

Burgos, Alexander N

Subject: FW: DEQ RFC - August 2026

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, August 17, 2026 12:59 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: DEQ RFC - August 2026

Jennifer,

Thanks for pointing this out.

I anticipate recommending approval of the final revised version of these rules. I'll let you know if anything changes before the meeting.

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: Monday, August 17, 2026 12:20 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: DEQ RFC - August 2026

Hi – on the August RRC agenda for The Department of Environmental Quality (4), under Agency Communication has an old CRC response from June. Below is the email agency response for this DEQ item. Can you update the agency communication on the online agenda. Thanks!

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

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Burgos, Alexander N

Subject: FW: DEQ RFC - August 2026
Attachments: 15A NCAC 01A .0102.doc; DEQ RFC August 2026.docx

From: Everett, Jennifer
Sent: Wednesday, August 5, 2026 10:59 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: DEQ RFC - August 2026

Hi Seth,

Attached are the updated rule and response to your technical change request.

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://www.deq.nc.gov/accessdeq/rules-regulations>

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1 **15A NCAC 01A .0102 IS READOPTED AS PUBLISHED IN 40:20 NCR 1589 WITH CHANGES AS**
2 **FOLLOWS:**

3
4 **15A NCAC 01A .0102 HOW TO CONTACT THE DEPARTMENT**

5
6 (a) The ~~Headquarters of the~~ Department of Environmental Quality is located in the ~~Environment and Natural~~
7 ~~Resources Green Square~~ Building, ~~217 West Jones Street,~~ Raleigh, North ~~Carolina.~~ ~~Carolina, 27603.~~ The mailing
8 address ~~of the Department~~ is 1601 Mail Service Center, Raleigh, North Carolina 27699-1601. The toll-free telephone
9 number is (877) 623-6748. The Department's website ~~[shall be]~~ **is** located at <https://www.deq.nc.gov/>. All citizens
10 wishing to contact the Department are urged to make initial contact through the regional manager at the nearest
11 regional office. Information regarding the location of the regional offices is available through the following website:
12 <http://portal.ncdenr.org/web/guest/contacts>.

13
14 *History Note: Authority G.S. 143B-10(b);*
15 *Eff. February 1, 1976;*
16 *Amended Eff. October 1, 1984; February 23, 1979;*
17 *Transferred from T15.01A .0004 Eff. November 1, 1989;*
18 *Amended Eff. October 1, 2012; March 1, 1990;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
20 *12, 2014;*
21 *Readopted Eff. September 1, 2026.*
22
23
24
25

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;, and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01A .0102

DEADLINE FOR RECEIPT: August 17, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 8, change "shall" to "is".

Agency Response: Changed

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, August 4, 2026 12:32 PM
To: Everett, Jennifer
Cc: Burgos, Alexander N
Subject: DEQ RFC - August 2026
Attachments: DEQ RFC August 2026.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Department of Environmental Quality for the August 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, August 27, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on August 17, 2026.

Please let me know if you have any questions or concerns.

Seth Ascher

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

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