

15A NCAC 02A .0107 CREATION OF N.P.D.E.S. COMMITTEE

(a) The Chairman of the Commission shall appoint at least five members of the Commission to serve as the National Pollutant Discharge Elimination System (NPDES) Committee, to advise the Commission on matters related to that system.

(b) Appointees to the NPDES Committee shall be persons who do not receive, or during the previous 24 months have not received, a significant portion of their income directly or indirectly from NPDES permit holders or applicants for NPDES permits.

(c) For purposes of this Rule:

- (1) The term "significant portion of their income" shall mean 10 percent of gross personal income for a calendar year, except that it shall mean 50 percent of gross personal income for a calendar year if the recipient is receiving such portion pursuant to retirement, pension, or similar arrangement, including other forms of income.
- (2) The "NPDES permit holders or applicants for NPDES permits" shall not include any department or agency of a state government.
- (3) The term "income" includes, but is not limited to, retirement benefits, consultant fees, and stock dividends.
- (4) Income is not received "directly or indirectly from NPDES permit holders or applicants for NPDES permits" where it is derived from mutual-fund payments, or from other diversified investments for which the recipient cannot identify the primary sources of income.

*History Note: Authority G.S. 143-215.3(a)(1); 143B-283;
Eff. February 1, 1976.
Amended Eff. October 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*