



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

December 22, 2020

Jennifer Everett, Rulemaking Coordinator
Environmental Management Commission
Sent via email only to: jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review 15A NCAC 02I .0101, .0102, .0103, .0104, .0105, .0106, .0203, .0301, .302, .0402, .0501, .0502, .0503, .0504, .0601, .0602, and .0603

Dear Ms. Everett:

At its meeting on December 17, 2020, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so at the request of the agency to allow additional time to respond to technical change requests.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber May
Commission Counsel

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer
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**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

January 5, 2021

Helen Landi
Rulemaking Coordinator, North Carolina Department of Transportation
Sent via email only: hlandi@ncdot.gov

Re: Objection to Rules 19A NCAC 02E .0204, .0206, and .0225

Dear Ms. Landi:

At its December 17, 2020 meeting, the Rules Review Commission objected to the above-referenced Rules in accordance with G.S. 150B-21.10.

The Commission objected to 19A NCAC .0204, .0206, and .0225 for lack of statutory authority, finding that as written the Rules conflict with G.S. 136-131.1 and 136-131.2. Specifically, the Commission found that requiring local approval or transferring regulatory oversight to local governments as provided in these Rules is beyond the authority of the agency.

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 actions, please let me know.

Sincerely,


Amber May
Commission Counsel

cc: Hannah Jernigan

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

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