NORTH CAROLINA REGISTER

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VOLUME 13 • ISSUE 16 • Pages 1248 - 1374

February 15, 1999

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Cosmetic Art Examiners
Electrical Contractors, Board of Examiners of
Environment and Natural Resources
Health and Human Services
Insurance
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Pharmacy, Board of
Transportation
Rules Review Commission
Contested Case Decisions

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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings
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Office of State Budget and Management
116 West Jones Street — (919) 733-7061
Raleigh, North Carolina 27603-8005 — (919) 733-0640 FAX

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Rules Review Commission
1307 Glenwood Ave., Suite 159 — (919) 733-2721
Raleigh, North Carolina 27605 — (919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel
Bobby Bryan, Staff Attorney

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Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street — (919) 733-2578
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County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street — (919) 715-2893
Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities
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Raleigh, North Carolina 27603

contact: Paula Thomas

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The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

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2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
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6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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(June 1998 - March 1999)

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					A. non-substantial economic impact			B. substantial economic impact			
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	270th day from issue date
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
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13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00	11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PRO-CEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

EXECUTIVE ORDER NO. 142
AMENDING EXECUTIVE ORDER NUMBER 16 THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL AND THE CENTER FOR GEOGRAPHIC INFORMATION AND ANALYSIS

By the authority vested in me as Governor by the laws and Constitution of North Carolina, IT IS ORDERED:

Section 1. Amendment

Section 4 of Executive Order Number 16, as previously amended by Executive Order Number 124, is hereby further amended by adding the following members and provisions:

t) The President of the North Carolina Community College System;
u) The President of the University of North Carolina System; and,
v) Such other individuals who the Governor deems appropriate to enhance the efforts of geographic information coordination.

The addition of the President of the North Carolina Community College System and the President of the University of North Carolina shall bring the Council's membership to twenty-one members. Any additional members appointed by the Governor pursuant to subsection "v" above shall correspondingly increase the membership accordingly.

The President of the North Carolina Community College System and the President of the University of North Carolina System shall serve continuously in the same manner as those members identified in subsections "a-g," "i-l," "r" and "s" in Executive Order Number 16, as amended.

Any member appointed pursuant to subsection "v" shall serve a term of three years from the date of appointment.

Subject to this amendment and the provisions within executive Order Number 124, all provisions of Executive Order Number 16, as amended, shall remain in full force and effect.

Section 2 Effective Date

This executive order is effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the 19th day of January, 1999.

EXECUTIVE ORDER NO. 143
ESTABLISHING THE NORTH CAROLINA INFORMATION HIGHWAY COUNCIL OF ADVISORS AND THE NORTH CAROLINA INFORMATION HIGHWAY POLICY COMMITTEE

WHEREAS, the continued successful implementation of the North Carolina Information Highway is critical to improving the economic vitality of the State through the employment of information technology for economic development and to enhancing the quality of life of all citizens, particularly in the delivery of health services, the education of its citizens, the training of its workforce, the providing of greater public safety through the development of an integrated criminal justice information system, the offering of more integrated, effective and efficient services to citizens by state and local governments and the deployment of information technology to citizens utilizing our libraries as gateways; and

WHEREAS, it is important that the North Carolina Information Highway continue to be developed from a broad perspective utilizing the knowledge of a diverse group of citizens at the advisory level and a group of internal and external public officials as a policy committee.

NOW, THEREFORE, by the authority vested in me as Governor by the laws and Constitution of the State of North Carolina, IT IS ORDERED:

Section 1. Establishment

The North Carolina Information Highway Council of Advisors and the North Carolina Information Highway Policy Committee are hereby established.

Section 2. Definitions

For the purposes of this Executive Order, the following definitions apply:

A. The term "Council" means the North Carolina Information Highway Council of Advisors;

B. The term "Policy Committee" means the North Carolina Information Highway Policy Committee;

C. "North Carolina Information Highway" (NCIH) means the advanced telecommunications networks operating with high-speed increased capacity and capabilities and any other voice, data, video, imaging, other network or application that might be interoperable or interconnected with the North Carolina Information Highway. North Carolina Information Highway also refers to the efforts to assist North Carolina citizens, industry, government, education, health and communities to constantly seek to have access to excellent telecommunications networks that operate in a competitive environment or may need to have further involvement from the state temporarily in assisting with appropriate access to information networks.

Section 3. Purpose and Intent

The purpose of the Council and the Policy Committee is to advise the Governor, the Information Resources Management Commission (IRMC), the North Carolina General Assembly and the Department of Commerce on any matters pertaining to the NCIH. The Policy Committee shall also make such recommendations as it deems necessary to the Information Highway Grants Advisory Council.

Section 4. Membership

A. The Council shall consist of 30 members. The Speaker of the House shall serve on the Council and appoint 4 additional members and the President Pro Term of the Senate shall serve on the Council and appoint 4 additional members. The Governor shall request the Chair of the IRMC, the Chair of the North Carolina Utilities Commission, the Chair of the Policy Committee, the Chief Executive officer of the Microelectronics

Center of North Carolina (MCNC) and the Secretary of the Department of Commerce to serve as ex-officio members of the Council. The Governor shall appoint the remaining 15 members of the Council, including the Chair. The appointing authorities shall consider interest in the State's telecommunications policies related to the ability of the State to provide responsive and cost-effective services to it citizens. To the extent possible, efforts should be made to represent all geographical areas of the State. To the extent possible, efforts should be made to represent all geographical areas of the state. The President of the University of North carolina System, the President of the Community College System, the State Superintendent for Public Instruction, the Executive Director of the League of Municipalities, the Executive Director of the Association of County Commissioners, the Chair of the Employment Security Commission, the Director of the Association of Independent Colleges and the director of a major health organization that promotes the use of telehealth shall all be strongly considered for membership.

Of the Governor's appointees, six shall be professionals from private industry and shall be from the ranks of leaders in either the field of information or telecommunications technology or senior business leaders with experience in applying these technologies and services on an enterprise-wide basis. To augment this group for accomplishing its expanded responsibilities, the Secretary of Commerce may appoint up to four individuals from nonprofit organizations, local or federal government agencies, universities or research institutions to serve with it when meeting as an additional advisory body.

The NCIH Council of Advisors shall meet at least once yearly. They will work with the Policy Committee to involve the business, educational and governmental communities and the citizens at large to understand the North Carolina Information Highway, applications that can use these information networks and their benefits to the State of North Carolina.

B. Members of the Policy Committee and its Chair shall be appointed by the Governor. The Policy Committee shall be composed of individuals who represent agencies of the State of North Carolina including, but not limited to, representatives from the Council of State and Cabinet agencies, the University of North Carolina System, the North Carolina Community College System, the independent higher education sector and the K-12 community. A staff member form the IRM, a staff member from the Secretary of Commerce's Office, a member of the MCNC Advanced Networking Group, a staff member from either the League of Municipalities or the Association of County Commissioners and two staff members from the Governor's Office for Technology shall be appointed by the Governor. Representatives of public or private nonprofit shall be considered for membership. Membership on this Policy Committee should reflect the membership of the former NCIH Planning Committee. Local, state and federal government representative shall be considered for membership on this committee. The Committee may form subcommittees, as desired, to help in the performance of its duties and responsibilities. These may include, but are not limited to: technology, training, applications, public relations, finance, rates, regional committees, etc. The Committee will establish Regional Committees that will report their findings and recommendations to the Policy Committee on a regular basis.

Regional Committees on Information Technology Networks should be represented on the NCIH policy Committee. An elected representative of each Regional Committee on Information Technology Networks as established by the NCIH Policy Committee shall serve on the Policy Committee. The Regional Committees should be responsible for assisting with the education of the citizens, business, education, health, government and nonprofit entities in the region regarding the issues of connectivity. They may or may not choose to become nonprofit 501(c)(3) organizations. Regional Committee members shall serve a term of one year on the Policy Committee and may serve additional terms if so elected by their Regional Committee. The name of the person who shall serve on the Policy Committee shall be forwarded to the Policy Committee by June 30th of each year.

A member of the Policy Committee, designated by the Policy Committee or the Governor shall be authorized to sit on the IRMC as a voting member.

The Policy Committee shall provide guidance and direction to the NCIH Council of Advisors. It shall use its experience and knowledge to provide unified recommendations on NCIH future directions to the IRMC, to recommend proposed NCIH standards to the IRMC, to integrate applications among agencies, to promote interoperability, and to coordinate integration efforts across state and local government agencies and when requested to federal and other agencies and organizations.

The Policy Committee, the Department of Commerce and the IRMC should work closely together. During critical periods of the NCIH they should be in constant communication. To facilitate this, it is requested that the Secretary of Commerce encourage the NCIH staff to attend all meetings of the Policy Committee. The Department of Commerce and the Information Resources Management Commission will continue to have the authority over telecommunications currently identified for each by the General Statutes of North Carolina.

C. Members of the Council and the Policy Committee shall serve two-year terms and may be reappointed. The original appointing authority shall fill vacancies for the balance of the unexpired terms.

D. A majority of the members of the Council shall constitute a quorum for the transaction of business of the Council. A majority of the members of the Policy Committee shall constitute a quorum for the transaction of business of the Policy Committee.

E. The Council members shall receive no salary. Subsistence and travel expenses are available for those who could not serve without reimbursement, in accordance with the North Carolina General Statutes 120-3.1, 138-5 and 138-6, as applicable. Members of the General Assembly will be requested to use their General Assembly funds to reimburse them for their expenses. Policy Committee members will receive any reimbursement form their respective agencies.

F. The staff for the Council shall be the Policy Committee. The Office of the Governor, the IRMC and the Department of Commerce shall provide staff for the Policy Committee. State entities that have members on the Policy Committee may be

requested to provide some staff assistance to the Policy Committee.

G. The NCIH Policy Committee shall elect a vice chair and a secretary from among its members. These two officers and the chair shall constitute the Executive Committee.

Section 5. Responsibilities.

The NCIH Policy Committee shall make a report to the Executive Cabinet annually. In addition, it shall file a report with the Governor, the IRMC, the Secretary of Commerce and the General Assembly at least twice per year. The report may make recommendations on the NCIH implementation in the public schools, universities and community colleges of North Carolina, the libraries, the criminal justice system, intergovernmental and economic development activities, health services delivery, state and local agencies and any other recommendations they might choose to make about the planning and implementation of the NCIH. Upon request, the Council shall also report to the Education Oversight Committee, the Education Cabinet and any other General Assembly Oversight Committees.

The NCIH Policy Committee shall direct recommendations that it cannot implement itself to the Secretary of Commerce, state Information Technology Services, the IRMC or other appropriate body and request consideration and/or implementation.

Section 6. Funding

Money for the carrying out of this Executive Order shall come from the funds of the State already appropriated. The Council and the Policy Committee may also receive funds from other public and/or private for-profit and nonprofit foundations.

Section 7. Succession

Membership succession for each of the positions noted in this Executive Order shall be by their original appointing body. The North Carolina Information Highway Policy Committee may desire to become a self-supporting organization designated as a nonprofit 501(c)(3) and is authorized to explore this option.

Section 8. Effect on Other Executive Orders.

Executive Order Number 68 and all other prior Executive Orders (or portions of prior Executive Orders) inconsistent herewith are rescinded.

This order is effective immediately and shall remain in effect until rescinded.

Done in the Capital City of Raleigh, North Carolina, this 19th day of January, 1999.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

U.S. Department of Justice

Civil Rights Division

EJ:GS:DCB:par
DJ 166-012-3
98-3853
98-4102

Voting Section
PO Box 66128
Washington, D.C. 20035-6128

January 19, 1999

Jesse L. Warren, Esq.
City Attorney
P.O. Box 3136
Greensboro, North Carolina 27402

Dear Mr. Warren:

This refers to four annexations (Ordinance Nos. 169, 185, 187 and 192 (1998)) and their designation to council districts of the City of Greensboro in Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on November 30 and December 23, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

An agency may choose to publish a rule-making agenda which serves as a notice of rule-making proceedings if the agenda includes the information required in a notice of rule-making proceedings. The agency must accept comments on the agenda for at least 60 days from the publication date. Statutory reference: G.S. 150B-21.2.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from April 15 through June 15, 1999:

Environmental Management Commission to rules codified in 15A NCAC 2;
Commission for Health Services to rules codified in 15A NCAC 18A;
Wastewater Treatment Plant Operators Certification Commission to rules codified in 15A NCAC 8.

DENR Regulatory Agenda Index - January 25, 1999

AIR QUALITY

APA #	SUBJECT	RULE CITATION #
E2753	Control of Emissions from Abrasive Blasting	15A NCAC 2D .0541
E2755	Emissions Trading ("Bubble")	15A NCAC 2D .0501
E2756	Municipal Waste Combustors	15A NCAC 2D .1200
E2757	Gasoline Truck Tanks, Bulk Gasoline Plants, Bulk Gasoline Terminals	15A NCAC 2D .0926, .0927, .0932
E2758	Compliance with Emission Control Standards	15A NCAC 2D .0501
E2759	Solidwaste Landfills	15A NCAC 2D .1703
E2760	Air Toxics	15A NCAC 2D .1104, 2Q .0711
E2761	Air Toxics	15A NCAC 2D .1104, 2Q .0711

ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

APA #	SUBJECT	RULE CITATION #
E2733	Sanitation of Summer Camps	15A NCAC 18A .1000
E2735	Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, Sanatoriums, etc.	15A NCAC 18A .1300
E2736	Sanitation of Residential Care Facilities	15A NCAC 18A .1600
E2737	Sanitation of Protection of Water Supplies	15A NCAC 18A .1700
E2738	Sanitation of Public, Private, and Religious Schools	15A NCAC 18A .2400

WATER QUALITY

APA #	SUBJECT	RULE CITATION #
E2754	Animal Waste Certified Operators	15A NCAC 8F .0406, .0407

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APA #: E2733
SUBJECT: Sanitation of Summer Camps
RULE CITATION #: 15A NCAC 18A .1000
STATUTORY AUTHORITY: G.S. 130A-248
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Bart Campbell

DIVISION CONTACT TEL#: (919)715-7148
DATE INITIATED: 11/18/98
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To serve as notice of intent to review and revise these rules as necessary to ensure they are current and respond to input from local health departments and regulated parties. These rules cover the sanitation requirements for summer camps that are available to the public.

APA #: E2735
SUBJECT: Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, Sanatoriums, etc.
RULE CITATION #: 15A NCAC 18A .1300
STATUTORY AUTHORITY: G.S. 130A-235
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Bart Campbell
DIVISION CONTACT TEL#: (919)715-7148
DATE INITIATED: 11/24/98
DURATION OF RULE: Permanent 8/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To serve as notice of intent to review and revise these rules as necessary to ensure they are current and respond to input from local health departments and regulated parties.

APA #: E2736
SUBJECT: Sanitation of Residential Care Facilities
RULE CITATION #: 15A NCAC 18A .1600
STATUTORY AUTHORITY: G.S. 130A-235
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Bart Campbell
DIVISION CONTACT TEL#: (919)715-7148
DATE INITIATED: 11/24/98
DURATION OF RULE: Permanent 8/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To serve as notice of intent to review and revise these rules as necessary to ensure they are current and respond to input from local health departments and regulated parties.

APA #: E2737
SUBJECT: Sanitation of Protection of Water Supplies
RULE CITATION #: 15A NCAC 18A .1700
STATUTORY AUTHORITY: G.S. 95-255; 130A-5(3); 130A-230; 130A-235; 130A-236; 130A-248; 130A-257
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Bart Campbell
DIVISION CONTACT TEL#: (919)715-7148
DATE INITIATED: 11/24/98
DURATION OF RULE: Permanent 8/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To serve as notice of intent to review and revise these rules as necessary to ensure they are current and respond to input from local health departments and regulated parties.

APA #: E2738
SUBJECT: Sanitation of Public, Private, and Religious Schools
RULE CITATION #: 15A NCAC 18A .2400
STATUTORY AUTHORITY: G.S. 130A-236
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Bart Campbell
DIVISION CONTACT TEL#: (919)715-7148
DATE INITIATED: 11/24/98
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To serve as notice of intent to review and revise these rules as necessary to ensure they are current and respond to input from local health departments and regulated parties.

APA #: E2753
SUBJECT: Control of Emissions from Abrasive Blasting
RULE CITATION #: 15A NCAC 2D .0541
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108(c)(7); 143-215.108(d)(1)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/15/99
DURATION OF RULE: Permanent
TYPE OF RULE:
GOV LEVELS AFFECTED: None
STAGE OF DEVELOPMENT: Draft Rule Stage
REASON FOR ACTION :

This is a new rule intended to establish air quality standards and requirements for abrasive blasting activities.

SCOPE/NATURE/SUMMARY :

The proposed rule establishes three requirements for abrasive blasting operations. The rule establishes parameters that must be met in order to perform abrasive blasting outside of a building, requires outside abrasive blasting activities to be conducted in strict accordance with 15A NCAC 2D .0521, Control of Visible Emissions, and requires abrasive blasting operators to take precautions to ensure that the fugitive dust generated by their activities does not migrate beyond property lines.

APA #: E2754
SUBJECT: Animal Waste Certified Operators
RULE CITATION #: 15A NCAC 8F .0406, .0407
STATUTORY AUTHORITY: G.S. 90A-39; 90A-41; 90A-47; 143B-300; 150B-3; 150B-23; 150B-38; 150B-52
DIVISION/SECTION: WATER QUALITY
DIVISION CONTACT: Dwight Lancaster
DIVISION CONTACT TEL#: (919)733-0026
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent 8/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The Water Pollution Control System Operators Certification Commission certifies water pollution control system operators through two sets of rules. Operators of animal waste management systems are certified under 15A NCAC 8F and the Commission adopted 15A NCAC 8G for certification of operators for other types of water pollution control systems. The current rules concerning disciplinary actions and recertification requirements for certified animal waste operators differ from those recently adopted for other certified operators. The proposed amendments will provide uniformity in disciplinary and recertification procedures for all operators certified by the Commission.

SCOPE/NATURE/SUMMARY :

The proposed amendments will impact certified animal waste operators when circumstances indicate that

disciplinary actions may be needed.

The proposed amendments clarify the grounds for disciplinary action, establishes a procedure for implementing disciplinary actions and establishes a procedure for certification following disciplinary actions.

APA #: E2755
RULE CITATION #: 15A NCAC 2D .0501
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1), 143-215. 107(a)(5); 143-215.108
SUBJECT: Emissions Trading ("Bubble")
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT TEL#: (919)733-1489
DIVISION CONTACT: Thom Allen
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To allow Title V facilities to use the Title V permitting procedures for emissions trading instead of the SIP process.
SCOPE/NATURE/SUMMARY :
Currently Rule 15A NCAC 2S .0501, Compliance with Emission Control Standards, requires that permits using an alternative mix of controls (emissions trading or "bubble") to comply with the air quality standards be adopted as part of the State Implementation Plan (SIP). To streamline this process, this Rule and perhaps other related rules should be amended to allow the Title V permitting process to be substituted for the SIP process for Title V facilities. (A Title V facility is a facility required to be permitted according to the requirements of Title V of the Federal Clean Air Act.) Both processes involve the same amount of public participation. Both involve EPA review and approval. Under the current process, there could be two public comment periods and two EPA reviews. Title V encourages using the Title V permitting process for emissions trading. This rule change would simplify and streamline the emissions trading process by eliminating duplicative processing.

APA #: E2756
SUBJECT: Municipal Waste Combustors
RULE CITATION #: 15A NCAC 2D .1200
STATUTORY AUTHORITY: G.S. 143-215.3(a); 143-215.107(a)(4), (5), (10)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To revise the incinerator rules for municipal waste combustors (MWC) as a result of EPA's revised definition.
SCOPE/NATURE/SUMMARY :
When EPA first promulgated its guideline requirements for states to adopt rules for existing municipal waste combustors, it required all municipal waste combustors at the same location to be summed to determine if the municipal waste combustor plant were to be considered a large plant or a small plant. Large plants are required to comply with more restrictive requirements than small plants. As a result of litigation, the standards for small municipal waste combustors were vacated. The result of the litigation is that only the capacity of individual units are considered in determining whether the unit must meet the requirements for a large combustor or a small combustor. The rules pertaining to municipal waste combustors in Section 15A NCAC 2D .1200, Control of Emissions from Incinerators, need revision to bring them in line with this change in definition. Furthermore, these rules need to be amended to incorporate the changes for large municipal waste combustors under 40 CFR Part 60, Subpart Cb (62 FR 45116). They will also need amending to incorporate changes for small municipal waste combustors once those standards are promulgated.

APA #: E2757
SUBJECT: Gasoline Truck Tanks, Bulk Gasoline Plants, Bulk Gasoline Terminals
RULE CITATION #: 15A NCAC 2D .0926, .0927, .0932
STATUTORY AUTHORITY: G.S. 143-215.3(a); 143-215.107(a)(5)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To revise 15A NCAC 2D .0932, Gasoline Truck Tanks and Vapor Collection Systems, to require gasoline bulk terminals to keep a copy of the truck tank certifications of the truck tanks that are provided gasoline by the terminals.

SCOPE/NATURE/SUMMARY :

Rule 15A NCAC 2D .0932 requires truck tanks to be certified leak tight annually. This Rule requires that a copy of the most recent certification test be kept with the truck tank. Rules 15A NCAC 2D .0927, Bulk Gasoline Terminals, and .0926, Bulk Gasoline Plants, prohibit terminals and plants from loading truck tanks that are not certified leak tight. The rule change would require gasoline bulk terminals and bulk plants to keep a copy of the leak tight certification of the truck tanks that they load. This change should aid the terminals and bulk plants, as well as the Division of Air Quality, in determining if the truck tanks being loaded have been certified as leak tight within the last 12 months. Most terminals already maintain these records. The rule change will probably involve amending 15A NCAC 2D .0926, .0927, and .0932.

APA #: E2758
SUBJECT: Compliance with Emission Control Standards
RULE CITATION #: 15A NCAC 2D .0501
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
STATUTORY AUTHORITY: G.S. 143-215.3(a); 143-215.107(a)(5)
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To replace the method for determining condensible particulates proposed on August 17, 1971, in the Federal Register, Volume 36, Number 159, with 40 CFR Part 61, Appendix M, Method 202.

SCOPE/NATURE/SUMMARY :

To measure condensible particulates, Rule 15A NCAC 2D .0501, Compliance with Emission Control Standards, requires the use of Method 5 as proposed on August 17, 1971, in the Federal Register, Volume 36, Number 159. In 1991, EPA promulgated a condensible particulate test method. This is Method 202 of 40 CFR Part 60, Appendix M. This test method is the method that EPA has identified as the reference test method for condensible particulates. Rule 15A NCAC 2D .0501 needs to be amended to replace the old method with Method 202.

APA #: E2759
SUBJECT: Solidwaste Landfills
RULE CITATION #: 15A NCAC 2D .1703
STATUTORY AUTHORITY: G.S. 143-215.3(a); 143-215.107(a)(5), (10)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To revise the municipal solid waste landfill rules as a result of changes in EPA rules.
SCOPE/NATURE/SUMMARY :
On June 16, 1998, REPA promulgated amendments to the municipal solid waste landfill rules in 40 CFR Part 6, Subpart Cc and WWW. The State rules automatically incorporated most of these changes. However, as a result of these amendments, Rule 15A NCAC 2D .1703, Emission Standards, needs amending. The phrase "2.75 million tons OR 2.5 million cubic meters" needs to be replaced with "2.75 million tons AND 2.5 million cubic meters."

APA #: E2760
SUBJECT: Air Toxics
RULE CITATION #: 15A NCAC 2D .1104, 2Q .0711
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143-215.108; 143-282; S.L. 1989, c. 168, s. 45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To amend the air toxic rules to revise the acceptable ambient levels for 1, 3-butadiene and carbon tetrachloride.
SCOPE/NATURE/SUMMARY :
The Secretary's Scientific Advisory Board (SAB) has recommended that the acceptable ambient level for 1, 3-butadiene be changed from 1.7×10^{-4} mg/m^3, annual average to 4.6×10^{-4} mg/m^3, annual average. It has recommended that the acceptable ambient level for carbon tetrachloride be changed from 6.7×10^{-3} mg/m^3, annual average to 1.0×10^{-3} mg/m^3, annual average. Rule 15A NCAC 2D .1104, Toxic Air Pollutant Guidelines, would be amended to revise the acceptable ambient levels for these toxic air pollutants. Rule 15A NCAC 2Q .0711, Emission Rates Requiring a Permit, would be amended to add corresponding toxic permit emission rates.

APA #: E2761
SUBJECT: Air Toxics
RULE CITATION #: 15A NCAC 2D .1104, 2Q .0711
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143-215.108; 143-282; S.L. 1989, c. 168, s. 45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 1/11/99
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To amend the air toxic rules to add acceptable ambient levels for naphthalene.
SCOPE/NATURE/SUMMARY :
The Secretary's Scientific Advisory Board (SAB) has recommended an acceptable ambient level for naphthalene of 0.031 mg/m^3, 24-hour average, or 0.22 mg/m^3, 24-hour average. Rule 15A NCAC 2D .1104, Toxic Air Pollutant Guidelines, would be amended to add an acceptable ambient level for this toxic air pollutant. Rule 15A NCAC 2Q .0711, Emission Rates Requiring a Permit, would be amended to add a corresponding toxic permit emission rate.

