

Burgos, Alexander N

Subject: FW: RRC Requests for Technical Changes

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Tuesday, March 22, 2022 3:48 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Thanks Brian,

We will be in touch.

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)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, March 22, 2022 2:38 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Good afternoon,

Attached is a letter officially confirming the extension requested by the agency and approved by RRC at last week's meeting.

Please let me know whether the agency has plans at this time to bring these back before RRC at the April or May meetings, and I will set some timeframes for getting responses back, etc.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

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Burgos, Alexander N

From: Millis, Chris <CMillis@nchba.org>
Sent: Monday, March 14, 2022 2:13 PM
To: Liebman, Brian R
Cc: Everett, Jennifer; Burgos, Alexander N
Subject: RE: [External] Public Comment Concerning EMC Wetland Rules

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Understood.

Please note that I will resubmit our comment and request to speak to the RRC comments inbox. I will be sure to copy Ms. Everett as well.

Please note that I have no problem with resubmitting the comment after the extension is approved on the 17th as well if it would be cleaner regarding the need to seek a waiver.

Thank you so very much for your response.

Chris Millis
Director of Regulatory Affairs
North Carolina Home Builders Association
5580 Centerview Drive, Suite 415
Raleigh, NC 27606
(919) 676-9090

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, March 14, 2022 2:04 PM
To: Millis, Chris <CMillis@nchba.org>
Cc: Everett, Jennifer <jennifer.everett@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Public Comment Concerning EMC Wetland Rules

Good afternoon Mr. Millis,

Thank you for your email. As you're now aware, EMC has requested an extension for these rules, which I'll be recommending the Commission approve at this week's meeting. As I anticipate that the Commission will grant the extension, and that these rules will come up for review in either April or May, the deadlines for submitting comments and requests to speak will likely be extended as well.

That being said, in the future, please be aware that pursuant to 26 NCAC 05 .0103(a), submission of written comments concerning permanent rules "shall be received by the RRC staff by 5:00 p.m. of the fifth business day prior to the RRC meeting at which the permanent rule is to be reviewed. If comments are submitted electronically, the comments shall be sent to rrc.comments@oah.nc.gov." Moreover, the rule requires you to submit a copy of the comments "at the same time and in the same manner to the agency's rulemaking coordinator" which here is Ms. Everett. I've copied her here, so she is now aware of your comment and request to speak. I would suggest resubmitting your comment and request to speak to the RRC comments inbox linked above, and copying Ms. Everett so she receives a copy of the comment (I'm replying to the email that had the comment attached, but I am not sure it remains attached here).

Typically, when a comment is received late, RRC may still consider it, but they would need to waive their rules pursuant to 26 NCAC 05 .0103(f) and 26 NCAC 05 .0112. Because of the requested extension, I don't think waiver will be necessary in this case. Nonetheless, please bear that in mind going forward.

Thanks, and please let me know if you have further questions.

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From: Millis, Chris <CMillis@nchba.org>
Sent: Monday, March 14, 2022 11:53 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: [External] Public Comment Concerning EMC Wetland Rules

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Mr. Liebman, please find attached to this email a written public comment from the North Carolina Home Builders Association and the North Carolina Chamber concerning the EMC's proposed permanent rules 15A NCAC 02H .1301 (Revision) and 15A NCAC 02H .1400 (.1401 through .1405).

In addition to the written public comment attached, please also find this email as a request to provide verbal comments to the RRC when the proposed permanent rules are up for adoption. Per the information on the agenda website, it appears that the agency is requesting an extension; therefore, if not at the upcoming meeting on March, 17th, whenever the proposed permanent wetland rules will be considered by the RRC, if allowed, I would like the opportunity to give public comment.

Thank you so very much for your time and effort concerning this matter.

