

Burgos, Alexander N

Subject: FW: RRC agenda Mining Commission Period Reports
Attachments: Staff Opinion Mining Periodic Review.doc; GS_150b-21.3A.pdf; 15A NCAC 05B Staff Recommendation.xlsx; 15A NCAC 05F Staff Recommendation.xlsx; 15A NCAC 05G Staff Recommendation.xlsx; 15A NCAC 05A Staff Recommendation.xlsx

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, December 5, 2023 6:18 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC agenda Mining Commission Period Reports

Jennifer,

Attached is my staff opinion and the reports I am recommending that the Commission approve. 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

From: Ascher, Seth M
Sent: Monday, December 4, 2023 2:43 PM
To: Everett, Jennifer
Cc: Burgos, Alexander N
Subject: RE: RRC agenda Mining Commission Period Reports

Jennifer,

I do not anticipate recommending a complete approval.

The issue is somewhat nuanced, but I believe that G.S. 150B-21.3A (c)(2) will require the Commission to designate some of the rules as necessary that the agency believed were unnecessary. I am planning on drafting a more detailed staff opinion that walks through this process and my recommendation, since it has been a while since the Commission has reviewed periodic review reports. I hope to get this opinion out tomorrow.

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, December 4, 2023 1:23 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: RRC agenda

Hi Seth,

The periodic reports for the Mining Commission are on the December RRC agenda. Is it your intention to recommend approval?

Thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
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Raleigh, NC 27699-1601
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<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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Burgos, Alexander N

From: Rules, Oah
Sent: Thursday, November 30, 2023 10:48 AM
To: Liebman, Brian R; Burgos, Alexander N
Subject: FW: RRC / Request for Extension
Attachments: Commission-Division MHDDSAS Request for Extension Subchapter 27G Review Nov2023 Final.docx.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Monday, November 20, 2023 4:53 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: RRC / Request for Extension

Good afternoon –

The correct rule citation for the request for an extension is 26 NCAC 05 .0204.

Thank you,
Denise

From: Baker, Denise
Sent: Monday, November 20, 2023 4:47 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: RRC / Request for Extension

Good morning –

Per Rule 10A NCAC 05 .0204, *Extension of Time*, attached please find a joint request from the Commission for Mental Health, Developmental Disabilities and the Division of Mental Health, Developmental Disabilities, and Substance Use Services for an extension of the scheduled review of Rules 10A NCAC 27G required by G.S. 150B-21.3A.

Please let me know if you have questions or need additional information.

Thank you,
Denise

W. Denise Baker, M.A., L.P.A., Esq.
Team Leader, Legislative and Regulatory Affairs Team
Division of MH/DD/SAS
[NC Department of Health and Human Services](#)

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