

Environmental Rules Report

Required by Session Law 2011-398 (SB781), Section 57

In the *Act to Increase Regulatory Efficiency in Order to Balance Job Creation and Environmental Protection*, Session Law 2011-398, Section 57 required that “Every State agency, board, commission, or other body with rule-making powers shall deliver to the Joint Select Regulatory Reform Committee of the General Assembly no later than October 1, 2011, a list of all permanent rules adopted by the body that includes for each rule the following information:

- 1) Whether the rule is mandated by federal law or regulation.
- 2) If the rule is not mandated by a federal law or regulation, whether there is a federal regulation that is analogous to the rule. For the purposes of this subdivision, “analogous” means the federal regulation regulates the same conduct or activity as the State regulation.
- 3) If there is a federal statute or regulation analogous to the rule, whether the rule is more stringent than the federal law or regulation.”

The information below is the list of rules for the Department of Environment and Natural Resources (DENR) that fall into the three categories described above. Since environmental rules span a broad array of topics and rulemaking bodies, this report compiles the information from Title 15A (Environment) and Title 1 (Administration) into 3 broad categories: rules that have a federal analog, rules that do not have a federal analog but are needed to carry out a federal mandate, and rules that neither have a federal counterpart nor a federal mandate, but have an important state function. Within these categories, the report uses slightly different tables to categorize the critical information that relates to the broad category.

The report does not include analysis on rules proposed for repeal or rules remaining in Title 15A that may be transferred to another title as a consequence of reorganization of certain divisions to Department of Agriculture and Consumer Services and Department of Health and Human Services. Those rules are listed in Appendix 4 for ease of reference. Also, the report does not analyze rules in Chapter 2A, as these rules address the organization of the Environmental Management Commission.

I. Rules with a Federal Analog

Rules with a federal analog are described in Appendix 1 with tables named after the Administrative Code Subchapter (e.g. Subchapter 13A – Hazardous Waste Management). The table is then split into 3 columns of Rule citation and name, the federal analog citation and name, and whether the state rule is more stringent than the federal rule. Rules that have federal analogs may either adopt the federal standard or have a different standard. The last column states whether or not the rule is more stringent. If the rule is more stringent, an explanation of the difference and rationale is included. The table below gives one example of a rule with a federal analogue. For the complete list of rules with a federal analogue, please see Appendix 1.

Subchapter 13A: Hazardous Waste Management

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
13A .0110 Interim Status Stds for Owners – OP of HWTSD Facilities - Part 265	40 CFR 265.35	The federal rule does not specify a minimum size for aisle space. The state rule requires at least 2 feet of aisle space in the storage area for interim status treatment, storage and or disposal facilities.

II. Rules without a Federal Analog, but Necessary to Fulfill a Federal Mandate

Some rules adopted by DENR or the regulatory commissions do not have a federal analog, but are needed to carry out a federal mandate. These rules are organized in tables named after their Administrative Code Subchapter (e.g. Subchapter 2B – Surface Water and Wetland Standards). Instead of listing each rule separately, rules may be grouped chronologically in ways that relate to the federal mandate. Some Subchapters may be described in a single line listing all the Sections within the Subchapter in the first column. Other Subchapters may be broken down into their component Sections to better describe separate parts of the overall program. The second column will set out the federal mandate (whether a federal statute and implementing regulations or other mechanism such as a grant requirement) to maintain a program in order to qualify for funding. The final column describes how the state rule assists in meeting the federal mandate. Below is an example of a set of rules necessary to carry out a federal mandate. To see the complete listing of rules necessary to carry out a federal mandate, see Appendix 2.

Subchapter 2B: Surface Water and Wetland Standards

Section Cite and Name	Federal Mandate Cite and Name	More Stringent? (explain any difference)
All of Subchapter 2B Surface Water and Wetland Standards, Sections .0100 through .0600	Clean Water Act, 33 USC 1251 - 1387, and implementing regulations, 40 CFR Parts 122-126	The Clean Water Act requires classification of water bodies based on uses of the water (water supply, recreation, fisheries, etc.) and adoption of water quality standards to protect those uses. Although EPA provides oversight and guidance for delegated state Clean Water Act programs, there are no national water quality standards. The states adopt the water quality standards and put in place programs required to maintain those standards.

III. Rules without a Federal Analog or Mandate, but Necessary to Fulfill an Important State Purpose

Rules with neither a federal analog nor mandate, but that serve an important state purpose are listed below. They are organized in tables named after their Administrative Code Subchapter (e.g. Subchapter 2K – Dam Safety). Again, instead of listing each rule separately, rules may be grouped chronologically in ways that relate to the important state interest they serve. In some cases, the entire Subchapter may serve the important state interest. In others, the rules may be grouped by Section to provide further analysis of the support of state interest. The statutory authority is also provided along with a description of the state interest served. The table below provides an example of a group of rules without a federal counterpart of federal mandate. For the complete list of these rules, see Appendix 3.

Subchapter 2K: Dam Safety

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Entire Subchapter of 2K Dam Safety including Sections .0100 through .0500	G.S. 143-215.23 through 215.37 Dam Safety Law of 1967	Provides for the certification and inspection of dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of dams; to prevent injuries to persons, damage to downstream property and loss of reservoir storage; and to ensure maintenance of minimum stream flows of adequate quantity and quality below dams.

Appendix 1: Rules with a Federal Analog

Title 15A, Chapter 2: Environmental Management

Subchapter 2C: Well Construction Standards

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
02C Section .0204 Definitions though .0214 Abandonment And Change Of Status [Injection Wells]	40 CFR 144.6 Classification of Wells, 40 CFR 144.81 Does This Subpart Apply to Me?	Not more stringent except for .0206, .0208 through .0214 which are more stringent to meet requirements of GS 87-83 through 98, 143-214.2, & 143-215.1A. The State's Well Construction Act (GS 87-83 through 98) requires more stringent protection of the groundwater through specific criteria and standards, while GS 143-214.2 and 215.1A restricts types of injection wells and requires increased responsibility for clean up.

Subchapter 2D: Air Pollution Control Requirements

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
<u>Section .0500-Emission Control Standards</u>		
2D .0517(2) Emissions from Plants Producing Sulfuric Acid (sulfuric acid mist)	Clean Air Act, 42 USC 7401 - 7671q, §111 Standards of Performance for New Stationary Sources	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities. Delegated by EPA to NC to implement.
2D .0524 New Source	Clean Air Act, 42	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
Performance Standards	USC 7401 - 7671q, §111	Delegated by EPA to NC to implement.
2D .0528 Total Reduced Sulfur from Kraft Pulp Mills	Clean Air Act, 42 USC 7401 - 7671q, §111	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities. Delegated by EPA to NC to implement.
2D .0529 Fluoride Emissions from Primary Aluminum Reduction	Clean Air Act, 42 USC 7401 - 7671q, §111	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities. Delegated by EPA to NC to implement.
2D .0534 Fluoride Emissions from Phosphate Fertilizer Industry	Clean Air Act, 42 USC 7401 - 7671q, §111	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities. Delegated by EPA to NC to implement.
<u>Section .1000-Motor Vehicle Emission Control Standards</u>		
2D .1008 Heavy Duty Diesel Engine Requirements	Clean Air Act, 42 USC 7401 - 7671q, §202 Establishment of Standards, and 40 CFR 85 and 86 Control of Air Pollution from Motor Vehicles	No difference in stringency. Eff. December 31, 2001 by NC governor's Exec. Order No. 15; Prevent excess Nitrogen Oxide emission from Heavy Duty Diesel Engines which would otherwise make violation of Ozone air standard more likely. G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7); Air Pollution Control
2D .1009 Model Year 2008 and Subsequent Model Year Heavy-Duty Diesel Vehicle Requirements	Clean Air Act, 42 USC 7401 - 7671q, §202 Establishment of Standards, and 40 CFR 85 and 86	No difference in stringency. Prevent excess Nitrogen Oxide emission from Heavy Duty Diesel Engines (trucks) which would otherwise make violation of Ozone air standard more likely. G.S. 143-215.3(a)(1); 143-215.107(a)(6)-(7); Air Pollution Control

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
	Control of Air Pollution from Motor Vehicles	
<u>Section .1100-Control of Toxic Air Pollutants</u>		
2D .1109 - .1112	Clean Air Act, 42 USC 7401 - 7671q, §112, 40 CFR 61, and 63 National Emission Standards for Hazardous Air Pollutants	No difference in stringency. National Emission Standards for Hazardous Air Pollutants (NESHAPS), and for NESHAPS for Source Categories - Maximum Achievable Control Technology (MACT) standards and Generally Available Control Technology (GACT) standards - all adopted by reference.
<u>Section .1200-Control of Emissions from Incinerators</u>		
2D .1201 - .1202	Clean Air Act, 42 USC 7401 – 7671q, §111, and §129	No difference in stringency. Purpose and Definitions portion of the rule.
2D .1203 Hazardous Waste Incinerators	Clean Air Act, 42 USC 7401 – 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
2D .1204 Sewage Sludge and Sludge Incinerators	Clean Air Act, 42 USC 7401 – 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
2D .1205 Municipal Waste Combustor (except (c)(6), (13), and (14) and (f)(2))	Clean Air Act, 42 USC 7401 - 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
2D .1206 Hospital, Medical,	Clean Air Act, 42	Regulates arsenic, beryllium and chromium

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
and Infectious Waste Incinerators (except (c)(7), (c)(8) and (f)(2))	USC 7401 - 7671q, §111, and §129	
2D .1208 Other Incinerators	Clean Air Act, 42 USC 7401 - 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
2D .1210 Commercial and Industrial Solid Waste Incinerators (except (e)(6), (12), and (13); (l); and (m)(2)(B))	Clean Air Act, 42 USC 7401 - 7671q, §111 Standards of Performance for New Stationary Sources, G.S. 130A-309.10 (f1)	Regulates arsenic, beryllium and chromium
2D .1211 Other Solid Waste Incineration Units	Clean Air Act, 42 USC 7401 - 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
2D .1212 Small Municipal Waste Combustors	Clean Air Act, 42 USC 7401 - 7671q, §111, and §129	Regulates arsenic, beryllium and chromium
<u>Section .1700- Municipal Solid Waste Landfills</u>	Clean Air Act, 42 USC 7401 - 7671q, §111 Standards of Performance for New Stationary Sources	No difference in stringency. §111 NSPS, and §111(d) Designated Facilities. Delegated by EPA to NC to implement.
<u>Section .2100-Risk Management Program</u>	Clean Air Act, 42 USC 7401 - 7671q, §112(r), 40 CFR 68 Chemical Accident Prevention	No difference in stringency. North Carolina is “implementing agency”.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
	Provisions	
<u>Section .2500-Mercury Rules for Electric Generators</u>	Clean Air Act, 42 USC 7401 - 7671q, §111 and §111(d), Standards of Performance for New Stationary Sources, and 40 CFR 60.24 (and other portions of 40 CFR 60 –“Clean Air Mercury Rule”)	§111 New Source Performance Standards (NSPS), and §111(d) Designated Facilities. Delegated by EPA to NC to implement. Federal requirements are under substantial revisions and legal proceedings. Emission limitation of Mercury emissions to affected sources are being held in abeyance. Additional NC requirements in rule address Mercury contamination and are more stringent in requiring Best Available Control Technology (BACT) on new coal-fired electric generators. NC utility companies submit a 2013 plan to reduce Mercury that is technically and economically feasible. NC authorities: G.S. 143-215.3(a); 143-215.107(a)(5) Air Pollution Control; and 143-215.107D;

Subchapter 2H Procedures for Permits, Approvals

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
02H Section .0100 Point Source Discharges To The Surface Waters	40 CFR 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System & 40 CFR 124 Procedures for Decisionmaking	Not more stringent than the federal analog. Note that a few of the subparagraphs in this rule (.0115, .0116, .0120 - .0122, .0124, and .0138-.0142) do not have a federal analog; however, they are necessary to carry out the federal mandate under the Clean Water Act. The rule serves an important state purpose by clarifying public access, emergency procedures, delegation, suspension of permit requirements, reliability requirements, construction, design, operation and providing for use of the Wastewater Treatment Works Emergency Maintenance, Operation and Repair Fund.
02H Section .0900 Local Pretreatment Programs	40 CFR 403 General Pretreatment Regulations for Existing and New Sources of Pollution	No more stringent than federal rule, except .0904 and .0917 which deal with required pretreatment programs and pretreatment permit reviews. For 15A NCAC 2H .0904, the federal rule, specifically 40 CFR 403.8, requires the development of pretreatment programs at Publicly Owned Treatment Works (POTWs) with 5 million gallons per day (MGD) or greater flow of effluent; while 2H .0903 requires all POTWs that receive wastewater from significant industrial users (SIUs) to develop programs. SIUs include, but are not limited to, metal finishers, chemical plants, and pharmaceutical manufacturers. POTWs with less than 2 MGD flow and less than 4 SIUs have less stringent monitoring plans and reporting requirements. Under 15A NCAC 2H .0917, POTWs are required to submit Industrial User Permits (IUPs) to the Division for review. Federal code does not require POTWs to submit the IUPs that they issue to the approval authority for review; however, the intent under 40 CFR 403 is that all IUPs be reviewed by the approval authority at program inspection. Having the IUPs prior to program inspection allows the Division to meet EPA's intent and make more efficient use of the time spent with towns' pretreatment programs during program inspections.

Subchapter 2N: Underground Storage Tanks

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
<p>15A Subchapter 02N Sections .0100 through .0900: Criteria and Standards Applicable to Underground Storage Tanks</p>	<p>40 CFR Parts 280 and 281 Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules</p>	<p>The state rules are the same as the federal regulations with a few modifications:</p> <p>15A NCAC 02N .0201 The provisions for "Applicability" contained in 40 CFR 280.10 (Subpart A) are hereby incorporated by reference including subsequent amendments and editions except that: (1) Underground storage tanks containing de minimus concentrations of regulated substances are subject to the requirements for permanent closure in Rules .0802 and .0803 of this Subchapter;</p> <p>15A NCAC 02N .0301 Performance Standards for UST System Installations or Replacements Completed After 12/22/1988 and Before 11/1/2007 The state's rules prohibit UST systems from being installed within 100 feet of a well serving the public or within 50 feet of any other well used for human consumption. The state's rules also require that UST systems installed after 1/1/91 be provided with secondary containment (double-walled construction and interstitial monitoring) at the time of installation if located close to water supply wells or sensitive surface water classifications as defined at .0301(d).</p> <p>15A NCAC 02N.0304 Implementation Schedule for Performance Standards for New UST Systems and Upgrading Requirements for Existing UST Systems Located in Areas Defined in Rule .0301(d) In May 2000, 15A NCAC 02N .0301 was amended by 15A NCAC 02N .0304, which allowed noncompliant single-walled UST systems installed after 1/1/91 within the areas defined at .0301(d) to be upgraded with secondary containment and to have an extended upgrade schedule if tank owners and operators performed enhanced leak detection monitoring.</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
		<p>After 11/1/2007, new UST systems or UST systems components and replacement UST systems or UST system components must meet the construction/installation standards in 15A NCAC 02N .0900.</p> <p>15A NCAC 02N .0302 Upgrading of Existing UST Systems after December 22, 1998 and Before November 1, 2007 The state's rules require that UST systems installed on or before 1/1/91 be upgraded with secondary containment (double-walled construction and interstitial monitoring) on or before 12/22/98 if located close to water supply wells or sensitive surface water classifications as defined at .0301(d).</p> <p>UST systems that met the federal upgrade (corrosion protection, spill and overfill prevention) requirements before 12/22/88 are exempt from the siting/secondary containment upgrade standards.</p> <p>In May 2000, 15A NCAC 02N .0302 was amended by 15A NCAC 02N .0304, (see above) which extended the deadline schedule for UST systems specified in .0302(a), provided that enhanced leak detection monitoring was conducted for those UST systems.</p> <p>15A NCAC 02N .0303 Notification Requirements State's rules generally require notice prior to an activity being performed and/or specify a given timeframe within which to submit the notice. State's rules also require notification on state-specific form.</p> <p>15A NCAC 02N .0405 Reporting and Recordkeeping State's rules generally specify a given timeframe within which to submit reports or records. State's rules also require reporting on state-specific forms.</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
		<p>15A NCAC 02N .0504 Methods of Release Detection for Tanks State’s rules specify installation and location requirements for vapor and groundwater monitoring wells used for UST system leak detection monitoring.</p> <p>15A NCAC 02N .0802 Permanent Closure and Changes-In-Service The provisions for "Permanent closure and changes-in-service" contained in 40 CFR 280.71 (Subpart G) have been adopted by reference in accordance with G.S. 150B-14(c) except that an UST system containing de minimis concentrations of a regulated substance must meet the closure requirements of this rule within 12 months of the effective date of this Subchapter.</p> <p>15A NCAC 02N .0803 Assessing the Site at Closure or Change-in-Service The provisions for “Assessing the site at closure or change-in-service” contained in 40 CFR 280.72 (Subpart G) have been adopted by reference in accordance with G.S. 15B-14(c), except that:</p> <ul style="list-style-type: none"> 2) Site assessments shall be conducted by a person qualified to assess site conditions; and 3) The number and location of samples, and method of their collections, shall be determined in accordance with procedures established by the Department.

Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
NCAC Title 15A Subchapter 02O Sections .0100 through .0500: Financial Responsibility Requirements for Owners and Operators of Under- ground Storage Tanks	40 CFR 280, Subpart H: Financial Responsibility	The state rules are analogous to the federal regulations except that they are tailored to include the Leaking Petroleum UST Cleanup Funds (State Trust Funds) as a financial mechanism for tank owners and operators to use to help them satisfy the financial assurance (\$1 million) required by the federal regulation.

Subchapter 2Q: Air Quality Permits Procedures

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
<u>Section .0200-Permit Fees</u>	Clean Air Act, 42 USC 7401 - 7671q, Title V – Permits, §501 - 505, 40 CFR 70 State Operating Permit Programs, and 71 Federal Operating Permits Programs	NC Title V fees are lower than Federal default amount. 2D .0207 is also part of the Clean Air Act §110 State Implementation Plan (a federal mandate).
<u>Section .0400-Acid Rain Procedures</u>	Clean Air Act, 42 USC 7401 - 7671q, Title IV – Acid Deposition Control, §401 – 416 505, 40 CFR 72 Permits	No difference in stringency.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
	Regulation	
<u>Section .0500-Title V Procedures</u>	Clean Air Act, 42 USC 7401 - 7671q, Title V – Permits, §501 - 505, 40 CFR 70 State Operating Permit Programs, and 71 Federal Operating Permit Programs	No difference in stringency.
<u>Section .0800-Exclusionary Rules</u>		Rule is less stringent than EPA “guidance” on limiting potential to emit (and thus being excluded from other rule applicability).

Subchapter 2R: Ecosystem Enhancement Program

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
15A NCAC 2R .0102 – Ecosystem Enhancement Program - Definitions	33 CFR Part 332.2 Compensatory Mitigation for Losses of Aquatic Resources: Definitions (Also in 40 CFR Part 230)	Not more stringent. However, the analog only applies to part of the state rule. The federal rule defines mitigation banks and riparian areas. Other definitions in the state rule are not in the federal rule.
15A NCAC 2R .0201 – Basinwide Restoration Plans - Purpose	33 CFR Part 332.3(c) Compensatory Mitigation for Losses of Aquatic Resources: General Considerations (Also in 40 CFR Part 230)	Not more stringent. A key difference is that the state rule prescribes the development of documents for all of North Carolina’s 17 river basins.
15A NCAC 2R .0202 – Basinwide Restoration Plans - Components	33 CFR Part 332.3(c) Compensatory Mitigation for Losses of Aquatic Resources: General Considerations (Also in 40 CFR Part 230)	Not more stringent. But state rule requires consultation with other resource agencies, local governments, academia and the general public in plan development.
15A NCAC 2R .0301 and .0302 – Compensatory Mitigation – General and Mitigation Banks	33 CFR Chapter II Part 332.3 Compensatory Mitigation for Losses of Aquatic Resources: General Considerations (Also	Not more stringent.

in 40 CFR Part 230)

Subchapter 2T: Waste Not Discharged to Surface Waters

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
02T Section .1100 - Residuals Management	40 CFR 257 Criteria for Classification of Solid Waste Disposal Facilities and Practices & 40 CFR 503 Standards for the Use or Disposal of Sewage Sludge	More stringent as this rule includes additional setback requirements for the application of residuals, establishes operating requirements for land application activities and distribution programs and includes residuals that are not defined as sewage sludge. The State rule applies to all residuals generated as part of a wastewater treatment process regardless of the source of residuals. Federal rules are divided into the management of sewage sludge (covered under 40 CFR 503), and other residuals classified as solid wastes (covered under 40 CFR 257).
02T Section .1200 - Coal Combustion Products Management	40 CFR 257 Criteria for Classification of Solid Waste Disposal Facilities	The state rules are more stringent because they include additional setback requirements for coal combustion product storage areas and they establish operating requirements for distribution activities.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
02T Section .1300 Animal Waste Management Systems	40 CFR 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System & 40 CFR 412 Concentrated Animal Feeding Operations (CAFO) Point Source Category	Federal law requires a Clean Water Act permit for animal waste management systems that discharge waste to waters of the United States. For farms requiring a federal permit, state law is somewhat more stringent than federal rules because our statutes include siting requirements, such as buffers, that are not part of the federal rule. Under G.S. 143-215.10A-I, state law also requires permits for all animal operations with more than 250 swine, 100 confined cattle, 75 horses, 1,000 sheep, or 30,000 poultry with a liquid animal waste management system – not just those that discharge waste. As a result, the state program is more comprehensive in the number of farms covered and regulates both non-discharge land application waste systems and discharging systems. The majority of the farms in the state have permits based on North Carolina law; less than five percent of the farms have been permitted under the federal permitting requirements as discharging systems. The state permitting statute and rules responded to specific problems experienced in the state as a result of waste spills from animal waste lagoons and public concerns about other impacts from large animal waste management systems.
02T Section .1604 Application Submittal through .1608 Requirements for Closure [Groundwater Remediation Systems]	40 CFR 144 Underground Injection Control Program & 40 CFR 146: Criteria and Standards	The State's Well Construction Act (GS 87-83 through 98) is more stringent than the federal regulations as it requires closed-loop groundwater remediation wells to be permitted. In addition to protecting groundwater for drinking water purposes, the Act requires broader protection of the groundwater as a natural resource.

Title 15A, Chapter 13 Solid Waste Management

Subchapter 13A: Hazardous Waste Management

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
15A NCAC 13A .0101 General	40 CFR 260 Hazardous Waste Management System: General Subpart A – General Subpart B - References	Same as federal rule.
15A NCAC 13A .0102 Definitions	40 CFR 260.10 Hazardous Waste Management System: General Subpart B - Definitions	<p>The terms "Hazardous secondary material", "Hazardous secondary material generated and reclaimed under the control of the generator", "Hazardous secondary material generator", "Intermediate facility", and "Land-based unit" are not incorporated from 40 CFR 260.10. Those terms related to the 2008 federal Definition of Solid Waste, which has not been incorporated into the NC rules because of ongoing litigation over the federal rule and potential for changes by EPA depending on the outcome of the litigation.</p> <p>The terms "Facility" and "Transfer Facility" are defined in 15A NCAC 13A .0102. These terms were defined to specifically remove the reference to a term included in the 2008 federal Definition of Solid Waste, pending final EPA changes due to litigation.</p> <p>The term "Off-site Recycling Facility" has been defined because 15A NCAC 13A .0113(n) has requirements for Off-site Recycling facilities.</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
15A NCAC 13A .0103 Petitions	40 CFR 260.10 Hazardous Waste Management System: General Subpart C – Rulemaking Petitions	15A NCAC 13A .0103(c) 40 CFR 260.21 through 260.43 (Subpart C), "Rulemaking Petitions," are incorporated by reference including subsequent amendments and editions, except that 40 CFR 260.30(d), 260.30(e), 260.33(c), 260.34, 260.42 and 260.43 are not incorporated by reference.
15A NCAC 13A .0104 Public Information	40 CFR 2 Public Information Subpart A - Procedures for Disclosure of Records Under the Freedom of Information Act Subpart B - Confidentiality of Business Information	Same as federal rule.
15A NCAC 13A .0105 General Program Requirements	40 CFR 124 Procedures for Decision Making Subpart A - General Program Requirements Subpart B – Specific Procedures Applicable to RCRA	Same as federal rule.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
	Permits	
15A NCAC 13A .0106 Identification and Listing of Hazardous Waste	40 CFR 261 Identification and Listing of Hazardous Waste (except Subpart H – Financial Requirements for Management of Excluded Hazardous Secondary Material)	40 CFR 261.1 through 261.9 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 261.2(a)(2)(ii) and 40 CFR 261.4(a)(23), 261.4(a)(24), and 261.4(a)(25) are not incorporated by reference. The state is maintaining rules as in earlier federal version for reason stated above pending final EPA changes due to litigation.
15A NCAC 13A .0107 Standards Applicable to Generators of Hazardous Waste	40 CFR 262 Standards Applicable to Generators of Hazardous Waste (except Subpart I – New York State Public Utilities and Subpart J – University Laboratories XL Project)	13A .0107(d) North Carolina generators are required to keep records of self-inspections of their storage facilities for 3 years from the date of the inspection. This was added to the rules to be consistent with other record keeping requirements. It also provides clarity to the regulatory community on what is expected for compliance.
15A NCAC 13A .0108 Standards Applicable to Transporters of Hazardous Waste	40 CFR 263 Standards Applicable to Transporters of Hazardous Waste	Language has been added defining Manifest Discrepancies (13A .0108(d)) and the methods to reconcile the discrepancies (13A .0108(c)). This rule was established to provide a time line and more exacting requirement than was required through EPA's guidance on the subject.

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
15A NCAC 13A .0109 Standards for Owners/Operators of HWTSD Facilities	40 CFR 264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	<p>13A .0109(i) - North Carolina rules provide alternative language in 15A NCAC 13A .0109(i)(1), (2), (3) and (4). The EPA language allows for a pay-in period for the financial assurance required to ensure proper closure and post-closure care. The state rule does not allow a pay-in option. The state rules excluded that option out of concern that it could result in closure and post-closure costs not being fully funded and transfer those costs to North Carolina taxpayers.</p> <p>13A .0109(l) – additional standards were added to the construction of Surface Impoundments to better protect the soil and groundwater.</p> <p>13A .0109(r) – 13A .0109(r) provides additional location standards for hazardous waste treatment, storage and disposal units. The basis of these additional restrictions is G.S. 130A -294. These location standards better protect human health and the environment at and around permitted hazardous waste sites.</p>
15A NCAC 13A .0110 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	40 CFR 265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (Except Subpart R – Underground Storage Tanks)	<p>The state rule, 13A .0110(c), requires at least two feet of aisle space in the storage area for interim status treatment, storage and/or disposal facilities for hazardous waste. The federal rule requires “adequate” aisle space, but does not specify a minimum width. The state’s minimum aisle width gives industry more certainty on how to comply with the rules and is designed to allow adequate room for facility operators to inspect the hazardous waste containers and address ruptured or leaking drums, etc.</p> <p>13A .0110(h) - North Carolina rules provide alternative language stated in 15A NCAC 13A .0110(h)(1), (2), and (3). The EPA language allows for a pay-in for financial assurance that is used to ensure proper closure and post-closure care. The state rule does not allow a pay-in option that could result in closure and post-closure costs not being fully funded, potentially</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
		<p>transferring those costs to North Carolina taxpayers.</p> <p>13A .0110(i) – language was added to ensure that records are retained for at least 3 years from the date of inspections. This was added to be consistent with the record keeping requirements for generators and provides clarity to the regulatory community on what is expected for compliance.</p>
<p>15A NCAC 13A .0111 Standards for the Management of Specific Hazardous</p>	<p>40 CFR 266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities</p>	<p>13A .0111(b) – Recyclable Materials Utilized for Precious Metal Recovery – the state rule requires permitting for off-site recycling facilities as described in 15A NCAC 13A .0113(n); the federal rule does not. The state rule for off-site recycling has less stringent standards than the requirements for a normal treatment and/or storage facility, however, since the waste has more economic value than most waste streams.</p>
<p>15A NCAC 13A .0112 Land Disposal Restrictions</p>	<p>40 CFR 268 Land Disposal Restrictions (except for Subpart B – Schedule for Land Disposal Prohibition and Establishment of Treatment Standards</p>	<p>Same as federal rule.</p>
<p>15A NCAC 13A .0113 The Hazardous Waste Permit Program</p>	<p>40 CFR 270 EPA Administered Permit Programs: The Hazardous Waste Permit Program (Except for Subpart</p>	<p>15A NCAC 13A .0113(c) – The state rule is more specific about the information needed to act on a hazardous waste permit application. The information is necessary to assess the risk to human health and the environment; identifying information required also gives the applicant better guidance on how to submit a complete permit application.</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
	<p>H – Remedial Action Plans (RAPs) and Subpart J – RCRA Standardized Permits for Storage and Treatment Units))</p>	<p>15A NCAC 13A .0113(d) – Again, the state rule is more specific in identifying information required to permit a hazardous waste disposal facility – such as requires drawings and specifications for leachate collection systems, impervious liners, clay liners and waste treatment prior to disposal. The information is needed to be sure that hazardous waste will not be released to the environment. Being specific in the rule about the information required gives the applicant more guidance on how to submit a complete application.</p> <p>15A NCAC 13A .0113(e) – Additional information required to permit surface impoundments – requires drawings and specifications for leachate collection systems, impervious liners, clay liners and waste treatment prior to disposal. These requirements help to ensure that hazardous waste will not be released to the environment.</p> <p>15A NCAC 13A .0113(l) – Additional information required to permit hazardous waste facilities – The state rule requires facilities seeking a permit to disclose: the form of business, other hazardous waste facilities built or operated, legal actions taken against any facility constructed or operated by the facility or any parent or subsidiary. This information is necessary to evaluate whether the hazardous waste facility will be financially sound and comply with G.S. 130A-295(a).</p> <p>15A NCAC 13A .0113(m) - Applicants for commercial facilities must provide a justification for the need for the facility. This rule implements G. S. 130A-295(c).</p> <p>15A NCAC 13A .0113(n) – This rule sets requirements for Off-site Recycling facilities that are not regulated under the federal rules. The rule was</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
		developed to better protect human health and the environment at facilities that recycle hazardous waste. Under the rule, facilities that recycle hazardous waste have to meet the same requirements that apply to other hazardous waste treatment and storage facilities. Once recycling is completed, the product is no longer considered a hazardous waste.
15A NCAC 13A .0118 Standards for the Management of Used Oil	40 CFR 279 Standards for the Management of Used Oil	13A .0118(j) provides additional state requirements for used oil including quantities and fees to comply with G.S. 130A-309.17.
15A NCAC 13A .0119 Standards for Universal Waste Management	40 CFR 273 Standards for Universal Waste Management	Same as federal rule.

Subchapter 13B: Solid Waste Management

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
15A NCAC 13B .0800 Septage Management	40 CFR Part 503 40 CFR Part 257	The federal rule does not specify a minimum depth to ground water or bedrock. The state rule requires a specific separation in inches to the seasonal high water table to prevent groundwater contamination. The state rule also establishes a maximum allowable slope for septage land application fields to prevent the migration of waste off of the site.

