REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295 – THE ENTIRE RULE

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Please note that because of the length of this rule each paragraph of this rule is going to be put in an individual technical change request form. This will make it easier to follow where the individual changes are located.*

*Throughout this rule the formatting of a change in punctuation is not correct. The first example I caught of this is in (a)(1) line 16 and the addition of a semicolon after “15A NCAC 02B .0607;” in line 16. Any change in punctuation includes the entire word associated with the punctuation. Throughout this document I shall use shorthand, such as “Punctuation formatting ‘15A NCAC 02B .0607;’ in line 16” to indicate where corrections are needed.*

*In this rule some of the sub-paragraphs end with periods while others end with a semicolon. I prefer the semicolon format, but whichever you choose to use, you need to be consistent.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(a) – MITIGATION PROGRAM REQUIRE-MENTS FOR PROTECTION AND MAINTENANCE OF ...

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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*In (a) line 12 it is unclear who is someone who “wish[es] to impact” a riparian buffer. I would imagine it might be that there are those with no wish to impact a buffer, but know that they are still subject to this rule. Please be more specific about who is subject to this rule and precisely what an “impact” is. Since I suspect that most people who would be subject to this rule know who they are, I am not recommending an objection. However if the rule is not written more clearly as to who is subject to the rule, then I will.*

*In fact it appears that the people subject to this rule are those listed in (a)(1) and (2). I would suggest changing “wish to impact a riparian buffer” to “listed in Sub-paragraphs (1) and (2) of this Paragraph.”*

*It would read better to remove the commas following “certificate,” and “minimized,” in (1) lines 14 and 15 respectively.*

*Semicolon punctuation formatting “15A NCAC 02B .0607;” in line 16. Also you should probably follow the semicolon with the word “or” with no punctuation after the word.*

*“15A NCAC 02B .0607” in line 16 is repeated. Verify that all the rules you need to reference are included and either change or delete the repeated reference.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(b) -- DEFINITIONS

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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*In (b)(2) line 24 there appears to be a spurious “-“ before “Division.”*

*In (3) line 26 change “shall be” to “are.”*

*In (3) there is a reference to a “riparian zone site.” There is no definition for a “riparian zone site” although there is one for a “riparian wetland.” If the two are the same thing then please use the same term throughout or otherwise make clear they are the same. If they are not the same, then the rule is unclear.*

*When I first read (3) and then read the other items referred to in (13) and (14) it took me awhile to understand the terms. If I understand them correctly I believe that (3) can and should be written more succinctly as follows (or similar): “Enhancement site means a riparian zone [riparian wetland; riparian wetland zone?] site with conditions [characterized by conditions] between that of a restoration site and a preservation site such that ....” You may also need to be more specific, perhaps in relation to the 25% cover referred to in a restoration site.*

*In (4) please provide a more precise URL link to the web site; I could not find the HUC and use it to locate the database or anything within it.*

*In (5) line 35 please refer to where or how the mitigation ratio is determined.*

*Punctuation formatting of “success,” in (6) line 2.*

*In (10) and (11), lines 14 and 17, please verify that the proper citation formatting is a period and not a comma or semicolon following “Carolina.” Regardless the proper form is for the punctuation to follow the word and then follow the punctuation with the close parentheses symbol.*

*Punctuation formatting of “and,” and “saplings),” in (13) lines 23 and 24.*

*In (13) it seems to me that the “characterization” in lines 24 – 26 is a definition of “lack of dense growth” in line 23. The former part is probably unnecessary and including it makes the meaning less clear. The definition could and should be rewritten to the more succinct (or similar language): “Restoration site means a riparian zone [riparian wetland; riparian wetland zone?] site characterized by a tree canopy that is less than 25% of the cover.” If that is not the definition for a restoration site, then the meaning is unclear. If the “lack of dense growth of smaller woody stems ...” in lines 25 – 26 is critical to the definition, then “dense growth” needs clarification.*

*In (14) please verify the proper term that is being defined, given the uses of “riparian zone,” “riparian zone site(s)” and “riparian wetland.”*

*Punctuation formatting of the period following “municipality” in (15) line 36.*

*In (16) page 3 line 1 please refer to where or how the mitigation ratio is determined.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(c) – APPLICATION REQUIREMENTS, MITIGATION SITE REQUIREMENTS AND MITIGATION OPTIONS

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (c) page 3 lines 4 and 5 the rule refers to an “applicant who has met the requirements of Paragraph (a).” It does not seem to me that there are any requirements in (a) and that it would be more proper to refer to an applicant “who is required by Paragraph (a)” or similar language.*

