

## Burgos, Alexander N

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**From:** Anna Baird Choi <achoi@hedrickgardner.com>  
**Sent:** Wednesday, January 8, 2025 12:46 PM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N; Ascher, Seth M  
**Subject:** [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Travis,

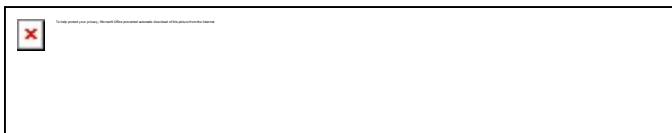
Thank you again for your assistance in December. The Onsite Wastewater Board proposes the following as its readoption timeline in order to meet the **December 1, 2026 deadline**:

- On or before the Board meeting to be scheduled October-December of 2025, the Board will file a Notice of Text for all rules in chapter 39 of title 21 of the NCAC
  - The Board will notify interested parties of the rulemaking
  - The Board will schedule a public hearing pursuant to 150B-21.2(c) and in accordance with the 2026 RRC Publication Schedule
- At the 2026 spring Board meeting (typically held the 2<sup>nd</sup> week of May) and after the 60 day comment period pursuant to GS 150B-21.2(f), the Board will vote to readopt its rules
- The Board will file the readopted rules with RRC within 30 days of the readoption date pursuant to 150B-21.2(g)

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

Anna

**Anna Baird Choi** | Partner  
Hedrick Gardner Kincheloe & Garofalo LLP.  
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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Sent:** Friday, December 13, 2024 10:49 AM  
**To:** Anna Baird Choi <achoi@hedrickgardner.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Anna,

Thank you for the phone call. Pursuant to our conversation, you will notify me on or before January 17, 2025, of the Board's proposed readoption deadline. We will plan for the RRC to vote on the agreed upon readoption deadline at the January 30, 2025, RRC meeting.

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

Thanks,

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

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**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Sent:** Thursday, December 12, 2024 5:07 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Excellent – I will call you at the number below.

Anna

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, December 12, 2024 2:32 PM  
**To:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Yes, 10am tomorrow works.

Thanks,

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

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**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Sent:** Thursday, December 12, 2024 2:13 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Sure – would 10am work for you? I expect it will be a short conversation.

Thank you.

Anna

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Thursday, December 12, 2024 9:13 AM  
**To:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Anna,

Do you have any available to talk tomorrow (Friday) before noon?

Thanks,

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

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**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Sent:** Wednesday, December 11, 2024 12:57 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** [csstephens@ncowcicb.info](mailto:csstephens@ncowcicb.info); Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Elizabeth A. Berger <[eberger@hedrickgardner.com](mailto:eberger@hedrickgardner.com)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Thank you, Travis, – how about Thursday (tomorrow)? I'm free anytime before noon and after 2pm.

Anna

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Tuesday, December 10, 2024 11:46 AM

**To:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>

**Cc:** [csstephens@ncowcicb.info](mailto:csstephens@ncowcicb.info); Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Elizabeth A. Berger <[eberger@hedrickgardner.com](mailto:eberger@hedrickgardner.com)>

**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Yes, depending on what time you are available. I will be at a court hearing tomorrow afternoon. Please let me know what timeframe you are thinking.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>

**Sent:** Tuesday, December 10, 2024 10:00 AM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Cc:** [csstephens@ncowcicb.info](mailto:csstephens@ncowcicb.info); Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Elizabeth A. Berger <[eberger@hedrickgardner.com](mailto:eberger@hedrickgardner.com)>

**Subject:** Re: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Travis,

May I give you a call tomorrow? I have reviewed GS 150B-21.3A and want to confirm that my understanding of the readoption process is the same as RRC's.

Thank you.

