rrc staff OPINION

*Please Note: This communication is either 1) only the recommendation of an RRC staff attorney as to action that the attorney believes the Commission should take on the cited rule at its next meeting, or 2) an opinion of that attorney as to some matter concerning that rule. The agency and members of the public are invited to submit their own comments and recommendations (according to RRC rules) to the Commission.*

AGENCY: ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

RULE CITATION: 21 NCAC 39 .0801

RECOMMENDED ACTION:

 Approve, but note staff’s comment

X Object, based on:

 Lack of statutory authority

X Unclear or ambiguous

 Unnecessary

 Failure to comply with the APA

 Extend the period of review

COMMENT:

Paragraph (a) is too vague for anyone to know exactly what is required.

Robert A. Bryan, Jr.

Commission Counsel

rrc staff OPINION

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AGENCY: ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

RULE CITATION: 21 NCAC 39 .1003

RECOMMENDED ACTION:

 Approve, but note staff’s comment

X Object, based on:

 Lack of statutory authority

X Unclear or ambiguous

 X Unnecessary

 Failure to comply with the APA

 Extend the period of review

COMMENT:

This rule does not appear to be necessary. This board only has authority to regulate onsite wastewater contractors and inspectors and there is no reason for anyone to expect them to apply to anyone else. It is also not clear what is meant by a "certified subsurface operator."

Robert A. Bryan, Jr.

Commission Counsel