REQUEST FOR TECHNICAL CHANGE

AGENCY: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B – ALL RULES

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

***NOTE WELL: This request when viewed on computer extends 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-21.1.

*Please reprint and replace all these rules, or at least the affected pages, using all black ink (and not colored or gray ink) as set out in 26 NCAC 02C .0108(1)(c).*

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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0263

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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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-21.1.

*As I understand it the only change is to the numbering. Since the numbering is correct in the printed version of the code as well as the adopted rule originally submitted by you and reviewed and approved by the RRC, we will make the correction in the numbering as soon as possible.*

*All I would ask is that you make a simple email response that it is satisfactory for us to remove this rule from the list of rules for review this month.*

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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0267

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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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-21.1.

*If you can provide the documentation requested below, you will still need to provide copies of the rule, or at least the affected pages in all black ink.*

*On page 10/28 you indicate that the language to be added has not been published in the NCR based on a typographical error. Please indicate at what stage after the rule was adopted this language was dropped from the rule that was originally proposed. At the least it must have been included in the rule that was adopted by the EMC and you need to be able to document this.*

*The same request applies to the change in the rule reference from sub-item (11) to (12) on page 24/28.*

*If you cannot document this to my – or ultimately the Commissioners’ – satisfaction you will need to begin the rulemaking process to include this language.*

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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0268

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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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-21.1.

*If you can provide the documentation requested below, you will still need to make the requested changes and reprint it in all black ink.*

*Please provide documentation indicating the change in (7)(a) page 2/5 and 3/5 lines 36 and 3 respectively from Rule .0272 to .0269 is a typographical error.*

*The same request applies to the change from (8) to (7) in (7)(d)(i) page 4 line 6.*

*At the end of (7)(a), (b) and (c) page 3 I would change the periods to semicolons since (b) is not a complete sentence. Since all the other sub-items in (7) are complete sentences and begin with uppercase, I would begin (b), page 3 line 5 with a capital as well.*

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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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0271

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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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-21.1.

*Please provide documentation indicating the changes in (3)(a)(vi), page 2/9 line 37; (b)(i) page 3/9 (two places: lines 20 and 35-36) and page 4/9 line 1; and (b)(ii) page 4/9 line 15 are typographical errors.*

*If you can provide the documentation requested above, you will still need to make the requested changes and reprint it in all black ink.*

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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0311

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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-21.1.

*Please submit some sort of documentation that the change in this rule is to correct a typographical, and not a mental, error. In other words can you show me some earlier editions of the rule that had the correct rule reference before the “typo” slipped in? If you cannot, then you will need to withdraw this rule and begin the rulemaking process.*

*In (b)(1) – (27) please indicate which paragraphs go with which dates – to the extent this is possible. This is the same request that I have made in the recent past with respect to other basin classifications and will likely make in the future. See, e.g., Rule .0307.*

*In (l) page 4 line 7 there is an ampersand in “WS-IV & B.” I am not sure if this is a typographical error. The usual format seems to be “WS-IV B.” Consistency is better.*

*In (l) page 4 line 8 you define without stating it that the “CA” in “WS-IV CA” means “critical area.” Where is this classification and the standards for the classification found? I could not locate it after a brief search.*

*The “&” reoccurs in (q) page 5 line 35.*

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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: NC ENVIRONMENTAL MANAGEMENT COMMISSION

RULE CITATION: 15A NCAC 02B .0313

DEADLINE FOR RECEIPT: TUESDAY, AUGUST 16, 2011

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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-21.1.

*In (c)(1) – (14) please indicate which paragraphs go with which dates – to the extent this is possible.*

*In (h) page 2 line 28 please delete the stray period in “Class. WS-V B.”*

*In (h)(1) line 27 I’m curious about something. I believe (well, I know since I have a lake place there) the lake does go above the 410 elevation – unfortunately it’s below that now and heading lower. How does the rule work when the elevation is above 410, or, for whatever reasons, are there portions of the lake that are always below that level?*

*It seems to me that in (k)(1) page 2 line 8 “NC62” should have a space in it – “NC 62.” I will note that in other rules you insert “Hwy” or “Highway.”*

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

Joseph J. DeLuca, Jr.

Commission Counsel