

## Burgos, Alexander N

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**From:** Ascher, Seth M  
**Sent:** Tuesday, January 21, 2025 12:07 PM  
**To:** Everett, Jennifer  
**Cc:** Burgos, Alexander N; Higgins, Karen; Montie, Jessica; Young, Elizabeth S  
**Subject:** Re: Readoption schedule for 15A NCAC 02B, H, U & T

Jennifer,

I have reviewed these materials, and think that you have proposed a reasonable timeline. Therefore, I will recommend a June 1, 2029 readoption deadline for 15A NCAC 02B, 02H, 02T, 02U at the January 30, 2025 RRC meeting.

Additionally, I noted that you are currently planning to readopt 131 of the rules in May of 2028. I am going to take that into account as we are scheduling other agencies, so we'd appreciate it if you are able to follow that plan, even though the deadline for the rules will not be until 2029

Let me know if you have any questions.

### Seth Ascher

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Office of Administrative Hearings  
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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Thursday, January 16, 2025 4:54 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Higgins, Karen <karen.higgins@deq.nc.gov>; Montie, Jessica <jessica.montie@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>  
**Subject:** Readoption schedule for 15A NCAC 02B, H, U & T

Good afternoon,

Pursuant to 26 NCAC 05 .0212, the Environmental Management Commission at its January 9, 2025 meeting, approved the proposed readoption date of June 1, 2029 for 15A NCAC 02B, 02U, 02H and 02T. Please see the attached schedule and supporting information for RRC review and consideration.

Thank you.

Jennifer

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
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The Environmental Management Commission (EMC) submits the following information for 15A NCAC 02B, 15A NCAC 02H, 15A NCAC 02T, and 15A NCAC 02U for the Rules Review Commission's consideration in setting the readoption deadline for these four subchapters.

The EMC proposes that the readoption deadline, including all steps required by G.S. 150B-21.2, be accomplished by completing the rulemaking in five groups as detailed below, with a final adoption deadline for all rules in 15A NCAC 02B, 15A NCAC 02H, 15A NCAC 02T, and 15A NCAC 02U by **June 1, 2029**.

For ease of reference, a table listing each of the five proposed groups and readoption deadlines is included after the narrative rulemaking priorities and rationale below.

### **Rulemaking Priorities and Rationale**

Collectively, these four subchapters have 354 rules categorized as necessary and requiring readoption. The readoptions will be completed in five groups, with similar grouping and order as the first round of readoptions. A description of each group, along with the rationale, is provided below

#### **Group A: 36 rules in Subchapters 02B and 02H**

##### **Proposed Readoption: January 2027**

These rules covering all stormwater programs are implemented by the Division of Energy, Mineral and Land Resources (DEMLR). We propose to keep all the DEMLR stormwater rules in one rulemaking package and separate from other division's rules. This is more efficient for staff, the commission, and the regulated community.

#### **Group B: 25 rules in Subchapters 02B and 02T**

##### **Proposed Readoption: May 2027**

This group will include two separate rulemaking packages running concurrently.

The 7 rules in 02T covering soil remediation are implemented by the Division of Waste Management (DWM). DWM staff are interested in completing this readoption quickly as this the bulk of their rules (15A NCAC 02L, 02N, 02O and 02P) are also beginning the periodic rule review, with designation reports due to the RRC in August 2025.

The 18 rules in 02B covering the Falls Lake and Jordan Lake Nutrient Management Strategies are implemented by the Division of Water Resources (DWR). These rules were not readopted during the first round due to SL 2016-94. DWR and stakeholders have been working on these strategies together and have established them as a priority to be readopted by mid-2027.

### **Group C: 124 rules in Subchapters 02T and 02U**

#### **Proposed Readoption: May 2028**

These rules covering waste not discharged to surface water programs and the reclaimed water program are implemented by DWR. We propose to keep all of these programs in one rulemaking package and separate from the other DWR rules. This is more efficient for staff, the commission and the regulated community without overwhelming anyone with too many rules at once.

### **Group D: 46 rules in Subchapter 02B**

#### **Proposed Readoption: November 2028**

These rules covering surface water quality standards and classifications are implemented by DWR. We propose to keep all of these programs in one rulemaking package and separate from the other DWR rules as they are part of the federally required Triennial Review of Standards. These rules must be submitted to EPA for review and approval.

### **Group E: 123 rules in Subchapters 02B and 02H**

#### **Proposed Readoption: May 2029**

These rules cover several programs (NPDES, Pretreatment, Lab Certification, 401 water quality certifications, Neuse, Tar-Pamlico and Randleman Lake Nutrient Management Strategies, and the Catawba and Goose Creek Management Strategies) and are implemented by DWR. We propose to keep all of these programs in one rulemaking package and separate from the other DWR rules. This is more efficient for staff, the commission and the regulated community without overwhelming anyone with too many rules at once.

Rulemaking Group	# of Rules	Previous Readoption Effective Date	Rule Drafting	Fiscal Note Drafting & Approval	Committee Approve to EMC	EMC Approve to Notice	Rule Published In Register	Public Hearing	End of Comment Period	Develop Hearing Officer's Report	EMC Adoption
Group A DEMLR	36	Jan 2017 / Mar 2019	Jan - Jul 2025	Aug - Nov 2025	Jan 2026	Mar 2026	Apr 2026	May 2026	Jun 2026	Jul - Dec 2026	Jan 2027
Group B DWR	18	N/A (per SL 2016-94)	May - Nov 2025	Dec 2025 - Mar 2026	May 2026	Jul 2026	Aug 2026	Sep 2026	Oct 2026	Nov 2026 - Apr 2027	May 2027
Group B DWM	7	Jan 2018									
Group C DWR	131	Sep 2018	May - Nov 2026	Dec 2026 - Mar 2027	May 2027	Jul 2027	Aug 2027	Sep 2027	Oct 2027	Nov 2027 - Apr 2028	May 2028
Group D DWR	46	Nov 2019	Nov 2026 – May 2027	Jun - Sep 2027	Nov 2027	Jan 2028	Feb 2028	Mar 2028	Apr 2028	May - Oct 2028	Nov 2028
Group E DWR	123	Jun 2019 - May 2020	May - Nov 2027	Dec 2027 - Mar 2028	May 2028	Jul 2028	Aug 2028	Sep 2028	Oct 2028	Nov 2028 - Apr 2029	May 2029

## Burgos, Alexander N

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**Sent:** Thursday, January 16, 2025 5:26 PM  
**To:** Everett, Jennifer; Rules, Oah  
**Cc:** Burgos, Alexander N; Higgins, Karen; Montie, Jessica; Young, Elizabeth S  
**Subject:** Re: Readoption schedule for 15A NCAC 02B, H, U & T

Jennifer,

Thank you for getting this to me and apologies for any confusion caused by my mistake with the initial emails.

With the long weekend coming up, I will likely get back to you on Tuesday with any questions or follow-up.

Thanks,

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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Jennifer

Jennifer Everett  
DEQ Rulemaking Coordinator  
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