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3I - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTIONS

Notice of Rule-making Proceedings *is hereby given by the North Carolina Department of Transportation - Division of Motor Vehicles in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.*

Citation to Existing Rules Affected by this Rule-Making: *19A NCAC 3I.0207, .0301 - .0302, .0307, .0401 - .0402, .0501, .0601, .0701, .0804. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 20-321; 20-322; 20-323; 20-324; 20-325*

Statement of the Subject Matter: *Rules proposed for amendment govern the licensing of commercial driver training schools and instructors. Amended rules establish minimum operating standards for commercial driver training schools.*

Reason for Proposed Action: *Rules are proposed for amendment to reflect current trends in commercial driver training schools. Commercial schools which originally taught adult driver training now contract with local school boards to teach beginning drivers. Proposed amendments will bring the DMV rules into compliance with the State Board of Education driver training rules.*

Comment Procedures: *Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, N.C. DOT, PO Box 25201, Raleigh, NC 27611 within 30 days after the proposed rules are published or until the date of any public hearing held on the proposed rules, whichever is longer.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars ($5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the DENR - Coastal Resources Commission intends to amend rule cited as 15A NCAC 7H .1805. Notice of Rule-making Proceedings was published in the Register on October 1, 1998.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 4:30 p.m. on March 25, 1999 at the Sheraton Atlantic Beach, 2717 Fort Macon Road, Atlantic Beach, NC 28512.*

Reason for Proposed Action: *The Coastal Resources Commission has agreed that North Carolina property owners should be able to protect their oceanfront property by bulldozing sand, in instances where sea turtle nests would not be damaged.*

Comment Procedures: *To make comments please contact Rich Shaw, Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, 919-733-2293. Comments will be accepted through March 25, 1999.*

Fiscal Note: *This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars ($5,000,000) in a 12-month period.*

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .1800 - GENERAL PERMIT TO ALLOW BEACH BULLDOZING LANDWARD OF THE MEAN HIGH WATER MARK IN THE OCEAN HAZARD AECs

.1805 SPECIFIC CONDITIONS

(a) The area in which this activity is being performed must maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and should follow the pre-emergency slopes as closely as possible. The movement of material by a bulldozer, front-end loader, backhoe, scraper or any type of earth moving or construction equipment shall not exceed 1 foot in depth measured from the pre-activity surface elevation.

(b) The activity must not exceed the lateral bounds of the applicant's property unless he has the written permission of the adjoining landowner(s).

(c) Movement of material from seaward of the mean high water line is not authorized.

(d) The activity must not significantly increase erosion on neighboring properties and must not have a significant adverse effect on important natural or cultural resources.

(e) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The fill areas will be immediately replanted or temporarily stabilized until planting can be successfully completed.

(f) In order to minimize adverse impacts to nesting sea turtles, no work shall occur within the period of May 1 through November 15 of any ~~year.~~ year, without the prior approval of the Division of Coastal Management, in coordination with the North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Service and the United States Army Corps of Engineers.

(g) If one contiguous acre or more of oceanfront property is to be excavated or filled, an erosion and sedimentation control plan must be filed with the Division of Land Resources, Land Quality Section, or appropriate local government having jurisdiction. This plan must be approved prior to commencing the land disturbing activity.

Authority G.S. 113-229(cl), 113A-107(a)(b); 113A-113(b); 113A-118.1.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend rules cited as 15A NCAC 7M .0401 - .0403. Notice of Rule-making Proceedings was published in the Register on December 15, 1998.

Proposed Effective Date: *August 1, 2000*

A Public Hearing *will be conducted at 4:30 p.m. on March 25, 1999 at the Sheraton Atlantic Beach, 2717 Fort Macon Road, Atlantic Beach, NC 28512.*

Reason for Proposed Action: *A review of the current rules and scientific literature identified a need to make minor amendments to the energy policies to protect key fisheries habitat and endangered seabirds from potential impacts from offshore development of energy resources.*

Comment Procedures: *Kim Crawford, NC Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, 919-733-2293. Comments will be accepted through March 25, 1999.*

Fiscal Note: *These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars ($5,000,000) in a 12-month period.*

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7M - GENERAL POLICY GUIDELINES FOR THE COASTAL AREA

SECTION .0400 - COASTAL ENERGY POLICIES

.0401 DECLARATION OF GENERAL POLICY

(a) It is hereby declared that the general welfare and public interest require that reliable sources of energy be made available to the citizens of North Carolina. It is further declared that the development of energy facilities and energy resources within the state and in offshore waters can serve important regional and national interests. However, unwise development of energy facilities or energy resources can conflict with the recognized and equally important public interest that rests in conserving and protecting the valuable land and water resources of the state and nation, particularly coastal lands and waters. Therefore, in order to balance the public benefits attached to necessary energy development against the need to protect valuable coastal resources, the planning of future land uses, the exercise of regulatory authority, and determinations of consistency with the North Carolina Coastal Management Program shall assure that the development of energy facilities and energy resources shall avoid significant adverse impact upon vital coastal resources or uses, public trust areas and public access rights.

(b) Exploration for the development of offshore and Outer Continental Shelf (OCS) energy resources has the potential to affect coastal resources. The Federal Coastal Zone Management Act of 1972, as amended, requires that federal oil and gas leasing actions of the US Department of the Interior be consistent to the maximum extent practicable with the enforceable policies of the federally approved North Carolina Coastal Management ~~Program.~~ Program, and that exploration, development and production activities associated with such leases comply with those enforceable policies. Enforceable policies applicable to OCS activities include all the provisions and policies of this Rule, as well as any other applicable federally approved components of the North Carolina Coastal Management Program. All permit applications, plans and assessments related to exploration or development of OCS resources and other relevant energy facilities must contain sufficient information to allow adequate analysis of the consistency of all proposed activities with these Rules and policies.

Authority G.S. 113A-102(b); 113A-107; 113A-124.

.0402 DEFINITIONS

(a) "Impact Assessment" is an analysis which fully discusses the potential environmental, economic and social consequences of a proposed project. At a minimum, the assessment shall include the following ~~information:~~ and for each of the following shall discuss and assess any effects on any land or water use or natural resource of the coastal area, including the effects within the coastal area caused by activities outside the coastal area.

(1) a full discussion of the preferred sites for those elements of the project affecting any land or water use or natural resource of the coastal area.

(A) In all cases where the preferred site is located within an area of environmental concern (AEC) or on a barrier island, the applicant shall identify alternative sites considered and present a full discussion [in terms of Subparagraphs (a)(2) through (8) of this Rule] of the reasons why the chosen location was deemed more suitable than another feasible alternate site.

(B) If the preferred site is not located within an AEC or on a barrier island, the applicant shall present reasonable evidence to support the proposed location over a feasible alternate site.

(C) In those cases where an applicant chooses a site previously identified by the state as suitable for such development and the site is outside an AEC or not on a barrier island, alternative site considerations shall not be required as part of this assessment procedure;

(2) a full discussion of the economic impacts, both positive and negative, of the proposed project. This discussion shall focus on economic impacts to the public, not on matters that are purely internal to the corporate operation of the applicant. No proprietary or confidential economic data shall be required. This discussion shall include analysis of likely adverse impacts upon the ability of any governmental unit to furnish necessary services or facilities as well as other secondary impacts of significance;

(3) a full discussion of potential adverse impacts on ~~estuarine or coastal resources.~~ coastal resources, including marine and estuarine resources and wildlife resources, as defined in G.S. 113A-129;

(4) a full discussion of potential adverse impacts on existing industry and potential limitations on the availability of natural resources, particularly water, for future industrial development;

(5) a full discussion of potential significant adverse impacts on recreational uses and scenic, archaeological and historic resources;

(6) a full discussion of potential risks of danger to human life or property;

(7) a full discussion of the procedures and time needed to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes;

(8) ~~(7)~~other specific data necessary for the various state and federal agencies and commissions with jurisdiction to evaluate the consistency of the proposed project with relevant standards and guidelines;

(9) ~~(8)~~a specific demonstration that the proposed project

is consistent with relevant local land use plans and with guidelines governing land uses in AECs.

If appropriate environmental documents are prepared and reviewed under the provisions of the National Environmental Policy Act (NEPA) or the North Carolina Environmental Policy Act (NCEPA), this review will satisfy this definition of "impact assessment" if all issues listed in this Rule are addressed and these documents are submitted in sufficient time to be used to review state permit applications for the project or subsequent consistency determinations.

(b) "Major energy facilities" are those energy facilities which because of their size, magnitude or scope of impacts, have the potential to affect any land or water use or natural resource of the coastal area. For purposes of this definition, major energy facilities shall include, but are not necessarily limited to, the following:

(1) Any facility capable of refining oil;
(2) Any terminals (and associated facilities) capable of handling, processing, or storing liquid propane gas, liquid natural gas, or synthetic natural gas;
(3) Any oil or gas storage facility that is capable of storing 15 million gallons or more on a single site;
(4) Electric generating facilities 300 MGW or larger;
(5) Thermal energy generation;
(6) Major pipelines 12 inches or more in diameter that carry crude petroleum, natural gas, liquid natural gas, liquid propane gas, or synthetic gas;
(7) Structures, including drillships and floating platforms and structures relocated from other states or countries, located in offshore waters for the purposes of exploration for, or development or production of, oil or natural gas; and
(8) Onshore support or staging facilities related to exploration for, or development or production of, oil or natural gas.

(c) "Offshore waters" are those waters seaward of the state's three-mile offshore jurisdictional boundary in which development activities may impact any land or water use or natural resource of the state's coastal area.

Authority G.S. 113A-102(b); 113A-107; 113A-124.

.0403 POLICY STATEMENTS

(a) The placement and operations of major energy facilities in or affecting any land or water use or natural resource of the North Carolina coastal area shall be done in a manner that allows for protection of the environment and local and regional socio-economic goals as set forth in the local land-use plan(s) and State guidelines in 15A NCAC 7H and 7M. The placement and operation of such facilities shall be consistent with established state standards and rules and shall comply with local land use plans and with guidelines for land uses in AECs.

(b) Proposals, plans and permit applications for major energy facilities to be located in or affecting any land or water use or natural resource of the North Carolina coastal area shall include a full disclosure of all costs and benefits associated with the project. This disclosure shall be prepared at the earliest feasible stage in planning for the project and shall be in the form of an impact assessment prepared by the applicant as defined in 15A NCAC 7M .0402.

(c) Local governments shall not unreasonably restrict the development of necessary energy facilities; however, they may develop siting measures that will minimize impacts to local resources and to identify potential sites suitable for energy facilities.

(d) Energy facilities that do not require shorefront access shall be sited inland of the shoreline areas. In instances when shoreline portions of the coastal zone area are necessary locations, shoreline siting shall be acceptable only if it can be demonstrated that coastal resources and public trust waters will be adequately protected, the public's right to access and passage will not be unreasonably restricted, and all reasonable mitigating measures have been taken to minimize impacts to AECs.

(e) The scenic and visual qualities of coastal areas shall be considered and protected as important public resources. Energy development shall be sited and designed to provide maximum protection of views to and along the ocean, sounds and scenic coastal areas, and to minimize the alteration of natural landforms.

(f) All energy facilities in or affecting any land or water use or natural resource of the coastal area shall be sited and operated so as to ~~be consistent~~ comply with the following criteria. ~~to the maximum extent practicable.~~

(1) ~~Risks of environmental harm to fish spawning areas, in or affecting the coastal area, shall be assessed and minimized.~~ Adverse impacts on resources of the coastal area, including marine and estuarine resources and wildlife resources, as defined in G.S. 113A-129, and adverse impacts on land or water uses in the coastal area shall be avoided unless site specific information demonstrates that there will be no adverse impacts on land or water uses or natural resources of the coastal area.
(2) Risks of environmental harm to coastal resources and uses shall be assessed and minimized. Necessary data and information required by the state for state permits and federal consistency reviews, pursuant to 15 CFR part 930, shall completely assess the risks of oil spills, evaluate possible trajectories, and enumerate response and mitigation measures employing the best available technology to be followed in the event of a spill. The information must demonstrate that the potential for oil spills and ensuing damage to coastal resources has been minimized and shall factor environmental conditions, currents, winds, and inclement events such as Northeasters and hurricanes, in trajectory scenarios. For facilities requiring an Oil Spill ~~Contingency~~ Response Plan, this information shall be included in such a plan.
(3) Dredging, spoil disposal and construction of related structures that are reasonably likely to affect any land or water use or natural resource of the coastal area shall be minimized, and any unavoidable actions of this sort shall minimize damage to the marine environment.
(4) Damage to or interference with existing or traditional

uses, such as fishing, navigation and access to public trust areas, and areas with high biological or recreational value, shall be avoided to the extent that such damage or interference is reasonably likely to affect any land or water use or natural resource of the coastal area.

(5) Placement of structures in geologically unstable areas, such as unstable sediments and active faults, shall be avoided to the extent that damage to such structures resulting from geological phenomena is reasonably likely to affect any land or water use or natural resource of the coastal area.

(6) ~~Wildlife destruction or relocation shall be assessed and minimized to the extent that such destruction or relocation is reasonably likely to affect any land or water use or natural resource of the coastal area.~~ Procedures necessary to secure an energy facility in the event of severe weather conditions, such as extreme wind, currents and waves due to northeasters and hurricanes, shall be initiated sufficiently in advance of the commencement of severe weather to ensure that adverse impacts on any land or water use or natural resource of the coastal area shall be avoided.

(7) Adverse impacts on species identified as threatened or endangered on Federal or State lists shall be avoided.

(8) Major energy facilities are not appropriate uses in fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, such as parks, recreation areas, wildlife refuges, and historic sites.

(9) No energy facilities shall be sited in areas where they pose a threat to the integrity of the facility and surrounding areas, such as ocean front areas with high erosion rates, areas having a history of overwash or inlet formation, and areas in the vicinity of existing inlets.

(10) In the siting of energy facilities and related structures, the following areas shall be avoided: ~~avoided to the maximum extent feasible:~~

(A) areas of high biological significance, including offshore reefs, rock outcrops and hard bottom areas, sea turtle nesting beaches, freshwater and saltwater wetlands, primary or secondary nursery ~~areas,~~ areas and essential fish habitat as designated by the appropriate fisheries management agency, submerged aquatic vegetation beds, shellfish beds, anadromous fish spawning and nursery areas, and colonial bird nesting colonies;

(B) major tracts of maritime forest and other important natural areas as identified by the North Carolina Natural Heritage Program;

(C) crossings of streams, rivers, and lakes except for existing readily-accessible corridors;

(D) anchorage areas and congested port areas;

(E) artificial reefs, shipwrecks, and submerged archaeological resources;

(F) dump sites;

(G) areas of large dunes or well-developed frontal dune systems;

(H) heavily developed and heavily used recreation areas.

~~(11) Where the areas listed in Subparagraph (f)(10) of this Rule cannot be avoided, and the siting of the energy facility affects any land or water use or natural resource of the coastal area, damage shall be mitigated to the maximum extent, feasible and in compliance with any other standard in this Section and affected areas shall be restored to their original functions pursuant to a plan of reclamation, which must be a part of the consistency determination or permit.~~

(11) ~~(12)~~Construction of energy facilities shall occur only during periods of lowest biological vulnerability. Nesting and spawning periods shall be avoided.

(12) ~~(13)~~If facilities located in the coastal area are abandoned, habitat of equal value to or greater than that existing prior to construction shall be restored as soon as practicable following abandonment. For abandoned facilities outside the coastal area, habitat in the areas shall be restored to its preconstruction state and functions as soon as practicable if the abandonment of the structure is reasonably likely to affect any land or water use or natural resource of the coastal area.

Authority G.S. 113A-102(b); 113A-107; 113A-124.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 14 - COSMETIC ART EXAMINERS

Rule-making Agency: *N.C. State Board of Cosmetic Art Examiners*

Rule Citation: *21 NCAC 14H .0112, .0118*

Effective Date: *January 20, 1999*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 88B*

Reason for Proposed Action: *These changes are a result of the ratification of Senate Bill 916 which affects the Rules governing the licensing of Estheticians, Manicurists, and civil penalties.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted to Dee Williams, Rule-Making Coordinator, N.C. State Board of Cosmetic Art Examiners, 1201-110 Front St., Raleigh, NC 27609.*

SUBCHAPTER 14H - SANITATION

.0112 CLEANLINESS OF CLINIC AREA: SUPPLIES: COMBS AND BRUSHES

(a) The clinic area shall be kept clean.

(b) Waste material shall be kept in suitable covered receptacles. The area surrounding the waste receptacles shall be maintained in a neat and sanitary manner.

(c) Sanitation rules which apply to towels and cloths are as follows:

(1) Separate and clean towels shall be used for each patron.

(2) After a towel has been used once, it shall be discarded and placed in a clean, closed container until properly laundered.

(3) There shall be a supply of clean towels at all times.

(4) All capes used on patrons shall be kept clean and shall not be allowed to come in direct contact with the patron's neck.

(d) At least six combs and brushes shall be provided for each cosmetology operator and cosmetology student.

(e) All combs, ~~brushes~~ brushes, esthetics and manicurist instruments shall be cleaned and disinfected after each use in the following manner:

(1) They shall be soaked in a cleaning solution that will not leave a residue and, if necessary, scrubbed.

(2) They shall be disinfected in accordance with the manufacturer's instructions that state the solution will destroy HIV virus, TB or HBV and is approved by the Federal Environmental Protection Agency. When selecting a disinfectant, care shall be taken to choose one that will not shorten the service life of the comb, ~~brush~~ brush, esthetics or manicuring instrument. In using a disinfectant, care shall be taken to wear any personal protective equipment, such as gloves, recommended in the Material Safety Data Sheet prepared on the disinfectant by the manufacturer.

(3) They shall be rinsed with hot tap water and dried thoroughly with a clean towel before their next use. If they are not used immediately, they shall be stored in a clean, closed cabinet until they are needed.

History Note: Authority G.S. 88B-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1994; April 1, 1991; January 1, 1989; April 1, 1988;
Temporary Amendment Eff. January 20, 1999.

.0118 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

(a) The system of grading the sanitary rating of manicurist schools and shops based on the rules set out in 21 NCAC 14H .0006 to .0017 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

(1) clean and well-repaired entrance and reception room 2;

(2) general condition of the entire establishment 8;

(3) water system; hot and cold running water 2;

(4) walls, ceiling and floors:

(A) construction and coverings 4;

(B) clean 4;

(C) good repair 3;

(5) lighting and fresh continuous ventilation (windows included); their adequacy and cleanliness 7;

(6) public toilet:

(A) clean and well ventilated 5;

(B) soap and individual towels furnished 5;

(C) hot and cold running water 2;

(7) appearance of operators and students 4;

(8) linens:

(A) supply of clean towels 2;

(B) soiled towels properly stored in closed containers 2;

(9) waste in closed containers and clean area 4;

(10) equipment cleanliness:

(A) disinfectants selected from those approved by the Federal Environmental Protection

Agency. 6;
(B) disinfectants used properly 5;
(C) all implements cleaned, disinfected, and properly stored 12;
(D) booths clean 8;
(11) working area:
(A) lavatories clean 4;
(B) jars and containers closed, clean and disinfected 2;
(C) no unnecessary articles in work area 2;
(12) antiseptics and first aid supplies on hand 1;
(13) cosmetics:
(A) clean and sanitary conditions 2;
(B) storage area for supplies clean and in order 3;
(14) no animals or birds kept in establishment 1.

(b) The system of grading the sanitary rating of all other beauty establishments, based on the rules set out in 21 NCAC 14H .0006 to .0017 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

(1) clean and well-repaired entrance and reception room 2;
(2) general condition of the entire establishment 8;
(3) water system; hot and cold running water 2;
(4) walls, ceiling and floors:
(A) construction and covering 4;
(B) clean 4;
(C) good repair 3;
(5) lighting and ventilation (windows included); their adequacy and cleanliness 3;
(6) public toilet:
(A) clean and well ventilated 5;
(B) soap and individual towels furnished 5;
(C) hot and cold running water 2;
(7) appearance of operators or student 4;
(8) linens:
(A) supply of clean towels 2;
(B) soiled towels properly stored in closed containers 3,
(C) clean capes 1;
(9) waste in closed containers and clean area 4;
(10) equipment cleanliness:
(A) disinfectants selected from those approved by the Federal Environmental Protection Agency 6;
(B) disinfectants used properly 5;
(C) all implements cleaned, disinfected, and properly stored 11;
(11) working area:
(A) booths clean 4;
(B) lavatories clean 4,
(C) jars and containers clean and disinfected 2;
(D) no unnecessary articles in work area 2;
(12) dryers clean and in repair 3;
(13) styling and shampooing chairs clean and sanitary 4;
(14) antiseptics and first aid supplies on hand 1;
(15) cosmetics:
(A) clean and sanitary condition 2;
(B) storage area for supplies clean and in order 3;
(16) no domestice animals or birds dept in establishment 1.

(c) The system of grading the sanitary rating of all esthetician schools and shops, based on the rules set out in 21 NCAC 14H .0106 to .0117 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

(1) clean and well-repaired entrance and reception room 3;
(2) general condition of the entire establishment 8;
(3) water system: hot and cold running water 3;
(4) walls, ceiling and floors:
(A) construction and covering 4;
(B) clean 4;
(C) good repair 3;
(5) lighting and ventilation (windows included); their adequacy and cleanliness 3;
(6) public toilet:
(A) clean and well ventilated 5;
(B) soap and individual towels furnished 5;
(C) hot and cold running water 3;
(7) appearance of operators or student 4;
(8) linens:
(A) supply of clean towels 3;
(B) soiled towels properly stored in closed container 3;
(9) waste in closed containers and clean area 4;
(10) equipment cleanliness:
(A) disinfectants selected from those approved by the Federal Environmental Protection Agency 6;
(B) disinfectants used properly 6;
(C) all implements cleaned, disinfected, and properly stored 11;
(11) working area:
(A) booths clean 4;
(B) lavatories clean 4;
(C) jars and containers clean and disinfected 3;
(D) no unnecessary articles in work area 3;
(12) antiseptics and first aid supplies on hand 1;
(13) cosmetics;
(A) clean and sanitary condition 3;
(B) storage area for supplies clean and in order 3;
(14) no domestic animals or birds kept in establishment 1.

History Note: Authority G.S. 88-2; 88-4.;
Eff. February 1, 1976;
Amended Eff. August 1, 1998; June 1, 1994; April 1, 1991; January 1, 1989;
Temporary Amendment Eff. January 20, 1999.

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of November 19, 1998 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1999 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION				REGISTER CITATION TO THE NOTICE OF TEXT
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21	NCAC	57A	.0101 - .0102	13:05 NCR 514
21	NCAC	57A	.0201 - .0208	13:05 NCR 514
21	NCAC	57A	.0210	13:05 NCR 517
21	NCAC	57A	.0301 - .0304	13:05 NCR 517
21	NCAC	57A	.0306	13:05 NCR 518
21	NCAC	57A	.0401 - .0406	13:05 NCR 518
21	NCAC	57A	.0407	13:05 NCR 520
21	NCAC	57A	.0501	13:05 NCR 520

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3U - CHILD DAY CARE STANDARDS

SECTION .0100 - PURPOSE AND DEFINITIONS

.0102 DEFINITIONS

The terms and phrases used in this Subchapter shall be defined as follows except when the content of the rule clearly requires a different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

(1) "Agency" means Division of Child Development, Department of Health and Human Services located at 319 Chapanoke Road, Suite 120, Raleigh, North Carolina 27603.

(2) "Appellant" means the person or persons who request a contested case hearing.

(3) "A" license means the license issued to child care operators who meet the minimum requirements for the legal operation of a child care facility pursuant to G.S. 110-91 and applicable rules in this Subchapter.

(4) "AA" license means the license issued to child care operators who meet the higher voluntary standards promulgated by the Child Care Commission as codified in Section .1600 of this Subchapter.

(5) "Child Care Program" means a single center or home, or a group of centers or homes or both, which are operated by one owner or supervised by a common entity.

(6) "Child care provider" as defined by G.S. 110-90.2 and used in Section .2700 of this Subchapter, includes but is not limited to the following employees: facility directors, administrative staff, teachers, teachers' aides, cooks, maintenance personnel and drivers.

(7) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.

(8) "Department" means the Department of Health and Human Services.

(9) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.

(10) "Division" means the Division of Child Development within the Department of Health and Human Services.

(11) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.

(12) "Early Childhood Environment Rating Scale - Revised edition" (Harms, Cryer, and Clifford, 1998, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two

and a half years old through five years old, to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for ten dollars and ninety five cents ($10.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(13) "Family Day Care Rating Scale" (Harms and Clifford, 1989, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety five cents ($8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(14) "Group" means the children assigned to a specific caregiver, or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and this Subchapter, using space which is identifiable for each group.

(15) "Infant/Toddler Environment Rating Scale" is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than thirty months old, to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety five cents ($8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(16) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility.

(17) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of coursework and standards found in the North Carolina Early Childhood Instructor Manual published jointly under the authority of the Department and the Department of Community Colleges. These standards are incorporated by reference and include subsequent amendments. A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(18) "Operator" means the person or entity held legally responsible for the child care business. The terms "operator", "sponsor" or "licensee" may be used interchangeably.

(19) "Part-time care" means a child care arrangement where children attend on a regular schedule but less than a full-time basis.

(20) "Passageway" means a hall or corridor.

(21) "Preschooler" or "preschool-aged child" means any child who does not fit the definition of school-aged child in this Rule.

(22) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three through fivepoints for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety five cents ($8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(23) "School-aged child" means any child who is at least five years old on or before October 16 of the current school year and who is attending, or has attended, a public or private grade school or kindergarten; or any child who is not at least five years old on or before October 16 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before moving to and becoming a resident of North Carolina; or any child who is at least five years old on or before April 16 of the current school year, is determined by the principal of the school to be gifted and mature enough to justify admission to the school, and is enrolled no later than the end of the first month of the school year.

(24) "Seasonal Program" means a recreational program as set forth in G. S. 110-86(2)(b).

(25) "Section" means Division of Child Development.

(26) "Substitute" means any person who temporarily assumes the duties of a regular staff person for a time period not to exceed two consecutive months.

(27) "Temporary care" means any child care arrangement which provides either drop-in care or care on a seasonal or other part-time basis and is required to be regulated pursuant to G.S. 110-86.