<p>15A NCAC 13B .1400 Solid Waste Compost Facilities</p>	<p>40 CFR Part 503</p>	<p>The Federal rule specifies the time and temperature requirements for the compost process and the allowable heavy metal concentrations in the final product. These exact requirements were incorporated into the state rules. The state rules expand on the process and distribution requirements and outline setback, application, and operational requirements.</p>
<p>15A NCAC .0500- Disposal Sites, and Section .0600 Monitoring Requirements</p>	<p>Resource Conservation and Recovery Act, (RCRA) 40 CFR Part 257</p>	<p>The federal Solid Waste Disposal Act required states to develop plans to close open dumps and transition to permitted facilities. State rules are a response to the directive to plan and to meet minimum national standards established in Part 257 in the 1970s. Most recently Part 257 was enhanced to establish minimum national standards for the siting, monitoring and financial assurance for sanitary landfills not covered by Part 258. The federal requirements are incorporated into the state rules. As the permitting agency, the state has added to state rules information on permit process requirements. The rules also incorporate items of specific state interest such as buffers to drinking water supply wells, screening of waste, separation to groundwater, and surface water and groundwater monitoring.</p>
<p>15 A NCAC 13B .1600 Requirements for Municipal Solid Waste Landfill Facilities</p>	<p>Resource Conservation and Recovery Act (RCRA) 40 CFR Part 258</p>	<p>The Federal rule specifies minimum national criteria for municipal solid waste disposal (MSW), including liners, location restrictions, monitoring, closure and assessment. The federal requirements are incorporated into the state rules. The state rules add information on permit process requirements as directed by EPA rules for state program approval and to provide a clear direction for the permitting process for MSW facilities. The rules also incorporate items of specific state interest such as buffers to drinking water supply wells and requirements for alternate liner designs, and do not allow the use of local government guarantee for financial assurance. This mechanism was not included in the revisions made to the statutes based on Session Law 2011-262. The director of an approved state has flexibility to grant alternatives or variances to the federal rules.</p>

Title 15A, Chapter 18 Environmental Health

Subchapter 18A: Sanitation

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
<p>18A .0100 Handling, Packing and Shipping of Crustacea Meat</p>	<p>CFR 21 Part 110 (Current Good Manufacturing Practices in Manufacturing, Packing and Holding Human Food)</p>	<p>Yes</p> <ul style="list-style-type: none"> • The federal regulations require Crustacea (crab, shrimp, crayfish) processing plants follow guidance as set forth in CFR 21 110. Inspections by FDA are conducted once annually at these facilities. • State rules are equivalent to the provisions of CFR 21 110. However, under G.S. 130A-230, the state requires annual permitting of crustacea processing facilities and inspects plants at least quarterly. Potable water and finished product sampling is provided by three FDA-approved labs operated by the Division of Marine Fisheries. State inspectors work closely with industry to resolve sanitation and food safety problems and also assist plants with federal Hazard Analysis Critical Control Point requirements. • The state requirement is more stringent regarding the frequency of site inspections to better assist the crab industry with compliance with federal guidelines.
<p>18A .0427 Shellstock Storage</p>	<p>National Shellfish Sanitation Program Guide for Control of Molluscan Shellfish (2009)</p>	<p>Yes</p> <p>Standard 1: Shellstock* refrigeration storage method (*live oysters, clams, mussels with both shells still attached)</p> <ul style="list-style-type: none"> • The federal requirement allows shellstock to be “adequately iced” as a sole means of refrigeration. • The state requires shellstock be stored under mechanical refrigeration. Under G.S. 130A-230, the state requirement is more stringent because (a) ice used at fish houses is often not food grade and can contaminate live shellstock; (b) ice can cool unevenly particularly when considering that shellstock is most often bagged in bushel sacks; and (c) storage of shellstock clams on ice can lead to increased mortality and spoilage.

Subchapter 18C: Water Supplies

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
Title 15A Subchapter 18C .0100 - Definitions	Safe Drinking Water Act: 40 CFR Protection of the Environment, Parts 141 National Primary Drinking Water Regulations and 142 National Primary Drinking Water Regulations Implementation.	The state rules reflect the fact that NC statutes define a “community public water system” to include some systems that would not fall under the federal definition. Under federal rules, a community public water system is defined by the number of connections serving year-round residents. The state definition treats a public water system with the same number of connections, but serving only seasonal residents, as a community public water system. As a result, campgrounds and marinas that would be considered transient water systems under the federal definition are regulated as community water systems under state law, imposing additional drinking water monitoring requirements. Often camp grounds and marinas rent spaces on an ongoing basis to year-round residents, operating more like mobile home parks. The state law was intended to provide equivalent health protection to individuals whether they rented a space for their movable housing at a campground, marina, or a mobile home park.
Title 15A Subchapter 18C .1500 – Water Quality Standards	Safe Drinking Water Act: 40 CFR Protection of the Environment, Parts 141 National Primary Drinking Water Regulations and 142 National Primary Drinking Water Regulations Implementation.	<ol style="list-style-type: none"> 1) Concentration of Iron, .1511 (a): The state rule requires a community water system that has an iron concentration in excess of 0.30 mg/l to provide treatment to control the water quality. Federal rules have a “secondary” standard for iron concentration that is the same (0.30 mg/l), but does not mandate treatment. * National Secondary Drinking Water Standards are non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water. EPA recommends secondary standards to water systems but does not require systems to comply. However, states may choose to adopt them as enforceable standards. 2) Concentration of Manganese, .1512 (a): The state rule requires a community water system that has a manganese concentration in excess of 0.05 mg/l to provide treatment to control the water quality. *The federal rule includes a “secondary” drinking water standard for manganese at the same level, but does not require treatment. National

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
		<p>Secondary Drinking Water Standards are non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water. EPA recommends secondary standards to water systems but does not require systems to comply. However, states may choose to adopt them as enforceable standards.</p> <p>3) Public Notification Requirements, .1523 (c): The state rules establish special notification requirements for water quality samples taken from the water system's distribution system (such as sampling from a tap in a home that is served by the system). When a sample is taken from a home (or other private property), state rules require the water system to notify the property owner or tenant if the water sample exceeds a drinking water standard or tests positive for coliform bacteria. The federal rule only requires public notification for drinking water violations; in many cases, there is not an actual Safe Drinking Water Act violation unless multiple samples taken from the system exceed the standard. This rule was adopted to ensure that an individual water system customer would get information about known contamination of their drinking water even if the water system as a whole did not have a drinking standard violation.</p>
<p>Title 15A Subchapter 18C .1600 – Variances and Exemptions</p>	<p>Safe Drinking Water Act: 40 CFR Protection of the Environment, Part 142 National Primary Drinking Water Regulations Implementation.</p>	<p>n/a</p>
<p>Title 15A Subchapter 18C .2000 – Filtration and</p>	<p>Safe Drinking Water Act: 40 CFR</p>	<p>1) Disinfection .2002 (1): Under state rules, the required disinfectant levels for water entering the distribution system are 0.2 mg/l measured as free</p>

Rule Cite and Name	Federal Analog Cite & Name	More Stringent? (explain any difference)
Disinfection	Protection of the Environment, Part 141 National Primary Drinking Water Regulations	<p>chlorine when chlorine is the singular applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants. Under federal rules, the required disinfectant level for water entering the distribution system is 0.2 mg/l. The federal law does not distinguish between two very different forms of chlorine – free chlorine and chloramines. Chloramines are a much weaker disinfectant therefore higher levels at the entry point are necessary to provide equivalent health protection.</p> <p>2) Disinfection .2002 (2): The required disinfectant levels for water in the distribution system at coliform sampling sites are 0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants. Under federal rules, the required disinfectant level for water in the distribution system must be at a detectable level. The state rules clarified what it means to be “detectable” for the different chlorine forms.</p>
Title 15A Subchapter 18C .2200 Ground Water Systems	Safe Drinking Water Act: 40 CFR Protection of the Environment, Part 141 National Primary Drinking Water Regulations	.2201 Applicability and Residual Disinfectant Concentrations: State law requires that public water systems provide disinfection of the water supply. This provision details where disinfection residual levels are measured and the minimum levels.

Appendix 2: Rules without a Federal Analog, but Necessary to Fulfill a Federal Mandate

Title 15A, Chapter 1: Departmental Rules

Subchapter 1N: Drinking Water State Revolving Fund Rules

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
Title 15A NCAC 01N – Drinking Water State Revolving Fund Rules	Safe Drinking Water Act: 40 CFR Protection of the Environment, Part 141 National Primary Drinking Water Regulations, Part 142 National Primary Drinking Water Regulations Implementation.	The Capitalization Grant for the DWSRF is the mechanism by which Congress provided funding for the new programs of the 1996 Safe Drinking Water Act Amendments. The remaining federal funds and the entire state match provide funding to water systems for infrastructure improvements necessary for compliance or to protect public health. The state rules set out procedures for awarding funds from the State Revolving Fund.

Title 15A, Chapter 2: Environmental Management

Subchapters 2B: Surface Water and Wetland Standards

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
All of 02B Surface Water and Wetland Standards, Sections	Clean Water Act, 33 USC 1251 - 1387, and implementing regulations, 40 CFR Parts 122-	The Clean Water Act requires adoption of water quality standards capable of protecting the identified uses of the water body (such as water supply, recreation, fisheries habitat, etc.) In states that have

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
.0100 through .0600	126, 133 Water Programs and 40 CFR 405-469 Effluent Guidelines and Standards	delegated Clean Water Act programs, EPA provides oversight to ensure that the state's water quality standards are adequate to meet the requirements of the Clean Water Act. There are no national water quality standards. Each state adopts water quality standards for its surface waters and puts in place the programs to maintain those standards. These rules are the N.C. water quality classifications and standards necessary to meet federal Clean Water Act requirements. No parts of this Section have a federal analog except .0400 Effluent Limitations. Subparagraph .0400 incorporates specific effluent limits per 40 CFR Parts 129, 133, and 405 through 469. 15A NCAC 2B .0406 incorporates the federal rule by reference.

Subchapter 2D: Air Pollution Control Requirements

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>SUBCHAPTER 2D-AIR POLLUTION CONTROL REQUIREMENTS</p> <p>Section .0100-Definitions and References</p> <p>Section .0200-Air Pollution Sources 2D .0202 Registration</p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p>

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p><u>Section .0300-Air Pollution Emergencies</u></p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p>
<p><u>Section .0400-Ambient Air Quality Standards</u> 2D .0401, .0402, .0404-.0410</p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p>
<p><u>Section .0500-Emission Control Standards</u> 2D .0501-.0516, .0518-.0523, .0526-.0527, .0530-.0533, .0535-.0536, .0540-.0544</p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement. Other 2D .0500 rules (not in this list) are Federal Analogs or State important.</p>
<p><u>Section .0600-Monitoring: Recordkeeping: Reporting</u></p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p>
<p><u>Section .0700-Post Attainment Policy</u> (repealed)</p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain National Ambient Air Quality Standards. These rules met that requirement. After a mandatory attainment date given in an earlier (1970's) Clean Air Act edition passed, this particular procedural rule was repealed.</p>

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<u>Section .0800-Transportation Facilities</u>	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to maintain the Carbon Monoxide (CO) National Ambient Air Quality Standard. This rule meets that requirement. NC is at a quarter of this standard. The CO maintenance plan ends in 2015 and the procedures to change or remove this rule should be simplified.
<u>Section .0900-Volatile Organic Compounds</u> 2D .0901-.0925, .0929-.0931, .0933-.0959, .0961-.0968	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.
2D .0926 Bulk Gasoline Plants	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	In addition, this rule requires trucks loaded at these facilities to be certified. This assures rule compliance.
2D .0927 Bulk Gasoline Terminals	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	In addition, this rule requires the terminals to conduct a monthly leak test of their facility, using a Lower Explosive Limit meter. This assures rule compliance.
2D .0928 Gasoline Service Stations State I	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	In addition, this rule requires both fill tube and vapor recovery adaptor when the facility reaches an annual threshold of 50,000 gallons. This reduces toxic benzene emissions.
2D .0932 Gasoline Truck Tanks and Vapor Collections Systems	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	In addition, this rule sets NC certification requirements. This assures truck tanks do not leak vapors.
2D .0960 Certification of Leak Tightness Tester	Clean Air Act, 42 USC 7401 - 7671q, §110	In addition, this rule requires annual certification of testers. This assures truck tanks do not leak vapors per G.S. 143-215.107(a)(5) and (13).

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p><u>Section .1000-Motor Vehicle Emission Control Standards</u> 2D .1000 - .1007 Inspection/Maintenance</p> <p>2D .1010 Heavy-Duty Vehicle Idling Restrictions</p>	<p>Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement, notably for reducing Nitrogen Oxides emissions for Ozone air standard control.</p> <p>Idling rule authority is additionally: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b);</p>
<p><u>Section .1200-Control of Emissions from Incinerators</u> 2D .1207, 2D .1209</p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. In part these rules meet that requirement as there was an older SIP rule for incinerators. Other 2D .1200 rules control various other incinerators, and in part those rules meet the Implementation Plan requirements.</p>
<p><u>Section .1300-Oxygenated Gasoline Standard</u></p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to maintain the Carbon Monoxide (CO) National Ambient Air Quality Standard. This rule meets that requirement. NC is at a quarter of this standard. The CO maintenance plan ends in 2015 and the procedures to change or remove this contingency rule should be simplified.</p>
<p><u>Section .1400-Nitrogen Oxides</u></p>	<p>Clean Air Act, 42 USC 7401 - 7671q, §110</p>	<p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the</p>

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p><u>Section .1500-Transportation Conformity (Repealed)</u></p> <p><u>Section .1600-General Conformity</u></p> <p><u>Section .1900-Open Burning</u></p> <p><u>Section .2000-Transportation Conformity</u></p> <p><u>Section .2200-Special Orders</u></p>	<p>Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p> <p>Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans</p>	<p>National Ambient Air Quality Standards. These rules meet that requirement.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules met that requirement, but were repealed and replaced by Section 2D .2000 rules as the federal rules changed.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.</p> <p>Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement. This rule serves the same purpose as 2D .0700 did – allows compliance time extension.</p>

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<u>Section .2400-Clean Air Interstate Rules</u> <u>Section .2600-Source Testing</u>	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement. Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.

Subchapter 2H: Procedures for Permits, Approvals

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
02H Section .0400 – Coastal Waste Treatment Disposal	Clean Water Act, 33 USC 1432 and implementing regulations, 40 CFR Parts 122-126 Water Programs	The Clean Water Act requires regulation of discharges of wastes into all waters of a state. This rule was developed to prescribe the conditions that must be met to discharge wastes to Class SA, SB and SC waters (coastal salt water classifications). None of the parts of this Section contain a federal analog except for paragraph (d) of rule .0404. Historically, this part prevented discharges to the ocean. However, it was revised in the mid-1980's to allow ocean discharges if they followed the EPA Ocean Discharge Criteria found in 40 CFR 125.120-125.124.
02H Section .0500 - Water Quality Certification	Clean Water Act, 33 USC 1341 & 1344 and implementing regulations, 40 CFR 121 State Certification of Activities Requiring a Federal License or Permit and 40 CFR 230 Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material	To get a federal permit to discharge dredged or fill material into navigable waters (under Section 404 of the Clean Water Act), the permit applicant needs a certification from the state that the activity will comply with state water quality standards. This rule outlines the process for obtaining a state water quality certification, as required under Section 401 of the federal Clean Water Act.

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
02H Section .0800 - Laboratory Certification	Clean Water Act, 33 USC 1251 - 1387, and implementing regulation, 40 CFR 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	The North Carolina Wastewater/Groundwater Laboratory Certification (NC WW/GW LC) program ensures the quality of analytical data used for regulatory purposes. Laboratory certification provides confidence that the water quality data being used to show compliance with permit limits and in-stream water quality standards is accurate and reliable. The EPA requires states to participate in the federal Discharge Monitoring Report-Quality Assurance (DMR-QA) Proficiency Testing program to ensure data accuracy. N.C.'s program has been deemed equivalent to the DMR-QA Proficiency Testing program so our NC permittees do not have to participate in the Federal program.
02H Section 1000 Stormwater Management	Clean Water Act, 33 USC 1432 and 1313 and implementing regulations, 40 CFR 122.26 Stormwater Discharges	Under the federal Clean Water Act, a permit is required for all discharges of wastes to waters of the United States (which includes all state surface waters). EPA rules include stormwater in the definition of "waste" and require states with delegated Clean Water Act permitting programs to permit stormwater discharges. The federal requirements for stormwater permitting are general; under EPA oversight, the state must develop specific stormwater control requirements that are capable of protecting water quality standards.
02H Section .1100 - Biological Laboratory Certification	Clean Water Act, 33 USC 1251 - 1387, and implementing regulation, 40 CFR 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	Ensuring the quality of biological data that is used for regulatory purposes is vital to the public interest as it provides confidence that permit limits and instream standards are being met, reducing the probability of pollution and lawsuits against the State and regulated community. North Carolina has instituted a certification program to have consistent minimum standards for all certified labs to follow. The EPA requires States to participate in the Discharge Monitoring Report-Quality Assurance (DMR-QA) Proficiency Testing program to ensure data accuracy. Our program has been deemed equivalent to the DMR-QA Proficiency Testing program so our NC permittees do not have to participate in the Federal program.

