Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, August 14, 2025 5:30 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Travis, received! Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 14, 2025 4:44 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Jennifer,

Please see the attached staff opinion that will be on the agenda for August. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 8, 2025 10:57 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Good morning, Jennifer,

Thank you for the update. At the June meeting, the Staff Opinion adopted by the RRC for this rule says, "*Amending the rule after the comment period does not cure the deficiency of public access at the critical time for review and comment, which the statute is designed to protect.*" This language indicates the RRC objected, pursuant to G.S. 150B-21.9(a)(4), based on a substantial change made post-publication that requires republishing the rule and accepting public comments.

Since the Commission for Public Health has adopted the revised rule, is the Commission submitting it, pursuant to 150B-21.12(a)(1), for review at the August RRC meeting? If so, the RRC "must determine whether the change satisfies the RRC's objection" and "whether the change is substantial" using "the standards set forth in G.S. 150B-21.2(g)."

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 8, 2025 10:57 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

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Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 8, 2025 10:57 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Good morning, Jennifer,

Thank you for the update. At the June meeting, the Staff Opinion adopted by the RRC for this rule says, "*Amending the rule after the comment period does not cure the deficiency of public access at the critical time for review and comment, which the statute is designed to protect.*" This language indicates the RRC objected, pursuant to G.S. 150B-21.9(a)(4), based on a substantial change made post-publication that requires republishing the rule and accepting public comments.

Since the Commission for Public Health has adopted the revised rule, is the Commission submitting it, pursuant to 150B-21.12(a)(1), for review at the August RRC meeting? If so, the RRC "must determine whether the change satisfies the RRC's objection" and "whether the change is substantial" using "the standards set forth in G.S. 150B-21.2(g)."

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540
Attachments: 15A NCAC 18C .1540.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, August 7, 2025 7:25 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Hi Travis,

The Commission for Public Health at its Aug 6, 2025, meeting , adopted the attached revised rule that addresses the RRC objection. This concerns 15A NCAC 18C .1540 which the RRC objected to at its June 2025 meeting.

Thank you. Let us know if you have any questions.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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15A NCAC 18C .1540 is adopted as published in 39:12 NCR 767-768 with changes following RRC June 26, 2025, objection as follows:

15A NCAC 18C .1540 CONTROL OF PER- AND POLYFLUOROALKYL SUBSTANCES

The provisions of 40 C.F.R. 141, Subpart Z – Control of Per- and Polyfluoroalkyl Substances (PFAS) are hereby incorporated by reference including any subsequent amendments and editions. Copies ~~are available~~ for public inspection are available at no cost from the United States Federal Register at https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation#p-amd-25 or from the EPA's Drinking Water Hotline at 1-800-426-4791.~~as set forth in Rule .0102(a) and (b) of this Subchapter.~~

History Note: *Authority G.S. 130A-315; 130A-320(c); P.L. 93-523; 40 C.F.R. 141;*
RRC Objection Eff: June 26, 2025;
Eff. [Month Day, Year. TBD]

Burgos, Alexander N

Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, July 21, 2025 9:59 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Jennifer,

There is not a need at this time for your agency to request an extension from the July meeting. We will wait to find out the CPH's response within 10 days of the August 6, 2026 meeting.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wiggs, Travis C
Sent: Sunday, July 20, 2025 3:44 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Schaeffer, John; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Thank you. Will you send me an email requesting an extension from the July to August meeting (which I count to be 21 days)?

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, July 17, 2025 6:14 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Hi Travis,

We intend to present this objection to the CPH at its Aug 6 meeting. I will be in touch within the 10 days following the meeting to inform you/RRC what the agency decides.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, July 15, 2025 2:49 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Thanks, Jennifer. To clarify, if the CPH votes to amend the Rule to comply with the G.S. 150B-21.6 objection by the RRC, will CPH "(1) Change the rule to satisfy the Commission's objection and the submit the revised rule to the Commission" within 10 days of August 6th?

I'm asking because the Staff Opinion adopted by the RRC states, "*Beyond ensuring public access to incorporated materials after codification, it is reasonable to infer from the language of G.S.150B-21.2 that the General Assembly intended for the public to have ready access to referenced materials during the comment period. Amending the rule after the comment period does not cure the deficiency of public access at the critical time for review and comment, which the statute is designed to protect.*" This seems to indicate the RRC also objected based on a substantial change made post-publication that requires republishing the Rule and accepting public comments.

Please let me know your thoughts.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Tuesday, July 15, 2025 12:07 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca

<rebecca.sadosky@deq.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

We intend to have this on CPH's next regularly scheduled agenda Aug 6 and then file the rule back to RRC if that is what the CPH votes on.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, July 15, 2025 12:05 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: Response to RRC Objection-15A NCAC 18C .1540

Thank you. Do you know if the Commission for Public Health plans to take one of the actions in 150B-21.12(a) prior to the next RRC meeting on July 30th? Or does the Commission intend to act within 10 days of the next regularly scheduled meeting on August 6th?

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Monday, July 14, 2025 3:36 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Schaeffer, John <jschaeffer@ncdoj.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: FW: Response to RRC Objection-15A NCAC 18C .1540

Hi Travis,

Received, thanks. The Commission for Public Health's next regularly scheduled meeting is August 6.