(28) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

History Note: Authority G.S. 110-88; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990;

November 1, 1989;
Temporary Amendment Eff. January 1, 1996;
Amended Eff. April 1, 1999; July 1, 1998; April 1, 1997.

SECTION .1600 - AA REQUIREMENTS

.1602 OPERATIONAL AND PERSONNEL POLICIES

(a) Each center shall have written policies which describe the operation of the center and the services which are available to parents and their children. The operational policies shall include at least the following information:

(1) the days and hours the center operates;
(2) age range of children served;
(3) admission requirements and enrollment procedures;
(4) parent fees and payment plan;
(5) information about services provided by the center, i.e. number of meals served, before/after school care, transportation;
(6) items, if any, to be provided by parents;
(7) a schedule of daily, weekly, and monthly cleaning duties;
(8) written procedures for reporting suspected child abuse and neglect;
(9) the center's discipline policy for behavior management;
(10) a description of opportunities for parent participation; and
(11) nutrition policies.

(b) Operational policies shall be discussed with parents at the time they inquire about enrolling their child in the center. A copy of the policies shall be given to the parents when their child is enrolled and they shall be notified in writing of all changes.

(c) Copies of operational policies and any subsequent changes to those policies shall be distributed to the staff.

(d) Each center in which more than two staff are required to meet the voluntary enhanced standards for staff/child ratios shall have written personnel policy which includes at least the following information:

(1) job descriptions for each position;
(2) minimum qualifications for each position including reference checks;
(3) health and medical requirements;
(4) requirements and provisions for inservice training;
(5) provisions for leave time and other absence;
(6) procedures for on-going supervision and regular evaluation of work performance; and
(7) resignation and termination procedures.

(e) Personnel policies shall be discussed with each employee at the time of employment and a copy of the policies shall be available to all staff. Staff shall be notified in writing of any changes in personnel policies.

(f) In addition to all records required in Rule .0302(d) of this Subchapter, each employee's personnel file shall contain an annual staff evaluation and staff development plan.

(g) All personnel files of employees hired after Apirl 1, 1999 shall also contain:

(1) a signed and dated statement verifying that the employee received a copy of his/her job description(s) and has reviewed the personnel and operational policies; and
(2) documentation that information concerning the voluntary enhanced standards was included during the employee's orientation.

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; July 1, 1998.

.1606 STAFF/CHILD RATIOS

(a) The center shall comply with the staff-child ratios and maximum group sizes set in this Rule.

AGE	STAFF	NO. OF CHILDREN	MAXIMUM GROUP SIZE	STAFF
Birth to 12 Months	1	5	10	2
1 to 2 Years	1	6	12	2
2 to 3 Years	1	9	18	2
3 to 4 Years	1	10	20	2
4 to 5 Years	1	13	25	2
5 to 6 Years	1	15	25	2
6 Years and Older	1	20	25	2

(b) All provisions, excluding staff/child ratios and group sizes of Rules .0712 and .0713 of this Subchapter, shall apply.

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; August 1, 1990; July 1, 1988.

SECTION .2800 - VOLUNTARY RATED LICENSES

.2801 SCOPE

(a) This Section shall apply to all child care facilities that have achieved a voluntary rated license of two stars or higher or that apply to be assessed for a voluntary rated license of two stars or higher.

(b) A child care facility is eligible for a voluntary rated license of two through five stars.

(c) No requirement in any component of a two-star or higher

rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Subchapter. Prior to issuance of an initial two- through five-star rating, all minimum requirements in G.S. 110-91 and this Subchapter must be in compliance at the time the program is assessed. The requirements for a voluntary rated license of two stars or higher are in addition to the minimum standards found in G.S. 110-91 and this Subchapter.

(d) An "A" or "AA" license remains valid until action is taken to change to a license with a star rating.

(e) Nothing in this Section is to preclude or interfere with issuance of an administrative action as allowed by G.S. 110 and this Subchapter.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

.2802 APPLICATION FOR A VOLUNTARY RATED LICENSE

(a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the procedures in this Rule shall apply to request an initial two- through five-star rated license or to request that a rating be changed to a two- through five-star rated license.

(b) The operator shall submit a completed application to the Division for a voluntary rated license on the form provided by the Division.

(c) An operator may apply for a star rating based on the total number of points achieved for each component of the voluntary rated license (program standards, education standards, and compliance history). In order to achieve a two- through five-star rating, the minimum score achieved must be a least five points as follows:

TOTAL NUMBER OF POINTS	RATING
5 through 7	Two Stars
8 through 10	Three Stars
11 through 13	Four Stars
14 through 15	Five Stars

(d) A Division representative shall assess the facility requesting a voluntary rated license to determine if all applicable requirements have been met to achieve the score for the requested star rating. The assessment may include a review of Division records and site visits.

(e) The Division shall provide for Infant/Toddler Environment Rating Scale, Early Childhood Environment Rating Scale - Revised edition, School-Age Care Environment Rating Scale, or Family Day Care Rating Scale assessments to be completed, as appropriate for the program, free of charge to operators requesting an initial three through five points for program standards.

(f) The Division shall assess the compliance history of a facility by evaluating the violations of requirements that have occurred over the previous three years or during the length of time since the facility began operating, whichever is less.

(g) Upon completion of the Division's assessment:

(1) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have been met, the Division shall issue the rating.

(2) If the assessment indicates all the applicable requirements to achieve the score for the requested rating are not met, the Division shall notify the operator of the requirements that were not met and the requested voluntary rating shall not be issued. If the operator meets the requirements to achieve the score for a higheror lower voluntary rating than what was requested, the Division may issue the voluntary rating for which the operator is eligible.

(h) When the Division does not issue the rating requested by the operator, the operator may:

(1) Accept the rating for which the Division has found the operator to be eligible;

(2) Withdraw the request and reapply when the identified requirements to achieve the score for the requested rating have been met; or

(3) Appeal the denial of the requested rating as provided in G.S. 150B-23.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

.2803 PROGRAM STANDARDS RATED LICENSE FOR CHILD CARE CENTERS

(a) To achieve two points for program standards for a star rating, the center shall meet all requirements for voluntary enhanced program standards in Section .1600 of this Subchapter, except that either the space requirements in Rule .1604 of this Subchapter or the staff/child ratio requirements in Rule .1606 of this Subchapter shall be met.

(b) To achieve three points for program standards for a star rating, the center shall:

(1) Meet all requirements for voluntary enhanced program standards in Section .1600 of this Subchapter; and

(2) Have an average score of 4.0 on the appropriate environment rating scale referenced in Rule .2802(3) in each classroom evaluated.

(c) To achieve four points for program standards for a star rating, the center shall:

(1) Meet all the requirements for voluntary enhanced program standards in Section .1600 of this Subchapter; and

(2) Have an average score of 4.5 on the appropriate environment rating scale referenced in Rule .2802(e) in each classroom evaluated.

(d) To achieve five points for program standards for a star rating, the center shall:

(1) Meet all the requirements for voluntary enhanced program standards in Section .1600 of this Subchapter, except for staff/child ratio requirements in Rule .1606; and

(2) Meet the staff/child ratios and group sizes set below:

Age of Children	No. Children	No. Staff	Maximum Group Size	No. Staff
0 to 12 months	4	1	8	2
1 to 2 years	5	1	10	2
2 to 3 years	8	1	16	2
3 to 4 years	9	1	18	2
4 to 5 years	12	1	24	2
5 to 6 years	14	1	25	2
6 and older	19	1	25	2; and

(3) Have an average score of 5.0 on the appropriate environment rating scale referenced in Rule .2802(e) in each classroom evaluated.

(e) For centers with a licensed capacity of three to twelve children located in a residence, a Family Day Care Rating Scale shall be the rating scale used in (b)(2), (c)(2), and (d)(3) of this Rule.

History Note: *Authority G.S. 110-88(7); 110-90(4); 143B-168.3;*
Eff. April 1, 1999.

.2804 EDUCATION STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) To achieve two points for education standards for a star rating, child caring staff in the center shall meet the following requirements:

(1) The on-site administrator shall have:
- (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
- (B) Two years of full-time verifiable early childhood work experience.

(2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level 1 North Carolina Early Childhood Administration Credential or its equivalent.

(3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
- (A) Completed or be enrolled in 3 semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
- (B) One year of full-time verifiable early childhood work experience.

(4) 50% of the teachers counted in staff/child ratios shall have:
- (A) Completed or be enrolled in two semester hours in early childhood education or child development; or
- (B) One year of full-time verifiable early childhood work experience.

(b) To achieve three points for education standards for a star rating, child caring staff in the center shall meet the following requirements.

(1) The on-site administrator shall have:
- (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
- (B) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework); and
- (C) Two years of full-time verifiable early childhood work experience.

(2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level 1 North Carolina Early Childhood Administration Credential or its equivalent.

(3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
- (A) Three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
- (B) Two years of full-time verifiable early childhood work experience.

(4) 50% of the teachers counted in staff/child ratios shall have:
- (A) Completed or be enrolled in the North Carolina Early Childhood Credential or its equivalent; or
- (B) Completed or be enrolled in four semester hours in early childhood education or child development; or
- (C) Three years of full-time verifiable early childhood work experience.

(c) To achieve four points for education standards for a star rating, child caring staff in the center shall meet the following requirements:

(1) The on-site administrator shall have:
- (A) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
- (B) Two years of full-time verifiable early childhood work experience.

(2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level 1 North Carolina Early Childhood Administration Credential or its equivalent.

(3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% shall have:
   (A) Nine semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework); and
   (B) Two years of full-time verifiable early childhood work experience.
(4) 50% of the teachers counted in staff/child ratios shall have:
   (A) The North Carolina Early Childhood Credential or its equivalent; or
   (B) Four semester hours in early childhood education or child development; or
   (C) Five years of full-time verifiable early childhood work experience.

(d) To achieve five points for education standards for a star rating, child caring staff in the center shall meet the following requirements.
(1) The on-site administrator shall have:
   (A) A Level III North Carolina Early Childhood Administration Credential or its equivalent; and
   (B) Four years of full-time verifiable work experience in an early childhood center teaching young children, or four years of administrative experience, or four years of a combination of both.
(2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
(3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
   (A) At least an A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development; and
   (B) Two years of full-time verifiable early childhood work experience.
(4) 50% of the teachers counted in staff/child ratios shall have:
   (A) The North Carolina Early Childhood Credential or its equivalent; and
   (B) Four semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and
   (C) Two years of full-time verifiable early childhood experience.

(e) For centers with a licensed capacity of three to twelve children located in a residence, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in this Rule shall apply. All other teachers shall follow the educational requirements for teachers in this Rule.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

.2807 EDUCATION STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) To achieve two points for educational standards for a rated license, the operator shall have completed:
(1) The North Carolina Family Child Care Credential or its equivalent; or
(2) At least four semester credit hours in early childhood education or child development; or
(3) At least 10 years of full-time verifiable early childhood work experience and six additional clock hours of annual in-service training.

(b) To achieve three points for education standards for a rated license, the operator shall have completed:
(1) The North Carolina Family Child Care Credential or its equivalent and three semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework) and one year of full-time verifiable early childhood work experience: or
(2) The North Carolina Family Child Care Credential or its equivalent and five years of full-time verifiable early childhood work experience; or
(3) At least six semester hours of early childhood education/child development coursework and one year of full-time verifiable early childhood work experience; or
(4) At least an A.A.S. degree in any major with at least six semester credit hours in early childhood education/child development coursework and six months of full-time verifiable early childhood work experience; or
(5) At least an A.A.S. degree. in early childhood education/child development and three months of full-time verifiable early childhood work experience.

(c) To achieve four points for education standards for a rated license, the operator shall have completed:
(1) The North Carolina Family Child Care Credential or its equivalent and six semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework) and two years of full-time verifiable early childhood work experience; or
(2) At least nine semester hours of early childhood education/child development coursework and two years of full-time verifiable early childhood work experience; or
(3) At least an A.A.S. degree in any major with at least nine semester credit hours in early childhood education/child development coursework and eighteen

months of full-time verifiable early childhood work experience; or

(4) At least an A.A.S. in early childhood education/child development and one year of full-time verifiable early childhood work experience.

(d) To achieve five points for education standards for a rated license, the operator shall have completed:

(1) At least an A.A.S. degree in any major with at least twelve semester credit hours in early childhood education/child development coursework and two years of full-time verifiable early childhood work experience; or

(2) At least an A.A.S. in early childhood education/child development and 18 months of full-time verifiable early childhood work experience.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

.2808 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) To achieve two points for compliance history standards for a star rating, the operator shall have no more than one substantiated complaint of violations of family child care home requirements and no substantiation of abuse or neglect by either the Division of Child Development or the local department of social services within the past year. The Division shall assess this by evaluating the number of substantiated complaints that have occurred over the previous year or during the length of time since the home began operating, whichever is less.

(b) To achieve three points for compliance history standards for a star rating, the operator shall have no more than one substantiated complaint of violations of family child care home requirements and no substantiations of abuse or neglect by either the Division of Child Development or the local department of social services within the last three years. The Division shall assess this by evaluating the number of substantiated complaints that have occurred over the previous three years or during the length of time since the home began operating, whichever is less.

(c) To achieve four points for compliance history standards for a star rating, the operator shall have no substantiated complaints of violations of family child care home requirements and no substantiations of abuse or neglect by either the Division of Child Development or the local department of social services within the last three years. The Division shall assess this by evaluating the number of substantiated complaints that have occurred over the previous three years or during the length of time since the home began operating, whichever is less.

(d) To achieve five points for compliance history standards for a star rating, the operator shall have none of the following:

(1) Substantiated complaints of violations of family child care home requirements within the last three years;

(2) Substantiations of abuse or neglect by either the Division of Child Development or the local department of social services within the last three years;

(3) Violations of overenrollment or lack or supervision in the past year, excluding emergency situations as determined by the Division.

(e) The Division shall assess the items in Paragraph (d) of this Rule by evaluating the number of substantiated complaints and violations of overenrollment or supervision that have occurred over the previous three years or during the length of time since the home began operating, whichever is less.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

.2809 MAINTAINING THE STAR RATING

(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with the requirements of a star rating after it has been issued. When the Division representative documents violations with the standards that determine a rating, the representative may take one or more of the following actions:

(1) Advise the operator to submit written verification that the violation(s) have been corrected.

(2) Return to the facility for an unannounced visit at a later date to determine if compliance has been achieved.

(3) Recommend an Environmental Rating Scale assessment be conducted.

(4) Recommend a complete reassessment of requirements of the star rating issued to the facility.

(5) Recommend that the star rating be reduced.

(6) Recommend administrative action in accordance with G.S. 110 and this Subchapter.

(b) If changes occur at a facility which result in the operator not complying with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division may take any of the actions described in Paragraph (a) of this Rule.

(c) A complete assessment of requirements for a voluntary rated license of two stars or higher shall be conducted at least once every three years. The Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) free of charge once every three years when reassessing the ratings of operators with three to five points for program standards.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999.

CHAPTER 20 - VOCATIONAL REHABILITATION

SUBCHAPTER 20C - PROGRAM RULES

SECTION .0100 - GENERAL POLICIES

.0125 RATES AND FEES FOR PURCHASERS OF SERVICES

The Division shall establish fees it charges for any services by determining the amount necessary to recoup all direct and indirect costs associated with the respective service. Direct costs are those that can be identified specifically with a particular service. Indirect costs are those that have been incurred for common or multiple services and cannot be readily identified with a specific service. Any fees assessed shall not be in conflict with the provisions regarding comparable benefits in 34 C.F.R. 361.44.

History Note: Authority G.S. 143-545.1; 143-546.1; 34C; Eff. April 1, 1999.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .2300 - SERVICES

.2301 PERSONAL CARE

Responsible staff shall be on duty at all times to:

(1) Encourage and assist residents to care for their grooming, clothing, and toilet articles. This includes care of body, hair, gums, teeth, dentures, fingernails, clothing and personal items (comb, brush, etc.);

(2) Allow all residents freedom of movement;

(3) Assist residents, when necessary, on an individual basis with their bathing, dressing, eating, walking, going up and down steps, correspondence, shopping, and scheduling of medical and business appointments, as well as attend to any personal needs residents may be incapable of or unable to attend for themselves;

(4) Supervise, on an individual basis, residents who smoke and need supervision. The degree of supervision— shall be at the discretion of the administrator or supervisor-in-charge. The home shall have a written policy on smoking;

(5) Evacuate all residents in an emergency;

(6) Assure that residents are dressed in appropriate clothing when using the living room, dining room and recreational areas, or when the resident leaves the home for activities in the community;

(7) Respond immediately in case of an accident or incident involving a resident, and make a report of it, as follows:

(a) The administrator or supervisor-in-charge shall notify the county department of social services within 24 hours of any incident or accident which results in injury to a resident. A report shall be made if there is any reason to believe that a resident has been injured. Form DFS-4189 shall be completed by the administrator or supervisor-in-charge and mailed to the county department by the next working day. This written report shall indicate how, when and where the incident or accident occurred, the nature of the injury, what was done for the resident and time of notification or attempts at notification of the responsible person or contact person as required in Part (7)(c)(i) of this Rule;

(b) The administrator or supervisor-in-charge shall immediately notify the county department of social services and the local law enforcement authority, as appropriate, of any mental or physical abuse, neglect or exploitation of a resident in accordance with General Statute 108A-99. The administrator and supervisor-in-charge shall cooperate with the county department of social services in its investigation of the matter; and

(c) The administrator or supervisor-in-charge shall assure the notification of a resident's responsible person or contact person, as indicated on the Resident Register, of the following, unless the resident or his responsible person or contact person objects to such notification:

(i) any injury to or illness of the resident requiring medical treatment or referral for emergency medical evaluation, with notification to be as soon as possible but no later than 24 hours from the time of the initial discovery or knowledge of the injury or illness by staff and documented in the resident's file; and

(ii) Any incident of the resident falling or wandering from the home's premises which does not result in injury requiring medical treatment or referral for emergency medical evaluation, with notification to be as soon as possible but no later than 48 hours from the time of initial discovery or knowledge of the incident by staff and documented in the resident's file, except for wandering incidents requiring immediate notification according to Rule 42C .2305(f)(4); and

(8) Encourage and assist the residents in the fullest possible exercise of the civil and religious liberties guaranteed under the Adult Care Home Residents' Bill of Rights, General Statute 131D-21.

History Note: Authority G.S. 131D-2; 143B-153.
Eff. January 1, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. May 1, 1999; July 1, 1990; April 1, 1987; April 1, 1984.

CHAPTER 49 - AID TO FAMILIES WITH

DEPENDENT CHILDREN (AFDC)

SUBCHAPTER 49B - ELIGIBILITY DETERMINATION

SECTION .0600 - PAYMENT PROCEDURES

.0608 CLIENT FRAUD AND INTENTIONAL PROGRAM VIOLATIONS

(a) County Responsibilities; Fraud Prevention.

(1) The county department of social services shall develop of an operational program for fraud prevention, detection and investigation. Fraud program organizational requirements must be established based on the number of (AFDC or Work First) recipients, the effectiveness of the fraud prevention program, the frequency of suspected fraud cases, and the resources available to the agency.

(2) The county department must designate staff to be responsible for fraud activities.

(3) The county shall strive to obtain all Social Security numbers and correctly complete them on computer input forms.

(4) The recipient shall be notified no less frequently than at each eligibility review of his obligation to report within ten days, all changes in income, resources, or other changes which may effect the amount of payment. Failure to do so within that time may constitute a willful withholding of such information, and permit the county department to recover the overpayment.

(b) County Department Responsibilities; Detection and Investigation:

(1) The county department shall investigate any information which indicates that a recipient may be receiving AFDC or Work First to which the recipient is not entitled.

(2) In the investigation the staff designated for fraud shall:

(A) verify that all responsibilities have been fulfilled as set forth in the rules governing the AFDC or Work First program;

(B) determine whether further investigation should be undertaken to support the belief that fraud is suspected;

(C) evaluate the evidence to substantiate fraud and the intent to defraud;

(D) determine the amount of the erroneous payment.

(3) When there is reason to suspect fraud, the county director must ensure that the agency has explained to the client his responsibilities for reporting changes in his circumstances to the agency. The director shall determine whether the agency should investigate further and shall present the case and fraud summary to the county board of social services for action unless the board has delegated this responsibility to him.

(4) The fraud summary shall include:

(A) identifying information;

(B) a description of the fraudulent act;

(C) evidence to substantiate fraud and the intent to defraud;

(D) evidence to substantiate the amount of ineligible assistance received;

(E) information concerning the client's competency, educational background, ability to know right from wrong, any statement volunteered by the client in response to the accusation and any other information which may help explain the client's current situation.

(c) County Board's Responsibilities.

(1) The county board of social services, or its designee, shall determine whether there is a basis for the belief that misrepresentation may have been committed by a person.

(2) The county board, or its designee, shall determine if the person:

(A) willfully and knowingly misstated, provided incorrect or misleading information in response to either oral or written questions; or

(B) willfully and knowingly failed to report changes which might have affected the amount of payment; or

(C) willfully and knowingly failed to report the receipt of benefits which he knew he was not entitled to receive.

(3) There must be physical evidence to substantiate a determination that fraud was the reason for the overpayment.

(4) If the board, or its designee, determines fraud is suspected, it shall instruct the agency to pursue one or more, of the following actions:

(A) administrative recoupment which is defined as:

(i) involuntary reduction of the AFDC or Work First grant may be collected from all income and assets of the assistance unit. The assistance unit shall retain an amount not less than 90 percent of the assistance payment received by a family of similar composition with no other income; or

(ii) a voluntary grant reduction. There is no limitation on the amount of the reduction;

(iii) voluntary recipient refund. There is no limitation on the amount of the refund;

(B) administrative disqualification:

(i) Hearing

(I) An administrative disqualification hearing shall be initiated by the county department of social services when there is sufficient evidence to indicate that an individual has intentionally violated a program rule in order to receive cash

assistance for which the individual is not eligible. The hearing shall be held and any administrative action initiated within 90 days of the date the individual is notified in writing that the hearing has been scheduled. No hearing shall be held when the amount of the overpayment is less than one hundred dollars ($100.00).

(II) The county board of social services shall designate the county director or their impartial county employee to act as the hearings officer. Duties are to: provide written notification of the hearing date, time, and location to the client at least 30 days in advance of the date of the hearing. Written notification of the hearing shall include the client's right to have legal representation, a witness or witnesses, or waive the hearing; conduct the hearing to collect all evidence and testimony; render a written decision to the client and DSS within 15 days as to whether an intentional program violation has occurred. Written notification that the hearing decision will be mailed by Certified Mail Return Receipt Requested. The notice will inform the client of the right to further appeal to the state (or higher local authority) and the procedures for such appeal. When an intentional program violation is found, the notification will inform the client of the length of the sanction and that client remains a part of the Work First case and subject to all program requirements. When no intentional program violation is found, the notification will inform the client that the overpayment will be collected pursuant to 10 NCAC 49B .0606.

(ii) Sanctions:

(I) The county department of social services shall apply disqualification sanctions as follows: 12 months of ineligibility for the first offense; 24 months for the second offense; and permanently disqualified for the third offense.

(II) The sanction shall be applied by reducing the work first cash assistance payment by the disqualified person's share of the payment for the appropriate period of sanction. The disqualified person remains a part of the work first case and subject to all program requirements.

(iii) Repayment:
The county department of social services will follow procedures pursuant to Part (c)(4)(A) of this Rule in the collection of overpayments.

(C) civil court action; or

(D) criminal court action.

(d) Board Decision; Agency Follow-up:

(1) If the board, or its designee, suspects fraud, the department's findings and actions shall be reported immediately to the assistance payments section. The county director shall keep the county board and assistance payments section informed on all cases referred for court and repayment action.

(2) The county department of social services is responsible for supporting the local prosecutor by accomplishing necessary interviews in accordance with the prosecutor's requirements, recommending possible witnesses, providing necessary investigative reports, and taking other action deemed necessary by legal authorities.

(3) Regardless of what action is taken by the board or the court, the county shall continue to work with the client and shall promptly notify the client of the action taken in his case.

(4) The county shall maintain records on the number of cases referred for investigation, the number of suspected fraud referrals, action taken to recover the overpayment and amounts recovered.

(e) In fraud cases, if a county fails to act promptly on indications of ineligibility, federal and state financial participation shall not be available.

History Note: Authority S.L. 1997-443, Section 12.17; G.S. 108A-25; 108A-39; 143B-153; 45 C.F.R. 233.20; 45 C.F.R. 235.110;
Eff. February 1, 1984;
Amended Eff. June 1, 1990; February 1, 1986;
Temporary Amendment Eff. June 17, 1998;
Amended Eff. April 1, 1999.

TITLE 11 - DEPARTMENT OF INSURANCE

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1000 - LONG-TERM CARE INSURANCE

.1003 POLICY DEFINITIONS; APPEALS

(a) Unless otherwise required by federal law or regulation, no policy issued or issued for delivery in this State shall use the terms set forth below, unless the terms are defined in the policy and the definitions satisfy the following requirements:

(1) "Activities of daily living" means at least bathing, continence, dressing, eating, toileting, and transferring.

(2) "Acute condition" means that the individual is medically unstable and requires frequent monitoring by a medical doctor or registered nurse.

(3) "Bathing" means washing oneself by sponge bath, or in a tub or shower, including the task of getting into and out of the tub or shower.

(4) "Cognitive impairment" means a deficiency in a person's short or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness.

(5) "Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

(6) "Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.

(7) "Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup, or table): or by feeding tube or intravenously.

(8) "Hands-on-assistance" means physical assistance (minimal, moderate, or maximal) without which the individual would not be able to perform the activity of daily living.

(9) "Medicare" means the "Health Insurance for the Aged Act", Title XVIII of the Social Security Amendments of 1965, as amended.