*In line 6 change “may” to “shall.”*

*In line 11 correct the formatting of adding “(s)” to “bond(s).”*

*In line 16 delete or define “appropriate.”*

*In line 19 please make “Authorization Certification” lowercase.*

*At the end of (c)(3) line 33 please delete the comma following “or,”.*

*Punctuation formatting of “(4)” in line 34. At the end of (c)(4) line 34 the semicolon should be a period.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(d) – AREA OF IMPACT

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (d), page 3 line 35, please make “Authority” lowercase.*

*Punctuation formatting of “impacting” in (1) line 37.*

*In (d)(3) page 4 line 3, change the comma after “use,” to a semicolon and be sure to use proper formatting.*

*In (4), page 4 line 5, please make “Authority” lowercase.*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(e) – AREA OF MITIGATION BASED ON ZONAL AND LOCATIONAL MITIGATION RATIOS

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (e), page 4 line 9, make “Authority” lowercase.*

*In line 12, it appears there is a spurious “-“ before “-the” and the same situation before “-and,” in line 13.*

*In (e) at the end of line 13 the typical punctuation before a sub-paragraph is a colon, not a comma.*

*In (e)(1) line 14 capitalize “paragraph.”*

*Punctuation formatting of “must~~:~~” in (e)(1) line 15.*

*Punctuation formatting of the change of the period following “applicants.” in page 5 line 6 to a colon.*

*The definition in (b)(4) says that an HUC is an “eight-digit” code while (e)(1)(B), page 5 line 10, refers to a 12 digit HUC and the next two lines in (C) and (D) refer to “8 digit” codes. Please explain and indicate whether this could be any source of confusion.*

*OAH rules require that numbers from one through nine be spelled out. Please make that correction above and in line 13.*

*At the end of (e)(1), page 5 line 15 I like the format calling for a semicolon followed by the word “and” with no further punctuation. At the least you need some punctuation mark.*

*In (2), page 5 line 15, it appears there is a spurious “-“ before “-j” in “(-j)” in line 15.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(f) – GEOGRAPHIC RESTRICTIONS ON LOCATION OF MITIGATION

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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*In (f), page 5 line 17, it appears there is a spurious “-“ before “-(f).”*

*In (f) and (f)(1) there are references to “river basin” in line 18 and “watershed” in line 19. There are no definitions in this rule for those terms. Is there any possibility that there could be some dispute as to the meaning of either of those and does either require a definition or reference to where a definition is found?*

*Punctuation formatting of the rule reference and the punctuation following the rule reference in (D) page 6 line 3.*

*In (E) change “watershed restrictions” to “watersheds” in line 5. If the intent of (D) is to refer to other watershed restrictions, not just where mitigation is to be performed, then that sounds like it is a separate sub-paragraph of (f) and not part of (f)(1).*

*In (f)(2), page 6 line 7, it appears there is a spurious “-“ before “-(2).”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(g) – RIPARIAN BUFFER RESTORATION OR ENHANCEMENT

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (g) page 6 punctuation formatting of “RESTORATION,” and “enhancement,” in line 11.*

*Punctuation formatting of “enhancement,” in line 15.*

*In (g)(1), page 6 line 17, it appears there is a spurious “-“ before “-(1).”*

*Punctuation formatting of “Rule~~; and~~.~~,~~” at the end of (1) line 18.*

*In (3) line 22 please provide some introduction to sub-sub-paragraphs (A) and (B). It might be as simple as changing “of this Rule.” to “of this Rule and:”.*

*In (3)(A) I am not sure I understand the concept of “most landward limit [or “landward limit”] of the top of the bank” at least in reference to flowing bodies of water as opposed to lakes or ponds or other (somewhat) contained areas of water. It seems to me that the “top of the bank” is the top of the bank and the measurement would begin there. Please explain to me how adding “landward limit” changes the instructions and also the difference between the “landward limit” and the “most landward limit.”*

*In (g)(3) you use the format of following sub-sub-paragraph (A) with a period. In (g)(6) you use the format of following the sub-sub-paragraphs through (D) with a semicolon. While I prefer the latter approach you need to be consistent, at least within a paragraph.*

*In (3)(B), page 7 lines 1 and 2 you use two different forms for what I assume is the same term: “discharge/outlet” and “discharge or outlet.” You need to be consistent. Personally I prefer the latter.*