Chris Millis
Director of Regulatory Affairs
North Carolina Home Builders Association
5580 Centerview Drive, Suite 415
Raleigh, NC 27606
(919) 676-9090

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Burgos, Alexander N

Subject: FW: EMC Rules for March 2022 RRC Meeting

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Monday, March 14, 2022 1:37 PM

To: CMillis@nchba.org; greg@jenningsenv.com; Jim Spangler <jspangler@spanglerenvironmental.com>; Debra.Thompson@ci.kinston.nc.us; anaz@nccoast.org; chris@chadwickcreek.com; Kelly Moser <kmoser@selcnc.org>; Norton Webster <norton@ecoterra.com>; rick.savage <rick.savage@carolinawetlands.org>; Grady McCallie <grady@nconconservationnetwork.org>; Meredith Graf (Rep. John Ager) <Meredith.Graf@ncleg.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Subject: EMC Rules for March 2022 RRC Meeting

Good afternoon,

I hope that you're well. Thank you for your attention to the EMC Rules currently on the agenda for the North Carolina Rules Review Commission's March meeting found at <https://www.oah.nc.gov/rrc-meeting-agenda-march-2022>.

Please be advised that EMC has requested, and I plan to recommend to the Commission, that the period of review be extended in accordance with G.S. 150B-21.10(3). EMC's request can be found at <https://files.nc.gov/ncoah/documents/Rules/RRC/03172021-EMC-Request-for-Extension.pdf>.

Please let me know if you have any questions.

Thank you,

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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brian.liebman@oah.nc.gov

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Burgos, Alexander N

From: Liebman, Brian R
Sent: Monday, March 14, 2022 10:13 AM
To: Everett, Jennifer
Cc: Homewood, Sue; Burgos, Alexander N
Subject: RE: RRC Requests for Technical Changes

Good morning Jennifer,

Thanks for letting me know. I will let the Commission know, and will inform the folks who have submitted comments and requests to speak that you've requested an extension.

Once the Commission votes on the extension, and assuming they grant it, I'll reach out with a timeframe for going forward at either the April or May meetings.

Thanks!
Brian

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Counsel to the North Carolina Rules Review Commission
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(984)236-1948
brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Monday, March 14, 2022 10:11 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RRC Requests for Technical Changes

Good morning Brian,

We are still intending to request the extension for the period of review pursuant to G.S. 150B-21.13.

I will work with staff and our Commission Counsel to see when we can get it in within the extension period.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
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Tele: (919)-707-8614
<https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main>

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From: "Liebman, Brian R" <brian.liebman@oah.nc.gov>
Date: Friday, March 11, 2022 at 5:18 PM
To: "Everett, Jennifer" <jennifer.everett@ncdenr.gov>
Cc: "Homewood, Sue" <sue.homewood@ncdenr.gov>, Alexander Burgos <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi Jennifer,

I was just following up to see what your plans were with these rules, or if you were going to go with the extension request.

Thanks,
Brian

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Thursday, March 10, 2022 3:03 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi Brian,

I appreciate your inquiry. I will reach out to staff and our Commission Counsel to see what can be done.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
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<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Thursday, March 10, 2022 1:38 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi Jennifer,

Thanks for letting me know. While I am not opposed to an extension, and will recommend to RRC that they grant it, is there anyway to complete review of these rules this month? I only ask because it appears that next month may be quite busy here, we have had a lot of public comment, and it may be to everyone's benefit to get these done this month.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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(984)236-1948
brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Thursday, March 10, 2022 10:12 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hello Brian,

We are kindly requesting an extension for the period of review for 15A NCAC 02H .1301 and .1400. This extension will allow additional time for staff to address your technical change requests.

Let us know if you have any questions.

Thank you.

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)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

Burgos, Alexander N

Subject: FW: RRC Requests for Technical Changes

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, March 1, 2022 1:59 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi all,

A heads up, please ignore the following technical correction included in "All Section .1400 Rules." I clearly misapplied our formatting rules there.

In the header of each of these Rules, you say they were "adopted as published... with changes". As these are adoptions, all text not subject to post-publication deletion should be underlined. Any text deleted post-publication should be bracketed and struck through, and all post-publication changes (additions and deletions) should be highlighted. Please reformat appropriately.

Sorry for the confusion!

Brian

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(984)236-1948
brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Tuesday, March 1, 2022 10:42 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Thanks Brian,

We will get to work on these. Will be in touch.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, February 28, 2022 8:06 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Requests for Technical Changes

Good evening,

I'm the attorney who reviewed the Rules submitted by the Environmental Management Commission for the March 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 17, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, March 11, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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