(10) "Mental of nervous disorder" shall not be defined to include mroe than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

(11) "Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

(12) "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

(13) "Transferring" means moving into our out of a bed, chair, or wheelchair.

(14) "Skilled nursing care," "intermediate care," "personal care," home care," and other services shall be defined in relation to the level of skill required, the nature of the care, and the setting in which care must be delivered.

(b) The definitions contained in G.S. 58-55-20 and G.S. 58-55-35(a) are incorporated by reference into this Section.

(c) A policy may condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment as long as those conditions are defined in the policy. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as medical doctors, nurses, or social workers. Policies shall include a description of the procedures for appealing and resolving benefit determinations.

History Note: Authority G.S. 58-2-40(1); 58-55-30(a); Eff. September 1, 1990; Amended Eff. April 1, 1999.

.1025 SUITABILITY

(a) Each insurer, except an insurer issuing life insurance that accelerates benefits for long-term care, shall:

(1) Train its agents in the use of its suitability standards.

(2) Maintain a copy of its suitability standards and make them available for inspection upon request by the Division.

(b) To determine whether the applicant meets the standards developed by the insurer, the agent and insurer shall develop procedures that take the following into consideration:

(1) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage.

(2) The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals of needs.

(3) The values, benefits, and costs of the applicant's existing insurance, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(c) The sale or dissemination of information obtained through the personal long-term care insurance worksheet referred to in G.S. 58-55-53(c)(1) by an insurer or an agent to any person outside of the insurance company or insurance agency is prohibited.

(d) Each year the insurer shall report to the Division the total number of applications received from residents of this State, the number of applicants who declined to provide information on the worksheet, the number of applicants who did not meet the suitability standards, the number of those who chose to confirm after receiving a suitability letter.

(e) An insurer may issue a policy to an applicant that does not meet the financial suitability standards if the applicant signs a waiver acknowledging the suitability results.

History Note: Authority G.S. 58-2-40(1); 58-55-30(a); 58-55-31; Eff. April 1, 1999.

SECTION .1200 - ACCELERATED BENEFITS

.1212 LONG-TERM CARE BENEFITS ACCELERATION

(a) An insurer that issues life insurance policies that

accelerate benefits for long-term care shall comply with 11 NCAC 12 .1010 if the policy being replaced is a long-term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with 11 NCAC 12 .0611. If a life insurance policy that accelerates benefits for long-term care is replaced by another life insurance policy that accelerates benefits for long-term care, the replacing insurer shall comply with 11 NCAC 12 .1010 AND 11 NCAC 12 .0611

(b) 11 NCAC 12 .1013 does not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

(1) The interest credited internally to determine cash value accumulations, including long-term care, in any, are guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.

(2) The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of G.S. 58-58-30.

(3) The policy meets the disclosure requirements of G.S. 58-55-30.

(4) Any policy illustration that meets the applicable requirements of 11 NCAC 4. 0501

(5) An actuarial memorandum is filed with the Division that includes:

(A) A description of the basis on which the long-term care rates were determined.

(B) A description of the basis for the reserves.

(C) A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance.

(D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.

(E) A description and a table of the anticipated policy reserves and additional reserves held in each future year for active lives.

(F) The estimated average annual premium per policy and the average issue age.

(G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or assessment underwriting. For a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when that underwriting occurs.

(H) A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values, and reserves on the underlying life insurance policy, both for the active lives and those in long-term care claim status.

History Note: Authority G.S. 58-2-40(1); 58-55-30(a); 58-58-1;58-58-40;
Eff. April 1, 1999.

TITLE 12 - DEPARTMENT OF JUSTICE

CHAPTER 9 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0600 - CERTIFICATION OF POST-SECONDARY CRIMINAL JUSTICE EDUCATION PROGRAMS

.0603 LEVELS OF APPROVAL

(a) An institution operating a postsecondary criminal justice program not currently meeting all of the criteria for certification as contained in the "Certification Guidelines Manual for Postsecondary Criminal Justice Programs" may apply to the Commission for Candidate Status. This category also applies to institutions that have not graduated a regular class but have a program under way which appears to meet most of the criteria.

(b) The "Certification Guidelines Manual For Postsecondary Criminal Justice Programs" as published by the Commission is hereby adopted by reference and shall not include any subsequent amendments, to provide specific information about the postsecondary criminal justice education certification process as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Standards Division.

(c) Programs awarded certification will be entitled to all rights and recognitions by the Commission. These include any benefits provided by the Commission to certified programs. Programs in this status must have graduated a class.

History Note: Authority G.S. 17C-6(b)(10);
Eff. January 1, 1985;
Amended Eff. December 1, 1998; July 1, 1989.

CHAPTER 11 - NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

SECTION .0200 - PROVISIONS FOR LICENSEES

.0204 RENEWAL OR RE-ISSUE OF LICENSE

(a) Each applicant for a license renewal shall complete a

renewal form provided by the Board. This form shall be submitted to the administrator not less than 30 days prior to expiration of the applicant's current license and shall be accompanied by:

(1) two recent head and shoulders color photographs of applicant of acceptable quality for identification one inch by one inch in size;
(2) statements of the result of a local criminal history records search by the City/County Identification Bureau or Clerk of Superior Court in each county where the applicant has resided within the immediately preceding 24 months;
(3) the applicant's renewal fee; and
(4) proof of liability insurance pursuant to G.S. Sec. 74D-9.

(b) Applications for renewal shall be submitted not less than 30 days before the expiration date of the license. In no event will renewal be granted more than 90 days after the date of expiration of a license. Renewals shall be dated on the next day following expiration of the prior license.

(c) Applications for renewal submitted after the expiration date of the license shall be accompanied by the late renewal fee established by 12 NCAC Chapter 11 .0203 and must be submitted not later than 90 days after the expiration date of the license.

(d) The administrator shall approve or deny all applications for renewal. Any denials will be submitted to the Board for a final board decision.

History Note: Authority G.S. 74D-2(a); 74D-5;
Eff. January 1, 1995;
Temporary Adoption Eff. May 18, 1995;
Amended Eff. May 1, 1999; October 1, 1995.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1N - DRINKING WATER TREATMENT FUND RULES

SECTION .0100 - GENERAL PROVISIONS

.0103 APPLICABLE PROCEDURES

Loans from the Fund shall be made in accordance with guidelines found in the "Drinking Water State Revolving Fund Program Guidelines," published by the United States Environmental Protection Agency, Office of Water, on February 28, 1997 (EPA 816-R-97-005) which is hereby incorporated by reference including any subsequent amendments and additions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Free copies may be obtained from the U.S. Environmental Protection Agency by telephoning 1-800-426-4791. The guidelines are also available on-line at *http://www.epa.gov.OGWDW/regs/intro.html.*

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

SECTION .0200 - AVAILABILITY ON LOANS

.0202 LOAN RESTRICTIONS

(a) Loans shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized under this Subchapter and the purchase is from a willing seller.

(b) Except as provided in Paragraph (c) of this Rule no assistance shall be provided to a public water system that does not have the technical, managerial, and financial capacity to ensure compliance with the requirements of the Act or to a public water system that is in significant non-compliance with any requirement of the Act or with a variance authorized under the Act as evidenced by administrative penalty, administrative order or court action against the water system. A determination of technical, managerial, and financial capacity shall be based upon a review of finances, compliance with applicable public health, environmental and utility laws, and the experience and certification level of the water system operator as evidenced by the submission of a business plan as required by Section .0400 of this Subchapter.

(c) A public water system in significant non-compliance with the Act may receive assistance if the assistance will shall ensure compliance with the Act. A public water system that does not have technical, managerial, and financial capacity may receive assistance if the owner or operator shall agree to undertake feasible and appropriate changes in operation of the water system that will ensure the system will achieve technical, managerial, and financial capacity over the long-term.

(d) Each applicant shall establish a dedicated source of revenue or demonstrate that there is adequate security for repayment of the loan.

(e) Funding shall be limited to the most cost-effective solution for the compliance or public health problem identified in a proposed project.

(f) Funding shall be limited to the eligible portions of a project containing ineligible segments.

(g) Funding shall not be available for federally owned public water systems.

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

.0203 ADMINISTRATIVE EXPENSES

Agreement to a debt instrument by a loan applicant shall include payment of a two percent administrative fee which is an eligible project cost. These monies shall accrue to be used only for the reasonable costs of administering the Fund.

History Note: Authority G.S. 159G-5; 159G-15;

Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

SECTION .0400 - APPLICATIONS

.0401 FILING DEADLINES

Applications for loans shall be postmarked or delivered to the Division of Environmental Health on or before September 30 of each year in order to be approved for loan funds available during the following fiscal year, except February 13, 1998, for FY 96/97 SRF funds.

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

SECTION .0500 - REVIEW AND ASSIGNMENT OF PRIORITIES

.0501 PRIORITY REVIEW PERIOD

The priority review period shall be from October 1 until June 30 of the following year.

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

.0502 ASSIGNMENT OF PRIORITIES

(a) During each review period the Division shall assign a priority rating to each eligible application for inclusion in the state intended use plan; the priority rating shall be determined in accordance with the rating criteria and points contained in Section .0600 of this Subchapter.

(b) The Division may exercise discretionary authority to establish a priority rating when two or more applications receive the same number of priority points. The project receiving the most points for public health and compliance shall receive the greater priority. If the public health points awarded the projects are equal, the project with the smaller population shall receive the greater priority. If points are still equal, the project with the greatest financial need as determined in accordance with Rule .0605 of this Subchapter shall receive the higher ranking.

(c) Only the eligible portions of a project containing ineligible segments shall receive a priority rating.

(d) The Division may assign a different priority rating to each substantially independent part of a proposed project.

(e) Any applications that are not awarded assistance during a review period shall be held over and considered for a second review in accordance with G.S. 159G-10(d).

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

.0503 INTENDED USE PLAN

A state intended use plan containing the priority rating of each eligible project will be prepared by the Division. The intended use plan shall include a comprehensive priority list identifying which projects are intended to be funded in the current year and in future years. The projects that are expected to be funded in the current year shall be so noted. The priority rating of eligible projects shall be published and an opportunity for public hearing will be provided before funds are awarded.

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

SECTION .0600 - PRIORITY CRITERIA

.0601 GENERAL CRITERIA

(a) In determining the priority to be assigned each eligible application the Division shall consider whether the project will:

(1) Address the most serious risk to human health,
(2) Facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act, and
(3) Assist systems most in need on a per household basis.

(b) The total priority points received shall be the sum of all points awarded for each categorical element.

History Note: Authority G.S. 159G-5; 159G-15;
Temporary Adoption Eff. January 31, 1998;
Eff. April 1, 1999.

.0602 PUBLIC HEALTH AND COMPLIANCE

Public health and compliance points may be awarded to a project based on the following criteria. A proposed project shall be necessary to facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act and to alleviate the type of public health concern for which points are awarded. A project shall receive only points in the highest sub-category for which it may qualify:

(1) Acute/Imminent Health Hazards. A maximum of 150 points shall be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:
   (a) Projects that address documented nitrate, nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523; or
   (b) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-2(3).
(2) Immediate Health Hazards. A maximum of 100 points shall be awarded to projects that propose to eliminate any one or more of the following immediate health hazards to the consumer:
   (a) Projects that address surface water treatment technique violations occurring for two or more consecutive months;

(b) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;

(c) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;

(d) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A NCAC 18C .2001; or

(e) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water ~~will~~ shall be considered for award of points under this criteria.

(3) Chronic Health Hazards. A maximum of 60 points shall be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:

(a) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;

(b) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;

(c) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or

(d) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services.

(4) Potential Health Hazards. A maximum of 40 points shall be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:

(a) Projects that address low chlorine residuals in the distribution system;

(b) Projects that address periodic violations of an MCL;

(c) Projects for line installation or extensions to areas with poor water quality or limited quantity;

(d) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or

(e) Projects to provide disinfection for a system that currently does not have disinfection.

(5) System Improvements. A maximum of 20 points shall be awarded for projects that shall provide any one or more of the following general system improvements when needed for public health purposes:

(a) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;

(b) Projects that replace undersized or leaking water lines;

(c) Projects that address other water quality concerns such as iron, manganese, taste, and odor;

(d) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;

(e) Projects that eliminate dead ends and provide looping in a distribution system.

(f) Projects that increase water storage capacity;

(g) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or

(h) Projects for installation or upgrade of water treatment plant waste disposal facilities.

History Note: Authority G.S. 159G-5;159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1, 1999.

.0605 AFFORDABILITY

Points for affordability shall be determined by comparing the projected monthly residential user cost at the completion of the project with the median household income (MHI). User cost shall be calculated from water rates based on a maximum of 4,500 gallons. The median household income shall be determined in the service area of the water system. If median household income data is not available for the service area, data from the nearest comparable community area shall be used. The Division may use county-wide median household income data if data for the service area or nearest comparable community area are not available. Points shall be awarded on the following scale:

Rates = 0% to .25% MHI	0 points
Rates = 0.26% to .50% MHI	5 points
Rates = .51% to .75% MHI	20 points
Rates = .76% to 1.0% MHI	40 points
Rates = 1.01% or greater MHI	50 points

History Note: Authority G.S. 159G-5; 159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1, 1999.

SECTION .0700 - AWARD, COMMITMENT AND DISBURSEMENT OF LOANS

.0704 DISBURSEMENT OF LOANS

(a) Disbursement of loan monies shall be made at intervals as work progresses and expenses are incurred. No disbursement shall be made until the receiving agency receives satisfactory documentation of incurred costs. At no time shall disbursement exceed the allowable costs which have been incurred at that time.

(b) No disbursement shall be made until the receiving agency receives documentation of compliance with the verifiable percentage goal for participation by minority businesses in accordance with G.S. 143-128(c) and any eligible federal and state laws.

(c) The receiving agency shall authorize the Controller's Office of the Department of Environment and Natural Resources to make loan disbursements.

History Note: Authority G.S. 159G-5; 159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1,1999.

SECTION .0800 - LOAN REPAYMENTS

.0801 INTEREST RATES

The interest rate to be charged on loans under this Subchapter shall be set in each priority review period at the lesser of four percent per annum or one half the prevailing national market rate as derived from the Bond Buyer's 20-Bond Index in accordance with G.S. 159G-4(c).

History Note: Authority G.S. 159G-5; 159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1, 1999.

.0802 REPAYMENT OF PRINCIPAL AND INTEREST

(a) The debt instrument setting the terms and conditions of repayment of loans under this Subchapter shall be established after the receipt of bids. Adjustments to the loan may be made only under Rule .0703 of this Subchapter.

(b) The maximum maturity on any construction loan shall not exceed 20 years.

(c) The maximum maturity on any project planning loan shall not exceed 5 years.

(d) Interest on the debt instrument shall begin to accrue on the original date that a project's contracts are scheduled to be completed. Extensions of this deadline are not allowed.

(e) All principal payments shall be made annually on or before May 1 or November 1. The first principal payment is due not earlier than six months after the date of completion of the project.

(f) All interest payments shall be made semiannually on or before May 1 and November 1 of each year. The first interest payment is due not earlier than six months after the date of completion of the project.

(g) All principal and interest payments shall be made payable to the Fund.

History Note: Authority G.S. 159G-5; 159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1, 1999.

SECTION .0900 - INSPECTION AND AUDIT OF PROJECTS

.0902 AUDIT

All projects to which a loan has been committed shall be audited in accordance with G.S. 159-34 and the United States Environmental Protection Office of Water (4606) Drinking Water State Revolving Fund Program Guidelines, EPA 816-R-97-005 February (28) 1997 which is incorporated in Rule .0103 of this Subchapter.

History Note: Authority G.S. 159G-5; 159G-15; Temporary Adoption Eff. January 31, 1998; Eff. April 1, 1999.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLLUTION CONTROL REQUIREMENTS

SECTION .0400 - AMBIENT AIR QUALITY STANDARDS

.0405 OZONE

The ambient air quality standard for ozone measured by a reference method based on Appendix D of 40 CFR Part 50 and designated according to 40 CFR Part 53 is 0.08 parts per million (ppm), daily maximum 8-hour average. The standard is attained at an ambient air quality monitoring site when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 parts per million (ppm) as determined by Appendix I of 40 CFR Part 50, or equivalent methods established under 40 CFR Part 53.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3); Eff. February 1, 1976; Amended Eff. April 1, 1999; July 1, 1984; July 1, 1979; December 1,1976.*

SECTION .0500 - EMISSION CONTROL STANDARDS

.0501 COMPLIANCE WITH EMISSION CONTROL STANDARDS

(a) Purpose and Scope. The purpose of this Rule is to assure orderly compliance with emission control standards found in this Section. This Rule shall apply to all air pollution sources, both combustion and non-combustion.

(b) In determining compliance with emission control

standards, means shall be provided by the owner to allow periodic sampling and measuring of emission rates, including necessary ports, scaffolding and power to operate sampling equipment; and upon the request of the Division of Environmental Management, data on rates of emissions shall be supplied by the owner.

(c) Testing to determine compliance shall be in accordance with the following procedures, except as may be otherwise required in Rules .0524, .0606, .1110, or .1111 of this Subchapter.

(1) Method 1 of Appendix A of 40 CFR Part 60 shall be used to select a suitable site and the appropriate number of test points for the following situations:
   (A) particulate testing,
   (B) velocity and volume flow rate measurements,
   (C) testing for acid mist or other pollutants which occur in liquid droplet form,
   (D) any sampling for which velocity and volume flow rate measurements are necessary for computing final test results, and
   (E) any sampling which involves a sampling method which specifies isokinetic sampling. (Isokinetic sampling is sampling in which the velocity of the gas at the point of entry into the sampling nozzle is equal to the velocity adjacent to the nozzle.)

   Method 1 shall be applied as written with the following clarifications: Testing installations with multiple breechings may be accomplished by testing the discharge stack(s) to which the multiple breechings exhaust. If the multiple breechings are individually tested, then Method 1 shall be applied to each breeching individually. The Director or his designee may approve a test when test ports in a duct are located less than two diameters downstream from any disturbance (fan, elbow, change in diameter, or any other physical feature that may disturb the gas flow) or one-half diameter upstream from any disturbance, if the tester demonstrates to the Director, or his designee, that locating test ports beyond these distances are impossible because the duct cannot be modified to meet the specifications of Method 1 or testing at an alternative location is not feasible.

(2) Method 2 of Appendix A of 40 CFR Part 60 shall be applied as written and used concurrently with any test method in which velocity and volume flow rate measurements are required.

(3) Sampling procedures for determining compliance with particulate emission control standards shall be in accordance with Method 5 of Appendix A of 40 CFR Part 60. Method 17 of Appendix A of 40 CFR Part 60 may be used instead of Method 5 provided that the stack gas temperature does not exceed 320° F. The minimum time per test point for particulate testing shall be two minutes and the minimum time per test run shall be one hour. The sample gas drawn during each test run shall be at least 30 cubic feet. A number of sources are known to emit organic material (oil, pitch, plasticizers, etc.) which exist as finely divided liquid droplets at ambient conditions. These materials cannot be satisfactorily collected by means of the above Method 5. In these cases the Commission may require the use of Method 5 as proposed on August 17, 1971, in the Federal Register, Volume 36, Number 159.

(4) The procedures for determining compliance with sulfur dioxide emission control standards for fuel burning sources may be either by determining sulfur content with fuel analysis or by stack sampling. Combustion sources choosing to demonstrate compliance through stack sampling shall follow procedures described in Method 6 of Appendix A of 40 CFR Part 60. When Method 6 of Appendix A of 40 CFR Part 60 is used to determine compliance, compliance shall be determined by averaging six 20-minute samples taken over such a period of time that no more than 20 minutes elapses between any two consecutive samples. If a source chooses to demonstrate compliance by analysis of sulfur in fuel, sampling, preparation, and analysis of fuels shall be in accordance with the following American Society of Testing and Materials (ASTM) methods:
   (A) coal:
      (i) Sampling.
         (I) Sampling Location. A source shall collect the coal from a location in the handling or processing system that provides a sample representative of the fuel bunkered or burned during a boiler operating day. For the purpose of this method, a fuel lot size is defined as the weight of coal bunkered or consumed during each boiler operating day. For reporting and calculation purposes, the gross sample shall be identified with the calendar day on which sampling began. The Director may approve alternate definitions of fuel sizes if the alternative will provide a more representative sample.
         (II) Sample Increment Collection. A source shall use a coal sampling procedure that meets the requirements of ASTM D 2234 Type 1, condition A, B, C and systematic spacing for collection of sample increments. All requirements and restrictions regarding increment distribution and sampling device constraints shall be observed.
         (III) Gross Samples. A source shall use ASTM D 2234, 7.1.2, Table

2 except as provided in 7.1.5.2 to determine the number and weight of increments (composite or gross samples).

(ii) Preparation. A source shall use ASTM D 2013 for sample preparation from a composite or gross sample.

(iii) Gross Caloric Value (GCV). A source shall use ASTM D 2015 or D 3286 to determine GCV on a dry basis from a composite or gross sample.

(iv) Moisture Content. A source shall use ASTM D 3173 to determine moisture from a composite or gross sample.

(v) Sulfur Content. A source shall use ASTM D 3177 or D 4239 to determine the percent sulfur on a dry basis from a composite or gross sample.

(B) oil:

(i) sampling--A sample shall be collected at the pipeline inlet to the fuel burning unit after sufficient fuel has been drained from the line to remove all fuel that may have been standing in the line;

(ii) heat of combustion (BTU)--ASTM Method D 240 or D 2015;

(iii) sulfur content--ASTM Method D 129 or D 1552.

The sulfur content and BTU content of the fuel shall be reported on a dry basis. When the test methods described in Parts (A) or (B) of this Subparagraph are used to demonstrate that the ambient air quality standards for sulfur dioxide are being protected, the sulfur content shall be determined at least once per year from a composite of at least three or 24 samples taken at equal time intervals from the fuel being burned over a three-hour or 24-hour period, respectively, whichever is the time period for which the ambient standard is most likely to be exceeded; this requirement shall not apply to sources that are only using fuel analysis in place of continuous monitoring to meet the requirements of Section .0600 of this Subchapter.

(5) Sulfuric acid manufacturing plants and spodumene ore roasting plants shall demonstrate compliance with Rules .0517 and .0527, respectively, of this Section by using Method 8 of Appendix A of 40 CFR Part 60. Compliance shall be determined by averaging emissions measured by three one-hour tests.

(6) All industrial processes not covered under Subparagraph (5) of this Paragraph emitting sulfur dioxide shall demonstrate compliance by sampling procedures described in Method 6 of Appendix A of 40 CFR Part 60. Compliance shall be determined by averaging six 20-minute samples taken over such a period of time that no more than 20 minutes elapses between any two consecutive samples.

(7) Sampling procedures to demonstrate compliance with emission standards for nitrogen oxides shall be in accordance with the procedures set forth in Method 7 of Appendix A of 40 CFR Part 60.

(8) Method 9 of Appendix A of 40 CFR 60 shall be used when opacity is determined by visual observation.

(9) Notwithstanding the stated applicability to new source performance standards or primary aluminum plants, the procedures to be used to determine fluoride emissions are:

(A) for sampling emissions from stacks, Method 13A or 13B of Appendix A of 40 CFR Part 60,

(B) for sampling emissions from roof monitors not employing stacks or pollutant collection systems, Method 14 of Appendix A of 40 CFR Part 60, and

(C) for sampling emissions from roof monitors not employing stacks but equipped with pollutant collection systems, the procedure under 40 CFR 60.8(b), except that the Director of the Division of Environmental Management shall be substituted for the administrator.

(10) Emissions of total reduced sulfur shall be measured by the test procedure described in Method 16 of Appendix A of 40 CFR Part 60 or Method 16A of Appendix A of 40 CFR Part 60.

(11) Emissions of mercury shall be measured by the test procedure described in Method 101 or 102 of Appendix B of 40 CFR Part 61.

(12) Each test (excluding fuel samples) shall consist of three repetitions or runs of the applicable test method. For the purpose of determining compliance with an applicable emission standard the average of results of all repetitions shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, and there is no way to obtain another sample, then compliance may be determined using the arithmetic average of the results of the two other runs.

(13) In conjunction with performing certain test methods prescribed in this Rule, the determination of the fraction of carbon dioxide, oxygen, carbon monoxide and nitrogen in the gas being sampled is necessary to determine the molecular weight of the gas being sampled. Collecting a sample for this purpose shall be done in accordance with Method 3 of Appendix A of 40 CFR Part 60:

(A) The grab sample technique may also be used with instruments such as Bacharach Fyrite (trade name) with the following restrictions:

(i) Instruments such as the Bacharach Fyrite (trade name) may only be used for the measurement of carbon dioxide.

(ii) Repeated samples shall be taken during the emission test run to account for

variations in the carbon dioxide concentration. No less than four samples shall be taken during a one-hour test run, but as many as necessary shall be taken to produce a reliable average.

(iii) The total concentration of gases other than carbon dioxide, oxygen and nitrogen shall be less than one percent.

(B) For fuel burning sources, concentrations of oxygen and nitrogen may be calculated from combustion relations for various fuels.

(14) For those processes for which the allowable emission rate is determined by the production rate, provisions shall be made for controlling and measuring the production rate. The source shall ensure, within the limits of practicality, that the equipment or process being tested is operated at or near its maximum normal production rate or at a lesser rate if specified by the Director or his delegate. The individual conducting the emission test shall include with his test results, data which accurately represent the production rate during the test.

