

**RULES REVIEW COMMISSION MEETING
MINUTES
March 15, 2018**

The Rules Review Commission met on Thursday, March 15, 2018, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 10:04 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

Chairman Dunklin introduced OAH extern Jack Williams to the Commission.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the February 15, 2018 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 60B .0101, .0201, .0202, .0205, .0302, .0401, .0402, .0603, .0604, .0605, .0701, .0702, .0804, .0805, .0901, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, .1015, .1016, .1017, .1018, .1019, .1020, .1021, .1022, .1023, .1024, .1025, .1026, .1027, .1028, .1029, .1030, .1031, .1032; 60C .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, and .0209 - All rules were unanimously approved.

Environmental Management Commission

15A NCAC 02Q .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0317, .0318, .0401, .0402, .0501, .0502, .0503, .0504, .0505, .0507, .0508, .0509, .0510, .0512, .0513, .0514, .0515, .0516, .0517, .0518, .0519, .0520, .0521, .0522, .0523, .0524, .0525, .0526, .0527, .0528, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0901, .0902, and .0903 - All rules were unanimously approved.

Licensing Board for General Contractors

21 NCAC 12 .0204, .0503, and .0504 - All rules were unanimously approved.

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board, and she is the rulemaking coordinator for the Board.

Building Code Council

2018 Residential Code Tables N1102.1.2, N1102.1.4; 2018 Energy Conservation Code Tables R402.1.2, R402.1.4 – The agency is addressing the objections from the February meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)*Pre-Reviewed Rules***Acupuncture Licensing Board**

All rules were unanimously approved.

Board of Barber Examiners

All rules were unanimously approved.

Board of Dental Examiners

All rules were unanimously approved.

*Non Pre-Reviewed Rules***Banking Commission**

04 NCAC 03C .1001 was unanimously approved.

Criminal Justice Education and Training Standards Commission

All rules were unanimously approved.

Alcoholic Beverage Control Commission

14B NCAC 15A .0102 was unanimously approved.

Alarm Systems Licensing Board

14B NCAC 17 .0204 was unanimously approved.

Department of Revenue

17 NCAC 05 - The Commission extended the period of review for the rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the Department of Revenue additional time to revise the rules in response to the technical change requests.

Board of Chiropractic Examiners

All rules were unanimously approved.

Prior to the review of the rules from the Board of Chiropractic Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board.

Board of Landscape Architects

All rules were unanimously approved.

Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

All rules were unanimously approved.

State Human Resources Commission

All rules were unanimously approved.

EXISTING RULES REVIEW

Department of Natural and Cultural Resources

07 NCAC 13A, 13B, 13C, 13D, 13F, 13G, and 13I - The agency requested an extension of the deadline established in Rule 26 NCAC 05 .0203, as it submitted the reports three business days after the filing deadline.

The Commission approved the extension request with Commissioners Bryan and Dunklin voting against.

The Commission unanimously approved the reports as submitted by the agency.

Phil Feagan, General Counsel for the agency, addressed the Commission.

Parks and Recreation Authority

07 NCAC 13K - The agency requested an extension of the deadline established in Rule 26 NCAC 05 .0203, as it submitted the reports three business days after the filing deadline.

The Commission approved the extension request with Commissioner Dunklin voting against.

The Commission unanimously approved the report as submitted by the agency.

Board of Physical Therapy Examiners

21 NCAC 48 - The Commission unanimously approved the report as submitted by the agency.

Real Estate Commission

21 NCAC 58 - The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 13C - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than April 30, 2021 pursuant to G.S. 150B-21.3A(d)(2).

Industrial Commission

04 NCAC 10 – The agency requested that the Commission clarify the rules subject to the Periodic Review and Expiration of Existing Rules Review pursuant to G.S. 150B-21.3A as scheduled for May 2019. The Commission tabled the discussion pending the submission of a request for exemption pursuant to Rule 26 NCAC 05 .0209 from the agency.

Commissioner Hyde was not present during the discussion or vote concerning the report.

COMMISSION BUSINESS

The meeting adjourned at 11:35 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 19th at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

March 15, 2018

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Dennis Seavers	BBE
Jennifer Everett	DEQ
Charminique Williams	CJETS
Gail Bledsoe	NCFS
SEAN BROGAN	NCFS
Lonnie Christopher	NCCUB
Kathy Army	NCBPE
Debbie Taylor	NCBPE
Jack Williams	NC OAH
Bryan Downy	NC STATE PARKS
Denise Mazza	NC OSHR
Maggie Craven	ASLB/NCBLA
Pamela Taylor Shaw	OSHP
Jessica Middlebrook	OSHR
Tien Cheng	NCDACS
Whitney Wilderby	Dental Board
Phil Flagan	DNER
JOSEPH GURDY	NCFS.
Melissa Vuotto	REC
Rob Patchett	REC
Alex Johnson	OAH

March 15, 2018

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Aick Fouban	young Moore
Patrick Knowlson	NC DEQ DAQ
Jonathan Avery	NC DNCR
Carol Tingley	NC DNCR
Brian Dowdy	NC DNCR
Matthew Davis	NC DEQ DAQ
Steve Hall	NC DEQ DAQ
Kendall Bourdow	NC IC
Tom Sullivan	NC BOCE
John Riggelman	NC BOCE
SPAC Meyer	DNCR



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

March 15, 2018

Jennifer Everett, Rulemaking Coordinator
Department of Environment Quality
Environmental Management Commission
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 13C**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the March 15, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than April 30, 2021.

Please note that the rules set forth in 15A NCAC 13A and 15A NCAC 13B are not subject to this readoption date. Those rules address separate rulemaking needs and have been scheduled for a different readoption date.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond".

Abigail M. Hammond
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

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919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
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Clerk's Office
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Rules Review
Commission
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Civil Rights
Division
919/431-3036
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An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
April 20, 2017
APO Review: June 24, 2017**

**Environmental Management Commission
Total: 156**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 13A .0102</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0103</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0104</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0105</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0106</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0107</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0108</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0109</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0110</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0111</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0112</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0113</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0116</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0117</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0118</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13A .0119</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0101</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0102</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0103</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0104</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0105</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0106</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0201</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0202</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0203</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0204</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0301</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0302</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0401</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0402</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0501</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0502</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0503</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0504</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0505</u>	Necessary-with-substantive-public-interest
<u>15A NCAC 13B .0508</u>	Necessary-with-substantive-public-interest

<u>15A</u>	<u>NCAC 13B</u>	<u>.1625</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1626</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1627</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1628</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1629</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1630</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1631</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1632</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1633</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1634</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1635</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1636</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1637</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1680</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1701</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1702</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1703</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1704</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1705</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1706</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1707</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1708</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1709</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13B</u>	<u>.1710</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0301</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0302</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0303</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0304</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0305</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0306</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0307</u>	Necessary with substantive public interest
<u>15A</u>	<u>NCAC 13C</u>	<u>.0308</u>	Necessary with substantive public interest