

## Burgos, Alexander N

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**Subject:** FW: Proposed Readoption Date for RRC review  
**Attachments:** Staff Opinion Septembet 2024 Readoption Deadline.docx

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Thursday, September 19, 2024 2:49 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Re: Proposed Readoption Date for RRC review

Jennifer,

FYI, I have prepared a staff opinion regarding this date. 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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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Tuesday, August 27, 2024 9:01 PM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: Proposed Readoption Date for RRC review

Hi Seth,

That works. 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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## Burgos, Alexander N

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**Subject:** FW: Proposed Readoption Date for RRC review

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Tuesday, August 27, 2024 9:01 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: Proposed Readoption Date for RRC review

Hi Seth,

That works. Thanks.

Jennifer Everett  
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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Tuesday, August 27, 2024 3:37 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Fw: Proposed Readoption Date for RRC review

Jennifer,

Based on the timeline below and the RRCs administrative needs, I would recommend an August 1, 2026, readoption deadline for the Mining Commission rules. The RRC would consider and vote on the deadline at the September meeting. Do you have any questions or concerns about that?

Also, apologies for the delayed response. I accidentally replied all just to RRC staff last week and did not notice the issue until today.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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**From:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Sent:** Tuesday, August 20, 2024 8:46 AM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Snyder, Ashley B <[ashley.snyder@oah.nc.gov](mailto:ashley.snyder@oah.nc.gov)>  
**Subject:** FW: Proposed Readoption Date for RRC review

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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Monday, August 19, 2024 1:18 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Parr, Adam <[adam.parr@deq.nc.gov](mailto:adam.parr@deq.nc.gov)>  
**Subject:** Proposed Readoption Date for RRC review

Hello,

The Mining Commission at its August 11, 2024, approved the following schedule and proposed readoption date of July 2026 for RRC consideration.

Proposed timeline from the Mining Commission for 15A NCAC 05A, 05B, 05F & 05G pursuant to 26 NCAC 05 .0212

- October 31, 2024: Staff/Mining Stakeholder Group to complete draft rule amendments
- Early November 2024: Mining Commission's Rules Committee review of draft amendments

- Mid-December 2024: Mining Commission's Rules Committee to hold meeting to discuss draft rule amendments
- December 2024 through March 2025: Staff to develop fiscal analysis and have OSBM approval
- Early April 2025: Mining Commission's Rules Committee review of fiscal analysis
- Late April 2025: Mining Commission's Rules Committee to hold meeting to discuss fiscal analysis
- July 2025: Mining Commission to hold meeting to approve the draft rules and fiscal analysis to proceed to public comment
- Late July 2025: Rules filed to OAH for publication in the NC Register
- Mid-August 2025: Public hearing
- Late-September 2025: End of public comment period
- September through early December 2025: Staff to develop Hearing Officer's Report (HOR)
- Mid-January 2026: Mining Commission's Rules Committee to review draft HOR
- Late March 2026: Mining Commission's Rules Committee to hold meeting to discuss the HOR
- July 2026: Mining Commission to adopt the rules, approve the HOR including the fiscal analysis at its regularly scheduled meeting

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## Burgos, Alexander N

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**From:** Ascher, Seth M  
**Sent:** Tuesday, August 20, 2024 9:57 AM  
**To:** Rules, Oah; Snyder, Ashley B  
**Cc:** Burgos, Alexander N  
**Subject:** Re: Proposed Readoption Date for RRC review

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### Seth Ascher

Counsel to the North Carolina Rules Review Commission  
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**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Snyder, Ashley B <ashley.snyder@oah.nc.gov>  
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