(15) Emission rates for wood or fuel burning sources which are expressed in units of pounds per million BTU shall be determined by the "Oxygen Based F Factor Procedure" described in 40 CFR Part 60, Appendix A, Method 19, Section 5. Other procedures described in Method 19 may be used if appropriate. To provide data of sufficient accuracy to use with the F-factor methods, an integrated (bag) sample shall be taken for the duration of each test run. In the case of simultaneous testing of multiple ducts, there shall be a separate bag for each sampling train. The bag sample shall be analyzed with an Orsat analyzer in accordance with Method 3 of Appendix A of 40 CFR Part 60. (The number of analyses and the tolerance between analyses are specified in Method 3.) The specifications indicated in Method 3 for the construction and operation of the bag sampling apparatus shall be followed.

(16) Particulate testing on steam generators that utilize soot blowing as a routine means for cleaning heat transfer surfaces shall be conducted so that the contribution of the soot blowing is represented as follows:

(A) If the soot blowing periods are expected to represent less than 50 percent of the total particulate emissions, one of the test runs shall include a soot blowing cycle.

(B) If the soot blowing periods are expected to represent more than 50 percent of the total particulate emissions then two of the test runs shall each include a soot blowing cycle.

Under no circumstances shall all three test runs include soot blowing. The average emission rate of particulate matter is calculated by the equation:

$$E_{AVG} \quad E_S S \frac{(A\ B)}{AR} \quad E_N \left(\frac{R\ S}{R} \ \frac{BS}{AR} \right)$$

E_{AVG} equals the average emission rate in pounds per million Btu for daily operating time. E_S equals the average emission rate in pounds per million Btu of sample(s) containing soot blowing. E_N equals the average emission rate in pounds per million Btu of sample(s) with no soot blowing. A equals hours of soot blowing during sample(s). B equals hours without soot blowing during sample(s) containing sootblowing. R equals average hours of operation per 24 hours. S equals average hours of soot blowing per 24 hours. If large changes in boiler load or stack flow rate occur during soot blowing, other methods of prorating the emission rate may be considered more appropriate; for these tests the Director or his designee may approve an alternate method of prorating.

(17) Emissions of volatile organic compounds shall be measured by the appropriate test procedure in Section .0900 of this Subchapter.

(18) Upon prior approval by the Director or his delegate, test procedures different from those described in this Rule may be used if they will provide equivalent or more reliable results. Furthermore, the Director or his delegate may prescribe alternate test procedures on an individual basis when he considers that the action is necessary to secure reliable test data. In the case of sources for which no test method is named, the Director or his delegate may prescribe or approve methods on an individual basis.

(d) All new sources shall be in compliance prior to beginning operations.

(e) In addition to any control or manner of operation necessary to meet emission standards in this Section, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards of Section .0400 of this Subchapter to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this Section are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

(f) The Bubble Concept. A facility with multiple emission sources or multiple facilities within the same area may choose to meet the total emission limitation for a given pollutant through a different mix of controls than that required by the rules in this Section or Section .0900 of this Subchapter.

(1) In order for this mix of alternative controls to be permitted the Director shall determine that the

following conditions are met:

(A) Sources to which Rules .0524, .0530, .0531, .1110 or .1111 of this Subchapter, the federal New Source Performance Standards (NSPS), the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS), regulations established pursuant to Section 111 (d) of the federal Clean Air Act, or state or federal Prevention of Significant Deterioration (PSD) requirements apply, shall have emissions no larger than if there were not an alternative mix of controls;

(B) The facility (or facilities) is located in an attainment area or an unclassified area or in an area that has been demonstrated to be attainment by the statutory deadlines (with reasonable further progress toward attainment) for those pollutants being considered;

(C) All of the emission sources affected by the alternative mix are in compliance with applicable regulations or are in compliance with established compliance agreements; and

(D) The review of an application for the proposed mix of alternative controls and the enforcement of any resulting permit will not require expenditures on the part of the State in excess of five times that which would otherwise be required.

(2) The owner(s) or operator(s) of the facility (facilities) shall demonstrate to the satisfaction of the Director that the alternative mix of controls is equivalent in total allowed emissions, reliability, enforceability, and environmental impact to the aggregate of the otherwise applicable individual emission standards; and

(A) that the alternative mix approach does not interfere with attainment and maintenance of ambient air quality standards and does not interfere with the PSD program; this demonstration shall include modeled calculations of the amount, if any, of PSD increment consumed or created;

(B) that the alternative mix approach conforms with reasonable further progress requirements in any nonattainment area;

(C) that the emissions under the alternative mix approach are in fact quantifiable, and trades among them are even;

(D) that the pollutants controlled under the alternative mix approach are of the same criteria pollutant categories, except that emissions of some criteria pollutants used in alternative emission control strategies are subject to the limitations as defined in 44 FR 71784 (December 11, 1979), Subdivision D.1.c.ii. The Federal Register referenced in this Part is hereby incorporated by reference and does not include subsequent amendments or editions.

The demonstrations of equivalence shall be performed with at least the same level of detail as The North Carolina State Implementation plan for Air Quality demonstration of attainment for the area in question. Moreover, if the facility involves another facility in the alternative strategy, it shall complete a modeling demonstration to ensure that air quality is protected. Demonstrations of equivalency shall also take into account differences in the level of reliability of the control measures or other uncertainties.

(3) The emission rate limitations or control techniques of each source within the facility (facilities) subjected to the alternative mix of controls shall be specified in the facility's (facilities') permits(s).

(4) Compliance schedules and enforcement actions shall not be affected because an application for an alternative mix of controls is being prepared or is being reviewed.

(5) The Director may waive or reduce requirements in this Paragraph up to the extent allowed by the Emissions Trading Policy Statement published in the Federal Register of April 7, 1982, pages 15076-15086, provided that the analysis required by Paragraph (g) of this Rule shall support any waiver or reduction of requirements. The Federal Register referenced in this Paragraph is hereby incorporated by reference and does not include subsequent amendments or editions.

(g) In a permit application for an alternative mix of controls under Paragraph (f) of this Rule, the owner or operator of the facility shall demonstrate to the satisfaction of the Director that the proposal is equivalent to the existing requirements of the SIP in total allowed emissions, enforceability, reliability, and environmental impact. The Director shall provide for public notice with an opportunity for a request for public hearing following the procedures under 15A NCAC 2Q .0300 or .0500, as applicable. If and when a permit containing these conditions is issued, it shall become a part of the state implementation plan (SIP) as an appendix available for inspection at the department's regional offices. Until the U.S. Environmental Protection Agency (EPA) approves the SIP revision embodying the permit containing an alternative mix of controls, the facility shall continue to meet the otherwise applicable existing SIP requirements. The revision shall be approved by EPA on the basis of the revision's consistency with EPA's "Policy for Alternative Emission Reduction Options Within State Implementation Plans" as promulgated in the Federal Register of December 11, 1989, pages 71780-71788, and subsequent rulings.

(h) The referenced ASTM test methods in this Rule are hereby incorporated by reference and include subsequent amendments and editions. Copies of referenced ASTM test methods or Federal Registers may be obtained from the Division of Environmental Management, P.O. Box 29535, Raleigh, North Carolina 27626-0535 at a cost of ten cents ($0.10) per page.

History Note: Temporary Amendment Eff. March 8, 1994 for

a period of 180 days or until the permanent rule is effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. April 1, 1999; July 1, 1996; February 1, 1995; July 1, 1994; August 1, 1991.

.0504 PARTICULATES FROM WOOD BURNING INDIRECT HEAT EXCHANGERS

(a) For the purpose of this Rule the following definitions shall apply:

(1) "Functionally dependent" means that structures, buildings or equipment are interconnected through common process streams, supply lines, flues, or stacks.

(2) "Indirect heat exchanger" means any equipment used for the alteration of the temperature of one fluid by the use of another fluid in which the two fluids are separated by an impervious surface such that there is no mixing of the two fluids.

(3) "Plant site" means any single or collection of structures, buildings, facilities, equipment, installations, or operations which:

(A) are located on one or more adjacent properties,

(B) are under common legal control, and

(C) are functionally dependent in their operations.

(b) The definition contained in Subparagraph (a)(3) of this Rule does not affect the calculation of the allowable emission rate of any indirect heat exchanger permitted prior to April 1, 1999.

(c) Emissions of particulate matter from the combustion of wood shall not exceed:

Maximum Heat Input In Million Btu/Hour	Allowable Emission Limit For Particulate Matter In Lb/Million Btu
Up to and Including 10	0.70
100	0.41
1,000	0.25
10,000 and Greater	0.15

For a heat input between any two consecutive heat inputs stated in the preceding table, the allowable emissions of particulate matter shall be calculated by the equation E = 1.1698 times Q to the -0.2230 power. E = allowable emission limit for particulate matter in lb/million Btu. Q = Maximum heat input in million Btu/hour.

(d) This Rule applies to installations in which wood is burned for the primary purpose of producing heat or power by indirect heat transfer.

(e) For the purpose of this Rule, the heat content of wood shall be 8,000 Btu per pound (dry-weight basis). The total of maximum heat inputs of all wood burning indirect heat exchangers at a plant site in operation, under construction, or with a permit shall be used to determine the allowable emission limit of a wood burning indirect heat exchanger. Wood burning indirect heat exchangers constructed or permitted after February 1, 1983, shall not change the allowable emission limit of any wood burning indirect heat exchanger whose allowable emission limit has previously been set.

(f) The emission limit for fuel burning equipment that burns both wood and other fuels in combination or for wood and other fuel burning equipment that is operated such that emissions are measured on a combination basis shall be calculated by the procedure described in Paragraph (d) of Rule .0503 of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. April 1, 1999; June 1, 1985; February 1, 1983.

SECTION .0600 - AIR POLLUTANTS: MONITORING: REPORTING

.0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS

(a) Unless a specific rule specifies otherwise, the owner or operator of a source shall not be required to monitor during a period of monitoring system malfunction or report emissions during a period of monitoring system malfunction if the owner or operator of the source shows, to the satisfaction of the Director, that the malfunction was unavoidable, is being repaired as expeditiously as practicable, and no applicable requirements are violated. The owner or operator of the source shall provide the Director documentation of continuous monitoring system performance when system repairs or adjustments have been made if the Director requests proof. Malfunctions of the monitoring system that result from inadequate or poor operation and maintenance practices shall not be exempted.

(b) The owner or operator of a source that operates less than 30 days per 12-month period shall not be required to monitor emissions from that source. However, the owner or operator shall maintain records to document that the source is operated less than 30 days per 12-month period.

(c) The owner or operator of a source exempted from needing a permit by 15A NCAC 2Q .0102 shall not be required to monitor emissions from that source unless;

(1) required by a specific rule of this Subchapter or Subchapter 2Q of this Chapter, or

(2) required as a part of an enforcement settlement.

However, the owner or operator shall maintain records to document that the source qualifies for the permit exemption.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65;

143-215.66;143-215.107(a)(4);
Eff. February 1, 1976;
Amended Eff. April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984; June 18, 1976.

.0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS

(a) The owner or operator of a source subject to a requirement of this Subchapter or Subchapter 2Q of this Chapter shall maintain:

(1) records detailing all malfunctions under Rule .0535 of this Subchapter,
(2) records of all testing conducted under rules in this Subchapter,
(3) records of all monitoring conducted under rules in this Subchapter or Subchapter 2Q of this Chapter,
(4) records detailing activities relating to any compliance schedule in this Subchapter, and
(5) for unpermitted sources, records necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter .

(b) The Director shall specify in the source's permit:

(1) the type of monitoring required and the frequency of the monitoring,
(2) the type of records to be maintained, and
(3) the type of reports to be submitted and the frequency of submitting these reports,

as necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter or with an emission standard or permit condition.

(c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any source subject to the requirements of this Subchapter or Subchapter 2Q of this Chapter submit to the Director any information necessary to determine the compliance status of the source.

(d) The owner or operator of a source of excess emissions which last for more than four hours and which results from a malfunction, a breakdown of process or control equipment, or any other abnormal conditions shall report excess emissions in accordance with the requirements of Rule .0535 of this Subchapter.

(e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the owner or operator for a period of two years after the date on which the record was made or the report submitted, except that the Director may extend the retention period in particular instances when necessary to comply with other State or federal requirements or when compliance with a particular standard requires documentation for more than two years.

(f) All records and reports generated in response to the requirements of this Section shall be made available to personnel of the Division for inspection.

(g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements of this Section at his own cost.

History Note: Authority G.S. 143-215.3(a)(1); 143-215-65; 143-215.66; 143-215.1078(a)(4);
Eff. February 1, 1976;
Amended Eff. April 1, 1999; July 1, 1984; June 18, 1976.

.0606 SOURCES COVERED BY APPENDIX P OF 40 CFR PART 51

(a) The following sources shall be monitored as described in Paragraph 2 of Appendix P of 40 CFR Part 51:

(1) fossil fuel-fired steam generators,
(2) nitric acid plants,
(3) sulfuric acid plants, and
(4) petroleum refineries.

Sources covered by Rule .0524 of this Subchapter are exempt from this Rule.

(b) The monitoring systems required under Paragraph (a) of this Rule shall meet the minimum specifications described in Paragraphs 3.3 through 3.8 of Appendix P of 40 CFR Part 51.

(c) The excess emissions recorded by the monitoring systems required to be installed under this Rule shall be reported no later than 30 days after the end of the quarter to the Division in the manner described in Paragraphs 4 and 5.1 through 5.3.3 of Appendix P of 40 CFR Part 51 except that a six-minute time period shall be deemed as an appropriate alternative opacity averaging period as described in Paragraph 4.2 of Appendix P of 40 CFR Part 51. The owner or operators of any sources subject to this Rule that are required to monitor emissions of sulfur dioxide or nitrogen oxides under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the sulfur dioxide emission standard in Rule .0516 of this Subchapter and the nitrogen oxide emission standard in Rule .0519 or Section .1400 of this Subchapter with a continuous emission monitoring system. Compliance with sulfur dioxide and nitrogen oxide emission standards shall be determined by averaging hourly continuous emission monitoring system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average hourly values shall be summed, and the sum shall be divided by 24. A minimum of four data points, equally spaced, is required to determine a valid hour value unless the continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75, the minimum number of data points shall be determined by 40 CFR Part 75.

(d) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur dioxide, the test methods described in Parts (c)(4)(A) and (B) of Rule .0501 of this Subchapter shall be used except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

(e) Wherever the language of the referenced portion of

Appendix P of 40 CFR Part 51 speaks of the "state" or "state plan", the requirements described therein shall apply to those sources to which the requirements pertain.

(f) The owner or operator of the source shall conduct a daily zero and span check of the continuous opacity monitoring system following the manufacturer's recommendations and shall comply with the requirements of Rule .0613 of this Section.

(g) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

(1) for fuel analysis per shipment:
  (A) the quantity and type of fuels burned,
  (B) the BTU value,
  (C) the sulfur content in percent by weight, and
  (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.

(2) for continuous monitoring of emissions:
  (A) the daily calculated sulfur dioxide and nitrogen oxide emission rates expressed in the same units as the applicable standard for each day, and
  (B) other information required under Appendix P of 40 CFR Part 51.

(h) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 6.

(i) If emission testing for compliance with the nitrogen oxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 7.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. February 1, 1976;
Amended Eff. April 1, 1999; May 1, 1985; July 1, 1983; December 1, 1976; June 18, 1976.

.0608 OTHER LARGE COAL OR RESIDUAL OIL BURNERS

(a) The owner or operator of any fuel burning unit shall determine sulfur dioxide emissions into the ambient air if the unit:

(1) burns coal or residual oil;

(2) is not required to monitor sulfur dioxide emissions by Rules .0524 or .0606 of this Subchapter.

(3) has a total heat input of more than 250 million BTU per hour from coal and residual oil; and

(4) has an annual average capacity factor greater than 30 percent as determined from the three most recent calendar year reports to the Federal Power Commission or as otherwise demonstrated to the Director by the owner or operator. (If the unit has not been in existence for three calendar years, its three-calendar-year average capacity factor shall be determined by estimating its annual capacity factors for enough future years to allow a three-calendar-year average capacity factor to be computed. If this three-calendar-year average capacity factor exceeds 30 percent, the unit shall be monitored. If this three-calendar-year average capacity factor does not exceed 30 percent, the unit need not be monitored.)

(b) Once the unit is being monitored in accordance with Paragraph (a) of this Rule, it shall continue to be monitored until its most recent three-calendar-year average capacity factor does not exceed 25 percent. Once the unit is not being monitored in accordance with Subparagraph (a) of this Rule, it need not be monitored until its most recent three-calendar-year average capacity factor exceeds 35 percent.

(c) If units required to be monitored have a common exhaust or if units required to be monitored have a common exhaust with units not required to be monitored, then the common exhaust may be monitored, and the sulfur dioxide emissions need not be apportioned among the units with the common exhaust.

(d) The owner or operator of the source shall determine sulfur dioxide emissions by:

(1) an instrument for continuous monitoring and recording of sulfur dioxide emissions, or

(2) analyses of representative samples of fuels to determine BTU value and percent sulfur content.

(e) The owner or operators of any sources subject to this Rule that are required to monitor emissions of sulfur dioxide under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the sulfur dioxide emission standard in Rule .0516 of this Subchapter with a continuous emission monitoring system. Compliance with sulfur dioxide emission standards shall be determined by averaging hourly continuous emission monitoring system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average hourly values shall be summed, and the sum shall be divided by 24. A minimum of four data points, equally spaced, is required to determine a valid hour value unless the continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75, the minimum number of data points shall be determined by 40 CFR Part 75.

(f) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur dioxide, then:

(1) for coal, the test methods described in Rule 2D .0501(c)(4)(A) of this Subchapter shall be used except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

(2) for residual oil, the test methods described in Rule .0501(c)(4)(B) of this Subchapter shall be used except that sulfur content shall be determined per shipment. Residual oil shall be collected in accordance with

ASTM D4177 or D4057.

(g) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

(1) for fuel analysis per shipment:
  (A) the quantity and type of fuels burned,
  (B) the BTU value,
  (C) the sulfur content in percent by weight, and
  (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.

(2) for continuous monitoring of emissions:
  (A) the daily calculated sulfur dioxide emission rates expressed in the same units as the applicable standard for each day, and
  (B) other information required under Appendix P of 40 CFR Part 51.

(h) The owner or operator of the source shall conduct a daily zero and span check of the continuous emission monitoring system following the manufacturer's recommendations and shall comply with the requirements of Rule .0613 of this Section.

(i) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 6.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. June 18, 1976;
Amended Eff. April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984.

.0610 FEDERAL MONITORING REQUIREMENTS

(a) The owner or operator of sources subject to monitoring, recordkeeping, or reporting requirements contained in:

(1) 40 CFR Part 60, New Source Performance Standards (NSPS);
(2) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP);
(3) 40 CFR Part 63, Maximum Achievable Control Technology (MACT); or
(4) 40 CFR Part 75, Acid Rain;

shall comply with these requirements.

(b) An air pollutant from sources covered under Paragraph (a) of this Rule for which monitoring is not required under Paragraph (a) of this Rule shall comply with the requirements covered in Rule .0611 of this Section if the pollutant from this source is subject to an emission standard.

(c) Sources that are not subject to any monitoring, recordkeeping, or reporting requirements contained in Paragraph (a) of this Rule shall comply with the requirements contained in Rule .0611 of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. June 18, 1976;
Amended Eff. April 1, 1999; July 1, 1984.

.0611 MONITORING EMISSIONS FROM OTHER SOURCES

(a) This Rule applies to sources or air pollutants, including toxic air pollutants, from sources that are not covered under Rule .0606, .0607, .0608, or .0610(a) of this Section.

(b) The owner or operator of a source shall maintain records of production rates, throughputs, material usage, and other process operational information as is necessary to determine compliance with the facility's permit and all applicable requirements. The Director shall specify in the facility's permit according to Rule .0605 of this Section the types of records that the owner or operator shall maintain.

(c) If the Director finds that the records maintained under Paragraph (b) of this Rule are inadequate to determine compliance with the facility's permit and all applicable requirements, the Director may require the owner or operator to use monitoring instruments. If the Director determines that monitoring instruments are necessary to demonstrate compliance with rules in this Subchapter or Subchapter 2Q of this Chapter or with an emission standard or permit condition, the owner or operator of a source shall:

(1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate compliance with the emission standards of this Subchapter and Subchapter 2Q of this Chapter;
(2) comply with the requirements of Rule .0613 of this Section; and
(3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to comply with Subparagraph (1) of this Paragraph that will document the compliance status of the sources or control equipment.

(d) If the Director determines that monitoring instruments are necessary to demonstrate good operation and maintenance, the owner or operator of a source shall:

(1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate good operation and maintenance;
(2) comply with the requirements of Rule .0613 of this Section unless otherwise specified in any other applicable rule including 40 CFR Part 75 and 40 CFR 60.13. The Director may find that compliance with the quality assurance provisions of 40 CFR Part 51, Appendix P, is adequate to assure the quality of the data; and
(3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to comply with Subparagraph (1) of this Paragraph that will document that good operation and maintenance is being achieved.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. April 1, 1999.

.0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES

(a) With the exceptions in Paragraph (b) of this Rule, the owner or operator of a source may petition the Director to allow monitoring or data reporting procedures varying from those prescribed by a rule of Subchapter 2D or 2Q of this Chapter. When petitioning for alternative monitoring or data reporting procedures, the owner or operator shall follow the procedures of Paragraph (c) of this Rule.

(b) This Rule does not apply to monitoring or reporting requirements of 40 CFR Part 60, 61, 63, or 75.

(c) When petitioning to use alternative monitoring or data reporting procedures in place of those procedures in .0606, .0607, .0608 of this Section or in Section .0900, .1200, .1400 of this Subchapter, the owner or operator of the source shall submit a written petition to the Director that shall include:

(1) the name and address of the company and the name and telephone number of a principal executive officer specified in 15A NCAC 2Q .0304(j) or responsible official specified in 15A NCAC 2Q .0520 over whose signature the petition is submitted;

(2) a description of the sources at the facility to which the petition applies;

(3) identification of the rule or rules for which the alternative is sought;

(4) the basis or reason that alternative monitoring and reporting procedure is more desirable than those prescribed by the rule;

(5) a proposal of alternative monitoring and reporting procedure;

(6) a demonstration that the alternative procedure is at least as accurate as that prescribed by the rule;

(7) a showing that one or more of the following conditions exist:

(A) a continuous monitoring system or other device prescribed by the rule would not provide accurate determinations of emissions;

(B) the emissions from two or more sources of significantly different design and operating characteristics are combined before release to the atmosphere or the emissions are released to the atmosphere through more than one point;

(C) the requirements prescribed by the rule would impose an extreme economic burden on the source owner or operator (The determination of an extreme economic burden shall be made on the basis of whether meeting the requirements prescribed by the rule would produce serious hardship without equal or greater benefit to the public);

(D) the monitoring systems prescribed by the rule cannot be installed because of physical limitations at the facility (The determination of such limitations shall be made on the basis of whether meeting the requirements prescribed by this Rule would necessitate significant reconstruction of the facility); or

(E) the alternative monitoring or reporting procedure is more accurate and precise than that prescribed by the rule;

(8) any other information that the petitioner believes would be helpful to the Director in evaluating the application.

(d) The Director may require the petitioner to submit other information that the Director considers necessary to evaluate the proposed monitoring or reporting procedures.

(e) The Director may approve the petition for alternative monitoring and reporting procedures if:

(1) The petition is submitted in accordance with this Rule and contains all the information required by Paragraph (c) of this Rule;

(2) The Director finds the petition satisfies the showing required by Subparagraph (c)(7) of this Rule;

(3) The Director finds that the proposed alternative monitoring or data reporting procedures provide information of sufficient quality to determine with reasonable certainty the amount of emissions or the adequacy of the emission control device or practice such that the compliance status of the source can be determined by reviewing this information; and

(4) The facility is in compliance with, or under a schedule for compliance with, all applicable air quality rules.

(f) When monitoring or reporting requirements differ from those specified in the appropriate rule in this Subchapter or Subchapter 2Q of this Chapter are approved by the Director, the permit shall contain a condition stating such monitoring or reporting requirements.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. April 1, 1999.

.0613 QUALITY ASSURANCE PROGRAM

(a) Any person required to operate a monitoring device by this Subchapter or Subchapter 2Q of this Chapter shall develop and implement a quality assurance program for the monitoring device.

(b) The Director may require the owner or operator of a facility required to operate a monitoring device by this Subchapter or Subchapter 2Q of this Chapter to submit a quality assurance program if:

(1) The maximum actual emission rate is more than 75 percent of the applicable emission standard;

(2) The facility has violated an emission standard or a permit condition; or

(3) The facility has failed to obtain quality assured data.

The quality assurance program shall be submitted to the Director within 60 days upon receipt of request.

(c) Except for gaseous continuous emission monitoring systems, the quality assurance program required by Paragraph (a) or (b) of this Rule shall include, if applicable:

(1) procedures and frequencies for calibration,

(2) standards traceability,

(3) operational checks,

(4) maintenance,

(5) auditing,

(6) data validation, and

(7) a schedule for implementing the quality assurance program.

Continuous opacity monitoring systems may satisfy the requirements of Paragraph (a) of this Rule by complying with 40 CFR Part 51, Appendix M, Method 203, as proposed in 57 FR 46114. Except for opacity monitors and gaseous continuous emission monitoring systems, a manufacturer's recommended quality assurance procedure may be used as a quality assurance program if it provides an adequate quality assurance program.

(d) Owner or operators that operate continuous emission monitoring systems for a gaseous pollutant may satisfy the requirements of Paragraphs (a) or (b) of this Rule by developing and implementing a written quality assurance program containing information required by 40 CFR Part 60, Appendix F, Section 3, Quality Assurance Procedures.

(e) The owner or operator of a facility shall certify all opacity and gaseous continuous emission monitoring systems following applicable performance specifications in 40 CFR Part 60, Appendix B, within 60 days of monitor installation unless otherwise specified in permit or any other applicable rules. The owner or operator of a facility required to install an opacity or gaseous continuous emission monitoring systems shall notify the Director at least 60 days before installation unless otherwise specified in permit or in 40 CFR Part 60, 61, 63, or 75. The notification shall include plans or schematic diagrams of the proposed monitor location.

