

Agenda Item: 15-34 Consolidated Buffer Mitigation Rule – 15A NCAC 02B .0295 – Modifications to Respond to RRC Objection and Request for Technical Changes

Explanation:

Permanent Rule 15A NCAC 02B .0295 was approved by the Environmental Management Commission (EMC) on July 9, 2015 and filed with the Rules Review Commission (RRC) on July 16, 2015. This permanent rule will replace the Temporary Rule that became effective on October 24, 2014.

The adopted rule was reviewed by the RRC at its August 20, 2015 meeting. The RRC objected to the rule and requested technical changes. DWR staff have reviewed the RRC objection (Attachment A), as well as the technical change request (Attachment B), and have drafted a proposed revised Rule (Attachment C).

Revisions to the temporary rule are indicated by underline and strikethrough. Revisions that were made after public notice and approved by the EMC in July are highlighted in yellow. All proposed revisions in response to the RRC are highlighted in green. DWR staff believe the proposed revisions will satisfy the RRC requests and objection.

Recommendation:

It is requested that the Environmental Management Commission adopt the proposed revised Rule and associated fiscal note. In addition, it is requested that the EMC approve proceeding to public notice if required by the RRC.