Subchapter 2J: Civil Penalties

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
02J Section .0100 Civil Penalties	Clean Water Act, 33 USC 1319 Enforcement	As a state with a federally delegated Clean Water Act program, N.C. is required to have adequate procedures for enforcing Clean Water Act permitting requirements. The rule provides procedures governing the assessment, remission, mitigation and appeal of civil penalties by the EMC. State fines are equal to or less than those found in 33 USC 1319.

Subchapter 2N: Underground Storage Tanks

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC Subchapter 02N Section .0900 Performance Standards for UST System or UST System Component Installation or Replacement Completed On or After November 1, 2007	Federal Energy Policy Act of 2005 – Amended Subtitle I of the Solid Waste Disposal Act (42 USC 6991 et seq.) Sec. 1530: Additional Measures To Protect Groundwater	The state’s rules require that on or after November 1, 2007, new UST systems or UST system components and replacement UST systems or UST system components must be provided with secondary containment (double-walled construction and interstitial leak detection monitoring).

Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC Subchapter 02P Sections .0100 through .0400: Leaking Petroleum Underground Storage Tank Cleanup Funds	40 CFR Part 280 Subpart H -Underground Storage Tanks Containing Petroleum: Financial Responsibility Requirements.	40 CFR Part 280 requires owners and/or operators to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. The most employed and least costly federally approved mechanism for owners and operators for this purpose is the use of a state trust fund. Although EPA provides oversight and guidance for delegated state RCRA programs, there are no federal regulations for the

		administration and operation of state trust funds. The states adopt regulations and put in place programs to administer this financial responsibility mechanism.
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Subchapter 2Q: Air Quality Permit Procedures

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
SUBCHAPTER 2Q-AIR QUALITY PERMIT PROCEDURES		
<u>Section .0100-General Provisions</u>	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.
<u>Section .0200-Permit Fees</u> [2Q .0207 is also part of the SIP.]	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.
<u>Section .0300-Construction and Operation Permits</u>	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement. 2Q .0113 Notification in Areas Without Zoning, 2Q .0302 Activities Not Likely To Contravene Demonstration and 2Q .0112 Applications Requiring Professional Engineer Seal address particular state procedural issues.
<u>Section .0600-Transportation Source Procedures</u>	Clean Air Act, 42 USC 7401 - 7671q, §110 Implementation Plans	Clean Air Act requires NC to adopt a State Implementation Plan including procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.
<u>Section .0900-Permit</u>	Clean Air Act, 42 USC	Clean Air Act requires NC to adopt a State Implementation Plan including

<u>Exemptions</u>	7401 - 7671q, §110 Implementation Plans	procedures and emission control rules to attain and maintain all the National Ambient Air Quality Standards. These rules meet that requirement.
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Subchapter 2T: Waste Not Discharged to Surface Waters

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC Subchapter 2T Sections .0100 General Requirements and .1500 Soil Remediation	Solid Waste Disposal Act Sections 1008, 4003, 4007	The state rule establishes permitting requirements for storage and land application of petroleum contaminated soils.

Title 15A, Chapter 3: Marine Fisheries

Subchapters 03H: General Information; 03I: General Rules; 03J: Nets, Pots, Dredges, and Other Fishing Devices; 03K: Oysters, Clams, Scallops and Mussels; 03L: Shrimp, Crabs, and Lobster; 03M: Finfish; 03O: Licenses, Leases, Franchises, and Permits; 18A: Sanitation

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03I .0116 - Coral and Live Rock</p> <p>03K .0505 - Sea Scallops Size Limit and Tolerance</p> <p>03L .0302 - Spiny Lobster</p> <p>03M .0506 - Snapper-Grouper Complex</p> <p>03M .0507 - Billfish</p> <p>03M .0515 - Dolphin</p> <p>03M .0516 - Cobia</p> <p>03M .0517 - Wahoo</p> <p>03M .0520 - Tuna</p>	<p>Magnuson-Stevens Fishery Conservation and Management Act</p>	<p>The Magnuson-Stevens Fishery Conservation and Management Act requires states to comply with certain provisions of federal fishery management plans (FMPs). These rules provide the mechanism for North Carolina to implement these requirements in a timely manner. The requirements are contained in the following FMPs:</p> <ul style="list-style-type: none"> ➤ South Atlantic Fishery Management Council Coral, Coral Reef, and Live/Hardbottom Habitat FMP ➤ New England Fishery Management Council Sea Scallop FMP ➤ South Atlantic Fishery Management Council Spiny Lobster FMP ➤ South Atlantic Fishery Management Council Snapper-Grouper FMP ➤ National Marine Fisheries Service Billfish FMP ➤ South Atlantic Fishery Management Council Dolphin/Wahoo FMP ➤ South Atlantic Fishery Management Council Coastal Migratory Pelagic Species FMP ➤ National Marine Fisheries Service FMP for Atlantic Tuna, Swordfish and Sharks

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03L .0207 - Horseshoe Crabs</p> <p>03L .0301 - American Lobster (Northern Lobster)</p> <p>03M .0201 - General</p> <p>03M .0202 - Season, Size and Harvest Limit: Internal Coastal Waters</p> <p>03M .0204 - Season, Size and Harvest Limit: Atlantic Ocean</p> <p>03M .0501 - Red Drum</p> <p>03M .0504 - Trout</p> <p>03M .0508 - Sturgeon</p> <p>03M .0510 - American Eel</p> <p>03M .0519 - Shad</p> <p>03O .0503 - Permit Conditions; Specific</p>	<p>Atlantic Coastal Fisheries Cooperative Management Act</p>	<p>The Atlantic Coastal Fisheries Cooperative Management Act requires all member states to comply with provisions of Atlantic States Marine Fisheries Commission (ASMFC) fishery management plans (FMPs). These rules provide the mechanism for North Carolina to implement these requirements in a timely manner. The requirements are contained in the following ASMFC FMPs:</p> <ul style="list-style-type: none"> ➤ Interstate FMP for Horseshoe Crab ➤ Interstate FMP for American Lobster ➤ Striped Bass FMP ➤ FMP for Red Drum ➤ Interstate FMP for Spanish Mackerel, Spot, and Spotted Seatrout ➤ Interstate FMP for Atlantic Sturgeon ➤ Interstate FMP for American Eel ➤ Interstate FMP for Shad and River Herring

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03M .0301 - Spanish and King Mackerel</p> <p>03M .0302 - Purse Gill Net Prohibited</p> <p>03M .0503 - Flounder</p> <p>03M .0511 - Bluefish</p>	<p>Magnuson-Stevens Fishery Conservation and Management Act; Atlantic Coastal Fisheries Cooperative Management Act</p>	<ul style="list-style-type: none"> • The Magnuson-Stevens Fishery Conservation and Management Act requires states to comply with certain provisions of federal fishery management plans (FMPs). This rule provides the mechanism for North Carolina to implement these requirements in a timely manner. The requirements are contained in the following FMPs: <ul style="list-style-type: none"> ➤ South Atlantic Fishery Management Council Coastal Migratory Pelagic Species FMP ➤ Mid-Atlantic Fishery Management Council Summer Flounder, Scup and Black Sea Bass FMP ➤ Mid-Atlantic Fishery Management Council FMP for the Bluefish Fishery • The Atlantic Coastal Fisheries Cooperative Management Act requires all member states to comply with provisions of Atlantic States Marine Fisheries Commission (ASMFC) FMPs. This rule provides the mechanism for North Carolina to implement these requirements in a timely manner. The requirements are contained in the following ASMFC FMPs: <ul style="list-style-type: none"> ➤ Interstate FMP for Spanish Mackerel, Spot, and Spotted Seatrout ➤ Summer Flounder, Scup and Black Sea Bass FMP ➤ FMP for the Bluefish Fishery

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03J .0104 - Trawl Nets</p> <p>03L .0103 - Prohibited Nets, Mesh Sizes and Areas</p>	<p>Magnuson-Stevens Fishery Conservation and Management Act; 50 CFR Part 222.102 Definitions, 50 CFR 223.205 (a) and Part 223.206 (d) Gear Requirements for Trawlers and 50 CFR Part 223.207 Approved TEDs</p>	<ul style="list-style-type: none"> • The Magnuson-Stevens Fishery Conservation and Management Act requires states to comply with certain provisions of federal fishery management plans. These rules provide the mechanism for North Carolina to implement these requirements in a timely manner, including the use of Bycatch Reduction Devices. The requirements are contained in the South Atlantic Fishery Management Council Shrimp Fishery Management Plan. • 50 CFR 223.205 (a), 223.206 (d), and 223.207 designate requirements for trawlers and for the use of Turtle Excluder Devices that affect participants of the shrimp fishery within North Carolina coastal waters.
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03J .0202 - Atlantic Ocean</p>	<p>Atlantic Coastal Fisheries Cooperative Management Act; Marine Mammal Protection Act of 1972</p>	<ul style="list-style-type: none"> • The Atlantic Coastal Fisheries Cooperative Management Act requires all member states to comply with provisions of Atlantic States Marine Fisheries Commission fishery management plans. This rule provides the mechanism for North Carolina to implement these requirements in a timely manner. The requirements are contained in the Atlantic States Marine Fisheries Commission Weakfish Fishery Management Plan. • The Marine Mammal Protection Act, NOAA Fisheries Service implemented the Harbor Porpoise Take Reduction Plan (HPTRP) to reduce interactions between harbor porpoise and commercial gillnet gear capable of catching multispecies in both the Gulf of Maine and the Mid-Atlantic. This rule provides the mechanism for North Carolina to implement the requirements

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
		contained in the HPTRP in a timely manner.
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0102 - Temporary Suspension of Rules</p> <p>03M .0512 - Compliance with Fishery Management Plans</p> <p>03I .0107 - Endangered or Threatened Species</p>	Endangered Species Act of 1973	The Endangered Species Act requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and/or the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. These rules provide the mechanism for North Carolina to implement requirements of permits issued to the state pursuant to the Endangered Species Act (i.e., Incidental Take Permit).
<p>03I .0110 - Military Danger Zones and Restricted Areas</p>	Title 33 United States Code Section 3; 33 CFR 334.410 through 334.450	33CFR 334.410 through 334.450 designates danger zones and restricted areas within North Carolina coastal waters. This rule provides the mechanism for North Carolina to comply with the federal rules.
<p>03H .0103 - Proclamation Authority of Fisheries Director</p> <p>03I .0119 - Prohibited Fishing Activity Due to Public Health or Safety</p> <p>03I .0121 - Maps and Marking</p> <p>03K .0101 Prohibited Shellfish Areas/Activities</p> <p>03K .0104 - Permits for Planting Shellfish from Prohibited/Polluted</p>	National Shellfish Sanitation Program Guide for Control of Molluscan Shellfish (2009)	<ul style="list-style-type: none"> • The federal guide for control of molluscan shellfish provides minimum guidelines to states wishing to harvest, sell and ship molluscan shellfish into interstate commerce. • This guide is developed by the Interstate Shellfish Sanitation Conference, a federal-state and industry cooperative body that meets biennially to revise this guidance. • North Carolina complies with the provisions as set forth in the guidance document, also known as the Model Ordinance. • Compliance with the Model Ordinance is checked

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>Areas</p> <p>03K .0106 - Taking or Unloading Oysters and Clams on Sunday or at Night</p> <p>03K .0107 - Depuration of Shellfish</p> <p>03K .0109 - Shellfish Harvester and Dealer Tags</p> <p>03K .0401 - Prohibited (Polluted) Area Permit Requirement</p> <p>03K .0403 - Disposition of Meats</p> <p>03K .0405 - Oysters, Mussels, Hard Clams Prohibited</p> <p>03O .0101 - Procedures and Requirements to Obtain Licenses, Endorsements and Commercial Fishing Vessel Registrations</p> <p>03O .0105 - Bait and Mussel Dealers</p> <p>03O .0201 - Standards for Shellfish Bottom and Water Column Leases</p> <p>03O .0202 - Shellfish Bottom and Water Column Lease Applications</p> <p>03O .0205 - Lease Renewal</p> <p>03O .0503 - Permit Conditions; Specific</p> <p>03O .0506 - Special Permit Required</p>		<p>annually by the U.S. Food and Drug Administration.</p>

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
for Specific Management Purposes		

Title 15A, Chapter 4: Sedimentation Control

Subchapter 4B: Erosion and Sediment Control

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
Sedimentation Pollution Control Act 15A NCAC 04B.0107 (b)	Federal Clean Water Act Construction Stormwater Permit NCG01000 Section II B 2	Less Stringent Federal Construction Stormwater Management rules requires that ground cover be established with 7-14 days after disturbance. SPCA requires ground cover with 21 days.

Title 15A, Chapter 7: Coastal Management

Subchapter 7A: Organization and Duties

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 07A .0101 Division of Coastal Management	Coastal Zone Management Act, U.S.C. § 1455	<p>The North Carolina Coastal Program is authorized under the Coastal Area Management Act of 1974 (CAMA), Article 7 of North Carolina General Statutes Chapter 113A. CAMA was adopted in response to the federal Coastal Zone Management Act of 1972 (CZMA), which set up a cooperative federal-state-local program for coastal management.</p> <p>CZMA does not require states to have coastal management programs, but encourages participation by 1) giving participating states the standing to determine whether proposed federal activities or permits might adversely impact the state’s coastal zone; and 2) providing federal grant assistance to administer and the state’s coastal program and to participation in the national Estuarine Research Reserve Program.</p> <p>Federal financial assistance for NC’s coastal program comes in the form of matched and unmatched grants, primarily under Sections 306, 309, and 315 of the CZMA. CZMA grant awards are contingent upon the State having a federally-approved coastal management program that addresses several defined program elements. The coastal management program must include elements set out in U.S.C. § 1455: 1) identifies and evaluates coastal resources recognized in CZMA as requiring management or protection by the state; 2) provides for reexamination of existing policies or development of new policies to manage coastal resources; 3) identifies specific uses and geographic areas that are subject to the coastal management program based on the nature of identified coastal concerns; 4) identifies the inland and seaward areas subject to the management program; 5) provides for the consideration of national interest in the planning for and siting of facilities that meet more than local requirements; 6) includes sufficient legal</p>

		<p>authorities to implement the program and follows an open process that considers the interests of the public, special interest groups, local governments and regional, State, interstate and Federal agencies; 7) provides for public participation in permitting processes; 8) provides a mechanism to ensure all state agencies adhere to the program; and 9) contains enforceable policies to implement the requirements of the Coastal Nonpoint Pollution Control Program.</p> <p>15A NCAC 07A .0101 establishes the Division of Coastal Management to provide staff support in the administration of the CZMA.</p>
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Subchapter 7B CAMA Land Use Planning

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 07B CAMA Land Use Planning	CZMA	CZMA requires a management program to coordinate its program with local, areawide and interstate plans applicable to areas in the coastal zone. 15 CFR Part 923.3 requires that the management program provide for the management of those land and water uses having a direct and significant impact on coastal waters and areas that are likely to be affected by or vulnerable to sea level rise.

Subchapter 7H State Guidelines for Areas of Environmental Concern

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7H – State Guidelines for Areas of Environmental Concern	CZMA	CZMA states that a state management program must provide for the inventory and designation of areas that contain one or more coastal resources of national significance and specific and enforceable standards to protect such resources. In addition, the state program shall identify critical coastal areas within which any new land uses or substantial expansion of existing land uses shall be subject to management measures in addition to nonpoint source pollution control measures. Subpart C of 15 CFR Part 923 sets forth the requirements for areas for Special Management Areas, including requiring management programs to provide guidelines regarding priorities of uses in those areas. In conjunction with 15A NCAC 7J and 7K,

		these rules meet those requirements by describing the designation of areas of environmental concern and standards of use for them.
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Subchapter 7I Secretary's Grant Criteria and Procedures for Local Implementation and Enforcement Programs Under the Coastal Area Management Act

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7I Sections .0100 through .0400	CZMA	Federal grants may be made to coastal states to provide funding for development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives (16 U.S.C. 1456b). CZMA grant awards are contingent upon the State having a federally-approved coastal management program that addresses the defined program elements. These CZMA program elements represent the initial basis, enabled through the CAMA, for the regulations adopted by the N.C. Coastal Program. Requirements for the grants are set out in 15 CFR Part 923 Subparts I through L. 16 U.S.C. 1455a (e) allows for these grants to be allocated to a local government, an areawide agency, or an interstate agency. These rules meet those requirements by establishing the means by which a local government may request and receive such grant funds.
15A NCAC 7I Sections .0500 through .0700	CZMA	15CFR Part 923 Subpart E – Authorities and Organization requires the state to provide for any one or a combination of general techniques specified in subsection 306(d)(11) of the Act for the control of land uses and water uses within the coastal zone. The first such control technique is state establishment of criteria and standards for local implementation (subject to administrative review and enforcement). These rules meet those requirements.