(f) Quality assurance programs for ambient monitors shall comply with the requirements in 40 CFR Part 58.

(g) A quality assurance program shall be available on-site for inspection within 30 days of monitor certification.

(h) The Director shall approve the quality assurance program within 30 days of submittal if he finds that the quality assurance program will assure that the precision and accuracy of the data for the pollutants being measured are within the design limits of the instruments being used. If the Director finds that the proposed quality assurance program does not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in the proposed quality assurance program. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. April 1, 1999.

.0614 COMPLIANCE ASSURANCE MONITORING

(a) General Applicability. With the exception of Paragraph (b) of this Rule, the requirements of this part shall apply to a pollutant-specific emissions unit at a facility required to obtain permit under 15A NCAC 2Q .0500 if the unit satisfies all of the following criteria:

(1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under Subparagraph (b)(1) of this Rule;

(2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 tons per year. For purposes of this Subparagraph, "potential pre-control device emissions" means the same as "potential to emit," as defined in 15A NCAC 2Q .0103, except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) Exemptions.

(1) Exempt emission limitations or standards. The requirements of this Rule shall not apply to any of the following emission limitations or standards:

(A) emission limitations or standards proposed by the Administrator of the Environmental Protection Agency after November 15, 1990 pursuant to section 111 or 112 of the federal Clean Air Act;

(B) stratospheric ozone protection requirements under title VI of the federal Clean Air Act;

(C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the federal Clean Air Act;

(D) emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved under the rules of this Subchapter and Subchapter 15A NCAC 2Q and that are incorporated in a permit issued under 15A NCAC 2Q .0500;

(E) an emissions cap that is approved under the rules of this Subchapter and Subchapter 15A NCAC 2Q and incorporated in a permit issued under 15A NCAC 2Q .0500;

(F) emission limitations or standards for which a permit issued under 15A NCAC 2Q .0500 specifies a continuous compliance determination method, as defined in 40 CFR 64.1. (This exemption shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this exemption would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).

(2) Exemption for backup utility power emissions units. The requirements of this Rule shall not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally-owned if the owner or operator provides

documentation in a permit application submitted under 15A NCAC 2Q .0500 that:

(A) The utility unit is exempt from all monitoring requirements in 40 CFR Part 75 (including the appendices thereto);

(B) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50 tons per year and are expected to remain so.

(c) For the purposes of this Rule, the definitions in 40 CFR 64.1 shall apply with the following exceptions:

(1) "Applicable requirement" and "regulated air pollutant" shall have the same definition as in 15A NCAC 2Q .0103.

(2) "Part 70 or 71 permit application" means an application (including any supplement to a previously submitted application) submitted by the owner or operator to obtain a permit under 15A NCAC 2Q .0500.

(3) "Part 70 or 71 permit" means a permit issued under 15A NCAC 2Q .0500.

(4) "Permitting authority" means the Division of Air Quality.

(d) The owner or operator subject to the requirements of this rule shall comply with these requirements:

(1) 40 CFR 64.3, Monitoring Design Criteria,

(2) 40 CFR 64.4, Submittal Requirements,

(3) 40 CFR 64.5, Deadlines for Submittals,

(4) 40 CFR 64.7, Operation of Approved Monitoring, and

(5) 40 CFR 64.9, Reporting and Recordkeeping Requirements

(e) The Division shall follow the procedures and requirements in 40 CFR Part 64.6, Approval of Monitoring, in reviewing and approving or disapproving monitoring plans and programs submitted under this Rule.

(f) Based on the result of a determination made under 40 CFR 64.7(d)(2), the Director may require the owner or operator to develop and implement a quality improvement plan. If a quality improvement plan is required, the quality improvement plan shall be developed and implemented according to the procedures and requirements of 40 CFR 64.8, Quality Improvement Plan (QIP) Requirements.

(g) Nothing in this Rule shall:

(1) excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements. The requirements of this Rule shall not be used to justify the approval of monitoring less stringent than the monitoring that is required under another Rule in this Subchapter or Subchapter 15A NCAC 2Q or Title 40 of the CFR and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under another Rule in this Subchapter or Subchapter 15A NCAC 2Q or Title 40 of the CFR. The purpose of this Rule is to require, as part of the issuance of a permit under 15A NCAC 2Q .0500, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this Rule;

(2) restrict or abrogate the authority of the Division to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of this Subchapter or Subchapter 15A NCAC 2Q or the General Statutes;

(3) restrict or abrogate the authority of the Division to take any enforcement action for any violation of an applicable requirement; or

(4) restrict the authority of the Administrator of the Environmental Protection Agency or of any person to take action under Section 304 of the federal Clean Air Act as stated under 40 CFR 64.10.

History Note: Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. April 1, 1999.

SECTION .1100 - CONTROL OF TOXIC AIR POLLUTANTS

.1105 FACILITY REPORTING, RECORDKEEPING

The Director may require, according to Section .0600 of this Subchapter, the owner or operator of a source subject to this Section to monitor emissions of toxic air pollutants, to maintain records of these emissions, and to report these emissions. The owner or operator of any toxic air pollutant emission source subject to the requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5); 143B-282;
Eff. May 1, 1990;
Amended Eff. April 1, 1999; October 1, 1991.

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

.1202 DEFINITIONS

For the purposes of this Section, the following definitions and those contained in 40 CFR 60, Subpart Ec, Standards of Performance for Hospital, Medical, and Infectious Waste

Incinerators for Which Construction is Commenced after June 20, 1996, shall apply:

(1) "Control efficiency" means the mass of a pollutant in the waste fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the waste fed to the incinerator.

(2) "Crematory incinerator" means any incinerator located at a crematory regulated under 21 NCAC 34C that is used solely for the cremation of human remains.

(3) "Construction and demolition waste" means wood, paper, and other combustible waste resulting from construction and demolition projects except for hazardous waste and asphaltic material.

(4) "Dioxin and Furan" means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

(5) "Hazardous waste incinerator" means an incinerator regulated under 15A NCAC 13A .0001 through .0014, 40 CFR 264.340 to 264.351, Subpart O, or 265.340 to 265.352, Subpart O.

(6) "Hospital, medical and infectious waste incinerator (HMIWI)" means any device that combusts any amount of hospital, medical and infectious waste in which construction was commenced on or before June 20, 1996, except:

(a) any HMIWI required to have a permit under Section 3005 of the Solid Waste Disposal Act;

(b) any pyrolysis unit;

(c) any cement kiln firing hospital waste or medical and infectious waste;

(d) any physical or operational change made to an existing HMIWI solely for the purpose of complying with the emission standards for HMIWIs in Rule .1205 of this Section. These physical or operational changes are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of 40 CFR Part 60, Subpart Ec;

(e) any HMIWI during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, provided that the owner or operator of the HMIWI:

(i) notifies the Director of an exemption claim; and

(ii) keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned; or

(f) any co-fired HMIWI, if the owner or operator of the co-fired HMIWI:

(i) notifies the Director of an exemption claim;

(ii) provides an estimate of the relative weight of hospital, medical and infectious waste, and other fuels or wastes to be combusted; and

(iii) keeps records on a calendar quarter basis of the weight of hospital, medical and infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired HMIWI.

(7) "Large HMIWI" means:

(a) Except as provided in Sub-item (b) of this Item:

(i) a HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour;

(ii) a continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or

(iii) a batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.

(b) The following are not large HMIWIs:

(i) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or

(iii) a batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

(8) "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

(9) "Large municipal waste combustor plant" means a municipal waste combustor plant with a municipal waste combustor aggregate plant capacity that is greater than 250 tons per day of municipal solid waste.

(10) "Medical and Infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in Sub-items (a)(i) through (vii) of this Item.

(a) The definition of medical and infectious waste includes:

(i) cultures and stocks of infectious agents and associated biologicals, including:

(A) cultures from medical and pathological laboratories;

(B) cultures and stocks of infectious agents from research and industrial laboratories;

(C) wastes from the production of biologicals;

(D) discarded live and attenuated vaccines; and

(E) culture dishes and devices used to transfer, inoculate, and mix cultures;

(ii) human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery

or autopsy, or other medical procedures, and specimens of body fluids and their containers;

(iii) human blood and blood products including:

(A) liquid waste human blood;

(B) products of blood;

(C) items saturated or dripping with human blood; or

(D) items that were saturated or dripping with human blood that are now caked with dried human blood including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category;

(iv) sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips;

(v) animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;

(vi) isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and

(vii) unused sharps including the following unused or discarded sharps;

(A) hypodermic needles;

(B) suture needles;

(C) syringes; and

(D) scalpel blades.

(b) The definition of medical and infectious waste does not include:

(i) hazardous waste identified or listed under 40 CFR Part 261;

(ii) household waste, as defined in 40 CFR Part 261.4(b)(1);

(iii) ash from incineration of medical and infectious waste, once the incineration process has been completed;

(iv) human corpses, remains, and anatomical parts that are intended for interment or cremation; and

(v) domestic sewage materials identified in 40 CFR 261.4(a)(1).

(11) "Medium HMIWI" means:

(a) Except as provided in Sub-item (b) of this Item:

(i) a HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour;

(ii) a continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

(iii) a batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

(b) The following are not medium HMIWIs:

(i) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or

(ii) a batch HMIWI whose maximum charge rate is more than or equal to 4,000 pounds per day or less than or equal to 1,600 pounds per day.

(12) "Municipal waste combustor (MWC) or municipal waste combustor unit" means a municipal waste combustor as defined in 40 CFR 60.51b.

(13) "Municipal waste combustor plant" means one or more municipal waste combustor units at the same location for which construction, modification, or reconstruction commenced on or before September 20, 1994.

(14) "Municipal waste combustor plant capacity" means the aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction, modification, or reconstruction commenced on or before September 20, 1994.

(15) "Municipal-type solid waste (MSW)" means municipal-type solid waste defined in 40 CFR 60.51b.

(16) "POTW" means a publicly owned treatment works as defined in 40 CFR 501.2.

(17) "Same Location" means the same or contiguous property that is under common ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way.

Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).

(18) "Sewage sludge incinerator" means any incinerator regulated under 40 CFR Part 503, Subpart E.

(19) "Sludge incinerator" means any incinerator regulated under Rule .1110 of this Subchapter but not under 40 CFR Part 503, Subpart E.

(20) "Small HMIWI" means:

(a) Except as provided in Sub-item (b) of this Item:

(i) a HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour;

(ii) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or

(iii) a batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

(b) The following are not small HMIWIs:

(i) a continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or

(ii) a batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

(21) "Small municipal waste combustor plant" means a municipal waste combustor plant with a municipal waste combustor plant capacity that is greater than 38.8 tons per day but not more than 250 tons per day of municipal solid waste.

(22) "Small remote HMIWI" means any small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area (SMSA) and which burns less than 2,000 pounds per week of hospital, medical and infectious waste. The 2,000 pound per week limitation does not apply during performance tests.

(23) "Standard Metropolitan Statistical Area (SMSA)" means any area listed in OMB Bulletin No. 93-17, entitled "Revised Statistical Definitions for Metropolitan Areas" dated July 30, 1993. The referenced document cited by this Item is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document may be obtained from the Division of Air Quality, P.O. Box 29580, Raleigh, North Carolina 27626-0580 at a cost of ten cents ($0.10) per page or may be obtained through the internet at "http://www.census.gov/population/estimates/metro-city/93mfips.txt".

(24) "Total hydrocarbons" means the organic compounds in the stack exit gas from a sewage sludge incinerator measured using a flame ionization detection instrument referenced to propane.

History Note: Authority G.S. 143-213; 143-215.3(a)(1); Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; July 1, 1996; April 1, 1995; December 1, 1993.

.1203 TEST METHODS AND PROCEDURES

(a) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. The test method for determining metals emissions from stationary combustion sources, commonly called Method 5 (interim), published by the U.S. Environmental Protection Agency on August 28, 1989, shall be used to determine emission rates for metals. Method 5 (interim) shall be used to sample for chromium(VI), and SW 846 Method 0013 shall be used for the analysis.

(b) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards in Rule .1205 of this Section.

(c) For the emission standards in Rule .1205(b)(7)(A), (b)(7)(B), (f), and (g) of this Section, compliance shall be determined by averaging emissions over a one-hour period.

(d) The owner or operator of a sewage sludge incinerator shall perform testing to determine pollutant control efficiencies of any pollution control equipment and obtain information on operational parameters, including combustion temperature, to be placed in an air quality permit.

(e) The owner or operator of a municipal waste combustor at a small or large municipal waste combustor plant shall do performance testing in accordance with 40 CFR Part 60.58b. For municipal waste combustor at large municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii). For municipal waste combustor at small municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 30.0 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii).

(f) Referenced document SW-846 "Test Methods for Evaluating Solid Waste", Third Edition, cited by this Rule is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the North Carolina Department of Environment and Natural Resources Library located at 512 North Salisbury Street, Raleigh, NC 27603. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars ($319.00). Referenced document Method 5 (interim) cited by this Rule is hereby incorporated by reference and includes subsequent amendments and editions. A copy of this document

is available for inspection at any Division of Air Quality Regional Office (names and addresses listed in Rule .0103 of this Subchapter). Copies of this document may be obtained from the Division at the cost of twenty cents ($0.20) per page.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; April 1, 1995.

.1204 REPORTING AND RECORDKEEPING

(a) The owner or operator of an incinerator subject to the requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

(b) The owner or operator of an incinerator, except an incinerator meeting the requirements of 15A NCAC 2D .1201(c)(4), shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The Director may require a temperature monitoring device for incinerators meeting the requirements of 15A NCAC 2D .1201(c)(4). The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a sewage sludge incinerator shall:

(1) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:
  (A) total hydrocarbon concentration of the incinerator stack exit gas in accordance with 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;
  (B) oxygen concentration of the incinerator stack exit gas; and
  (C) moisture content of the incinerator stack exit gas;
(2) monitor the concentrations of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required under Rule .1110 of this Subchapter but in no case less than once per year;
(3) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);
(4) determine mercury emissions by use of Method 101 or 101A of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);
(5) maintain records of all material required under Rule .1203 and .1204 of this Section in accordance with 40 CFR 503.47; and
(6) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater, submit the information recorded in Subparagraph (c)(4) of this Rule to the Director on or before February 19 of each year.

(d) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a small or large municipal waste combustor plant shall:

(1) install, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine the following:
  (A) opacity in accordance with 40 CFR 60.58b(c).
  (B) sulfur dioxide in accordance with 40 CFR 60.58b(e).
  (C) nitrogen dioxide in accordance with 40 CFR 60.58b(h). (This requirement applies only to large municipal waste combustor plants).
(2) maintain records of the information listed in 40 CFR 60.59b, Paragraphs (d)(1) through (d)(15) for a period of at least five years.
(3) following the initial compliance tests as required under Rule .1203 of this Section, submit the information specified in 40 CFR 60.59b, Paragraphs (f)(1) through (f)(6), in the initial performance test report.
(4) following the first year of municipal combustor operation, submit an annual report including the information specified in 40 CFR 60.59b, Paragraphs (g)(1) through (g)(4), as applicable, no later than February 1 of each year following the calendar year in which the data were collected. Once the unit is subject to permitting requirements under 15A NCAC 2Q. 0500, Title V Procedures, the owner or operator of an affected facility must submit these reports semiannually.
(5) submit a semiannual report that includes information specified in 40 CFR 60.59b, Paragraphs (h)(1) through (h)(5), for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section, according to the schedule specified in 40 CFR 60.59b(h)(6).

(e) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a HMIWI shall comply with the recording and recordkeeping requirements listed in 40 CFR 60.58c(b),(c),(d),(e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) and (b)(7).

(f) In addition to the requirements of Paragraphs (a), (b), and

(e) of this Rule, the owner or operator of a small remote HMIWI shall:

(1) maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection;

(2) submit an annual report containing information recorded in Subparagraph (1) of this Paragraph to the Director no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. The report shall be signed by the HMIWI manager; and

(3) submit the reports required by Subparagraphs (1) and (2) of this Paragraph to the Director semiannually once the HMIWI is subject to the permitting procedures of 15A NCAC 2Q .0500, Title V Procedures.

(g) Waste Management Guidelines. The owner or operator of a HMIWI shall comply with the requirements of 40 CFR Part 60.55c for the preparation and submittal of a waste management plan.

(h) Except as provided in Paragraph (i) of this Rule, the owner or operator of any HMIWI shall comply with the monitoring requirements in 40 CFR Part 60.57c.

(i) The owner or operator of any small remote HMIWI shall:

(1) install, calibrate, maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

(2) install, calibrate, maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

(3) obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital, medical and infectious waste.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5);
Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; July 1, 1996; April 1, 1995; December 1, 1993.

.1205 EMISSION STANDARDS

(a) The emission standards in this Rule apply to all incinerators except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (p)(2) and (4) of this Rule shall control in any event.

(b) Particulate matter.

(1) Hazardous waste incinerators shall meet the particulate matter requirements of 40 CFR 264.343(c).

(2) The emissions of particulate matter from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 70 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(3) The emissions of particulate matter from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed 27 milligrams per dry standard cubic meter corrected to seven percent oxygen.

(4) Conical incinerators covered by Rule .0523 of this Subchapter shall comply with that Rule instead of this Paragraph.

(5) The emissions of particulate matter from a HMIWI shall not exceed:

Incinerator Size	Allowable Emission Rate (mg/dscm) [corrected to seven percent oxygen]
Small	115
Medium	69
Large	34

(6) The emissions of particulate matter from any small remote HMIWI shall not exceed 197 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(7) Any incinerators not covered under Subparagraphs (1) through (6) of this Paragraph shall comply with one of the following emission standards for particulate matter:

(A) The emission of particulate matter from any stack or chimney of an incinerator shall not exceed:

Refuse Charge (lb/hour)	Allowable Emission Rate (lb/hour)
0 to 100	0.2
200	0.4
500	1.0
1,000	2.0
2,000 and Above	4.0

For a refuse charge between any two consecutive rates stated in the preceding table, the allowable emissions rate for particulate matter shall be calculated by the equation E=0.002P. E=allowable emission rate for particulate matter in lb/hour. P=refuse charge in lb/hour.

(B) Instead of meeting the standards in Part (7)(A) of this Paragraph, the owner or operator of an incinerator may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide.

(c) Sulfur dioxide.

(1) The emissions of sulfur dioxide from each municipal waste combustor located at a small municipal waste combustor plant shall be reduced by at least 50 percent by weight or volume or to no more than 80 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(2) The emissions of sulfur dioxide from each municipal waste combustor located at a large municipal waste combustor plant shall be reduced by at least 75 percent by weight or volume or to no more than 31 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(3) The emissions of sulfur dioxide from any HMIWI shall not exceed 55 parts per million corrected to seven percent oxygen (dry basis).

(4) Any incinerator not covered under Subparagraphs (1) through (3) of this Paragraph shall comply with Rule .0516 of this Subchapter.

(d) Visible emissions.

(1) The emission limit of opacity from each municipal waste combustor located at a small or large municipal waste combustor plant shall not exceed 10 percent (6-minute average).

(2) Air curtain incinerators shall comply with Rule .1904 of this Subchapter.

(3) On and after the date on which the initial performance test is completed, the owner or operator of any HMIWI shall not cause to be discharged into the atmosphere from the stack of the HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average).

(4) Any incinerator not covered under Paragraphs (1) through (3) of this Paragraph shall comply with Rule .0521 of this Subchapter.

(e) Odorous emissions. Incinerators shall comply with Rule .0522 of this Subchapter.

(f) Hydrogen chloride.

(1) The emissions of hydrogen chloride from each municipal waste combustor at small municipal waste combustor plants shall be reduced by at least 50 percent by weight or volume or to no more than 250 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent.

(2) The emissions of hydrogen chloride from each municipal waste combustor at large municipal waste combustor plants shall be reduced by at least 95 percent by weight or volume or to no more than 31 parts per million by volume, corrected to seven percent oxygen (dry basis), whichever is less stringent.

(3) Hazardous waste incinerators shall meet the hydrogen chloride emissions requirements of 40 CFR 264.343(b).

(4) The emissions of hydrogen chloride from any small, medium, or large HMIWI shall be reduced by at least 93 percent by weight or volume or to no more than 100 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent.

(5) The emissions of hydrogen chloride from any small remote HMIWI shall not exceed 3100 parts per million by volume corrected to seven percent oxygen (dry basis).

(6) Emissions of hydrogen chloride from all other incinerators shall not exceed four pounds per hour

unless it is reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis).

(g) Mercury emissions.

(1) Emissions of mercury from each municipal waste combustor at a small or large municipal waste combustor plant shall be reduced by at least 85 percent by weight or shall not exceed 0.08 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(2) Emissions of mercury from sludge incinerators and sewage sludge incinerators are regulated under 15A NCAC 2D .1110.

(3) Emissions of mercury from any small, medium, or large HMIWI shall be reduced by at least 85 percent by weight or shall not exceed 0.55 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(4) Emissions of mercury from any small remote HMIWI shall not exceed 7.5 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(5) Emissions of mercury and mercury compounds from the stack or chimney of a hazardous waste incinerator or any other type incinerator not identified in Subparagraphs (g)(1) through (g)(4) of this Paragraph shall not exceed 0.032 pounds per hour.

(h) Beryllium Emissions. Beryllium emissions from sludge incinerators and sewage sludge incinerators shall comply with 15A NCAC .1110 of this Subchapter.

(i) Lead Emissions.

(1) Emissions of lead from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 1.6 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(2) Emissions of lead from each municipal waste combustor at a large municipal waste combustor plant shall not exceed 0.49 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(3) The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).

(4) Emissions of lead from any small, medium, or large HMIWI shall be reduced by at least 70 percent by weight or shall not exceed 1.2 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(5) Emissions of lead from any small remote HMIWI shall not exceed 10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(j) Cadmium Emissions.

(1) Emissions of cadmium from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 0.10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(2) Emissions of cadmium from each municipal waste combustor at a large municipal waste combustor plant shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(3) Emissions of cadmium from any small, medium, or large HMIWI shall be reduced by at least 65 percent by weight or shall not exceed 0.16 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(4) Emissions of cadmium from any small remote HMIWI shall not exceed 4 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(k) Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).

(l) The owner or operator of an incinerator shall demonstrate compliance with Section .1100 of this Subchapter in accordance with 15A NCAC 2Q .0700.

(m) Dioxins and Furans.

(1) The emissions of dioxins and furans from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 125 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen.

(2) The emissions of dioxins and furans from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed:

(A) 60 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that employ an electrostatic precipitator-based emission control system, or

(B) 30 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that do not employ an electrostatic precipitator-based emission control system.

(3) The emissions of dioxins and furans from any small, medium, or large HMIWI shall not exceed 125 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 2.3 nanograms per dry standard cubic meter (toxic equivalency), corrected to seven percent oxygen.

(4) The emissions of dioxins and furans from any small remote HMIWI shall not exceed 800 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 15 nanograms per dry standard cubic meter (toxic equivalency), corrected to seven percent oxygen.

(n) Nitrogen oxide.

(1) The emissions of nitrogen oxide from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed the emission limits in Table 1 of Paragraph (d) of 40 CFR 60.33b. Nitrogen oxide emissions averaging is allowed as specified in Paragraphs (d)(1)(i) through (d)(1)(v) of 40 CFR 60.33b. Nitrogen oxide emissions control is not required for municipal waste combustors located at small municipal waste combustor plants.

(2) The emissions of nitrogen oxides from any HMIWI shall not exceed 250 parts per million by volume corrected to seven percent oxygen (dry basis).

(o) Fugitive ash.

(1) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of five percent of the observation period (i.e., nine minutes per three-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k), except as provided in Subparagraphs (2) and (3) of this Paragraph.

(2) The emission limit specified in Subparagraph (1) of this Paragraph covers visible emissions discharged to the atmosphere from buildings or enclosures, not the visible emissions discharged inside of the buildings or enclosures, of ash conveying systems.

(3) The provisions specified in Subparagraph (1) of this Paragraph do not apply during maintenance and repair of ash conveying systems.

(p) Ambient standards.

(1) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77° F (25° C) and 29.92 inches (760 mm) of mercury pressure shall apply aggregately to all incinerators at a facility:

(A) arsenic and compounds2.3×10^{-7}

(B) beryllium and compounds4.1×10^{-6}

(C) cadmium and compounds5.5×10^{-6}

(D) chromium(VI) and compounds8.3×10^{-8}

(2) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.

(3) The owner or operator of a facility with incinerators shall demonstrate compliance with the ambient standards in Parts (1)(A) through (D) of this Paragraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.

(4) The emission rates computed or used under Subparagraph (3) of this Paragraph that demonstrate compliance with the ambient standards under Subparagraph (1) of this Paragraph shall be placed in the permit for the facility with incinerators as their allowable emission limits unless Rule .0524, .1110 or .1111 of this Subchapter requires more restrictive rates.

(q) Carbon Monoxide. The emissions of carbon monoxide from any HMIWI shall not exceed 40 parts per million by volume, corrected to seven percent oxygen (dry basis).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(4),(5);
Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; July 1, 1996; April 1, 1995.

.1206 OPERATIONAL STANDARDS

(a) The operational standards in this Rule do not apply to incinerators where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.

(b) Hazardous waste incinerators. Hazardous waste incinerators shall comply with 15A NCAC 13A .0001 through .0014, which are administered and enforced by the Division of Waste Management.

(c) Hospital, Medical and Infectious Waste Incinerators. Each small remote HMIWI shall have an initial equipment inspection by July 1, 2000, and an annual inspection each year thereafter.

(1) At a minimum, the inspection shall include all the elements listed in 40 CFR 60.36e(a)(1)(i) through (xvii).

