

**Agenda Item: 14-08** **Request for Approval of Temporary Rule Changes to Rule 15A NCAC 02H .1002**

**Explanation:**

During the recent legislative session, N.C.G.S. § 143-214.7 was amended to exclude gravel from the definition of “built-upon area.” The legislation, however, did not define the term “gravel.” The regulated community, in dealings with the Division of Energy, Mineral, and Land Resources (DEMLR), has questioned how to interpret the imprecise use of the term “gravel” in the amended statute. For these reasons, the EMC is pursuing the temporary rulemaking to define the term used in the amended statute in accordance with industry standards, to prevent adverse environmental impacts, and to direct the regulated community to the established guidelines set forth in DEMLR’s best management practices for stormwater control. A public hearing on the proposed temporary rule was held in Raleigh, NC on January 23, 2014. Public comments were accepted at the hearing and during the public comment period from January 15, 2014 to February 7, 2014. Comments were reviewed and the Hearing Officer prepared a Report of Proceedings that contains recommended changes to the proposed temporary rule.

**Recommendation:**

The Commission will be asked to approve the changes to Rule 15A NCAC 02H .1002 as presented in the Hearing Officer’s Report.