new rows					
Environmental Management Commission	All rules in Subchapter 02H	Procedures for Permits: Approvals	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>From: Albert Robert (Bob) Rubin, Emeritus Professor Sent: Thursday, March 21, 2024 8:37 AM To: DEQ Subject: Re: FW: Public Comment EMC Water-related rules</p> <p>Thank you Karen - I do believe that most of our rules are necessary and essential. I apologize, I just received this message and can not respond with specific items. I am most appreciative of the work that you and our DEQ folks do every day. Thank you most sincerely.</p> <p>Be well. Do good. Stay safe.</p> <p>-- -- Albert Robert (Bob) Rubin, Emeritus Professor Biological and Agricultural Engineering North Carolina State University</p>	We appreciate the comment.