(2) Any necessary repairs found during the inspection shall be completed within 10 operating days of the inspection unless the owner or operator submits a written request to the Director for an extension of the 10 operating day period. The Director shall grant the extension if:

(A) the owner or operator of the small remote HMIWI demonstrates that achieving compliance by the time allowed under this Subparagraph is not feasible, and

(B) the Director does not extend the time allowed for compliance by more than 30 days following the receipt of the written request.

(d) The owner or operator of any HMIWI, except small remote HMIWI, subject to this Section shall comply with the compliance and performance testing requirements of 40 CFR Part 60.56c, excluding the fugitive emissions testing requirements under 60.56c(b)(12) and (c)(3).

(e) The owner or operator of any small remote HMIWI shall comply the following compliance and performance testing requirements:

(1) conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11)(mercury only), and (c)(1). The 2,000 pound per week limitation does not apply during performance tests;

(2) establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits; and

(3) following the date on which the initial performance test is completed, ensure that the HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three hour rolling averages, calculated each hour as the average of all previous three operating hours, at all times except during periods of start-up, shut-down and malfunction. Operating parameter limits do not apply during performance tests. Operation above the

maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters.

(f) Except as provided in Paragraph (g) of this Rule, operation of the HMIWI above the maximum charge rate and below the minimum secondary temperature, each measured on a three hour rolling average, simultaneously shall constitute a violation of the PM, CO, and dioxin and furan emission limits.

(g) The owner or operator of a HMIWI may conduct a repeat performance test within 30 days of violation of applicable operating parameters to demonstrate that the HMIWI is not in violation of the applicable emission limits. Repeat performance tests conducted pursuant to this Paragraph must be conducted using the identical operating parameters that indicated a violation under Paragraph (f) of this Rule.

(h) Municipal waste combustor plants. Each municipal waste combustor located at a small or large municipal waste combustor plant shall meet the following operational standards:

(1) The concentration of carbon monoxide at the combustor outlet shall not exceed the concentration in Table 3 of Paragraph (a) of 40 CFR 60.34b. The combustor technology named in this table is defined in 40 CFR 60.51b.

(2) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor unit load, except as specified in Paragraphs (b)(1) and (b)(2) of 40 CFR 60.53b. The maximum demonstrated municipal waste combustor unit load is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).

(3) The temperature at which the combustor operates, measured at the particulate matter control device inlet, shall not exceed 63 degrees F above the maximum demonstrated particulate matter control device temperature, except as specified in Paragraphs (c)(1) and (c)(2) of 40 CFR 60.53b. The maximum demonstrated particulate matter control device temperature is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).

(i) Sludge incinerators. The combustion temperature in a sludge incinerator shall not be less than 1200 degrees F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:

(1) 12 percent (dry basis) for a multiple hearth sludge incinerator,

(2) seven percent (dry basis) for a fluidized bed sludge incinerator,

(3) nine percent (dry basis) for an electric sludge incinerator, and

(4) 12 percent (dry basis) for a rotary kiln sludge incinerator.

(j) Sewage sludge incinerators.

(1) The maximum combustion temperature for a sewage sludge incinerator shall be placed in the permit and based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(2) The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be placed in the permit and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(3) The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40 CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous emission monitor required in Subparagraph .1204(c)(1) of this Subchapter.

(k) Crematory incinerators. Gases generated by the combustion shall be subjected to a minimum temperature of 1600 degrees F for a period of not less than one second.

(l) Other incinerators. All incinerators not covered under Paragraphs (a) through (k) of this Rule shall meet the following requirement: Gases generated by the combustion shall be subjected to a minimum temperature of 1800 degrees F for a period of not less than one second. The temperature of 1800 degrees F shall be maintained at least 55 minutes out of each 60-minute period, but at no time shall the temperature go below 1600 degrees F.

(m) Except during start-up where the procedure has been approved in accordance with Rule .0535(g) of this Subchapter, waste material shall not be loaded into any incinerators covered under Paragraphs (h), (k), or (l) of this Rule when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis in accordance with Rule .0535(g) of this Subchapter. Incinerators covered under Paragraphs (h), (k), or (l) of this Rule shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; July 1, 1996; April 1, 1995; December 1, 1993.

.1209 COMPLIANCE SCHEDULES

(a) Except for any municipal waste combustor located at a small or large municipal waste combustor plant or any HMIWI, the owner or operator of any incinerator for which construction began after September 30, 1991, shall be in compliance with this Section or Rule .1110 of this Subchapter, whichever is applicable, before beginning operation.

(b) Municipal Waste Combustors.

(1) The owner or operator of a large municipal waste combustor plant shall choose one of the following three compliance schedule options:

(A) comply with all the requirements or close before August 1, 2000;

(B) comply with all the requirements after one year but before three years following the date of

issuance of a revised construction and operation permit, if permit modification is required, or after August 1, 2000 but before August 1, 2002, if a permit modification is not required. If this option is chosen, then the owner or operator of the facility shall submit to the Director measurable and enforceable incremental steps of progress towards compliance which include:

(i) a date by which contracts for the emission control system or equipment shall be awarded or orders issued for purchase of component parts;

(ii) a date by which on site construction, installation, or modification of emission control equipment shall begin;

(iii) a date by which on site construction, installation, or modification of emission control equipment shall be completed;

(iv) a date for initial startup of emissions control equipment;

(v) a date for initial performance test(s) of emission control equipment; and

(vi) a date by which the facility shall be in compliance with this Section, which shall be no later than three years from the issuance of the permit; or

(C) close between August 1, 2000 and August 1, 2002. If this option is chosen then the owner or operator of the facility shall submit to the Director a closure agreement which includes the date of the plant closure.

(2) The owner or operator of a small municipal waste combustor plant shall comply with all requirements, or close, within three years following the date of issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2002, if a permit modification is not required.

(3) All municipal waste combustors located within large municipal waste combustor plant for which construction, modification, or reconstruction commenced after June 26, 1987, but before September 19, 1994, shall comply with the emission limit for mercury specified in Paragraph (g)(1) of Rule .1205 of this Section and the emission limit for dioxin and furan specified in Paragraph (m)(2) of Rule .1205 of this Section within one year following issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2000, whichever is later.

(4) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress, whether the required increment of progress has been met.

(c) Hospital, Medical, and Infectious Waste Incinerators.

(1) Title V Application Date. All HMIWI's subject to these rules shall have submitted an application for a permit under the procedures of 15A NCAC 2Q .0500, Title V Procedures, by January 1, 2000.

(2) Final Compliance Date. Except for those HMIWIs described in Subparagraphs (3) and (4) of this Paragraph, all HMIWIs subject to this Rule shall be in compliance with this Rule or close on or before July 1, 2000.

(3) Installation of Air Pollution Control Equipment. Any HMIWI planning to install the necessary air pollution control equipment to comply with the emission standards in Rule .1205 of this Section shall be in compliance with Rule .1205 of this Section by September 15, 2002. If this option is chosen, then the owner or operator of the HMIWI shall submit to the Director measurable and enforceable incremental steps of progress towards compliance which include:

(A) the submission of a petition for site specific operating parameters under 40 CFR 63.56c(i);

(B) the obtaining of services of an architectural and engineering firm regarding the air pollution control device(s);

(C) the obtaining of design drawings of the air pollution control device(s);

(D) the ordering of air pollution control device(s);

(E) the obtaining of the major components of the air pollution control device(s);

(F) the initiation of site preparation for the installation of the air pollution control device(s);

(G) the initiation of installation of the air pollution control device(s);

(H) the initial startup of the air pollution control device(s); and

(I) the initial compliance test(s) of the air pollution control device(s).

(4) Petition for Extension of Final Compliance Date.

(A) The owner or operator of an affected HMIWI may petition the Director for an extension of the compliance deadline of Subparagraph (2) of this Paragraph provided that the following information is submitted by January 1, 2000, to allow the Director adequate time to grant or deny the extension by July 1, 2000:

(i) documentation of the analyses undertaken to support the need for an extension, including an explanation of why up to July 1, 2002 is sufficient time to comply with this Rule while July 1, 2000 is not sufficient. The documentation shall also include an evaluation of the option to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent bases; and

(ii) documentation of the measurable and enforceable incremental steps of progress listed in Subparagraph (3) of this Paragraph to be taken towards

compliance with the emission standards in Rule .1205 of this Section.

(B) The Director may grant the extension if all the requirements in Part (A) of this Subparagraph are met.

(C) If the extension is granted, the HMIWI shall be in compliance with this Section by July 1, 2002.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5);
Eff. October 1, 1991;
Amended Eff. July 1, 1999; July 1, 1998; April 1, 1995; December 1, 1993; March 2, 1992.

SECTION .1400 - NITROGEN OXIDES

.1404 RECORDKEEPING: REPORTING: MONITORING

(a) The owner or operator of any source subject to the requirements of this Section shall comply with the monitoring, recordkeeping and reporting requirements in Section .0600 of this Subchapter and shall maintain all records necessary for determining compliance with all applicable RACT limitations and standards of this Section for at least five years after.

(b) When requested by the Director, the owner or operator of any source subject to the requirements of this Section shall submit to the Director any information necessary to determine the compliance status of an affected source.

(c) Within 30 days of becoming aware of an occurrence of excess emissions from a source subject to the requirements of this Section, the owner or operator shall notify the Director and provide the following information:

(1) the name and location of the facility;
(2) the source that caused the excess emissions;
(3) the time and date the excess emissions were discovered;
(4) the cause and duration of the excess emissions;
(5) for sources subject to a RACT limitation, the estimated rate of emissions and the data and calculations used to determine the magnitude of the excess emissions; and
(6) the corrective actions and schedule proposed to correct the conditions causing the excess emissions.

(d) When required, the owner or operator of a source subject to the requirements of this Section shall operate and maintain a continuous emission monitoring system in accordance with 40 CFR, Part 60, Appendix F.

(e) The data substitution procedures in 40 CFR 75.33 may be used to satisfy the requirements of this Section.

(f) When compliance with a RACT limitation established for a source subject to the requirements of this Section is determined using a continuous emissions monitoring system, a 24-hour rolling average computed and recorded each hour from April 1 through October 31 shall be used.

(g) When compliance with a RACT limitation established for a source subject to the requirements of this Section is not determined using a continuous emissions monitoring system, compliance shall be determined using source testing in accordance with 40 CFR, Part 60, Appendix A, or any equivalent test method, approved by the Director. Where source testing is used to determine compliance with a RACT limitation established in accordance with this Section, testing shall be conducted at least annually in accordance with Rule .1415 of this Section.

History Note Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. April 1, 1995;
Amended Eff. April 1, 1999.

SECTION .2000 - TRANSPORTATION CONFORMITY

.2001 PURPOSE, SCOPE AND APPLICABILITY

(a) The purpose of this Section is to assure the conformity of transportation plans, programs, and projects that are developed, funded, or approved by the United States Department of Transportation and by metropolitan planning organizations or other recipients of funds under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.), or State or Local only sources of funds, with all plans required of areas designated as nonattainment or maintenance under 40 CFR 81.334 and listed in Paragraph (b), (c) or (d) of this Rule.

(b) This Section applies to the emissions of volatile organic compounds and nitrogen oxides in the following areas:

(1) Davidson County,
(2) Durham County,
(3) Forsyth County,
(4) Gaston County,
(5) Guilford County,
(6) Mecklenburg County,
(7) Wake County,
(8) Dutchville Township in Granville County, and
(9) that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek, and back to the Yadkin River.

(c) This Section applies to the emissions of carbon monoxide in the following areas:

(1) Durham County,
(2) Forsyth County,
(3) Mecklenburg County, and
(4) Wake County.

(d) This Section applies to the emissions of particulate matter in areas identified in 40 CFR 81.334 as nonattainment or as not in compliance with a primary standard.

(e) This Section applies to FHWA/FTA projects or regionally significant State or local projects. For FHWA/FTA projects or regionally significant State or local projects in the areas identified in Paragraph (b), (c), or (d) of this Rule and for the pollutants identified in Paragraph (b), (c), or (d) of this Rule, this Section applies to:

(1) the adoption, acceptance, approval, or support of transportation plans and transportation plan amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of

Transportation;

(2) the adoption, acceptance, approval, or support of transportation improvement programs or amendments to transportation improvement programs pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of Transportation; or

(3) the approval, funding, or implementation of FHWA/FTA projects.

Conformity determinations are not required under this Section for individual projects that are not FHWA/FTA projects. However, 40 CFR 93.121 shall apply to these projects if they are regionally significant projects.

(f) This Section applies to maintenance areas for 20 years from the date the Environment Protection Agency approves the area's request under Section 107(d) of the Clean Air Act for redesignation to attainment.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999.

.2003 TRANSPORTATION CONFORMITY DETERMINATION

(a) Conformity analyses, determinations, and redeterminations for transportation plans, transportation improvement programs, FHWA/FTA projects, and State or local regionally significant projects shall be made according to the requirements of 40 CFR 93.104 and shall comply with the applicable requirements of 40 CFR 93.119, 93.120, 93.124, 93.125, and 93.126. For the purposes of this Rule, regionally significant State or local projects shall be subject to the same requirements under 40 CFR Part 93 as FHWA/FTA projects except that State Environmental Policy Act procedures and requirements shall be substituted for National Environmental Policy Act procedures and requirements. Regionally significant State or local projects subject to this Section for which the State Environmental Policy Act process and a conformity determination have been completed may proceed toward implementation without further conformity determination unless more than three years have elapsed since the most recent major step (State Environmental Policy Act process completion, start of final design, acquisition of a significant portion of the right-of-way, or approval of the plans, specifications, and estimates) occurred. All phases of these projects considered in the conformity determination are also included if these phases were for the purpose of funding final design, right-of-way acquisition, construction, or any combination of these phases.

(b) Before making a conformity determination, the metropolitan planning organizations, local transportation departments, North Carolina Department of Transportation, United States Department of Transportation, the Division of Air Quality, local air pollution control agencies, and United States Environmental Protection Agency shall consult with each other on matters described in 15A NCAC 2D .2005. Consultation shall begin as early as possible in the development of the emissions analysis used to support a conformity determination. The agency that performs the emissions analysis shall make the analysis available to the Division of Air Quality and at least 21 days shall be allowed for review and comment on the emissions analysis. The 21-day review period shall begin upon receipt of the analysis by the Director of the Division of Air Quality. After review by the Division of Air Quality the approving agency shall seek public comments in accordance with its public participation policy. The agency making the conformity determination shall address all written comments received prior to close of the public comment period, and these comments and responses thereto shall be included in the final document. If the Division of Air Quality disagrees with the resolution of its comments, the conflict may be escalated to the Governor within 14 days and shall be resolved in accordance with 40 CFR 93.105(d). The 14-day appeal period shall begin upon receipt by the Director of the Division of Air Quality of the metropolitan planning organization's resolution that determines conformity.

(c) The agency that performs the conformity analysis shall notify the Division of Air Quality of:

(1) any changes in planning or analysis assumptions [including land use and vehicle miles traveled (VMT) forecasts], and

(2) any revisions to transportation plans or transportation improvement plans that add, delete, or change projects that require a new emissions analysis (including design scope and dates that change the transportation network existing in a horizon year).

Comments made by the Division of Air Quality and responses thereto made by the agency shall become part of the final planning document.

(d) Transportation plans shall satisfy the requirements of 40 CFR 93.106. Transportation plans and transportation improvement programs shall satisfy the fiscal constraints specified in 40 CFR 93.108. Transportation plans, programs, and FHWA/FTA projects shall satisfy the applicable requirements of 40 CFR 93.109 through 93.118.

(e) Written comments to implement control measures that are not included in the transportation plan and transportation improvement program (TIP) shall be obtained before a conformity determination and these commitments shall be fulfilled. Written commitments to implement mitigation measures shall be obtained before a positive conformity determination, and project sponsors shall comply with these commitments.

(f) A recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Act shall not adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the requirements of 40 CFR 93 are fully complied with.

(g) The degree of specificity required in a transportation plan and the specific travel network assumed for air quality modeling shall not preclude the consideration of alternatives in the National Environmental Policy Act of 1969 process, in accordance with 40 CFR 93.107.

(h) When assisting or approving any action with air quality-related consequence, the Federal Highway Administration and the Federal Transit Administration of the Department of Transportation shall give priority to the implementation of those transportation portions of an applicable implementation plan

prepared to attain and maintain the national ambient air quality standards as provided under 40 CFR 93.103. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999.

.2005 MEMORANDUM OF AGREEMENT

(a) The Division of Air Quality shall develop and maintain a memorandum of agreement with the North Carolina Department of Transportation, the metropolitan planning organizations of the areas identified in Rule .2001(b), (c), or (d) of this Section, and the United States Department of Transportation to describe the participation and responsibilities of each of these agencies in implementing the requirements of this Section and 40 CFR Part 93. For those areas identified in Rule .2001(b), (c), or (d) of this Section for which there is no metropolitan planning organization, the North Carolina Department of Transportation shall represent those areas for the purposes of the memorandum of agreement. The memorandum of agreement shall include:

(1) consultation procedures described under 40 CFR 93.105;
(2) the projected time allotted for each agency to review and comment on or to respond to comments on transportation improvement programs, transportation plans, and transportation projects; and
(3) consultation procedures for the development of State Implementation Plans that relate to transportation.

The contents of the Memorandum of Agreement shall comply with the criteria and procedures in this federal Clean Air Act Section 176(c) [42 U.S.C. 7401-7671q] and 40 CFR Part 51, Subpart T, 40 CFR Part 93, Subpart A, and Rules .2001 through .2004 of this Section.

(b) No recipient of federal funds (as defined at 40 CFR 93.101 designated under Title 23 U.S.C. or the Federal Transit Act shall adopt or approve or take any action to develop or implement a regionally significant highway or transit project unless such recipient has signed the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

(c) No agency shall adopt or approve or take any action to implement or develop any transportation plan, transportation improvement program, or federally funded or approved FHWA/FTA highway or transit project unless the agency has signed the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

(d) Each federal agency that participates in determinations of conformity to state and federal implementation plans shall sign the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999.

SUBCHAPTER 2Q - AIR QUALITY PERMIT PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (b) of this Rule do not apply:

(1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
  (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units located at a facility not required to be permitted under Section .0500 of this Subchapter;
  (B) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels located at a facility not required to be permitted under Section .0500 of this Subchapter;
  (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters; or
  (D) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter;
(2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
(3) prevention of significant deterioration under 15A NCAC 2D .0530;
(4) new source review under 15A NCAC 2D .0531 or .0532;
(5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with 15A NCAC 2D .0902;
(6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109 or .1111 or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter; or
(7) sources at facilities subject to 15A NCAC 2D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been evaluated, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (b) of this Rule).

(b) The following activities do not need a permit or permit modification under this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:

(1) activities exempted because of category (These

activities shall not be included on the permit application or in the permit.):

(A) maintenance, upkeep, and replacement:
  (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;
  (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
  (iii) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
  (iv) use of fire fighting equipment;
  (v) paving parking lots; or
  (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;

(B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;

(C) laboratory activities:
  (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
  (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
  (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
  (iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;

(D) storage tanks:
  (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;
  (ii) storage tanks used to store gasoline for which there are no applicable requirements except Stage 1 controls under 15A NCAC 2D .0928;
  (iii) storage tanks used solely to store inorganic liquids; or
  (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;

(E) combustion and heat transfer equipment:
  (i) space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;
  (ii) residential wood stoves, heaters, or fireplaces;
  (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;

(F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;

(G) gasoline distribution:
  (i) gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter; or
  (ii) gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;

(H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;

(I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
  (i) The portable solvent distillation system is not:
    (I) owned by the facility, and
    (II) operated at the facility for more than seven consecutive days; and
  (ii) The material recycled is:
    (I) recycled at the site of origin.
    (II) the original material is non-photochemically reactive in

accordance with 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and

(III) all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;

(J) processes:

(i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;

(ii) small electric motor bake-on ovens;

(iii) burn-off ovens for paint-line hangers with afterburners;

(iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;

(v) blade wood planers planing only green wood;

(K) solid waste landfills: municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter (This Part does not apply to flares and other sources of combustion at solid waste landfills.);

(L) miscellaneous:

(i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;

(ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;

(iii) equipment used for the preparation of food for direct on-site human consumption;

(iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;

(v) exit gases from in-line process analyzers;

(vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;

(vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;

(viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;

(ix) equipment that does not emit any regulated air pollutants;

(x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);

(xi) sources for which there are no applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter; or

(xii) sources for which there are no applicable requirements and that are at a facility required to be permitted under Section .0500 of this Subchapter following the procedures in Paragraph (c) of this Rule;

(2) activities exempted because of size or production rate (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):

(A) storage tanks:

(i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or

(ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;

(B) combustion and heat transfer equipment located at a facility not required to be permitted under Section .0500 of this Subchapter:

(i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed of with natural gas or liquefied petroleum gas with a heat input of less than:

(I) 10 million BTU per hour for which construction, modification, or reconstruction commenced

after June 9, 1989; or

(II) 30 million BTU per hour for which construction, modification, or reconstruction commenced before June 10, 1989;

(ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU per hour;

(iii) space heaters burning waste oil if:

(I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;

(II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air;

(iv) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:

(I) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,

(II) 830 kilowatts (electric) or 1150 horsepower for liquefied petroleum gas-fired engines,

(III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired engines, or

(IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;

(v) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation;

(vi) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;

(C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons that is not required to be permitted under Section .0500 of this Subchapter;

(D) processes:

(i) printing, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices) located at a facility whose facility-wide actual emissions of:

(I) Volatile organic compounds are less than five tons per year, and

(II) Photochemically reactive solvent emissions under 15A NCAC 2D .0518 are less than 30 pounds per day;

provided the facility is not required to be permitted under Section .0500 of this Subchapter;

(ii) sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;

(iii) perchloroethylene dry cleaners that emits less than 13,000 pounds of perchloroethylene per year;

(iv) electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped curing ovens with a heat input of less than 10,000,000 BTU per hour;

(E) miscellaneous:

(i) any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lessor quantity cutoff except:

(I) storage tanks,

(II) fuel combustion equipment, excluding fuel combustion equipment at facilities required to have a permit under Section .0500 of this Subchapter, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas,

liquefied petroleum gas, or a mixture of these fuels,

(III) space heaters burning waste oil,

(IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,

(V) bulk gasoline plants,

(VI) printing, paint spray booths, or other painting or coating operations,

(VII) sawmills,

(VIII) perchloroethylene dry cleaners, or

(IX) electrostatic dry powder coating operations,

provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit;

(ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide before air pollution control devices, i.e., uncontrolled emissions, are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates, and which is not required to have a permit under Section .0500 of this Subchapter;

(iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or

(iv) any incinerator covered under Subparagraph (c)(4) of 15A NCAC 2D .1201.

(F) case-by-case exemption:

(i) for activities located at facilities not required to have a permit under Section .0500 of this Subchapter, activities that the applicant demonstrates to the satisfaction of the Director:

(I) to be negligible in their air quality impacts,

(II) not to have any air pollution control device, and

(III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater; or

(ii) for activities located at facilities required to have a permit under Section .0500 of this Subchapter: activities that the applicant demonstrates to the satisfaction of the Director:

(I) to be negligible in their air quality impacts,

(II) not to have any air pollution control device,

(III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater,

(IV) the potential emissions of each criteria pollutant is less than five tons per year, and

(V) the potential emissions of each hazardous air pollutant is less than 1000 pounds per year.

(c) The Director shall exempt a source for which there are no applicable requirements at a facility required to have a permit under Section .0500 of this Subchapter from needing a permit if:

(1) The Director finds that emissions from the source are not likely to cause or contribute to any violation of an ambient air quality standard under 15A NCAC 2D .0400, or 40 CFR Part 50; and

(2) The proposed permit exemption is noticed along with the initial draft permit or the next draft permit revision requiring public notice or draft permit renewal, whichever occurs first, and is subject to public comment procedures in Section .0500 of this Subchapter.

If during the comment period EPA or any other person provides a satisfactory explanation to the Director of why the source should be permitted, the Director shall include the source in the facility's permit; otherwise, the Director shall not include the source in the facility's permit.

(d) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(e) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700 according to 15A NCAC 2Q .0702 (exemptions from air toxic permitting).

(f) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

History Note: Filed as a Temporary Adoption Eff. March 8,

1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996.

SECTION .0800 - EXCLUSIONARY RULES

.0801 PURPOSE AND SCOPE

(a) The purpose of this Section is to define categories of facilities that are exempted from needing a permit under Section .0500, Title V Procedures, of this Subchapter or the applicability of 15A NCAC 2D .1111 or 40 CFR Part 63 by defining their potential emissions to be less than:

(1) 100 tons per year of each regulated air pollutant;
(2) 10 tons per year of each hazardous air pollutant; and
(3) 25 tons per year of all hazardous air pollutants combined;

as determined by criteria set out in each individual source category rule. [A particular maximum achievable control technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the applicability of that MACT standard]. Potential emissions of hazardous air pollutants limited through the procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a facility.

(b) Coverage under the rules of this Section is voluntary. The owner or operator of a facility or source qualified to be covered under a rule in this Section that does not want to be covered under that rule shall notify the Director in writing that he does not want his facility covered under this Section, and the Section shall no longer apply to that facility or source.

(c) A source cannot rely on emission limits or caps contained in this Section to justify violation of any rate-based emission limits or other applicable requirements.

(d) Although a facility is exempted, by complying with this Section, from the permitting procedures contained in Section .0500, Title V Procedures, of this Subchapter, or the applicability of 15A NCAC 2D .1111 or 40 CFR Part 63, it may still need a permit under Section .0300, Construction and Operation Permit, of this Subchapter unless it is exempted from needing a permit by Rule .0102 of this Subchapter.

