

## Burgos, Alexander N

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**Subject:** FW: Proposed Readoption date - 15A NCAC 01A and 01S

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Monday, February 24, 2025 3:01 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: Proposed Readoption date - 15A NCAC 01A and 01S

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:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Monday, February 24, 2025 2:57 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: Proposed Readoption date - 15A NCAC 01A and 01S

Jennifer,

Attached is the staff opinion memorializing my recommended readoption deadline.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**From:** Everett, Jennifer  
**Sent:** Thursday, February 6, 2025 12:04 PM  
**To:** Ascher, Seth M; Rules, Oah  
**Cc:** Burgos, Alexander N  
**Subject:** RE: Proposed Readoption date - 15A NCAC 01A and 01S

OK, thanks!

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Thursday, February 6, 2025 10:59 AM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: Proposed Readoption date - 15A NCAC 01A and 01S

Jennifer,

That works for me. Note that I will recommend the readoption date of August 1st, 2026, as we are keeping the dates to the first of the month for administrative purposes.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Wednesday, February 5, 2025 3:26 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Proposed Readoption date - 15A NCAC 01A and 01S

Hello,

The Secretary of the Department of Environmental Quality on February 4, 2025, approved the following schedule and proposed readoption date of July 31, 2026 for RRC consideration.

Proposed timeline from the Department for Environmental Quality for 15A NCAC 01A and 01S pursuant to 26 NCAC 05 .0212

- March – May 2025: Department review of rules and propose possible amendments
- June – August 2025: Staff to develop fiscal analysis and have OSBM approval
- September - November 2025: Department review of proposed rules including fiscal analysis to proceed to public comment
- December 2025: Rules filed to OAH for publication in the NC Register
- January –March 2026: Public comment period
- April - June 2026: Staff to develop a summary of public comments received for Secretary's review.
- July 31, 2026: Secretary adopts rules for submission to the Rules Review Commission.

Let me know if there are any questions.

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  
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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Friday, December 20, 2024 2:59 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: Periodic Review 15A NCAC 01A and 01S

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is February 18, 2025. As a starting point, I would recommend a January 1, 2027 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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**From:** McGhee, Dana <[dana.McGhee@oah.nc.gov](mailto:dana.McGhee@oah.nc.gov)>  
**Sent:** Monday, December 9, 2024 11:48 AM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** Periodic Review 15A NCAC 01A and 01S

Good morning,

The determinations in the attached periodic review report for 15A NCAC 01A and 01S were effective November 26, 2024. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the reports.

Let me know if you have any questions.

***Dana McGhee***  
*Publications Coordinator*  
*Office of Administrative Hearings*  
984-236-1937  
[dana.mcghee@oah.nc.gov](mailto:dana.mcghee@oah.nc.gov)

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