Subchapter 7J Procedures for Handling Major Development Permits, Variance Requests, Appeals from Minor Development Permit Decisions, and Declaratory Rulings

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7J – Procedures for Processing and Enforcement of Major and Minor Development Permits, Variance Requests, Appeals from Permit Decisions, Declaratory Rulings and Static Line Exceptions	CZMA	CZMA states that the state management program must provide for the inventory and designation of areas that contain one or more coastal resources of national significance and specific and enforceable standards to protect such resources. In addition, the state program shall identify critical coastal areas within which any new land uses or substantial expansion of existing land uses shall be subject to management measures in addition to nonpoint source pollution control measures. Subpart C of 15 CFR Part 923 sets forth the requirements for areas for Special Management Areas, including requiring management programs to provide guidelines regarding priorities of uses in those areas. These rules meet those requirements.

Subchapter 7K Activities in Areas of Environmental Concern which Do Not Require a Coastal Area Management Act Permit

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7K – Activities in Areas of Environmental Concern Which Do Not Require a Coastal Management Act Permit	CZMA	CZMA states that the state management program must provide for the inventory and designation of areas that contain one or more coastal resources of national significance and specific and enforceable standards to protect such resources. In addition, the state program shall identify critical coastal areas within which any new land uses or substantial expansion of existing land uses shall be subject to management measures in addition to nonpoint source pollution control measures. Subpart C of 15 CFR Part 923 sets forth the requirements for areas for Special Management Areas, including requiring management programs to provide guidelines regarding

		priorities of uses in those areas. In conjunction with 15A NCAC 7H and 7J, these rules meet those requirements.
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Subchapter 7L Local Planning and Management Grants

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7L – Local Planning and Management Grants	CZMA	The purpose of the Rules in this Subchapter is to establish the criteria and procedures for funding grants authorized under 16 U.S.C. 1455a (e), as explained in the row for 15A NCAC 7I Sections .0100 through .0400.

Subchapter 7M General Policy Guidelines for the Coastal Area

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7M – General Policy Guidelines for the Coastal Area	CZMA, 16 U.S.C. Sec. 1453	The general requirements for a management program in CZMA are set out in 15 CFR 923.3. The rules in 15A NCAC 7M establish generally applicable objectives and policies to be followed in the public and private use of land and water areas in coastal NC.

Subchapter 7O North Carolina Coastal Reserve

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15A NCAC 7O – North Carolina Coastal Reserve	CZMA	15 CFR 923 Subpart C sets forth the requirements for areas for Special Management Areas, including “procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, historical or esthetic values, and the criteria for such designations.” These rules meet that requirement.

Title 15A, Chapter 13: Solid Waste Management

Subchapter 13B: Solid Waste Management

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
15 A NCAC 13B .0700 Administrative Penalty	40 CFR 239.8, 256.21, and 271.16	The authority for penalty and enforcement of solid and hazardous waste management rules. Establishes the standards to set the amount of the administrative penalty.
15 A NCAC 13B .1603 General Application Requirements and Processing	Resource Conservation and Recovery Act, (RCRA), 40 CFR Part 239, Part 258	Part 239 of the federal act requires the state to adopt programs and have authority to issue permits, take enforcement and issue penalties. The state rule sets the requirements for North Carolina's approved program. The state rule also sets out the requirements for public participation in the permitting process for a landfill. The director of an approved state has flexibility to grant alternatives or variances to the federal rules.

Title 15A, Chapter 18: Environmental Health

Subchapter 18A: Sanitation

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
<p>18A .3400 - Coastal Recreational Waters Monitoring, Evaluation, and Notification</p>	<p>Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000. Public law 106-284</p>	<ul style="list-style-type: none"> • The U.S. Environmental Protection Agency (EPA) administers the BEACH Act which requires coastal states to implement recreational water quality programs. • North Carolina’s Recreational Water Quality rules follow EPA guidance for criteria to implement and develop a comprehensive coastal water quality monitoring program.
<p>18A .0300 - Sanitation of Shellfish-General</p> <p>18A .0400 - Sanitation of Shellfish-General Operation Standards</p> <p>18A .0500 - Operation of Shellstock Plants and Reshippers</p> <p>18A .0600 - Operation of Shellfish Shucking and Packing Plants and Repacking Plants</p> <p>18A .0700 - Operation of Depuration (Mechanical Purification) Facilities</p> <p>18A .0800 - Wet Storage of Shellstock</p> <p>18A .0900 - Classification of</p>	<p>National Shellfish Sanitation Program Guide for Control of Molluscan Shellfish (2009)</p>	<ul style="list-style-type: none"> • The federal guide for control of molluscan shellfish provides minimum guidelines to states wishing to harvest, sell and ship molluscan shellfish into interstate commerce. • This guide is developed by the Interstate Shellfish Sanitation Conference, a federal-state and industry cooperative body that meets biennially to revise this guidance. • North Carolina complies with the provisions as set forth in the guidance document, also known as the Model Ordinance. • Compliance with the Model Ordinance is checked annually by the U.S. Food and Drug Administration.

Shellfish Growing Waters		
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Subchapter 18C: Water Supplies

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
Title 15A Subchapter 18C .0200 – Location of Sources of Public Water Supplies	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0200 covers the location of sources for public water supplies. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0300- Submission of Plans: Specifications: and reports	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0300 covers the documentation regarding plans specification and reports which need to be submitted. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0400 Water Supply Design Criteria	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0400 covers the design criteria related to wells, surface facilities, treatment facilities, finished water storage, distribution, electrical, lead free construction, and numbers of service connections. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund,

	construction plan review program; Capacity Development Program Section 1420(c)	states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0500 Supplemental Design Criteria	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0500 covers the applicability regarding supplemental design criteria under .0500 - .1000. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0600 – Raw Surface Water Facilities	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0600 covers raw (untreated) surface water facilities covering pre-settling reservoirs, intakes intake conduits and pump/power facilities. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0700 – Surface Water Treatment Facilities	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0700 covers surface water treatment facilities, including rapid mixing, air mixing, mechanical flocculation, baffled mixing and flocculation basin, conduit, sedimentation basins, solids contact units, gravity filters, prevention of backflow, non conventional plants, alternative filtration technologies, direct filtration,

	construction plan review program; Capacity Development Program Section 1420(c)	pressure filters, and pilot plant studies. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0800 - Hydropneumatic Storage Tanks	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0800 covers storage tanks including determining minimum effective volume; peak demands; determining total volume; and ground, hydropneumatic and elevated storage. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .0900 – Distribution Systems	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .0900 covers the distribution system, including size and length of water mains, pipe laying, testing of new mains, valves, and location relative to sewer mains. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .1000 – Disinfection of Water	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .1000 covers disinfection of water supply systems, including disinfection of systems, new wells,

Supply Systems	References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	storage tanks, distribution systems, and filters. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .1100 – Protection of Unfiltered Public Water Supplies	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .1100 covers the protection of unfiltered public water supplies. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .1200 – Protection of Filtered Public Water Supplies	Safe Drinking Water Act - 142.10(b)(5);EPA Strategic Plan References 2.1.1, SP-1 And SP-2. Maintain a water system design and construction plan review program; Capacity Development Program Section 1420(c)	North Carolina is required to have a plan review program covering all aspects of water system design and construction. .1200 covers the protection of filtered water supplies. In addition, to be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .1300 – Operation of Public Water Supplies	Safe Drinking Water Act - 1420(c) Maintain a water system design and construction plan review program; Capacity	To be eligible for NC receiving a capitalization grant from the federal Drinking Water State Revolving Fund, states must develop and implement a capacity development program designed to help maintain and enhance the capability of new and existing water systems to comply with the provision of the Safe Drinking Water Act. For technical capacity, NC uses a set of

	Development Program Section 1420 (c)	minimum design standards that protect the public from contamination due to improperly designed water systems.
Title 15A Subchapter 18C .1900 – Administrative Penalties	Safe Drinking Water Act: 40 CFR Protection of the Environment, Part 142 National Primary Drinking Water Regulations Implementation.	North Carolina is required to have enforcement authority for violations of the Safe Drinking Water Act. This section details the process for assessing administrative penalties.
Title 15A Subchapter 18D – Rules Governing Water Treatment Facility Operators	CFR Vol. 64, Number 24	Ensuring the knowledge and skills of public water system operators is widely considered one of the most important, cost-effective means to strengthen drinking water safety. To that end, the SDWA requires all states to carry out a program of operator certification. This subchapter details the requirements for the state program: the objective of the program should be to ensure every water system has (directly, under contract, or in conjunction with other systems,) an operator to perform certain key compliance functions, and who is trained and certified to the right level that each state determines is appropriate to the functions, facilities and operations of that system
Title 15A NCAC 01N – Drinking Water State Revolving Fund Rules	Safe Drinking Water Act: 40 CFR Protection of the Environment, Part 141 National Primary Drinking Water Regulations, Part 142 National Primary Drinking Water Regulations Implementation.	The Capitalization Grant for the DWSRF is the mechanism by which congress provided funding for the new programs of the 1996 Safe Drinking Water Act Amendments. The remaining federal funds and the entire state match provide funding to water systems for infrastructure improvements necessary for compliance or to protect public health.

Subchapter 18D: Water Treatment Facility Operators

Section Cite and Name	Federal Mandate Cite and Name	Description of How Rule Meets Federal Mandate
Title 15A Subchapter 18D – Rules Governing Water Treatment Facility Operators	CFR Vol. 64, Number 24	Ensuring the knowledge and skills of public water system operators is widely considered one of the most important, cost-effective means to strengthen drinking water safety. To that end, the SDWA requires all states to carry out a program of operator certification. This subchapter details the requirements for the state program: the objective of the program should be to ensure every water system has (directly, under contract, or in conjunction with other systems,) an operator to perform certain key compliance functions, and who is trained and certified to the right level that each state determines is appropriate to the functions, facilities and operations of that system.

Appendix 3: Rules without a Federal Analog or Mandate, but an Important State Purpose

Title 1, Chapter 25: Environmental Policy Act

Chapter 25: Environmental Policy Act

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
1 NCAC 25	G.S. 113A, Article 1	The rules implement the Environmental Policy Act that was enacted, among other things, to create public awareness of our environment and its related programs, to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public monies or use of public land; and to provide a means to implement these purposes.

Title 15A, Chapter 1: Departmental Rules

Subchapter 1C: Conformity with North Carolina Environmental Policy Act

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Subchapter 1C	G.S. 113A, Article 1 Environmental Policy Act	The rules establish DENR procedures for implementing the state Environmental Policy Act (SEPA) consistent with the statute and rules adopted by the Department of Administration. In addition to describing DENR's process for complying with SEPA, the DENR rules create a number of exemptions from SEPA review requirements.

Subchapter 1F: Tax Credit Certification of Real Properties Donated for Conservation Purposes

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Subchapter 1F Tax Credit Certification of Real Properties Donated for Conservation Purposes including .0101 Purpose and Scope .0102 Definitions .0103 Participating Divisions, .0104 Application: Certification, .0105 Timing; .0106 Reconsideration of Application.	G.S. 105-130.34 Credit for certain real property donations (C Corporations); 105-151.12 Credit for certain real property donations (Individual)	Establishes the procedures for the certification of the conservation value and public benefit of donations of property to the state, local governments, or qualified environmental organizations.
Title 15A NCAC 1L – State Clean Water Bond Loan Program	S.L. 1998, c 132, s.10	These rules detail the administration of the funding from the State Clean Water Bonds of 1998. Eligibility, applications, rankings, etc., are covered.

Subchapter 1G: Resolution of Submerged Lands Claims

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Section .0100 Introduction and Delegations	G.S. 113-205	DENR resolved all submerged land claims and filed a Declarations of Final Resolution with the register of deeds that references the delegation of authority in 1G.0103. It is important to retain 1G.0103 along with .0101 and 0102 so that the adequate legal authority and references remain in place to support the resolution of claims.

Subchapter 1K: Groundwater Protection Loan Fund

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Sections .0100 Program Scope; .0200 Application; .0300 Loan Admin.; .0400 Loan Conditions.	G.S. 143-215.94P Groundwater Protection Loan Fund	Provided loans not to exceed \$100,000 per site to owners of underground petroleum storage tanks for upgrading or replacement of tank systems to meet technical standards set forth in 15A NCAC 2N relating to corrosion protection, spill and overfill containment and prevention and leak detection. All approved loans were funded on or before June 30, 1995 and all loans were re-paid by the end of FY10. Program has ended.

Subchapter 1S: Office of Environmental Education

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 01S .0101 – Fees	G.S. 143B-285.21; 143B-285.22; 143B-285.23; 150B-19(5)(d)	This rule provides for the Office of Environmental Education to collect an enrollment application and charge a fee (\$50) for enrollment in the North Carolina Environmental Education Certification Program.

Title 15A, Chapter 2: Environmental Management

Subchapter 2C: Well Construction Standards

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02C Section .0100 - Water Supply And Certain Other Wells	NCGS 87-83 through 99 The Well Construction Act, specifically: 87-87 Authority to adopt rules, regulations and procedures; 87-88 General standards and requirements; 143-215.3(a)(1) General powers of Commission and Department; auxiliary powers	By providing for the proper construction, location, repair, and abandonment of wells in the State, this rule protects the public health and groundwater resource for public drinking water supply and surface water recharge. This rule is mandated by the Well Construction Act (G.S. 87-83 through 99).
02C Section .0200 – Well Construction Standards Applicable To Injection Wells	NCGS 87-87 Authority to adopt rules, regulations and procedures;	This rule establishes classes of injection wells and sets out requirements and procedures for permitting, constructing, operating, monitoring, reporting, and abandoning approved types of injection wells. The rules also establish standards for abandoning, monitoring, and reporting un-permitted wells used for the injection of wastes or any substance that would threaten human health or otherwise make those waters unsuitable for the intended best usage.

Subchapter 2D: Air Pollution Control Requirements

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
<u>Section .0200-Air Pollution Sources</u> 2D .0201 Classification of Air Pollution Sources	G.S. 143-215.3(a)(1); 143-215.107(a)(4); Air Pollution Control	Rule meets the NC statutory requirement to classify sources
<u>Section .0400-Ambient Air Quality Standards</u> 2D .0403 Total Suspended Particulate Matter	G. S. 143-215.3(a)(1); 143-215.107(a)(6)-(7); Air Pollution Control	To address environmental and public welfare and citizen concerns with nuisance particle pollution and soiling of property, the historical standard for total (as well as finer/smaller) particles was retained.
<u>Section .0500-Emission Control Standards</u>		
2D .0537 Control of Mercury Emissions	G.S. 143-215.3(a)(1); 143-215.107(a)(5); Air Pollution Control	To address severe mercury contamination in NC lakes and rivers, this rule limits very high emission of Mercury from certain facilities (not subject to standards on emissions for mercury in Rule .0530, .1110, or .1111 of Subchapter 2D).
2D .0538 Control of Ethylene Oxide Emissions	<i>G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5); 143-215.108(c);</i> Air Pollution Control	To allow construction of new healthcare products emission sources with otherwise unhealthful emission of carcinogenic Ethylene Oxide. Only this small subset of the sources that are subject to a more widely applicable Federal standard under CAA §112, and must meet a higher emission reduction standard for sterilizer exhaust.
2D .0539 Odor Control from Feed Ingredient Manufacturing Plants	G.S. 143-215.3(a)(1); 143-215.66; 143-215.107 (a)(5); Air Pollution Control	Addresses gross public nuisance odor effects of facilities (rendering plants) that do not use the high degree of emission control needed to result in even marginal public acceptance of such facilities.
<u>Section .1100-Control of Toxic Air Pollutants</u> 2D .1101-.1108	G.S. 143-215.3(a)(1); 143-215.107(a)(1),(3),(4),(5); Air Pollution Control, 143B-282; S.L. 1989, c. 168, s. 45;	Address human health concerns by limiting citizen exposure to Toxic Air Pollutants at levels that can cause adverse effects. Particularly to those pollutant emissions and from facilities not considered by federal programs, but in coordination with other requirements that are parts of a facility's permit.
<u>Section .1800-Control of Odors</u>	G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-	The rules provide a way to reduce and manage nuisance odors from large animal operations and other facilities with odorous emissions.