*In line 3 I believe “stream” should be plural*

*There is no (g)(4) following (g)(3). Please correct the subsequent (5) – (10).*

*Formatting of changes in sub-paragraph numbers “(5)” through “(10)” on pages 7 and 8.*

*In (g)(5), page 7 line 6 correct formatting of punctuation change in “ditches,”.*

*In (6), page 7 line 10, please verify that the reference to “Sub-Paragraphs (1) through (4)” are the correct referenced sub-paragraphs.*

*In (6)(B), page 7 line 13 change “and/or” to “and” or “or.”*

*In (6)(B), page 7, format change of “~~2~~50%” in line 14.*

*Punctuation formatting of “sites~~.~~” In (D) line 23 and spurious hyphens before “-applied” and “-and” in lines 23 and 24.*

*In (D) line 24 change “instructions, and;” to “instructions; and” with no punctuation after “and.”*

*Punctuation change formatting of “success\_,” in (E) line 25.*

*In (8), page 7 at the end of line 34 punctuation change formatting of “functions,.”.*

*In (9), page 8 line 9 change “and/or” to “and” or “or.” I would suggest “and.”*

*You need to provide standards to determine when additional monitoring in (9) lines 12 – 14 “may” be required.*

*A spurious hyphen before “-monitoring in (10) 16.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(h) – PURCHASE OF BUFFER MITIGATION CREDITS ...

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

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*Spurious hyphen before “-(h)” at the beginning of line 20 on page 8.*

*In (h)(1) page 8 line 23 either delete “has been approved by the Division and” or refer to where the approval standards are found.*

*In the web site URL in line 25 it appears only one parenthesis has been removed from the reference. Please verify whether or not you want it in parentheses and correct the formatting to reflect either case and also the semicolon at the end of the subparagraph.*

*In (h)(2) line 27 it seems to me that “appropriately” is unnecessary and could and should be deleted.*

*At the end of (2) delete the comma after “and,”.*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(i) – PAYMENT TO THE RIPARIAN BUFFER RESTORATION FUND

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

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*In (i), page 8 line 37 change “will” to “shall” in both places it occurs.*

*In that same line it seems to me that “accept of deny” should be “accept or deny.”*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(j) – DONATION OF PROPERTY

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

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*Formatting of change in “(hi), page 9 line 5.*

*The same in “(ij)(4)(D)” in line 6.*

*Formatting of change in “15A NCAC 02B .0269” in line 9.*

*Formatting of change in “easements” in (2) line 10 and “endownment” in line 11.*

*Punctuation changes – multiple – in (3)(B) line 19 in “”Neuse and Tar-Pamlico ~~Randleman~~ basins,” and in line 20 “watersheds,”.*

*In (g)(3)(A), page 6, I already raised the issue of “most landward limit of the top of the bank” as found here in (j)(3)(B) line 24. If any change is made in (g) then it probably should be made here as well.*

*In (j)(3)(B) lines 25 and 28 I do not think adding the word “minimum” adds any clarity to the rule. It might cause someone to mistakenly think they could require a greater distance.*

*The same would apply in line 30 for the waiver of the minimum distance.*

*In that same line 30 I believe that “only be allowed” should be “be allowed only.”*

*A spurious hyphen before (C) in line 32.*

*In (I), page 10 line 14, the term “problems” is too amorphous and vague. Please find a better term.*

*In (J) line 20 the requirement that something not “inhibit the function of the restoration effort” could be considered ambiguous. If it is meant to be taken literally, i.e., not hinder the functioning of the restoration effort in any manner whatsoever, then it is probably acceptable. If that is not the intent, then the term is vague.*

*The same question would apply in (K) line 21 and the requirement that something not be “inconsistent with the requirements of this rule.”*

*Formatting of the change in punctuation in “transferred.” in (I) line 17.*

*In (K) page 10 line 22 change the period at the end of line 22 to a semicolon.*

*In (L) line 25 I believe that current style guidelines would require that “state” be capitalized.*

*In (M) formatting of change in “enhancement,” in line 26, “maintenance” in line 31 and “easement,” in line 34.*

*In (M) line 29 the phrase “and the interests” appears to be incomplete. However that is corrected be sure the formatting for the end of the sentence is correct.*

*In (j)(4)(D), page 11 line 15, delete the comma after “and,”.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(k) – ALTERNATIVE BUFFER MITIGATION OPTIONS

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

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*In (k) page 11 line 17 it appears that “Alternative Buffer Mitigation” should be entirely uppercase to go with “OPTIONS.”*

