



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

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August 18, 2016

Sent via email: [jennifer.everett@ncdenr.gov](mailto:jennifer.everett@ncdenr.gov)

Jennifer Everett, Rulemaking Coordinator  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Re: Rules 15A NCAC 02H .1019, .1042, .1043, .1044, .1045, .1050, .1051, .1052, .1053, .1054, .1055, .1056, .1059, .1060

Dear Ms. Everett:

At its August 18, 2016 meeting, the Rules Review Commission objected to the above-identified rules in accordance with G.S. 150B-21.9.

The Commission objected to these rules for the use of an ambiguous and unclear term. Specifically, the Commission found that the term "licensed professional" as defined in 15A NCAC 02H .1050(14) is unclear as to what licensed individuals within North Carolina could participate in the design of a stormwater system. The term "licensed professional" is repeated in Rules 15A NCAC 02H .1019, .1043, .1044, .1045, .1050, .1051, .1052, .1053, .1054, .1055, .1056, .1059, .1060. Further, several rules reference the requirement for "sealed" documents. Related to the use of the unclear term of "licensed professional," it is unclear if the person "sealing" documents has statutory authority to "seal" the required documents. The term "seal" is used in Rules . 1042, .1043, .1044, .1045.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond  
Commission Counsel

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