

Overview of the Rules Review Process

G.S. 150B-21.3A requires all agencies to conduct a review of that agency's rules every ten years, determining whether each rule is necessary or unnecessary. Agencies must post a report issued by the Rules Review Commission (RRC) on the agency's website to invite public comments for at least 60 days on the determinations. A copy of the report is posted on the Office of Administrative Hearings' website. The agency is then required to respond to public comments by addressing the merits of each comment. After the comment period is over and the agency has had an opportunity to make its final determination, the agency sends the RRC a report of the determinations as well as public comments received and the agency's responses.

Based upon a review of the public comments, the RRC determines whether it agrees with the agency's report classifying each rule as necessary or unnecessary. The RRC must also determine if the comment addresses the substance of the rule. If the RRC disagrees with the agency's determination, the RRC may move the classification of the rule to necessary. The RRC does not have the authority to declare that a rule is "unnecessary" if the agency has not already classified it as "unnecessary."

The RRC will then send a report to the Joint Legislative Administrative Procedure Oversight Committee ("APO") at the General Assembly. The RRC's determination will become final following consultation with the APO or on the 61st day after the report's submission. The APO may disagree with the RRC determination and recommend to the General Assembly that the agency conduct a review of the rule the following year.

Schedule

November 2024: SWCC approves designation of each rule as "necessary" or unnecessary"

December-January: SWCC and Office of Administrative Hearings post the SWCC's designation for each rule on its website and invite public comments.

March 2025: SWCC considers public comments (if any) and makes final approval of the rule for readoption.

July 2025: RRC considers the SWCC's final determination and submits a report to the APO.

Recommended determination:

The Division recommendation is for the SWCC to determine that all existing rules in subchapters 59A, 59B, 59C, 59E, 59F, and 59G are "necessary."

Rules to be considered:

| Current Rule Text | Proposed designation |
|--|-----------------------------|
| <u>SUBCHAPTER 59A - ORGANIZATION AND OPERATION</u> | Necessary |
| <u>SUBCHAPTER 59B - DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES</u> | Necessary |
| <u>SUBCHAPTER 59C - SMALL WATERSHED PROGRAM</u> | Necessary |
| <u>SUBCHAPTER 59E - PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS</u> | Necessary |
| <u>SUBCHAPTER 59F – CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) – STATE PORTION OF THE PROGRAM</u> | Necessary |
| <u>SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION</u> | Necessary |

G.S. 150B-21.3A Report for 02 NCAC 59A, SOIL AND WATER CONSERVATION COMMISSION

Agency - Soil and Water Conservation Commission

Comment Period -

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|---|--|-------------------|---|---|--|---|-----------------------------|--|--|
| SUBCHAPTER 59A ORGANIZATION AND OPERATION | SECTION .0100 - GENERAL PROVISIONS | 02 NCAC 59A .0102 | ADDRESS | Amended Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59A .0103 | DEFINITIONS | Amended Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | SECTION - .0200 SUPERVISOR TRAINING PROGRAM | 02 NCAC 59A .0201 | GENERAL | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59A .0202 | REQUIRED BASIC TRAINING | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59A .0203 | CONTINUING TRAINING REQUIREMENTS | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59A .0204 | SUPERVISOR TRAINING CREDITS | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | SECTION .0300 - SUPERVISOR REMOVAL | 02 NCAC 59A .0301 | SUPERVISOR REMOVAL PROCEDURES AND REPORTING | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59A .0302 | INQUIRY COMMITTEE | Eff. March 1, 2022 | Necessary | No | n/a | No | Necessary |

| G.S. 150B-21.3A Report for 02 NCAC 59B, DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES | | | | | | | | | |
|--|--------------|-------------------|--|--|--|---|-----------------------------|--|--|
| Agency - Soil and Water Conservation Commission | | | | | | | | | |
| Comment Period - | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| SUBCHAPTER 59B DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES | | 02 NCAC 59B .0101 | STEPS TO BE FOLLOWED IN DIVIDING LARGE DISTRICTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59B .0102 | AUTHORIZATION OF GENERAL EXPENSES FOR GRANT MATCHING | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59B .0103 | REQUIREMENT FOR DISBURSEMENTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59B .0104 | LIMITATION OF FUNDS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | No | n/a | No | Necessary |