*Formatting of change in labels of sub-sub-paragraphs (k)(1)(B) – (D) pages 11 and 12, lines 33, 11, and 16.*

*Formatting of change in punctuation of “Rule; and” in (B) page 12 line 8.*

*In (1) and (3) of this paragraph, the sub-sub-paragraphs almost always conclude with a semicolon. In (2) the sub-sub-paragraphs (A) – (F) all appear to end with a period. Please be consistent and follow the same style throughout at least this paragraph.*

*Punctuation change at end of (k)(1)(C) page 12 lines 13 and 15 and (D) lines 19 and 21.*

*A spurious hyphen before “-(2)” page 12 line 22 and “ALTERNATIVE Buffer mitigation – NON-STRUTURAL, VEGETATIVE options” needs to be all uppercase.*

*Punctuation change at end of first sentence in (2)(B) lines 34 and 35.*

*Using your own publication in (2)(B) page 12 lines 37 and 38 and line 1 on page 13 is questionable. However if you delete “or more recent version” I will not recommend any objection.*

*Change in punctuation in “buffer.” in line 4 of page 13.*

*Change in “(g)” in line 12 of page 13.*

*Change in punctuation in “Streams” in (C) line 28 of page 13.*

*Change in punctuation in “rules.” in line 33 of page 13.*

*In (D), page 14 line 9 it seems to me that “greater than or equal to” is usually written “equal to or greater than.”*

*In (E) the rule contains references to a “portion of the sewer easement” in lines 21 and 22. It seems to me that you are actually referring to a “portion” of the buffer zone that is a sewer easement or to the entire sewer easement itself rather than a portion of the sewer easement. At any rate it is not clear what the “portion” is referring to. If it is a “portion of the sewer easement” then you need to clarify that and also specify how the “portion” is determined.*

*Change in punctuation in “rule.” in line 38 of page 14 and line 2 of page 15.*

*In (3) page 15 line 4 make “ALTERNATIVE Buffer Mitigation Structural STORMWATER TREATMENT OPTIONS” all uppercase.*

*A spurious hyphen at the beginning of “-(B)” page 15 line 8.*

*In (B) line 10 I have no idea what the formatting is trying to indicate by “-\_bioretention.”*

*A spurious hyphen at the beginning of “-(C)” page 15 line 18.*

*In (C) lines 25 – 27 either refer to where the standards for determining what is “acceptable to the Division” are found or set them out here or delete the acceptability requirement.*

*A spurious hyphen in “the-“ in (D) page 15 line 28.*

*In (D) lines 28 or 29 I believe that it would be clearer to refer to “the Division’s 2009 or later version of its Stormwater Best Management Practice Design Manual” or similar language. If that is not the intent then the rule is not clear.*

*At the end of (D) make it clear that it is the applicant’s choice whether to follow the 2009 manual or a later one.*

*A spurious hyphen at the beginning of “-(E).”*

*In (F) there is the same issue concerning the 2009 Manual as in (D).*

*At the end of (G), page 16 line 2, the sub-sub-paragraph ends with a period rather than a semicolon. As mentioned earlier there needs to be consistency whether you are using a period or semicolon throughout this entire paragraph (k).*

*Punctuation change in “and.” at the end of (J), page 16 line 18.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0295(l) – ACCOUNTING FOR BUFFER CREDIT, NUTRIENT OFFSET CREDIT AND STREAM MITIGATION CREDIT

DEADLINE FOR RECEIPT: FRIDAY, JUNE 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (l), page 16 line 33 delete the hyphen following “buffer-“.*

*Punctuation for the semicolon after “credits” in page 17 line 2.*

*Formatting for change of label “(2) in line 4.*

*Formatting for change in NCAC reference, line 5 and the semicolon after that reference.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02H .0152

DEADLINE FOR RECEIPT: Friday, June 14, 2013

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (a)(1) line 6 change “Rule 02H .0154 of this Section” to “Rule .0154 of this Section.”*

*I do not understand the application of (a)(2)(C) on page 2 line 28. It seems to restrict the application of the delineation process to the one group mentioned and not the other two. Please explain.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02H .1016

DEADLINE FOR RECEIPT: Friday, June 14, 2013

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*I do not understand the application of (a)(2)(C) on page 2 line 28. It seems to restrict the application of the delineation process to the one group mentioned and not the other two. Please explain.*

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Joseph J. DeLuca, Jr.

Commission Counsel