Jennifer

Jennifer Everett

DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, July 14, 2025 11:43 AM
To: Burgon, Bethany A; Everett, Jennifer
Cc: Burgos, Alexander N
Subject: Response to RRC Objection-15A NCAC 18C .1540
Attachments: 06.2025 Objection letter Public Health.pdf

Good morning,

Bill Peaslee was the RRC attorney who reviewed 15A NCAC 18C .1540 at the June 26, 2025 RRC meeting. I've attached the objection letter sent to your agency by Mr. Peaslee. Please respond to this objection pursuant to G.S. 150B-21.2(a)(1) or (2), and (b). I'm now handling this Rule going forward. Please send me your response and any other communications regarding this matter.

When is the Commission for Public Health's next regularly scheduled meeting? Thank you and have a great week.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Friday, June 27, 2025 2:20 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgon, Bethany A <bburgon@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Got it, thanks Bill!
Have a nice weekend.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, June 27, 2025 1:56 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgon, Bethany A <bburgon@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Good afternoon,

Attached is the notice of objection for the above captioned rule.

I hope you have a pleasant weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: 15A NCAC 18C .1540 PHC

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, June 25, 2025 2:18 PM
To: Burgon, Bethany A <bburgon@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: [External] RE: 15A NCAC 18C .1540 PHC

Received. Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: 15A NCAC 18C .1540 PHC

From: Burgon, Bethany <BBurgon@ncdoj.gov>
Sent: Wednesday, June 25, 2025 1:41 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: [External] RE: 15A NCAC 18C .1540 PHC

Some people who received this message don't often get email from bburgon@ncdoj.gov. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Bill,

The regularly scheduled attorney for the PHC has been out of the office. I will attend in his place on behalf of the PHC. I will do my best to answer any question from the RRC.

Thanks,
Bethany

Bethany A. Burgon
Senior Deputy Attorney General
Health and Human Services Division
919-716-6888
bburgon@ncdoj.gov
114 W. Edenton St., Raleigh, NC 27603
ncdoj.gov

Please note messages to or from this address may be public records.

Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Tuesday, June 24, 2025 6:50 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>; Burgon, Bethany A <bburgon@ncdoj.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Hi Bill,

Received. Representatives from the agency will be physically in attendance on Thursday to address the RRC when necessary.

Best,

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC
Attachments: CHS Opinion June 2025.doc

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, June 19, 2025 8:29 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

My apologies. The opinion set moments ago lacked a completed caption. Attached is a revised version.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC
Attachments: CHS Opinion June 2025.doc

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, June 19, 2025 8:20 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Good morning,

Attached please find a courtesy copy of the staff opinion on the above captioned rule.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, June 17, 2025 11:14 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Thank you for your email.

Yes I did. It is under review.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Tuesday, June 17, 2025 10:43 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Hi Bill,

Just double checking that you received our email?

Thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: 15A NCAC 18C .1540 PHC
Attachments: 06.2025 - Response to RRC Request for Changes to 18C .1540.docx; 15A NCAC 18C .1540 Revised Text for RRC 060225.docx

---

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Tuesday, June 10, 2025 10:41 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Frick, Jay <jay.frick@deq.nc.gov>; Sadosky, Rebecca <rebecca.sadosky@deq.nc.gov>
Subject: RE: 15A NCAC 18C .1540 PHC

Hi Bill,

Attached are responses to your technical change requests and the rewritten rule for 15A NCAC 18C .1540.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules

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Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
    - Wrong: "~~a~~Association"
    - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
    - Wrong: "day~~,~~; and"
    - Right: "~~day,~~ day; and"
7. Formatting instructions and examples may be found at: www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee
Commission Counsel
Date submitted to agency: May 30, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Public Health Commission

RULE CITATION: 15A NCAC 18C .1540

DEADLINE FOR RECEIPT: June 13, 2025

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 6: Explain how G.S. 130A-2, G.S. 130A-290, and G.S. 130A-313, as cited by Rule .0102(a), provide the opportunity for public inspection of 40 CFR 141, Subpart Z.

Line 6: Explain how Rule .0102(b) provides the opportunity for inspection of 40 CFR 141, Subpart Z.

Agency Response: Upon reexamination of 18C .0102 (a) and (b), we agree that the statutes included in (a), and the specific citation of "40 C.F.R 141.2" in (b), are inadequate to provide an unambiguous opportunity for public inspection of the new federal PFAS regulations. As a remedy, we propose a change in proposed rule language that will provide ready access to Subpart Z. Please see that attached, revised rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: May 30, 2025

15A NCAC 18C .1540 is adopted as published in 39:12 NCR 767-768 with changes as follows:

15A NCAC 18C .1540 CONTROL OF PER- AND POLYFLUOROALKYL SUBSTANCES

The provisions of 40 C.F.R. 141, Subpart Z – Control of Per- and Polyfluoroalkyl Substances (PFAS) are hereby incorporated by reference including any subsequent amendments and editions. Copies ~~are available~~ for public inspection are available at no cost from the United States Environmental Protection Agency's (EPA) homepage for drinking water regulations at http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm or from the EPA's Drinking Water Hotline at 1-800-426-4791.~~as set forth in Rule .0102(a) and (b) of this Subchapter.~~

History Note: *Authority G.S. 130A-315; 130A-320(c); P.L. 93-523; 40 C.F.R. 141;*
Eff. July 1, 2025.

Burgos, Alexander N

From: Everett, Jennifer
Sent: Friday, May 30, 2025 5:10 PM
To: Peaslee, William W
Cc: Burgos, Alexander N
Subject: RE: 15A NCAC 18C .1540 PHC

Received, thanks!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, May 30, 2025 4:26 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 15A NCAC 18C .1540 PHC

Hi Jennifer,

Attache please find the request for changes for the above captioned rule.

As always if you have any questions or concerns please feel free to contact me.

Have a good weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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