



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

August 20, 2020

Jennifer Everett
Environmental Management Commission
Sent via email only to: Jennifer.Everett@ncdenr.gov

Re: Extension of the Period of Review for Rules 15A NCAC 02D .0900, .1400, .1700, and .2615

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,

Amanda J. Reeder
Commission Counsel

cc: Patrick Knowlson, NC DEQ

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (919) 431-3000 | Facsimile: (919) 431-3100
www.oah.nc.gov



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
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Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

August 20, 2020

Jennifer Everett, Rulemaking Coordinator
Environmental Management Commission
Sent via email only to: Jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review 15A NCAC 02D .0403, .0501, .0502, .0503, .0504, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0513, .0514, .0515, .0516, .0517, .0519, .0521, .0524, .0527, .0528, .0529, .0530, .0531, .0532, .0533, .0534, .0535, .0536, .0537, .0538, .0539, .0541, .0542, .0543, .0544, .0615

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Environmental Management Commission to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rules or call a public hearing on the same within 70 days.

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

Sincerely,

Amber May

Amber May
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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August 20, 2020

Jennifer Everett, Rulemaking Coordinator
Environmental Management Commission
Sent via email only to: Jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for All Rules Submitted in 15A NCAC 13B

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Environmental Management Commission to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rules or call a public hearing on the same within 70 days.

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

Sincerely,

Ashley Snyder
Commission Counsel

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August 20, 2020

Thomas Ziko
Interim General Counsel, State Board of Education
Sent via email only: Thomas.ziko@dpi.nc.gov

Re: Objection to Rules 16 NCAC 06E .0204 and .0206

Dear Mr. Ziko:

At its meeting this morning, the Rules Review Commission objected to 16 NCAC 06E .0204 and .0206 in accordance with G.S. 150B-21.10.

The Commission objected to Rule 16 NCAC 06E .0204 for lack of clarity, necessity, and statutory authority. The Commission objected for lack of clarity and necessity because the Rule repeats or conflicts with the requirements of 16 NCAC 06E .0202. The Commission objected to the Rule for lack of statutory authority because the State Board did not cite authority to regulate the athletics of charter schools absent a provision to do so in the school's charter. Generally, charter schools are exempt from statutes and rules applicable to local boards of education. G.S. 115C-218.10. The State Board's authority to regulate participation in athletics applies to "interscholastic athletic activities conducted by local boards of education." As written, the Rule applies to all charter schools and therefore exceeds the agency's statutory authority.

The Commission objected to Rule 16 NCAC 06E .0206 for lack of necessity and clarity. The Rule is unnecessary because it repeats portions of 16 NCAC 06E .0203 and is unclear because it differs from portions of 16 NCAC 06E .0203.

Please respond to these objections in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

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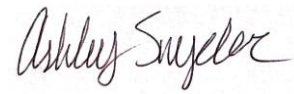
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An Equal Employment Opportunity Employer

Sincerely,

A handwritten signature in dark ink, reading "Ashley Snyder". The signature is fluid and cursive, with the first name "Ashley" and last name "Snyder" clearly distinguishable.

Ashley Snyder
Commission Counsel

Cc: Lou Martin, lou.martin@dpi.nc.gov