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
	215.108(a); Air Pollution Control	G.S. 143-215.107(a)(11) specifically directed the Department “to develop and adopt economically feasible standards and plans necessary to implement programs to control the emission of odors from animal operations” after significant public concerns were raised about odors from large hog farms.
<u>Section .2300-Banking Emission Reduction Credits</u>	G.S. 143-215.3(a)(1); 143-215.107(a)(12); Air Pollution Control	Not required, but done as service to NC companies looking for emission credits or banking them to sell for use in permitting in areas violating clean air standards, and to encourage voluntary emission reductions per General Statutes - authority 143-215.107(a)(12); Air Pollution Control

Subchapter 02E: Water Use Registration and Allocation

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Section .0300: Registration of Water Withdrawals and Transfers	G.S. 143-215.22H: Registration of water withdrawals and transfers required	Records the location and volume of large ground water and surface water withdrawals in the state. Establishes an historical record of water withdrawers and their volume of use that is used by state agencies, local governments, industries, and other entities in estimating water availability, identifying impacts of proposed water-related projects, and identifying parties at risk of experiencing detrimental impacts during water shortages. Documents surface water transfers between designated river basins indicating areas where further investigation may be needed to identify detrimental environmental impacts.
Section .0400: Regulation of Surface Water Transfers	G.S. 143-215.22G; G.S. 143-215.22L: Regulation of Surface Water Transfers	The intent of the law is to regulate large surface water transfers between river basins. The rule clarifies the method by which the amount of the transfer is calculated; defines the responsible party; and clarifies the factors used to determine the grandfathered transfer capacity.
Section .0500: Central Coastal Plan Capacity Use Area	G.S. 143-215.11 et seq.: Water Use Act of 1967	Requires permits for all ground water use above 100,000 gallons per day within the fifteen counties making up the Central Coastal Plain region where withdrawals from certain aquifers had exceeded the aquifers' recharge rates. The water use permitting process is outlined in rule .0502. Withdrawal reduction requirements to bring about the long-term productivity of the ground water resources are mandated in rule .0503. Registration requirements for both surface and ground water withdrawals above 10,000 gallons per day are described in rule .0505.
Section .0600: Water Use During Droughts and Water Supply Emergencies	S.L. 2002-167: An act to direct units of local government to evaluate their efforts to conserve water, to direct the Environmental Management Commission	Establishes minimum standards and practices for water shortage response planning, water use reporting, water conservation, and water reuse during droughts and water supply emergencies to minimize the harmful impacts of drought and water supply emergencies on public health and safety, environmental quality, and the economy. Community water systems, state agencies, industrial water withdrawers, and agricultural operations develop a structured protocol for responding to water shortages to minimize the

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
	to adopt rules governing water conservation....	detrimental impacts to their operations, local economies, and public health.

Subchapter 02G: Water Resources Programs

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Section .0100: State Participation in Water Resources Projects	G.S. 143-215.70 et seq.; 143-355: Grants for Water Resources Development Projects	These rules set out the procedures for implementing the state water resources grant program which allows for state cost-sharing on water resource development projects. Six types of projects are eligible: General Navigation, Recreational Navigation, Water Management, Stream Restoration, Beach Protection, Land Acquisition and Facility Development for Water-Based Recreation. The projects include federally planned projects requiring non-federal matching funds and local cost share projects without federal assistance.
Section .0300: Beach Project Revolving Fund Advances	G.S 143-215.62: Revolving Fund Established	This revolving fund has not been funded for a number of years.
Section .0400: Floodway Establishment	G.S. 143-215.3(a)(1); 143-215.56: Delineation of Flood Hazard Areas and 100-Year Floodplains	An activity no longer handled by the Division of Water Resources.
Section .0500: Allocation of Jordan Lake Water Supply Storage	G.S. 143-215.3(a)(1); G.S. 143-215.38 et seq.: The Federal Water Resources Development Law of 1969	The statute gives the Environmental Management Commission (EMC) the authority to allocate to local governments any water supply storage held by the State in federal reservoirs. The rule defines the application process for public water systems to be able to receive a water supply allocation from Jordan Lake.
Section .0600: The Aquatic Weed Control Act	G.S. 113A-220 Aquatic Weed Control Act of 1991	Designates noxious aquatic weeds subject to control, eradication, and regulation. Supports program to protect and preserve human health, safety, and the beneficial uses of the waters of the State. The aquatic weed control program provides operational and financial assistance to counties, municipalities, soil and water districts, drainage districts, public utilities and other government agencies

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
		that are burdened with aquatic weed infestations. Control of designated aquatic weeds minimizes disruptions to navigation and recreational activities and reduces impediments to water intake systems for industries, municipalities and irrigators.

Subchapter 2H: Procedures for Permits, Approvals

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
SUBCHAPTER 2H- PROCEDURES FOR PERMITS, APPROVALS Section .0600-Air Quality Permits (repealed)	G.S. 143-215.3(a)(1); 143- 215.108; Air Pollution Control, 143B-282; S.L. 1989, c. 168, s. 45;	Repealed, and replaced by 2Q .0700 as part of rule recodification.

Subchapter 2H Procedures for Permits, Approvals

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02H Section .1200 - Special Orders	NCGS 143-215.2 Special orders, 143-215.110 Special orders	This rule implements the state statutes that authorize Special Orders by Consent (SOC). An SOC is an agreement between the state and the permittee that establishes timelines for infrastructure improvements needed to correct a problem of non-compliance. The consent order also gives the facility (usually a wastewater treatment system) relaxed permit limits until those improvements can be completed. The EPA has a similar program that issues administrative orders.

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02H Section .1300 - Discharges To Isolated Wetlands And Isolated Waters	NCGS 143-215.1(a)(6) Control of sources of water pollution; permits required, 143-215.3(a)(1) & (c) General powers of Commission and Department; auxiliary powers	This rule provides a process for authorizing impacts on isolated wetlands and isolated waters of the State. North Carolina rules allow more flexibility than provided by federal regulations.

Subchapter 2I Hearings

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02I Section .0100 Scope, Definitions, Delegations	NCGS 150B, Administrative Procedure Act; 143-215.3, General Powers of Commission; 143-215.4 Procedures for Public Input	This rule guides the conduct of public hearings required for rulemaking and other administrative purposes. It needs to be reviewed in light of recent changes to GS 150B.
02I Section .0200 Rule Making Hearings, Notice, Procedures		
02I Section .0300 Administrative Hearings		
02I Section .0400 Special Hearings		
02I Section .0500 Petitions for Rulemaking		
02I Section .0600 Declaratory Rulings		

Subchapter 2K: Dam Safety

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
<p>NCAC Title 15A, Subchapter of 2K Dam Safety including Sections .0100 General Provisions; .0200 Obtaining Approval for Dam Construction, Repair or Approval; .0300 Inspections, Dam Safety Orders; .0400 Administrative Hearings; .0500 Minimum Stream Flows to Maintain Aquatic Habitat</p>	<p>G.S. 143-215.23 through 215.37 Dam Safety Law of 1967</p>	<p>Provides for the certification and inspection of dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of dams; to prevent injuries to persons, damage to downstream property and loss of reservoir storage; and to ensure maintenance of minimum stream flows of adequate quantity and quality below dams.</p>
<p>NCAC Title 15A Mining: Mineral Resources including Subchapters 5A, 5B, 5F</p>	<p>G.S. 74-46 through 74-68 The Mining Act of 1971</p>	<p>Provides for the regulation of surface mining operations to protect public safety and the environment during mining and to ensure restoration of disturbed land to a useful purpose after mining. This is implemented by granting of mining permits conditional to compliance to certain environmental and public safety provisions. Also provides for inspection to monitor compliance and enforcement actions and surety bonding to ensure compliance and reclamation.</p>
<p>NCAC Title 15A Chapter 4 Sedimentation Control Including Subchapters 4A, 4B, 4C, 4D and 4E</p>	<p>G.S. 113A-50 through 113A-66</p>	<p>Provides for the regulation of land disturbing activities at construction sites to permit the development of the State with the least detrimental effects from sedimentation pollution. The rules provide for the approval of erosion and sedimentation control plans, monitoring of the sites and enforcement actions as necessary to gain compliance. The rules also allow delegation to local government units who wish to establish a local program.</p>
<p>NCAC Subchapter 5D Oil and Gas Conservation including</p>	<p>G.S. 113 -378 through 113-415 Oil and Gas</p>	<p>Provides for registration and permitting of oil and gas drilling. The rules require posting of a surety bond and certain reports from the</p>

Sections .0101 through .0111.	Conservation	permittee. The rules also require certain actions to ensure public safety, environmental protection, and wise use of the resource.
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Subchapter 2L Groundwater Classifications and Standards

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02L Classifications And Water Quality Standards Applicable To The Groundwaters Of North Carolina	NCCGS 143-214.1 Water; water quality standards and classifications; duties of Commission; 143-214.2 Prohibited discharges; 143-215 Effluent standards or limitations; 143-215.3 General powers of Commission and Department; auxiliary powers; G.S. 143B-282 Environmental Management Commission – creation; powers and duties.	These rules set groundwater quality standards that are used to protect groundwater from contamination and establish guidelines for restoration of degraded groundwater where feasible. These rules are necessary to protect human health and the environment and to ensure North Carolina groundwater continues to be available as a future source of water supply for drinking water, agriculture and industry.
15A NCAC Subchapter 02L Groundwater Quality Standards, Section .0100 General considerations, Section .0200 classifications and Groundwater Quality Standards, and Section .0400 Risk-based Assessment and Corrective Action for	40 CFR, Part 280, Subpart E, Release Reporting, Investigation and confirmation, Sections 280.50-280.53 and Subpart F, Release Response and Corrective Action, Sections 280.60-280.67	The rules in Subchapter2L, Section .0100 (in particular, .0101 Authorization, .0102 Definitions, .0103 Policy, .0106 Corrective Action, .0110 Monitoring, .0111 Reports, .0112 Analytical Procedures, and .0114 Notification Requirements) specify the reporting, initial response, abatement, assessment and corrective actions that must be taken in the event of a release of petroleum or hazardous substance. The rules in Subchapter 2L, Section .0400 (specifically .0401-.0417) further describe a risk-based procedure for the assessment and remediation of petroleum UST releases.

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Petroleum Underground Storage Tanks.		

Subchapter 2Q: Air Quality Permits Procedures

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
SUBCHAPTER 2Q-AIR QUALITY PERMIT PROCEDURES Section .0700-Toxic Air Pollutant Procedures	NCGS 143-215.3(a)(1); Water and Air Resources 143-215.108; Air Pollution Control, 143B-282; Environmental Management Commission, S.L. 1989, c. 168, s. 45;	Rules are part of NC air toxics program. These rules implement the state program regulating toxic air pollutants. Toxic air pollutants are those that can have acute human health impacts. These rules allow for a particular public health concern to be specifically addressed.

Subchapter 2R: Ecosystem Enhancement Program

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 2R .0101 – EEP Purpose	G.S. 143-214.8 and 143-214.9. Ecosystem Enhancement Program – Establishment and Purpose	The Ecosystem Enhancement Program is a voluntary program used by private and public sector developers to satisfy state and federal requirements for mitigation of stream and wetland impacts or to offset nutrient runoff to impaired waters. The program provided mitigation needed by NCDOT and by private developers and local government (to the extent private mitigation banks cannot meet the mitigation need). In many locations in the state, EEP is the only “third party” option available for satisfying mitigation requirements. Without the program, the permittees would be responsible for designing, building, monitoring and maintaining the mitigation in perpetuity.
15A NCAC 2R .0203 – Basinwide Restoration Plans – Public	G.S. 143-214.10 – Development and Implementation of	This rule provides for the involvement of the public in the development of Basinwide Restoration Plans and requires that these documents be made available for access by the public. This is

Involvement; Availability	Basinwide Restoration Plans	important to improved quality of planning outcomes and program transparency.
15A NCAC 2R .0401 - .0403 – Ecosystem Restoration Fund: Purpose, Schedule of Fees, Donation of Property	G.S. 143-214.12 – Ecosystem Restoration Fund	These rules provide for the payments made to the Ecosystem Enhancement Program and are necessary for program function which is important for the state’s economic development.

Subchapter 2S: Rules and Criteria for the Administration of the Dry-Cleaning Solvent Cleanup Fund

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 02S.0100 Rules and Procedures for the Administration of the Dry-Cleaner Solvent Cleanup Fund .0100 General Considerations; .0200 Minimum Management Practices; .0300 Petitions for Certification; .0400 Assessment Agreements; .0500 Risk Based Corrective Action;	NCGS 143-215.104 Dry-Cleaner Solvent Cleanup Act	Provides minimum management practices to reduce the risk of additional future releases of contamination, and procedures for certification into the program, assessment agreements, and corrective actions.

Subchapter 2T: Waste Not Discharged to Surface Waters

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02T Section .1300 Animal Waste Management Systems	NCGS 143-215.1 Control of sources of water pollution; permits required, 143-215.3(a)(1) General powers of Commission and Department; auxiliary powers, 143-215.10A through I Animal Waste Management Systems	As required under G.S. 143-215.10A-I (Animal Waste Management Systems), this rule sets out standards for animal waste management systems. State law requires permits for all animal operations with more than 250 swine, 100 confined cattle, 75 horses, 1,000 sheep, or 30,000 poultry with a liquid animal waste management system. New or expanding swine operations are required by G.S. 143-215.10I to meet more stringent requirements. North Carolina is second in hog production, second in turkey production and fifth in broiler production in the United States. The statute and rules responded to problems associated with large animal waste systems, including large waste spills, odors, and concerns about groundwater contamination. Federal law currently covers only animal waste systems that actually discharge to surface waters; that represents only a small fraction of farms in N.C.
02T Section .1400 - Manure Hauler Operations	NCGS 143-215.1 Control of sources of water pollution; permits required, 143-215.3(a)(1) General powers of Commission and Department; auxiliary powers	This rule was created in 2006 after the Attorney General's Office determined that manure haulers were operating without permits in violation of G.S. 143-215.1. Rules 15A NCAC 02T .1401-1404 were adopted to provide a simple permitting option. The rules require proper handling of waste by manure haulers; as long as the hauler follows the guidelines in the rule, no prior permit review is required.

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02T Section .1500 - Soil Remediation	NCGS 143-215.1 Control of sources of water pollution; permits required, 143-215.3(a) General powers of Commission and Department; auxiliary powers	By outlining permit application requirements and establishing design criteria for systems that treat contaminated soils, this rule provides protection against contamination of groundwater and surface waters.
02T .1600 – Groundwater Remediation Systems	NCGS 87-87 Authority to adopt rules, regulations and procedures, 87-88 General standards and requirements, 143-214.2(b) Prohibited discharges, 143-215.1 Control of sources of water pollution; permits required, 143-215.1A Closed-loop groundwater remediation systems allowed	This rule protects the quality of the State's groundwater by outlining permit application requirements and establishing design criteria for systems that treat contaminated groundwater.

Subchapter 2U: Reclaimed Water

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
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Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
02U - Reclaimed Water	NCGS 143-355.5 Water reuse; policy; rule making, 143-215.1 Control of sources of water pollution; permits required	By establishing requirements for systems that generate and distribute reclaimed water, this rule allows for the reuse of wastewater that would otherwise be disposed of. Reuse conserves drinking water, saves money and protects public health.

Title 15A, Chapter 3: Marine Fisheries

Subchapter 3H: General Information

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
3H .0100 - General Information	3H .0102 Scope of Management	Rule provides the applicability of state law requirements to maintain sustainable fish stocks in order to have economically viable commercial and recreational fisheries.

