



2021-2022 General Assembly

SENATE BILL 389: Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus, Sec. 4: Stormwater Program Amendments

Committee:		Date:	February 7, 2022
Introduced by:		Prepared by:	Kyle Evans Staff Attorney
Analysis of:	Sec. 4 of S.L. 2021-158		

OVERVIEW: Section 4 of S.L. 2021-158 makes several amendments to the Department of Environmental Quality's (DEQ) Stormwater Management Program, including:

- *Adding an annual compliance certification for new and existing stormwater permits, clarifying that the addition of the annual compliance certification is not a new or increased stormwater control, providing that DEQ must provide for electronic submission of the annual certification, and providing that DEQ may only require the permit holder or their designee, and not a different party, to submit the annual certification.*
- *Modifying the stormwater permit transfer process, including timelines for submitting permit transfer applications and providing for a schedule of remedial actions, as needed, to bring permitted activities into compliance with the approved stormwater plan and permit conditions.*
- *For low density permits issued prior to January 1, 2017 that have exceeded a permitted built-upon area, establishing a permit modification request mechanism to bring those projects into compliance with the existing or modified built-upon area limit.*
- *Providing that low density stormwater certifications and approvals issued prior to September 1, 1995, are revoked as of January 1, 2022, and the built upon area will be considered as "existing development" for the purposes of G.S. 143-214.7(a1).*

This section became effective September 16, 2021.

BILL ANALYSIS:

Section 4 of S.L. 2021-158 makes several amendments to DEQ's Stormwater Management Program, including:

- Adding an annual compliance certification for new and existing stormwater permits, clarifying that the addition of the annual compliance certification is not a new or increased stormwater control, providing that DEQ must provide for electronic submission of the annual certification, and providing that DEQ may only require the permit holder or their designee, and not a different party, to submit the annual certification.
- Modifying the stormwater permit transfer process, including timelines for submitting permit transfer applications and providing for a schedule of remedial actions, as needed, to

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bring permitted activities into compliance with the approved stormwater plan and permit conditions.

- For low density permits issued prior to January 1, 2017 that have exceeded a permitted built-upon area, establishing a permit modification request mechanism to bring those projects into compliance with the existing or modified built-upon area limit.
- Providing that low density stormwater certifications and approvals issued prior to September 1, 1995, are revoked as of January 1, 2022, and the built upon area will be considered as "existing development" for the purposes of G.S. 143-214.7(a1).

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