



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

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

December 17, 2014

Sent via email: jennifer.everett@ncdenr.gov
Jennifer Everett, Rulemaking Coordinator
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: 15A NCAC 02H .1030

Dear Ms. Everett:

At its December 17, 2014 meeting, the Rules Review Commission objected to the above-identified rule in accordance with G.S. 150B-21.2(g) and 150B-21.9.

The Commission objected to this rule for failure to comply with Part 2 of the Administrative Procedure Act, specifically by adopting a rule that differs substantially from a proposed rule. The rule as proposed indicated that "[t]he Division shall establish record-keeping, self-inspection, and self-reporting permit requirements." The rule, as adopted by the agency and submitted to the Rules Review Commission, deleted the referenced language and provided specific criteria, as set forth in Subparagraphs (c)(5), (c)(6), and (c)(7) of the rule.

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

Sincerely,

Abigail M. Hammond
Abigail M. Hammond
Commission Counsel

cc: Evan Kane – evan.kane@ncdenr.gov

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

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

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103