Subchapter 3I: General Rules

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03I .0100 - General Rules	03I .0101 - Definitions	Rule contains definitions in support of multiple other fisheries rules, to aid in enforcement and public clarity.
	03I .0103 - Confiscation and Disposition	Rule establishes the authority for the Fisheries Director to establish administrative procedures for the summary disposition of confiscated live or perishable fish, in accordance with G.S. 113-137.
	03I .0104 - Introduce, Transfer or Hold Imported Marine and Estuarine Organisms	Rule protects the marine and estuarine resources of North Carolina from unacceptable risks from non-native and/or invasive predators, pests, parasites and disease from organisms originating outside the State.
	03I .0105 - Leaving Devices Unattended	Rule provides for timely attendance of fishing gear to prevent waste of public trust resources, enhance public safety by reducing hazards to navigation, and reduce abandonment of gear that can contain fish species unfit for human consumption.
	03I .0108 - Ocean Fishing Piers 03I .0109 - Artificial Reefs and Research Sanctuaries	Rules prevent user-conflicts between fishermen, including net fishermen and recreational fishermen, in marked areas around ocean fishing piers and artificial reefs.
	03I .0113 Biological Sampling	Rule authorizes the Fisheries Director or his agents to obtain biological data, harvest information or other statistical data necessary to achieve sustainable fisheries. Sustainable fisheries provide

		economic viability for the commercial and recreational fishing industries.
	03I .0114 - Recordkeeping Requirements	Rule specifies reporting requirements in support of the collection of biological data, harvest information or other statistical data necessary to achieve sustainable fisheries. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.
	03I .0115 - Replacement Costs of Marine and Estuarine Resources-Fish	Rule sets requirements for determining the replacement costs of illegally harvested fish when direct stocking or replacement is not feasible, as well as investigation costs.
	03I .0118 - Disposal of Evidence	Rule makes it unlawful for any person to dispose of fish after any communication or signal from an inspector (marine patrol officer), to aid in the enforcement of fisheries rules and laws and to enhance the sustainability of fisheries. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.
	03I .0120 - Possession or Transportation Limits	Rule makes it unlawful to possess fish which is subject to size or harvest restrictions while actively engaged in a fishing operation or for import into the state for native species, unless all fish are in compliance with the applicable restrictions. This is done to ensure proper and consistent enforcement of fisheries rules and laws and to enhance the sustainability of fisheries. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.

Subchapter 3J: Nets, Pots, Dredges, and Other Fishing Device

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03J .0100 - Net Rules, General 03J .0300 - Pots, Dredges, and Other Fishing Devices 03J .0500 - Pound Nets	All	Rules provide for use of gear in a manner that aids safe navigation, minimizes catch of sub-legal species, minimizes user-conflicts, maximizes productivity of the state's estuarine resources, provides owner-identification for enforcement purposes, and protects habitat.
03J .0200 - Net Rules,	All	Rules provide water-body-specific restrictions in order to address

Specific Areas 03J .0400 - Fishing Gear	regional differences in fishing methods by area and distribution of estuarine species, to minimize user-conflicts, and to ensure safety.
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Subchapter 3K: Oysters, Clams, Scallops and Mussels

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03K .0100 - Shellfish, General	03K .0102 - Prohibited Rakes 03K .0103 - Shellfish Management Areas 03K .0105 - Recreational Harvest of Shellfish 03K .0108 - Dredges/Mechanical Methods Prohibited	Rules provide for management of shellfish to ensure public safety, habitat protection, economic viability of the fishery, and access to public trust resources.
03K .0200 - Oysters	All	Rules provide for management of oysters to ensure public safety, habitat protection, economic viability of the fishery, and access to public trust resources.
03K .0300 - Hard Clams (Mercenaria)	All	Rules provide for management of hard clams to ensure public safety, habitat protection, economic viability of the fishery, and access to public trust resources.
03K .0400 - Rangia Clams	03K .0402 - Season, Size and Harvest Limits 03K .0404 - Dredges/Mechanical Methods Prohibited and Open Season	Rules provide for management of rangia clams to ensure habitat protection, economic viability of the fishery, and to avoid user-conflicts.
03K .0500 - Scallops	03K .0501 - Bay Scallops-Seasons and Harvest Limits 03K .0502 - Taking Bay Scallops at Night and on Weekends 03K .0503 - Prohibited Bay Scallop Dredge	Rules provide for management of scallops to ensure public safety, habitat protection, economic viability of the fishery, and access to public trust resources.

	03K .0504 - Calico Scallop Season	
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Subchapter 3L: Shrimp, Crabs, and Lobster

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03L .0100 - Shrimp, Crabs, and Lobster	03L .0101 - Season 03L .0102 - Weekend Shrimping Prohibited 03L .0105 - Recreational Shrimp Limits	Rules provide for management of shrimp to ensure habitat protection, economic viability of the fishery (in 2010 the fishery was worth \$10,690,675) and access to public trust resources, and to avoid user-conflicts.
03L .0200 - Crabs	03L .0201 - Size Limit and Culling Tolerance 03L .0202 - Crab Trawling 03L .0203 - Crab Dredging 03L .0204 - Crab Pots 03L .0205 - Crab Spawning Sanctuaries 03L .0206 - Peeler Crabs 03L .0208 - Stone Crabs (Menippe Mercenaria) 03L .0209 - Recreational Harvest of Crabs	Rules provide for management of crabs to ensure habitat protection, economic viability of the fishery (in 2010 the fishery was worth \$26,543,733), and access to public trust resources, and to avoid user-conflicts.

Subchapter 3M: Finfish

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03M .0100 - Finfish, General	All	Rules provide authority for enforcement of size and possession limits which aids in the management of sustainable fisheries. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.
03M .0200 - Striped Bass	03M .0205 - Prohibited Trawling	Rule provides authority for enforcement of striped bass season, areas, and trawl use, which aids in the management of sustainable fisheries.
	03M .0206 - Hybrid Striped Bass Culture	Rule provides exemptions to fishing requirements, to provide economic opportunities for aquaculture of striped bass hybrids.
03M .0500 - Other Finfish	03M .0502 - Mullet 03M .0509 Tarpon 03M .0518 - Kingfish (Sea Mullet)	In accordance with the Fisheries Reform Act of 1997, rules provide for the management of fish species economically important to North Carolina but that are not currently managed under a federal fishery management plan.
	03M .0513 - River Herring	Rule serves an important state purpose by providing the authority to enforce management measures, and the ability to maintain flexibility to manage the fishery at the state level, within the parameters of the Atlantic States Marine Fisheries Commission Fishery Management Plan requirements.

Subchapter 3N: Fish Habitat Areas

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03N .0100 - Fish Habitat Areas	All	Rules establish and protect those fragile estuarine and marine areas which support juvenile and adult populations of economically important fish species, as well as forage fish utilized in the food chain, to set forth permanent fish habitat areas in all coastal fishing waters as defined through extensive estuarine and marine survey sampling conducted by the Division.

Subchapter 30: Licenses, Leases, Franchises, and Permits

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
<p>03O .0100 - Licenses</p>	<p>03O .0102 - Recreational Fishing Tournament License to Sell Fish</p> <p>03O .0103 - Auxiliary Vessels</p> <p>03O .0104 - Commercial Unloading of Fish</p> <p>03O .0106 - Display of Licenses and Registrations</p> <p>03O .0107 - Lost License Replacement</p> <p>03O .0108 - License Transfers</p> <p>03O .0109 - Assignment of SCFL</p> <p>03O .0110 - License Refunds</p> <p>03O .0111 - Surrender of Licenses</p> <p>03O .0112 - For Hire Coastal Recreational Fishing</p> <p>03O .0113 - Ocean Fishing Pier Blanket Coastal Recreational Fishing License</p>	<p>Rules require licensing of individuals or business entities that take public trust fisheries resources so the number of participants and the harvest by those participants can be monitored and assessed to aid in managing North Carolina's fisheries in a sustainable manner. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries. Also, without rules for a recreational license, the National Angler Registry requirements and restrictions would be in place, removing the flexibility of the state to manage its fisheries.</p>
<p>03O .0200 Leases and Franchises</p>	<p>03O .0203 - Shellfish Lease Application Processing</p> <p>03O .0204 - Marking Shellfish Leases and Franchises</p> <p>03O .0206 - Lease Protest</p> <p>03O .0207 - Production Reports</p> <p>03O .0208 - Cancellation</p> <p>03O .0209 - Transfer of Interest</p> <p>03O .0210 - Shellfish Franchises</p>	<p>Rules provide economic opportunities for North Carolina residents by establishing procedures and requirements for shellfish leases and franchises, which are situated on unproductive water bottom. Lease holders enhance the bottom to grow shellfish, which in turn profits the lease holder. Additionally, spawn from these leases helps populate shellfish in surrounding waters for the public's benefit.</p>

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
	03O .0211 - Protection of Private Shellfish Interest	
03O .0300 - Recreational Commercial Gear Licenses	All	Rules require licensing of individuals for the use of use limited amounts of commercial gear for recreational purposes to take public trust fisheries resources so the number of participants and the harvest of those participants can be monitored and assessed to aid in managing North Carolina's fisheries in a sustainable manner. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.
03O .0400 - Standard Commercial License Eligibility	All	Rules establish a process to allow new entrants into the commercial fishing industry, thereby providing economic opportunities for North Carolina residents.
03O .0500 - Permits	03O .0501 - Procedures and Requirements to Obtain Permits 03O .0502 - Permit Conditions; General 03O .0504 - Suspension/Revocation of Permits	Rules establish a system where permits can be issued allowing specialized fishing activities, which provides greater access to public trust resources, minimizes catch of sub-legal species, minimizes user-conflicts, and maximizes productivity of the state's estuarine resources to enhance the sustainability of North Carolina fisheries. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.

Subchapter 3P: Hearing Procedures

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03P .0100 - Hearing Procedures 03P .0200 - Declaratory Rulings 03P .0300 - Petitions for Rulemaking	All	Rules allow the Marine Fisheries Commission to satisfy statutory obligations to provide mechanisms for individuals to have hearings for license/permit denials, contested cases, declaratory rulings and petitioning for rulemaking to have rules adopted, amended or repealed in accordance with G.S. 150B.

Subchapter 3Q: Jurisdiction of Agencies: Classification of Waters

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03Q .0100 - General Regulations: Joint 03Q .0200 - Boundary Lines: Coastal-Joint-Inland Fishing Waters	All	Rules set the classifications and boundaries of state fishing waters for jurisdiction between the Marine Fisheries and the Wildlife Resources commissions and establish which agency regulates specific activities in jointly managed waters to aid in enforcement, public clarity and management purposes. The Wildlife Resources Commission has adopted corresponding rules for matching regulations under its jurisdiction.

Subchapter 3R: Descriptive Boundaries

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03R .0100 - Descriptive Boundaries 03R .0200 - Fishery Management Areas	All	Rules set boundaries for waters that have restricted activities or access for public safety and clarity, habitat protection, endangered species protection, enhancement of fish stocks, protection of juvenile fish, and to minimize user conflicts, so that North Carolina fisheries can be managed in a sustainable manner. Sustainable fisheries provide economic viability for the commercial and recreational fishing industries.

Subchapter 3S: Economic Assistance to the Fishing Industry

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
03S .0100 Economic Assistance Programs	All	Rules establish a process to determine eligibility for specified economic assistance programs for commercial fishermen.

Title 15A, Chapter 4: Sedimentation Control

Chapter 4: Sedimentation Control; All Subchapters

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
NCAC Title 15A Chapter 4 Sedimentation Control Including Subchapters 4A, 4B, 4C, 4D and 4E	G.S. 113A-50 through 113A-66	Provides for the regulation of land disturbing activities at construction sites to permit the development of the State with the least detrimental effects from sedimentation pollution. The rules provide for the approval of erosion and sedimentation control plans, monitoring of the sites and enforcement actions as necessary to gain compliance. The rules also allow delegation to local government units who wish to establish a local program.

Title 15A, Chapter 5: Mining, Mineral Resources

Subchapters 5A: Organization and Administration; 5B: Permitting and Reporting; 5F: Civil Penalties

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
NCAC Title 15A Mining: Mineral Resources including Subchapters 5A, 5B, 5F	G.S. 74-46 through 74-68 The Mining Act of 1971	Provides for the regulation of surface mining operations to protect public safety and the environment during mining and to ensure restoration of disturbed land to a useful purpose after mining. This is implemented by granting of mining permits conditional to compliance to certain environmental and public safety provisions. Also provides for inspection to monitor compliance; enforcement; and surety bonding to ensure compliance and reclamation.

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Subchapter 5C: Geophysical Exploration

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
NCAC Subchapter 15A 5C Geophysical Exploration – including Sections .0101 through .0128	G.S. 113-391	Provides for protection of public and wildlife from the use of explosives used for geophysical exploration.

Subchapter 5D: Oil and Gas Conservation

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
NCAC Subchapter 15A 5D Oil and Gas Conservation including Sections .0101 through .0111.	G.S. 113 -378 through 113-415 Oil and Gas Conservation	Provides for the registration and permitting for the drilling for oil and gas. The rules require posting of a surety bond and the keeping of certain reports from the permittee. The rules also require certain actions to en ensure public safety, protection to the environment and wise utilization of the resource.

Subchapter 5G: Uranium Exploration

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
NCAC Subchapter 15A 5G – Uranium Exploration - including Sections .0101 through .0105	G.S. 74-75 through 74-89.	Provides for the approval of applications for uranium exploration, including an abandonment plan, and requires posting of surety bond.

Title 15A, Chapter 8 Water Pollution Control System Operators Certification Commission

Subchapter 8F: Certification of Operators of Animal Waste Management Systems

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
08F-Certification Of Operators Of Animal Waste Management Systems	NCGS 90A-37, 38 & 47 Certification of Water Pollution Control System Operators 143B-300 Water Pollution Control System Operators Certification Commission – creation; powers and duties	Developed at the request and with input from professionals in the field, as well as industry and municipal officials, this rule establishes minimum requirements for knowledge and operating responsibilities for animal waste management facilities' operators. Proper operation of these facilities not only reduces environmental impact, it also protects the owners and operators from regulatory liability. The rule also provides guidelines for training of operators.

Subchapter 8G Authority, Organization, Structure, Definitions

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
08G-Water Pollution Control System Operators	NCGS 90A-37 Thru 45 Certification of Water Pollution Control System Operators, 143B-300 Water Pollution Control System Operators Certification Commission – creation; powers and duties, 150B-20 Petitioning an agency to adopt a rule	As with Subchapter 8F, this rule was developed at the request and with input from professionals in the field, as well as industry and municipal officials. The rule establishes knowledge requirements and minimal eligibilities for operators of wastewater treatment facilities. Proper operation of these facilities not only reduces environmental impact, it also protects major investment of owners (industry, individuals and municipalities). The rule also provides guidelines for training of operators.

Title 15A, Chapter 12: Parks and Recreation Area Rules

Subchapters 12A: Organization and Duties, and 12B: Public Parks

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12A.0101-.0105, Organization and Duties	N.C.G.S. §113-3 Powers of the Department, N.C.G.S. §113-8 Powers and Duties of the Department	Provides for management of State Parks and Recreation Areas, protects the natural diversity of the state; and, promotes and assists in the provisions of recreation and leisure opportunities at all service levels--local, state, federal, commercial, private. The rules in this Chapter provide clarity both for Park personnel, law enforcement and the public regarding the access to and usage of, State Parks and Recreation Areas by visitors.
15A NCAC 12B.0101-.1206 ¹ Public Parks	N.C.G.S. § 113-34. Power to acquire lands as State forests, parks, and other recreational areas; donations or leases by United States; leases for recreational purposes; G.S. §113-35 Control Over Parks, G.S. §14-190.9 Indecent exposure. G.S. § 113-64. Regulatory power over property of agency. G.S. § 14-410 & § 14-415. Manufacture, sale and use of pyrotechnics & Violation made a Misdemeanor.	Provides clear rules regulating certain conduct in the Parks for the protection of the general public's safe and orderly use and enjoyment of the facilities, including regulations regarding bathing, boating, rock climbing, swimming, public nudity, horses, gambling, intoxication etc. The rules are necessary for the public to be able to understand what conduct is appropriate, and what conduct will not be allowed, and provides Parks law enforcement clear rules for enforcement to maintain the public safety in the parks. The rules provide for facilitation of public assembly without harm to Park property. The parks of North Carolina cover over 215,000 acres and include a wide variety of landforms, facilities, and activities. Clear rules are necessary for the efficient administration of this large area. These rules also set forth the fee schedule for charges for various activities, so that the public has an easy, clear reference it can use to determine charges for various activities.

¹ Note that 15A NCAC 12B.0901 has been modified in part by SL2011-0268 which provides in relevant part “Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of a park within the State Parks System as defined in G.S. 113-44.9.”

