

SECTION .0500 - PETITIONS FOR RULEMAKING

15A NCAC 02I .0501 FORM AND CONTENTS OF PETITION

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Environmental Management Commission (hereinafter referred to as the Commission) shall make the request in a petition addressed to the Director of the appropriate division of the Department of Environmental Quality, and a copy in electronic or digital form shall also be sent to the Recording Clerk of the Commission:

Director
Division of Air Quality
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Director
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

Director
Division of Waste Management
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Director
Division of Water Resources
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Recording Clerk of the Commission
Directors Office
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611
EMCclerk@ncdenr.gov

- (b) The petition shall contain the following information:
- (1) the text of the proposed rule(s) for adoption or amendment;
 - (2) a statement of the reasons for adoption or amendment of the proposed rule(s), or the repeal of an existing rule(s);
 - (3) a statement of the effect on existing rules or orders;
 - (4) the name(s) and address(es) of the petitioner(s); and
 - (5) a request to present the petition to the committee in accordance with Rule .0502 of this Section, if desired.
- (c) In its review of the proposed rule, the Commission shall consider whether it has authority to adopt the rule; the effect of the proposed rule on existing rules, programs, and practices; probable costs and cost factors of the proposed rule; and the impact of the rule on the public and regulated entities. The petitioner may include the following information within the request:
- (1) the statutory authority for the agency to promulgate the rules(s);
 - (2) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including cost factors for persons affected by the proposed rule(s);
 - (3) a statement explaining the computation of the cost factors;
 - (4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rule(s); and
 - (5) documents and data supporting the proposed rule(s).
- (d) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the petitioner by the Director on behalf of the Commission.

*History Note: Authority G.S. 143B-282; 150B-20;
Eff. April 1, 2003;
Amended Eff. December 1, 2016; November 1, 2012.*