G.S. 150B-21.3A Report for 02 NCAC 59C, SMALL WATERSHED PROGRAM

Agency - Soil and Water Conservation Commission

Comment Period -

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|---|---|--|--|--|--|---|-----------------------------|--|--|
| SUBCHAPTER 59C SMALL WATERSHED PROGRAM | SECTION .0100 WATERSHED LOANS | 02 NCAC 59C .0101 | WATERSHED REVOLVING LOANS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | SECTION .0200 WATERSHED APPLICATIONS | 02 NCAC 59C .0201 | APPLICATION PROCEDURE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | SECTION .0300 SMALL WATERSHED PLANS | 02 NCAC 59C .0301 | PROJECTS INVOLVING CHANNELIZATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0302 | APPROVAL OF WORKPLANS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0303 | APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN | Readopted Eff. November 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | SECTION .0400 SMALL WATERSHED GRANTS | 02 NCAC 59C .0401 | APPLICATIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0402 | LAND RIGHTS ACQUISITION COSTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0403 | ENGINEERING FEES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0404 | WATER SUPPLY NEEDS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0405 | CONSTRUCTION COST FOR WATER MANAGEMENT PURPOSES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | | 02 NCAC 59C .0406 | ELIGIBLE PROJECTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary |
| | 02 NCAC 59C .0407 | CONSIDERATIONS FOR REVIEWING APPLICATIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary | |
| | 02 NCAC 59C .0408 | APPROVAL AND DISAPPROVAL OF APPLICATIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary | |
| | 02 NCAC 59C .0409 | PRIORITY CRITERIA | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary | |
| | 02 NCAC 59C .0410 | PREREQUISITE FOR DISBURSEMENT OF GRANT FUNDS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | 7 CFR Part 622 | No | Necessary | |
| | 02 NCAC 59C .0411 | AUDIT OF PROJECTS | Pursuant to G.S. 150B-21.3A, | Necessary | Yes | 7 CFR Part 622 | No | Necessary | |

ATTACHMENT 10

G.S. 150B-21.3A Report for 02 NCAC 59E, PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS

Agency - Soil and Water Conservation Commission

Comment Period -

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|---|--------------|-------------------|--|---|--|---|-----------------------------|--|--|
| SUBCHAPTER 59E PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS | | 02 NCAC 59E .0101 | PURPOSE | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59E .0102 | DEFINITIONS | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59E .0103 | REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59E .0104 | APPROVED BEST MANAGEMENT PRACTICES (BMPS) | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |

G.S. 150B-21.3A Report for 02 NCAC 59F, CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) – STATE PORTION OF THE PROGRAM

Agency - Soil and Water Conservation Commission

Comment Period -

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|---|--|-------------------|-----------------------------------|--|--|---|--|--|--|
| SUBCHAPTER 59F – CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) – STATE PORTION OF THE PROGRAM | SECTION .0100 - CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) – STATE PORTION OF THE PROGRAM | 02 NCAC 59F .0101 | OBJECTIVES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |
| | | 02 NCAC 59F .0102 | ELIGIBILITY | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |
| | | 02 NCAC 59F .0103 | CONSERVATION PLAN | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |
| | | 02 NCAC 59F .0104 | APPROVING STATE AGREEMENTS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |
| | | 02 NCAC 59F .0105 | PAYMENT | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |
| | | 02 NCAC 59F .0106 | NONCOMPLIANCE WITH CREP AGREEMENT | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015 | Necessary | Yes If yes, include the citation to the federal law | Agreement between the NC and USDA Commodity Credit Corporation and Food Security Act of 1985 | No | Necessary |

G.S. 150B-21.3A Report for 02 NCAC 59G, APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION

Agency - Soil and Water Conservation Commission

Comment Period -

Date Submitted to APO - Filled in by RRC staff

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
|--|--------------|-------------------|---|---|--|---|-----------------------------|--|--|
| SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION | | 02 NCAC 59G .0101 | PURPOSE | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59G .0102 | DEFINITIONS | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59G .0103 | APPROVAL OF BEST MANAGEMENT PRACTICES (BMPs) | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59G .0104 | APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |
| | | 02 NCAC 59G .0105 | APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS | Readopted Eff. November 1, 2017 | Necessary | No | n/a | No | Necessary |