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REPLY TO:  
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February 10, 2023

North Carolina Rules Review Commission  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, North Carolina 27609

**Re: EMC Request to Return Proposed Amendments to Rules 15A NCAC 02B  
.0208, .0212, .0214, .0215, .0216, and .0218**

Dear Chair Doran and Commission Members:

On behalf of the North Carolina Environmental Management Commission (EMC), I am writing to request the return of the above-referenced proposed rule amendments pursuant to N.C. Stat. § 150B-21.12(d). As you are aware, the North Carolina Rules Review Commission (RRC) objected to the proposed rule amendments at its May 19, 2022, meeting. The objection to the proposed amended rules was predicated on an asserted failure to comply with the requirements contained in N.C. Gen. Stat. § 150B-21.4, "Fiscal and regulatory impact analysis on rules." The objection was not predicated on an asserted lack of authority and no objection was made with respect to any of the existing permanent rule language. As such, it is the EMC's understanding that the existing permanent rules in Section .0200 of Subchapter 02B will remain in the Administrative Code and will be unaffected by the request to return the above-referenced proposed rule amendments.

Should you have any questions or need additional information, please feel free to contact me at (919) 716-6971 or [preynolds@ncdoj.gov](mailto:preynolds@ncdoj.gov).

Sincerely,

*s/Phillip T. Reynolds*  
Phillip T. Reynolds  
Special Deputy Attorney General  
Counsel to the EMC

cc: RRC Members, *electronically*  
Robin W. Smith, EMC Chair, *electronically*  
Lois Thomas, *EMC Clerk, electronically*  
Richard Rogers, Director DWR, *electronically*  
Jennifer Everett, EMC Rulemaking Coordinator, *electronically*  
Lawrence Duke, Rules Review Commission Counsel, *electronically*  
Alex Burgos, Paralegal, Office of Administrative Hearings, *electronically*  
Ashely Snyder, Codifier of Rules, Office of Administrative Hearings, *electronically*  
Anca Grozav, Chief Budget Officer, OSBM, *electronically*  
Robert El-Jaouhari, Esq., Counsel to the City of Reidsville, *electronically*  
Sean Sullivan, Esq., Counsel to Fayetteville Public Works Commission, *electronically*