Anna

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Sent:** Tuesday, December 10, 2024 9:51 AM

**To:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>

**Cc:** [csstephens@ncowcib.info](mailto:csstephens@ncowcib.info) <[csstephens@ncowcib.info](mailto:csstephens@ncowcib.info)>; Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Elizabeth A. Berger <[eberger@hedrickgardner.com](mailto:eberger@hedrickgardner.com)>

**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Anna,

Thank you for the email. The email I sent Connie Stephens on October 1<sup>st</sup> included a suggested readoption deadline of December 1, 2026. Based on your timeline below, your agency is planning for all 35 permanent rules to be readopted effective July 1, 2025. Is that correct? You are welcome to request a readoption deadline prior to December 1, 2026, if that is realistic for your agency. We are currently flexible with setting readoption deadlines since we're still early in the process. I expect the RRC will be mostly concerned with enforcing the actual readoption deadlines and the timing requirements for rules in 150B.

Please be mindful of 26 NCAC 05.0212(c)(2) that requires agencies to file rules with the RRC within 30 days of adoption. Also, remember to consider whether your agency will need to prepare any fiscal notes as required by G.S. 150B-21.4. Lastly, please account for whether your agency will want to amend any rules after the public comment period and rulemaking hearing that may constitute a substantial change under 150B-21.2(g).

I'm confused with 1. below. Why did your agency adopt all existing rules as permanent rules on December 6, 2024? Or is this just a typo?

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

---

**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>

**Sent:** Monday, December 9, 2024 5:44 PM

**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>

**Cc:** [csstephens@ncowcib.info](mailto:csstephens@ncowcib.info); Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>; Elizabeth A. Berger

<[eberger@hedrickgardner.com](mailto:eberger@hedrickgardner.com)>

**Subject:** [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Travis,

The Onsite Wastewater Board meet on Friday December 6, 2024 and approved the following readoption schedule:

1. Adoption of all existing rules as permanent rules – December 6, 2024
2. File Notices of Text on or before December 19, 2024
  - a. Public comment period – January 15, 2025-March 17, 2025
  - b. Rulemaking hearing will be scheduled between January 20, 2025-March 17, 2025
3. Board will vote to adopt all rules as permanent rules at the next regularly scheduled Board meeting that occurs after March 17, 2025
4. Board will file rules with RRC no later than May 20, 2025 for consideration at the June 26, 2025 RRC meeting

Please let me know if you require additional information or if you feel any date or timeline set forth above is incorrect.

Regards,  
Anna

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Monday, November 4, 2024 12:01 PM  
**To:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Cc:** [csstephens@ncowcib.info](mailto:csstephens@ncowcib.info); Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** RE: [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

Anna,

Thank you for the email. I've cc'd my colleague, Seth Ascher, since we're jointly handling the periodic review process as counsel for the RRC.

Yes, 26 NCAC 05 .0212(b) gives your agency 10 days from December 13, 2024 to submit to us the documentation described in (a)(1) and (a)(2). The RRC has a scheduled meeting on December 19, 2024. Your agency's readoption schedule will be considered at the RRC meeting in December or January 30, 2025, depending on the action taken by your Board and when RRC is notified of that action.

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

Thank you.

Travis C. Wiggs  
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**From:** Anna Baird Choi <[achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com)>  
**Sent:** Sunday, November 3, 2024 3:21 PM  
**To:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Cc:** [csstephens@ncowcib.info](mailto:csstephens@ncowcib.info)  
**Subject:** [External] Onsite Wastewater Board readoption of Rules 21 NCAC 39

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Travis,

I am general counsel to the Onsite Wastewater Board. On October 1, you sent Connie Stephens, the Board's rulemaking coordinator, a request for a timeline re: readoption of the Board's rules. In your email, you stated that she would need to provide you with the timeline by December 2, 2024. Connie shared your email with me, and I believe that the Board can meet the December 1, 2026 readoption deadline that you suggested. However, I think it would be prudent if the Board approved the schedule before we send it to you.

The Board's next meeting is Friday, December 13<sup>th</sup>. Will you allow the Board additional time – until Monday, December 16<sup>th</sup>, to follow-up with you and to provide you with the planned timeline and dates per 26 NCAC 05.0212?

Thank you.

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