

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
SUBCHAPTER 59A - ORGANIZATION AND OPERATION	 02 NCAC 59A.xlsx
SUBCHAPTER 59B - DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES	 02 NCAC 59B.xlsx
SUBCHAPTER 59C - SMALL WATERSHED PROGRAM	 02 NCAC 59C.xlsx
SUBCHAPTER 59E - PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS	 02 NCAC 59E.xlsx
SUBCHAPTER 59F – CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) – STATE PORTION OF THE PROGRAM	 02 NCAC 59F.xlsx
SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION	 02 NCAC 59G.xlsx

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
SUBCHAPTER 59A ORGANIZATION AND OPERATION	SECTION .0100 - GENERAL PROVISIONS	02 NCAC 59A .0102	ADDRESS	Amended Eff. March 1, 2022	Necessary	No	
		02 NCAC 59A .0103	DEFINITIONS	Amended Eff. March 1, 2022	Necessary	No	
	SECTION - .0200 SUPERVISOR TRAINING PROGRAM	02 NCAC 59A .0201	GENERAL	Eff. March 1, 2022	Necessary	No	
		02 NCAC 59A .0202	REQUIRED BASIC TRAINING	Eff. March 1, 2022	Necessary	No	
		02 NCAC 59A .0203	CONTINUING TRAINING REQUIREMENTS	Eff. March 1, 2022	Necessary	No	
		02 NCAC 59A .0204	SUPERVISOR TRAINING CREDITS	Eff. March 1, 2022	Necessary	No	
	SECTION .0300 - SUPERVISOR REMOVAL	02 NCAC 59A .0301	SUPERVISOR REMOVAL PROCEDURES AND REPORTING	Eff. March 1, 2022	Necessary	No	
		02 NCAC 59A .0302	INQUIRY COMMITTEE	Eff. March 1, 2022	Necessary	No	

G.S. 150B-21.3A Report for 02 NCAC 59B, DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES

Agency - Soil and Water Conservation Commission

Comment Period -

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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
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	
		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	
		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	
		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	

G.S. 150B-21.3A Report for 02 NCAC 59C, SMALL WATERSHED PROGRAM							
Agency - Soil and Water Conservation Commission							
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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
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
	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
	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
		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
		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
	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
		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
		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
		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
		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
		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
	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	
	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	
	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	
	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	
	02 NCAC 59C .0411	AUDIT OF 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	

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
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	
		02 NCAC 59E .0102	DEFINITIONS	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59E .0103	REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59E .0104	APPROVED BEST MANAGEMENT PRACTICES (BMPS)	Readopted Eff. November 1, 2017	Necessary	No	

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
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
		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
		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
		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
		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
		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

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 -

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SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION		02 NCAC 59G .0101	PURPOSE	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59G .0102	DEFINITIONS	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59G .0103	APPROVAL OF BEST MANAGEMENT PRACTICES (BMPs)	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59G .0104	APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS	Readopted Eff. November 1, 2017	Necessary	No	
		02 NCAC 59G .0105	APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS	Readopted Eff. November 1, 2017	Necessary	No	