



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

Re: Request to Reschedule 15A NCAC 02A Reports for Earlier Review as Part of the Periodic Review and Expiration of Existing Rules

Dear Rules Review Commissioners,

The Environmental Management Commission's organizational rules at 15A NCAC 02A have not been revised or updated in over thirty years. As the decennial review is intended to improve the regulatory process and eliminate unnecessary regulation, the EMC has determined that accelerating the review of Subchapter 02A is needed to align these rules with the intention of the periodic review. *See* N.C. Session Law 2013-413. The EMC respectfully requests that the periodic review of rules report for 15A NCAC 02A, Organization of the Environmental Management Commission, be rescheduled for earlier review from the current deadline of December 2026 to December 2025. Such request is authorized pursuant to 26 NCAC 05 .0205 and is consistent with the mandates for the Periodic Review and Expiration of Existing Rules set forth in N.C. Gen. Stat. § 150B-21.3A.

The rules in Subchapter 02A first became effective on February 1, 1976. Since that time, the rules have been minimally revised, with the most recent revisions occurring in 1993 (02A .0105), while other rules have been left unchanged since 1978 (02A .0102). *See* 15A NCAC 02A (history notes). The rules first went through the periodic review process in 2016 under a prior iteration of N.C. Gen. Stat. § 150B-21.3A, in which rules were categorized as necessary with substantive change, necessary without substantive change, or unnecessary. NCGS § 150B-21.3A (2018); *see also* N.C. Session Law 2019-140. At that time, rules categorized as necessary without substantive change remained in the Code but were not required to go through the readoption process. *Id.* In April 2016, the EMC designated each of the 02A rules as either necessary without substantive change or unnecessary. *See* EMC Report for 15A NCAC 02A (2016), <https://www.oah.nc.gov/documents/rules/rrc/42705-15a-ncac-02a/open>. As a result, the 02A rules remained in the Code, but were not reviewed or revised during the first cycle of the periodic review.

Subchapter 02A now includes only three rules setting forth Definitions, Delegations of Authority, and the Creation of the NPDES Committee. The rules are dated, with references to the Department of Environmental Quality's various predecessor agencies, citations to portions of the North Carolina Administrative Code that have been repealed, and inconsistencies with federal statute dictating the requirements for the composition of the NPDES Committee.

Because the Subchapter 02A rules have not been reviewed in the past 30 years, the EMC has determined that updating and revising these rules should be accelerated. The EMC requests that the three rules in Subchapter 02A be rescheduled for periodic review from December 2026 to December 2025.

Simultaneous with this request and pursuant to 26 NCAC 05 .0205(b), the EMC has posted notice of this request on its website and notified all interested persons per N.C. Gen. Stat. § 150B-21.2(d). The posting and notice include the April 24, 2025 meeting date at which the RRC will review the EMC's request and informs the public that it may contact the RRC to object to the rescheduling.

Thank you for your consideration.

Respectfully submitted,



John D. Solomon
Chair, Environmental Management Commission

Cc: oah.rules@oah.nc.gov

Encl: 15A NCAC 02A