

Burgos, Alexander N

Subject: FW: Readoption Date for 15A NCAC 02R
Attachments: EMC Readoption Deadline - July 2025.docx; 15A NCAC 02R - Necessary.pdf

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, August 8, 2025 11:02 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>
Subject: Re: Readoption Date for 15A NCAC 02R

Jennifer,

Attached is a letter memorializing the readoption deadline adopted at July's RRC meeting. Let me know if you have any questions.

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

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

August 8, 2025

Jennifer Everett, Environmental Management Commission

Sent via email only to: jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 02R

Dear Ms. Everett,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the July 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **August 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher

Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION PERIODIC RULE REVIEW

April 24, 2025

APO Review: June 25, 2025

Environmental Management Commission

Total: 9

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 02R .0102</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0202</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0203</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0301</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0302</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0402</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0403</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0601</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0602</u>	Necessary with substantive public interest

Burgos, Alexander N

Subject: FW: Readoption Date for 15A NCAC 02R

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Friday, July 25, 2025 12:52 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>; Williams, Kelly <kelly.williams@deq.nc.gov>
Subject: RE: Readoption Date for 15A NCAC 02R

Great, thanks Seth.
Have a nice weekend!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, July 25, 2025 12:47 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>
Subject: Re: Readoption Date for 15A NCAC 02R

Attached is a staff opinion memorializing the recommended readoption date for these rules that I intend to present at this month's meeting. Let me know if you have any questions.

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

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Burgos, Alexander N

Subject: FW: Readoption Date for 15A NCAC 02R

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, July 18, 2025 1:25 PM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>

Subject: Re: Readoption Date for 15A NCAC 02R

Jennifer,

Based on what you have proposed, I am going to recommend a readoption deadline of August 1, 2027.

Unless you object, the Commission will consider this readoption deadline at the July 30th meeting.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

From: Everett, Jennifer
Sent: Monday, July 14, 2025 4:22 PM
To: Rules, Oah; Ascher, Seth M
Cc: Burgos, Alexander N; Williams, Kelly
Subject: Readoption Date for 15A NCAC 02R
Attachments: Readoption Schedule 15A NCAC 02R.pdf

Hello,

At the EMC's meeting last week, they approved the attached readoption schedule for 15A NCAC 02R. Ready for RRC review/approval.
Will this be on the July RRC agenda or August? Thanks.
Let us know if you have any questions.

Best,

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
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Proposed Readoption Schedule
15A NCAC 02R
Division of Mitigation Services

Subchapter	# of Rules	Rule Citations	Previous Readoption Effective Date	Rule Drafting and Fiscal Note	Rulemaking	Proposed Readoption
02R	9	.0101-.0102, .0201-.0203, .0301-.0302, .0401-.0403, .0601-.0602	3/1/2018	August 2025 - May 2026	May 2026 - July 2027	July 2027 <i>At its regularly scheduled meeting</i>

Proposed Effective Date: September 1, 2027

Burgos, Alexander N

From: Everett, Jennifer
Sent: Thursday, July 10, 2025 9:02 AM
To: Ascher, Seth M; Rules, Oah; Liebman, Brian R; Wiggs, Travis C
Cc: Burgos, Alexander N; Williams, Kelly; Young, Elizabeth S
Subject: RE: 61 days- consult request

Thanks Seth!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, July 10, 2025 8:08 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>; Young, Elizabeth S <esyong@ncdoj.gov>
Subject: Re: 61 days- consult request

Jennifer,

Apologies for the delayed response on this. Things have been a bit hectic with the staffing changes, as you might imagine.

There is no problem with the EMC considering the timeline they would like to propose prior to receiving an "official" consultation email, so you should free to go ahead with that today if you would like to.

It looks like this particular subchapter is small (9 rules). Assuming that is all it is, we can fit it in fairly easily. As always, we suggest two years from the setting of the readoption date as a starting point, so I would recommend September 2027. For a small rule-set, you could also request an earlier date without a problem. If I have misunderstood and this is a larger rule-set, we would likely need to look at early 2028 to accommodate the RRC's schedule.

I hope this helps.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings

(984) 236-1934

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From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Wednesday, July 9, 2025 8:49 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: 61 days- consult request

Hi – just circling back to this.
Any assistance would be great, thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Everett, Jennifer
Sent: Monday, July 7, 2025 2:53 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Williams, Kelly <kelly.williams@deq.nc.gov>; Young, Elizabeth S
Subject: 61 days- consult request

Hello,

The EMC meets this Thursday. We have planned to present a proposed readoption schedule for 15A NCAC 02R. I believe the 61 days is up regarding the APO step. Can you send us your 'consultation request' prior to our Commission meeting?

Thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601

Tele: (919)-707-8595

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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