Subchapter 12C State Lakes Regulations:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12C.0101-.0409, State Lakes Regulation	N.C.G.S. §113-35 Control Over Parks, N.C.G.S. §113-44.9 State Parks Act	Provides rules for the management of seven State Lakes, some of which have private ownership along the shoreline. Rules establish a permit program to regulate the dimensions and location of private piers, boat ramps, seawalls and other structures built upon the state-owned lake bed. Rules minimize conflicts between adjacent landowners and protect the safety and beauty of the lakes for all users. State lakes are included within the State Parks System.

Subchapter 12D Selection of Lands for Acquisition:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12D.0101-.0106, Selection of Lands for Acquisition	N.C.G.S. §113-35 Control Over Parks, N.C.G.S. §113-44.9 State Parks Act	States that all citizens may recommend land to be added to the state parks system, but establishes that the statewide comprehensive outdoor recreation plan and individual park master plans shall provide the basis for land acquisition decisions. Sets out criteria to ensure the selection of suitable, high quality lands that will result in a balanced system of high quality parks.

Subchapter 12F Natural and Scenic Rivers Program:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12F.0201-.0304, Natural and Scenic Rivers Program	N.C.G.S. §113A-30 through 44 Natural and Scenic River Act, N.C.G.S. §113-44.9 State Parks Act	Establishes criteria for selection, designation and management of state natural and scenic rivers. The State Natural and Scenic Rivers program is modeled after the federal Wild and Scenic Rivers program, but they are separate and independent programs. State rivers are included within the State Parks System.

Subchapter 12G State Trails System:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12G .0101-.0103, .0203, .0301, .0305-.0306 State Trails System	N.C.G.S § 113A-83-95 North Carolina Trails System Act N.C.G.S. § 113-44.9. N.C.G.S. § 113-77.9.	These rules provide mechanism for management of State trails. They also delineate the important rights of landowners adjacent to public trails, including a provision to minimize impacts on those landowners, and a process for consideration of trail designation applications. State trails are included within the State Parks System, but some of these rules pertain to the voluntary designation of local and regional trails.

Subchapter 12H Natural Heritage Program

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Entire Subchapter of 12H Natural Heritage Program including Sections .0100 General Provisions .0200 Registry of Natural Heritage Areas .0300 Dedication of Nature Preserves .0400 Management: Use and Protection of Dedicated Preserve	G.S. 113-A 164.1 through 164.11 Nature Preserves Act	Provides for the implementation of the Nature Preserves Act, primarily through the activities of the Natural Heritage Program which works with corporate and private landowners, agencies, and local governments to identify and protect the most significant natural areas of North Carolina; includes the procedures regarding the establishment of registry and dedication agreements and the sharing of information to facilitate compliance with environmental regulations.

Subchapter 12I Natural Areas:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12I.0101-.0303, Natural Areas	N.C.G.S. §113-35 Control Over Parks, N.C.G.S. §113-44.9 State Parks Act	Defines the purpose of establishing natural areas within the state parks system, and establishes criteria for the selection of high quality sites with ecological, scientific and educational values. State natural

		areas are included within the State Parks System and are subject to the rules enumerated in 15A NCAC 12A and 12B.
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Subchapter 12J Land and Water Conservation Program:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12J.0101-.0308 Land and Water Conservation Program	N.C.G.S § 113-8, P.L. 95-625 National Parks and Recreation Act, P.L. 88-578, Land and Water Conservation Fund Act	These rules delineate North Carolina’s requirements for applicants’ participation in the Federal Land and Water Conservation Fund Act funding. These rules specify that applications must meet the requirements of the LWCF Program prescribed by the Department of the Interior in the Land and Water Conservation Fund Grants Manual. In addition, the rules require applicant reviewers to use an evaluation process which “will include a rating of project applications according to the North Carolina Open Project Selection Process approved by the Department of the Interior.”

Subchapter 12K Parks and Recreation Trust Fund Grants for Local Government:

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 12K, Parks and Recreation Trust Fund Grants for Local Governments	G.S. 113-44.15; Parks and Recreation Trust Fund	Establishes rules to provide for the fair and consistent administration of the local grant program of the Parks and Recreation Trust Fund. Defines eligibility, establishes funding cycle, lists evaluation criteria, details content of grant agreements, and clarifies financial, reporting and inspection requirements.

Title 15A, Chapter 13: Solid Waste Management

Subchapter 13A: Hazardous Waste Management

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 13A .0116 SPECIAL PURPOSE COMMERCIAL HAZARDOUS WASTE FACILITY	NCGS 130A.295.01 - Additional Requirement for Commercial Hazardous Waste Facilities	The Special Purpose Hazardous Waste Facility program and the Resident Inspector program were created to enhance the ability of the Department's ability to maintain a rigorous inspection and enforcement program at commercial hazardous waste management facilities. The purpose of the program is to prevent incidents involving hazardous waste that may threaten public health, safety, and the environment.
	NCGS 130A.295.02 - Resident inspectors required at commercial hazardous waste facilities; recovery of costs for same	This rule was created to establish the frequency of inspection and the fees required to support the Resident Inspector program as described in G.S. 130A-295.01 and 295.02. The rule provides a facility scoring system based on the size, treatment types, complexity of wastes, volume of waste, uniformity of wastes, predictability of waste streams, compliance history and sensitive land use changes.
15A NCAC 13A .0117 FEE SCHEDULE	NCGS 130A.295.02 - Resident inspectors required at commercial hazardous waste facilities; recovery of costs for same	The Special Purpose Hazardous Waste Facility program and the Resident Inspector program were created to enhance the ability of the Department to protect the public health and the environment by providing the Department with the authority and resources necessary to maintain a rigorous inspection and enforcement program at commercial hazardous waste management facilities. This rule provides a schedule of fees to be paid by Special Purpose Commercial Hazardous Waste Facilities to support the Resident Inspector Program.

Subchapter 13B: Solid Waste Management

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15 A NCAC 13B .0100 General Provisions	NCCGS 130A- 294	Sets general provisions for implementing the state solid waste program including definitions, general conditions, storage, collection and generation of solid waste, in a manner which is protective of human health and the environment.
15 A NCAC 13B .0200 Permits for Solid Waste Management Facilities	NCCGS 130A- 294	Requires that solid waste be treated, processed, stored or disposed of at a permitted facility that is designed and operated in such a way as to be protective of human health and the environment. Establishes the criteria for obtaining a solid waste permit in North Carolina.
15 A NCAC 13B .0300 Treatment and Processing Facilities	NCCGS 130A- 294	Sets minimum criteria for solid waste treatment and processing facilities in order for them to be designed and operated in a manner that is protective of human health and the environment.
15 A NCAC 13B .0400 Transfer Facilities	NCCGS 130A- 294	Sets minimum criteria for solid waste transfer stations, in order for them to be designed and operated in a manner that is protective of human health and the environment.
15 A NCAC 13B .1000 Solid Waste Management Loan Program	NCCGS 159I-11	Provides for loans for solid waste projects. The loan program has never been funded.
15 A NCAC 13B .1100 Scrap Tires	NCCGS 130A-309.51-.63- Scrap Tire Disposal Act	Provides statewide guidelines and structure for the environmentally safe disposal of scrap tires. The program is administered through units of local government.
15 A NCAC 13B .1200 Medical Waste	NCCGS 130A 309.26	Provides protection of public health by establishing standards for the safe packaging, storage, treatment, and disposal of medical waste. Rules provide the basis for the Department to approve alternative methods of treatment for medical waste.
15 A NCAC 13B .1500 Standards for Special Tax Treatment of Recycling and Resource Recovery	NCCGS 130A-294(a)(3)	Provides the ability for resource recovering, waste reduction and recycling facilities to apply for tax exempt status on property taxes.

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Equipment and Facilities		
15 A NCAC 13B .1700 Requirements for Beneficial Use of Coal Combustion By-products	NCGS 130A- 294	Provides that structural fills constructed of coal combustion by-products must be designed and operated in such a way as to be protective of human health and the environment.

Subchapter 13C: Inactive Hazardous Substance or Waste Disposal Sites

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
15A NCAC 13C.0100 Notice	NCGS 130A-310 Inactive Hazardous Sites	Provides requirements for owner, operator, or responsible party to notify the Division of the presence of each inactive hazardous substance or waste disposal site. Also provides requirements for notice of a proposed remedial action plan.
15A NCAC 13C.0200 Prioritization System	NCGS 130A-310 Inactive Hazardous Sites	Provides a consistent system to prioritize sites that are addressed under the authority of the Inactive Hazardous Sites Law.
15A NCAC 13C.0300 Registered Environmental Consultant Program	NCGS 130A-310 Inactive Hazardous Sites	Provides a mechanism for the privatization of State oversight and approval of the cleanup of lower priority sites under the authority of the Inactive Hazardous Sites Law.

Title 15A, Chapter 18: Environmental Health

Subchapter 18C: Water Supplies

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Title 15A Chapter 18C .1400 Fluoridation of Public Water Supplies	G.S. 130A-316 North Carolina Drinking Water Act	Adding fluoride to drinking water at appropriate levels can have tremendous benefit to public health, but too much fluoride can cause acute, negative health impacts. It is important that if water systems are to feed potentially hazardous chemicals into the water supply, there are explicit requirements about how that is accomplished and what oversight is needed.
Title 15A Chapter 18C .1800 – Local Plan Approval	G.S. 130A-317 North Carolina Drinking Water Act	This provision details the process by which the state will delegate review and approval of certain types of engineering plan review and approval to the local government level, upon receipt of the request of the local government for such delegation.
Title 15A Chapter 18C .2100 – Operating Permits	G.S. 130A-328 Public Water System Operating Permit and Permit Fee	This provision details the operating permit process created in state statute.

Title 15A, Chapter 22: North Carolina Zoological Park Regulations

Chapter 22 North Carolina Zoological Park Regulations

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Chapter 22 deals with the rules for the North Carolina Zoological Park	G.S. 143B-335 through 336.1 North Carolina Zoological Council and G.S. 143-177 through 177.3 North Carolina	The operation of the North Carolina Zoological Park covers visitor admission, access, use of facilities, and acquisition/disposition of animals. These rules serve the State by prescribing standards for orderly operation of the North Carolina Zoological Park.

	Zoological Authority	
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Title 15A, Chapter 28: North Carolina Aquariums

Chapter 28 North Carolina Aquariums

Section Cite and Name	State Law Cite and Name	Description of How State Rule Serves Important State Interest
Chapter 28 deals with the rules for the North Carolina Aquariums.	G.S. 143B-289. 40 thru 143B-289.44. North Carolina Aquariums rules for operation and admissions.	The operation of the North Carolina Aquariums must adhere to established rules for visitor admission, access, use of facilities, etc. These rules serve the State by prescribing standards for orderly operation of the North Carolina Aquariums.

Appendix 4: Rules Proposed for Repeal or Transfer

Rules Proposed for Repeal in Response to Governor's Executive Order

Rule Citation	Title	Reason for Repeal	Federal Require?	Local, State or Economic Impact?	Contact	# of Rules
Department						
15A NCAC 1A	General Organization	Informational material on location and contact numbers that can be found in other directories and web sites	No	No	Mary Penny Thompson, General Counsel, 715-0691	3
15A NCAC 1B .0100	Rulemaking	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	1
15A NCAC 1B .0200	Contested Case Hearing Procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	4
15A NCAC 1B .0300	Purchasing and Contracting	Duplicative of DOA requirements	No	No	Michael G. Bryant, Director of Purchasing and Services, 715-3891	3
15A NCAC 1B.0400	Public Records	Duplicative of statutory requirements	No	No	Diana Kees, Communications Director, 715-4112	2

Rule Citation	Title	Reason for Repeal	Federal Require?	Local, State or Economic Impact?	Contact	# of Rules
15A NCAC 1G.0200 and .0300.	Resolution of Submerged Lands Claims	Outdated: Program Concluded	No	No	Jim Gregson, Director of Coastal Management (252) 808-2808 or Allen Jernigan, Special Deputy AG, 716-6950	12
15A NCAC 1K	Groundwater Protection Loan Fund	Outdated: Program Concluded	No	No	Grover Nicholson	14
Division of Water Resources (implementing DOA rule)						
01 NCAC 23	Regional Water Supply Planning Act of 1971	Outdated: Implementing agency no longer exists and revolving fund no longer funded.	No	No	Tom Reeder	8
Division of Water Quality (via Environmental Management Commission or Water Pollution Control System Operators Certification Commission)						
15A NCAC 01J	State Clean Water Revolving Loan and Grant Program	Consistency: Repeal, to establish administrative consistency within the Water Infrastructure Fund accounts.	No	No	Dan Blaisdell, Section Chief of Construction Grants and Loans, 715-6211	19
15A NCAC 2F	Construction Loans	Outdated: Entire section is no longer effective under amendments to GS 159G, effective 1-1-06.	No	No	Dan Blaisdell, Section Chief of Construction Grants and Loans, 715-6211	7

Rule Citation	Title	Reason for Repeal	Federal Require?	Local, State or Economic Impact?	Contact	# of Rules
15A NCAC 2M	NC Water Pollution Control Revolving Fund	Outdated: Rule no longer effective under amendments to GS 159G, effective 1-1-06.	No	No	Dan Blaisdell, Section Chief of Construction Grants and Loans, 715-6211	21
15A NCAC 2I.0106	Department Hearing Rules	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	1
15A NCAC 2I.0200	Rule Making Hearings: Notice: Procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	1
15A NCAC 2I.0300	Administrative Hearings	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	2
15A NCAC 8G.0804	Contested Case Procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	1
Division of Land Resources (via Sedimentation Control and Mining Commissions)						
15A NCAC 4B.0126(e)	Plan Review Fee	Outdated: Statute now sets fee at higher rate	No	No	Mell Nevils, Section Chief of Land Quality, 733-4574	1
15A NCAC 4C.0108-0111	rules on admin hearings	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	4

Rule Citation	Title	Reason for Repeal	Federal Require?	Local, State or Economic Impact?	Contact	# of Rules
15A NCAC 4E	Rulemaking Procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	3
15A NCAC 5B.0012	Permit Application Processing Fees	Outdated: the fee schedule in the rules was superseded by Session Law 2007-323 that included a new mining permit fee schedule.	No	No	Mell Nevils, Section Chief of Land Quality, 733-4574	1
15A NCAC 5F.0008-.0012	rules on admin procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	5
Division of Soil and Water Conservation (via Soil and Water Conservation Commission)						
15A NCAC 6A.0005	Address	Address information available in other directories and web site	No	No	Mary Penny Thompson, General Counsel, 715-0691	1
Division of Coastal Management (via Coastal Resources Commission)						
15A NCAC 7J.0303	Contested Case Hearing Procedures	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	1

Division of Environmental Health (implementing rules by DOA and Gov's Waste Mgmt Bd rules or rules approved via Radiation Protection Commission)						
01 NCAC 37	Low Level Radioactive Waste Management Authority	The rules established an authority to deal with low level radioactive waste in North Carolina that was never implemented due to NC's withdrawal from an interstate compact and subsequent litigation that has since been resolved.	No	No	Lee Cox, Section Chief of Radiation Protection, 571-4141 x 201	18
01 NCAC 24	Regional Sewage Disposal Planning Act of 1971		No	No	Jessica Godreau, Section Chief of Public Water Supply, 715-3232	7
01 NCAC 22	Clean Water Bond Act		No	No	Jessica Godreau, Section Chief of Public Water Supply, 715-3232	47
15A NCAC 14A.0400	Governor's Waste Management Board; Preemption Process: Low-Level Radioactive Waste Facility	Rules related to low level radioactive waste that are no longer necessary since litigation resolved to remove NC from interstate compact	No	No	Lee Cox, Section Chief of Radiation Protection, 571-4141 x 201	13
15A NCAC 18.1031, .1209, .1817, .2221, .2417, .3335	Appeals Procedure	Duplicative of Administrative Procedures Act	No	No	Mary Penny Thompson, General Counsel, 715-0691	6

Total:

206

Title 15A Rules Proposed for Transfer after Legislative Reorganization

Rule Chapter and Name	Receiving Agency after Transfer
Chapter 6: Soil and Water Conservation Commission	DACS
Chapter 9: Division of Forest Resources	DACS
Chapter 10: Wildlife Resources and Water Safety	Independent Agency from DENR – WRC
Chapter 11: Radiation Protection	DHHS
Chapter 18: Environmental Health (Except for 18A and 18C)	DHHS
Chapter 27: Well Contractor Certification	DHHS