

Burgos, Alexander N

Subject: FW: Period Review - 15A NCAC 02A,D,Q

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, April 10, 2026 1:00 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Burleson, Joelle <joelle.burleson@deq.nc.gov>; Quinlan, Katherine L <katherine.quinlan@deq.nc.gov>; Young, Elizabeth S <esyong@ncdoj.gov>
Subject: RE: Period Review - 15A NCAC 02A,D,Q

Thank you for clarifying.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Friday, April 10, 2026 12:41 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Burleson, Joelle <joelle.burleson@deq.nc.gov>; Quinlan, Katherine L <katherine.quinlan@deq.nc.gov>; Young, Elizabeth S <esyong@ncdoj.gov>
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The final report .pdf Julie and Travis sent on 3/30/26 and 4/2/26 respectively, is missing 15A NCAC 02D .1101, Purpose, includes an extraneous 15A NCAC 02D .2105 that does not exist in the Code or the final report spreadsheet, and includes 15A NCAC 02Q .0809, Concrete Batch Plants, which was repealed effective April 1, 2018, as part of the first round of rule readoption under G.S. 150B-21.3A and is not in the final report spreadsheet. With removal of the 2 extra rules and addition of the 1 missing rule, the total count for the 02D and 02Q rules is 313 rules.

Jennifer Everett
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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, April 9, 2026 2:53 PM
To: Everett, Jennifer; Julie B. Eddins
Cc: Ascher, Seth M; Burgos, Alexander N
Subject: RE: Period Review - 15A NCAC 02A,D,Q

Jennifer,

Thank you for the information and proposed dates. The report we sent you contained 317 rules and your total is 316. What is the discrepancy?

I will get back to you soon on the readoption dates.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
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From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, April 9, 2026 1:05 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: RE: Period Review - 15A NCAC 02A,D,Q

Hi Travis,

There are 313 Air Quality rules in Subchapters 02D and 02Q. The rules have been grouped into six categories per the EMC's rulemaking priorities attached, and the EMC has suggested a final deadline of **December 1, 2030**, for those rules' readoption. As you're aware, the EMC is responsible for [however many thousands of rules] which are scheduled to be readopted in phases between now and 2030. In order to allow the EMC and the RRC to complete a comprehensive review and based on the rulemaking priorities in the attachment, we are asking for a few more months than you proposed in your consultation email for these two subchapters.

In contrast, there are only 3 rules in Subchapter 02A, which cover EMC definitions, delegations of authority, and creation of the NPDES committee. The rules in Subchapter 02A first became effective on February 1, 1976. Since that time, the rules have been minimally revised, with the most recent revisions occurring in 1993 (02A .0105), while other rules have been left unchanged since 1978 (02A .0102). See 15A NCAC 02A (history notes). The 3 rules were categorized as necessary without substantive change in the first periodic review cycle and therefore remained in the Code but were not amended or updated. See EMC Report for 15A NCAC 02A (2016), <https://www.oah.nc.gov/documents/rules/rrc/42705-15a-ncac-02a/open>.

Having not been updated in over 30 years, the rules are out of date and contain references to the Department of Environmental Quality's various predecessor agencies, citations to portions of the North Carolina Administrative Code that have been repealed, and inconsistencies with federal statute dictating the requirements for the

composition of the NPDES Committee. Because of the need to update the 02A rules, the EMC is requesting that those 3 rules be placed on a faster track for readoption and proposes a readoption deadline of **July 1, 2027**.

Finally, at the December 2025 RRC meeting, EMC counsel noted that the EMC prefers to put the 02A rules on the same track as the 02I rules (11 rules concerning EMC hearings process) because both rulesets concern EMC operating procedures. The 02I rules have a July 1, 2027, deadline as approved by the RRC on December 18, 2025. Efficiency and clarity of these rules would best be served by putting the 02A rules on the same track as the 02I rules.

Thanks,
Jennifer

Jennifer Everett
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, April 2, 2026 5:31 PM
To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: RE: Period Review - 15A NCAC 02A,D,Q

Good afternoon,

The attached periodic review report has been finalized. The next step is to set a deadline for the readoption of the “Necessary” rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC’s request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

The deadline for your agency to provide this information is **June 4, 2026**. As a starting point, I’m proposing a few readoption deadlines options for your consideration: **June 1, 2030 or August 1, 2030**. I am open to considering a different readoption deadline based on the needs of your agency.

Please reply to confirm receipt of this email. Let me know if you have any questions.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings

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Email: travis.wiggs@oah.nc.gov

From: Julie B. Eddins <julie.eddins@oah.nc.gov>

Sent: Monday, March 30, 2026 3:15 PM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Subject: Period Review - 15A NCAC 02A,D,Q

Good afternoon,

The determinations in the attached periodic review report for 15A NCAC 02A,D,Q were effective February 18, 2026. Commission Counsel Seth Ascher and Travis Wiggs will reach out to you to discuss setting the readoption date.

Please Note: pursuant to 26 NCAC 05 .0212 your agency's 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie B. Eddins

Publications Coordinator

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