(e) Except for gasoline service stations and dispensing facilities and dry cleaning facilities, any facility or source not required to have a permit under this Subchapter shall not be required to maintain records and report emissions as required under this Section.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 1999.

.0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS

(a) For the purposes of this Rule, the following definitions apply:

(1) "Coating operation" means a process in which paints, enamels, lacquers, varnishes, inks, dyes, glues, and other similar materials are applied to wood, paper, metal, plastic, textiles, or other types of substrates.
(2) "Solvent cleaning operation" means the use of solvents containing volatile organic compounds to clean soils from metal, plastic, or other types of surfaces.
(3) "Graphic arts operation" means the application of inks to form words, designs, or pictures to a substrate, usually by a series of application rolls each with only partial coverage and usually using letterpress, offset lithography, rotogravure, or flexographic process.

(b) Potential emissions for a coating operation, solvent cleaning operation, or graphic arts operation shall be determined using actual emissions without accounting for any air pollution control devices to reduce emissions of volatile organic compounds or hazardous air pollutants including perchloroethylene, methyl cloroform, and methyl chloride from the coating operation, solvent cleaning operation or graphic arts operation. All volatile organic compounds and perchloroethylene, methyl chloroform, and methyl chloride are assumed to evaporate and be emitted into the atmosphere at the source.

(c) Paragraphs (d) through (l) of this Rule do not apply to any facility whose potential emissions are greater than or equal to:

(1) 100 tons per year of each regulated air pollutant;
(2) 10 tons per year of each hazardous air pollutant; or
(3) 25 tons per year of all hazardous air pollutants combined;

as determined by criteria set out in each individual source category rule. [A particular maximum achievable control technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the applicability of that MACT standard.]

(d) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics arts operation shall be exempted from the requirements of Section .0500 of this Subchapter, provided the owner or operator of the facility complies with Paragraphs (f) through (j) of this Rule, as appropriate.

(e) Only Paragraph (b) of this Rule applies to coating operations, solvent cleaning operations, or graphic arts operations that are exempted from needing a permit under Rule .0102 of this Subchapter.

(f) The owner or operator of a facility whose potential emissions:

(1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per year;
(2) of each hazardous air pollutant is less than 10 tons per year but more than or equal to 7.5 tons per year; or
(3) of all hazardous air pollutants combined are less than 25 tons per year but more than or equal to 18 tons per

year;

shall maintain records and submit reports as described in Paragraphs (g) and (j) of this Rule.

(g) For facilities covered under Paragraph (f) of this Rule, the owner or operator shall:

(1) maintain monthly consumption records of each material used containing volatile organic compounds as follows:
  (A) quantity of volatile organic compound in pounds per gallon of each material used,
  (B) pounds of volatile organic compounds of each material used per month and total pounds of volatile organic compounds of each material used during the 12-month period ending on that month,
  (C) quantity of each hazardous air pollutant in pounds per gallon of each material used,
  (D) pounds of each hazardous air pollutant of each material used per month and total pounds of each hazardous air pollutant of each material used during the 12-month period ending on that month,
  (E) quantity of all hazardous air pollutants in pounds per gallon of each material used, and
  (F) pounds of all hazardous air pollutants of each material used per month and total pounds of all hazardous air pollutants of each material used during the 12-month period ending on that month; and

(2) submit to the Director each quarter, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:
  (A) pounds volatile organic compounds used:
    (i) for each month during the quarter, and
    (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method;
  (B) greatest quantity in pounds of an individual hazardous air pollutant used:
    (i) for each month during the quarter, and
    (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method; and
  (C) pounds of all hazardous air pollutants used:
    (i) for each month during the quarter, and
    (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method.

(h) The owner or operator of a facility whose potential emissions:

(1) of volatile organic compounds are less than 75 tons per year,
(2) of each hazardous air pollutants is less than 7.5 tons per year, and
(3) of all hazardous air pollutants combined are less than 18 tons per year,

shall maintain records and submit reports as described in Paragraphs (i) and (j) of this Rule.

(i) For facilities covered under Paragraph (h) of this Rule, the owner or operator shall submit to the Director by February 15th of each year, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:

(1) pounds volatile organic compounds used during the previous calendar year,
(2) pounds of the highest individual hazardous air pollutant used during the previous year, and
(3) pounds of all hazardous air pollutants used during the previous year.

(j) In addition to the specific reporting requirements for sources covered under Paragraphs (f) and (h) of this Rule, the owner or operator of the source shall:

(1) maintain purchase orders and invoices of materials containing volatile organic compounds, which shall be made available to the Director upon request to confirm the general accuracy of the reports filed under Paragraphs (g) or (i) of this Rule regarding materials usage;
(2) retain purchase orders and invoices for a period of at least three years;
(3) report to the Director any exceedance of a requirement of this Rule within one week of occurrence; and
(4) certify all submittals as to the truth, completeness, and accuracy of all information recorded and reported over the signature of the appropriate official as identified in Rule .0304(j) of this Subchapter.

(k) Copies of all records required to be maintained under Paragraphs (g), (i) or (i) of this Rule shall be maintained at the facility and shall be available for inspection by personnel of the Division on demand.

(l) The Director shall maintain a list of facilities covered under this Rule.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 1999.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

SECTION .0100 - GENERAL RULES

.0101 DEFINITIONS

(a) All definitions set out in G.S. 113, Subchapter IV apply to this Chapter.

(b) The following additional terms are hereby defined:

(1) Commercial Fishing Equipment. All fishing equipment used in coastal fishing waters except:
  (A) Seines less than 12 feet in length;
  (B) Spears;
  (C) A dip net having a handle not more than eight feet in length and a hoop or frame to which the

net is attached not exceeding 60 inches along the perimeter;

(D) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;

(E) A landing net used to assist in taking fish when the initial and primary method of taking is by the use of hook and line; and

(F) Cast Nets.

(2) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.

(3) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight.

(4) Possess. Any actual or constructive holding whether under claim of ownership or not.

(5) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.

(6) Use. Employ, set, operate, or permit to be operated or employed.

(7) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.

(8) Gill Net. A net set vertically in the water to capture fish by entanglement by the gills in its mesh as a result of net design, construction, mesh size, webbing diameter or method in which it is used.

(9) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used.

(10) Internal Coastal Waters or Internal Waters. All coastal fishing waters except the Atlantic Ocean.

(11) Channel Net. A net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.

(12) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.

(13) Mechanical methods for clamming. Includes, but not limited to, dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.

(14) Mechanical methods for oystering. Includes, but not limited to, dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.

(15) Depuration. Purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.

(16) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a definite pink, white, or red line or rim on the outer edge of the back fin or flipper.

(17) Length of finfish:

(A) Total length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.

(B) Fork length is determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin.

(C) Fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.

(18) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.

(19) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from authorized sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following: predator protection, food, water circulation, salinity, or temperature controls utilizing proven technology not found in the natural environment.

(20) Critical habitat areas. The fragile estuarine and marine areas that support juvenile and adult populations of economically important seafood species, as well as forage species important in the food chain. Critical habitats include nursery areas, beds of submerged aquatic vegetation, shellfish producing areas, anadromous fish spawning and anadromous fish nursery areas, in all coastal fishing waters as determined through marine and estuarine survey sampling. Critical habitats are vital for portions, or the entire life cycle, including the early growth and development of important seafood species.

(A) Beds of submerged aquatic vegetation are those habitats in public trust and estuarine waters vegetated with one or more species of submerged vegetation such as eelgrass (Zostera marina), shoalgrass (Halodule wrightii) and widgeongrass (Ruppia maritima). These vegetation beds occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of above-ground leaves or the below-ground rhizomes and propagules together with the sediment on which the plants grow. In defining beds of submerged aquatic vegetation, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S.

113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition and its implementing rules to apply to or conflict with the non-development control activities authorized by that Act.

(B) Shellfish producing habitats are those areas in which economically important shellfish, such as, but not limited to clams, oysters, scallops, mussels, and whelks, whether historically or currently, reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.

(C) Anadromous fish spawning areas are defined as those areas where evidence of spawning of anadromous fish has been documented by direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.

(D) Anadromous fish nursery areas are defined as those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.

(21) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.

(22) North Carolina Trip Ticket. Multiple-part form provided by the Department to fish dealers who are required to record and report transactions on such forms.

(23) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed or landed. The point of landing shall be considered a transaction when the fisherman is the fish dealer.

(24) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate including dead coral or rock (excluding mollusk shells). For example, such living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to:

(A) Animals:

(i) Sponges (Phylum Porifera);

(ii) Hard and Soft Corals, Sea Anemones (Phylum Cnidaria):

(I) Fire corals (Class Hydrozoa);

(II) Gorgonians, whip corals, sea pansies, anemones, Solenastrea (Class Anthozoa);

(iii) Bryozoans (Phylum Bryozoa);

(iv) Tube Worms (Phylum Annelida):

(I) Fan worms (Sabellidae);

(II) Feather duster and Christmas tree worms (Serpulidae);

(III) Sand castle worms (Sabellaridae).

(v) Mussel banks (Phylum Mollusca:Gastropoda);

(vi) Colonial barnacles (Arthropoda: Crustacea: Megabalanus sp.).

(B) Plants:

(i) Coralline algae (Division Rhodophyta);

(ii) Acetabularia sp., Udotea sp., Halimeda sp., Caulerpa sp. (Division Chlorophyta);

(iii) Sargassum sp., Dictyopteris sp., Zonaria sp. (Division Phaeophyta).

(25) Coral:

(A) Fire corals and hydrocorals (Class Hydrozoa);

(B) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia);

(C) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia):

(i) Sea fans (Gorgonia sp.);

(ii) Sea whips (Leptogorgia sp. and Lophogorgia sp.);

(iii) Sea pansies (Renilla sp.).

(26) Shellfish production on leases and franchises:

(A) The culture of oysters, clams, scallops, and mussels, on shellfish leases and franchises from a sublegal harvest size to a marketable size.

(B) The transplanting (relay) of oysters, clams, scallops and mussels from designated areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.

(27) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, mussels, from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.

(28) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.

(29) Pound Net. A fish trap consisting of a holding pen, one or more enclosures, and a lead or leaders. The lead(s), enclosures, and holding pen are not conical, nor are they supported by hoops or frames.

(30) Educational Institution. A college, university or community college accredited by a regional accrediting institution.

(31) Long Haul Operations. A seine towed between two boats.

(32) Swipe Net Operations. A seine towed by one boat.

(33) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.

History Note: Authority G.S. 113-134; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;

Recodified from 15A NCAC 31.0001 Eff. December 17, 1996; Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997.

SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0100 - NET RULES, GENERAL

.0107 POUND NETS

(a) It is unlawful to use pound or fyke nets in internal coastal fishing waters without the owner's identification being clearly printed on a sign no less than six inches square, securely attached on an outside corner stake of each such net. Such identification must include one of the following:

(1) For pound nets, the pound net permit number and the owner's last name and initials.

(2) For fyke nets, the owner's N.C. motorboat registration number or the owner's last name and initials.

Any pound or fyke net or any part thereof found set in internal coastal fishing waters without proper identification will be in violation and may be removed and disposed of in accordance with G.S. 113-137.

(b) It is unlawful to set pound nets, or any part thereof except location identification stakes at each end of proposed new locations without first obtaining a Pound Net Permit from the Fisheries Director.

(1) For proposed new locations, the Fisheries Director shall issue a public notice of intent to consider issuance of a Pound Net Permit, and may hold public meetings to take comments on the proposed pound net set. The Fisheries Director shall approve or deny the permit within 60 days of application. The Fisheries Director may deny the permit application if it is determined that granting the permit will be inconsistent with one or more of the following permitting criteria:

(A) The application is in the name of an individual.

(B) The proposed pound net set, either alone or when considered cumulatively with other existing pound net sets in the area, will not unduly interfere with public navigation.

(C) The proposed pound net set, either alone or when considered cumulatively with other existing pound net sets in the area, will not unduly interfere with existing, traditional uses of the area other than navigation.

(D) The proposed pound net set will not interfere with the rights of any riparian or littoral landowner, including the construction or use of piers.

(E) The proposed pound net set will not, by its proximate location, unduly interfere with existing pound net sets in the area.

(F) The applicant has in the past complied with fisheries laws related to pound nets.

(G) The proposed pound net set is in the public interest.

Approval may be conditional based upon the applicant's continuing compliance with specific conditions contained in the Pound Net Permit that would ensure that the operation of the pound net is consistent with the criteria for permit denial set out in Parts (A) through (G) of this Subparagraph. The Fisheries Director's final decision to approve or deny the Pound Net Permit application may be appealed by filing a petition for a contested case hearing, in writing, within 60 days notice of such action, with the Office of Administrative Hearings.

(2) An application for renewal of an existing Pound Net Permit shall be filed not less than 10 days prior to the date of expiration of the existing permit, and shall not be processed unless filed by the prior permittee. When a written objection to a renewal has been received during the term of the existing permit, the Fisheries Director shall review the renewal application under the criteria for issuance of a new Pound Net Permit, and may decline to renew the permit accordingly.

(3) A Pound Net Permit, whether a new or renewal permit, shall expire 365 days from the date of issuance.

(c) It is unlawful to abandon an existing pound net set without completely removing from the public bottom or coastal waters all stakes and associated structures, gear and equipment within 30 days, or to fail within 30 days to completely remove from the public bottom or coastal waters all stakes and other structures, gear and equipment associated with any pound net set for which a permit is revoked or denied. Pound nets shall be fully operational and subject to inspection during the peak of their respective fishing seasons. Consideration shall be given for unusually severe weather conditions which prevent the nets from being fully operational during the inspection period. Herring pounds may be inspected two weeks prior to or after April 1, sciaenid pounds two weeks prior to or after July 15, flounder pounds two weeks prior to or after October 15, bait pounds two weeks prior to or after April 15, and shrimp pounds two weeks prior to or after June 15. A violation under this Paragraph shall be grounds for the Fisheries Director to revoke any other Pound Net Permits held by the violator and for denial of any future pound net set proposed by the offender.

(d) It is unlawful to transfer ownership of a pound net without notification to the Division of Marine Fisheries within 30 days of the date of the transfer. Such notification shall be made by the new owner in writing and shall be accompanied by a copy of the previous owner's permit and an application for a pound net permit in the new owner's name. Failure to do so shall result in revocation of the pound net permit.

(e) Every pound net set shall have a marked navigational opening of at least 25 feet in width at the end of every third pound. Such opening shall be marked with yellow light reflective tape or devices on each side of the opening. The light reflective tape or devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions by a vessel approaching the pound net set. In addition, every pound

net in internal coastal fishing waters shall have yellow light reflective tape or devices on each pound. The light reflective tape or devices shall be affixed to a stake of at least three inches in diameter on the offshore end of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions by a vessel approaching the pound net set. If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 15 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(f) In Core Sound, it is unlawful to use pound nets in the following areas except that only those persons holding a valid pound net permit within the specified area as of March 1, 1994, may renew their permits subject to the requirements of this Rule:

(1) That area bounded by a line beginning at Green Day Marker #3 near Hog Island Point running 124° (M) to Green Flasher #13; thence 026° (M) to Green Flasher #11; thence 294° (M) to a point on shore north of Great Ditch 34° 58′ 54″ N - 76° 15′ 06″ W; thence following the shoreline to Hog Island Point 34° 58′ 27″ N - 76° 15′ 49″ W; thence 231° (M) back to Green Day Marker #3.

(2) That area bounded by a line beginning at Green Day Marker #3 near Hog Island Point running 218° (M) to Cedar Island Point 34° 57′ 33″ N - 76° 16′ 34″ W; thence 156° (M) to Red Flasher #18; thence 011° (M) to Red Flasher #2; thence 302° (M) back to Green Marker #3.

(3) That area bounded by a line beginning on Long Point 34° 56′ 52″ N - 76° 16′ 42″ W; thence running 105° (M) to Red Marker #18; thence running 220° (M) to Green Marker #19; thence following the six foot contour past the Wreck Beacon to a point at 34° 53′ 45″ N - 76° 18′ 11″ W; thence 227° (M) to Red Marker #26; thence 229° (M) to Green Marker #27; thence 271° (M) to Red Flasher #28; thence 225° (M) to Green Flasher #29; thence 256° (M) to Green Flasher #31; thence 221° (M) to Green Flasher #35; thence 216° (M) to Green Flasher #37; thence 291° (M) to Bells Point 34° 43′ 42″ N - 76° 29′ 59″ W; thence north following the shoreline of Core Sound across the mouth of Jarrett Bay, Oyster Creek, Fulcher Creek, Willis Creek, Nelson Bay, Styron Bay, East Thorofare Bay and Rumley Bay, back to Long Point.

(g) In Pamlico Sound, it is unlawful to set a pound net, pound net stakes, or any other related equipment without radar reflective metallic material and yellow light reflective tape or devices on each end of the pound net set. The radar reflective material and the light reflective tape or devices must be affixed to a stake of at least three inches in diameter, must cover a vertical distance of not less than 12 inches, and must be detectable by radar and light from a vessel when approached from all directions. Light reflective tape or devices may be affixed to the radar reflective material.

(h) Escape Panels:

(1) The Fisheries Director may, by proclamation, require escape panels in pound nets and may impose any or all of the following restrictions on the use of escape panels:

(A) Specify size, number, and location.

(B) Specify mesh length, but not more than six inches.

(C) Specify time or season.

(D) Specify areas.

(2) It is unlawful to use flounder pound nets without four unobstructed escape panels in each pound south and east of a line beginning at a point on Long Shoal Point at 35° 57' 23.7" N-76° 00' 49"W; thence running 116.5° (T) 2.764 yards to Green Marker No. 5 east of the Intracoastal Waterway in the Alligator River at 35° 56' 43.9" N-75° 59' 18"W; thence following Route #1 of the Intracoastal Waterway in Albemarle Sound to Green Marker No. 171 at 36° 09' 18.2" N-75° 53' 29.5" W; thence running 299° (T) 2.160 yards to a point on Camden Point at 36° 09' 52.5" N - 75° 54' 39.9" W. The escape panels must be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels must be a minimum mesh size of five and one-half inches, hung on the diamond, and must be at least six meshes high and eight meshes long.

History Note: Authority G.S. 113-134; 113-152; 113-182; 113-221; 143B-289.53;
Eff. January 1, 1991;
Amended Eff. April 1, 1999; March 1, 1996; March 1, 1994; September 1, 1991; January 1, 1991.

SUBCHAPTER 3M - FINFISH

SECTION .0500 - OTHER FINFISH

.0503 FLOUNDER

(a) It is unlawful to possess flounder:

(1) Less than 13 inches in length taken from internal waters;

(2) Less than 14 inches in length taken from the Atlantic Ocean with commercial fishing equipment or by hook-and-line or gig if claiming the exemption specified in Paragraph (f) of this Rule;

(3) Less than 15 inches in length taken from the Atlantic Ocean by hook-and-line or gig.

(b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (35° 33′ N) to Cape Lookout (34° 36′ N) unless each trawl has a mesh length of 5 ½ inches or larger diamond mesh (stretched) or 6 inches or larger square mesh (stretched) applied throughout the body, extension(s) and the cod end (tailbag) of the net except as provided in Paragraphs (h) and (i) of this Rule.

(c) License to Land Flounder from the Atlantic Ocean:

(1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the vessel has been issued a License to Land Flounder from the Atlantic Ocean.

(2) It is unlawful for a fish dealer to purchase or offload

more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel that has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean.

(3) To qualify for a North Carolina License to Land Flounder from the Atlantic Ocean, a vessel shall have:

(A) been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years, and

(B) landed in North Carolina at least 1,000 pounds of flounder each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, or 1994-95 license years for which the vessel was licensed to land in North Carolina.

(4) At least 10 days prior to issuance, applicants for the license shall complete an application form provided by the Division of Marine Fisheries and submit it to the North Carolina Division of Marine Fisheries, Post Office Box 769, 3441 Arendell Street, Morehead City, North Carolina 28557. The following information is required:

(A) Valid documentation papers or current motor boat registration or copy thereof;

(B) Proof of required licenses and flounder landings data for that vessel during the years the vessel was licensed.

Licenses shall be issued to qualifying vessels at no fee and only from the Morehead City Office of the Division of Marine Fisheries.

(5) Licenses may only be transferred:

(A) with the transfer of the ownership of a vessel holding a License to Land Flounder from the Atlantic Ocean to the new owner of that vessel; or

(B) by the owner of a vessel to another vessel under the same ownership. The vessel owner is only eligible for the same number of Licenses to Land Flounder from the Atlantic Ocean for which his boats qualify.

(6) Any transfer of license under this Paragraph must be facilitated through the Division of Marine Fisheries Morehead City Office only.

(7) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.

(8) Suspension or Revocation:

(A) A License to Land Flounder from the Atlantic Ocean issued under this Rule shall be subject to suspension or revocation pursuant to the provisions of 15A NCAC 3P, except that this license shall be subject to revocation pursuant to the provisions of G.S. 113-166 when the licensee is convicted of a criminal offense within the jurisdiction of the Department under the provisions of Subchapter IV of G.S. 113, or of the rules of the Marine Fisheries Commission adopted under the authority of that Subchapter.

(B) The Division may commence proceedings under 15A NCAC 3P, for suspension or revocation of a License to Land Flounder from the Atlantic Ocean if it finds:

(i) the license was obtained by providing any false information or willfully omitting required information when the information is material to the securing of the license; or

(ii) the license was falsified, fraudulently altered, or counterfeited; or

(iii) the licensee practices any fraud or deception designed to evade the provisions of this Rule or reasonable administrative directives made under the authority of this Rule or G.S. 113-182(b)(3).

(d) It is unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.

(e) It is unlawful to possess more than eight flounder per person per day taken by hook-and-line or gig from the Atlantic Ocean.

(f) Persons fishing from a vessel with a valid vessel endorsement to sell or persons fishing but not from a vessel who hold a valid nonvessel endorsement to sell are exempt from the possession limit in Paragraphs (a) (3) and (e) of this Rule.

(g) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh required by this Rule, shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from October 1 through April 30 from the North Carolina/Virginia state line (36° 33′ N) to Cape Lookout (34° 36′ N).

(h) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.

(i) Flynets are exempt from the flounder trawl mesh requirements if they meet the following definition:

(1) The net has large mesh in the wings that measure 8 inches to 64 inches;

(2) The first body section (belly) of the net has 35 or more meshes that are at least 8 inches; and

(3) The mesh decreases in size throughout the body of the net to as small as 2 inches or smaller towards the terminus of the net.

(j) Commercial Season.

(1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 70 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by

proclamation, close North Carolina ports to landing of flounder taken from the ocean.

(2) The season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.

(3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.

(k) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

History Note: Filed as a Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; February 1, 1992;
Temporary Amendment Eff. December 23, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. June 1, 1998, August 18, 1997;
Amended Eff. April 1, 1999; August 1, 1998.

.0507 RECREATIONAL FISHING RESTRICTIONS

(a) Blue marlin:

(1) It is unlawful to possess blue marlin less than 96 inches in length from the lower jaw to the fork in the tail.

(2) It is unlawful to possess more than one blue marlin per person per day.

(b) White marlin:

(1) It is unlawful to possess white marlin less than 66 inches in length from the lower jaw to the fork in the tail.

(2) It is unlawful to possess more than one white marlin per person per day.

(c) Sailfish:

(1) It is unlawful to possess sailfish less than 57 inches in length from the lower jaw to the fork in the tail.

(2) It is unlawful to possess more than one sailfish per person per day.

(d) Cobia:

(1) It is unlawful to possess cobia less than 33 inches fork length taken by hook-and-line.

(2) It is unlawful to possess more than two cobia per person per day taken by hook-and-line.

(e) Dolphin:

(1) It is unlawful to possess more than 10 dolphin per person per day.

(2) Exemptions:

(A) Charter vessels with a valid National Marine Fisheries Service Charter Vessel Coastal Migratory Pelagic Permit and licensed by the U.S. Coast Guard to carry six or less passengers for hire, may possess a maximum of 60 dolphin per day regardless of the number of people on board.

(B) Vessels with a valid commercial National Marine Fisheries Service Federal Coastal Migratory Pelagic Permit including charterboats when fishing with three or less persons (including captain and mate) on board are exempt from the creel limits set out in Subparagraph (e)(1) of this Rule.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; March 1, 1994; February 1, 1992; September 1, 1991;
Temporary Amendment Eff. June 1, 1998; September 9, 1996;
Amended Eff. April 1, 1999; July 1, 1998.

SUBCHAPTER 3P - HEARING PROCEDURES

SECTION .0200 - DECLARATORY RULINGS

.0203 DEFINITION

For purposes of Rule .0202 of this Subchapter, a declaratory ruling shall be deemed to be "in effect" until the statute or rule interpreted by the declaratory ruling is amended, altered or repealed; until the Commission changes the declaratory ruling prospectively for good reasons; until any court sets aside the ruling in litigation between the Commission or Department of Environment and Natural Resources and the party requesting the rule; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

History Note: Authority G.S. 113-134; 113-182; 143B-289.53; 150B-4;
Eff. April 1, 1999.

CHAPTER 6 - SOIL AND WATER CONSERVATION COMMISSION

SUBCHAPTER 6E - AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL

SECTION .0100 - AGRICULTURE COST SHARE PROGRAM

.0105 COST SHARE AND INCENTIVE PAYMENTS

(a) Cost share and incentive payments may be made through LTA's or AA's between the district and the applicant.

(b) For all practices except those eligible for CSI, the state shall provide 75 percent and the applicant 25 percent of the average cost for BMP installation. In-kind contributions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall be specified in the agreement for cost sharing and shall be approved by the district.

(c) Payments for BMP's restricted to the CSI shall be limited to a maximum of three years per farm.

(d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive payments shall be updated and revised annually by the Division for approval by the Commission.

(e) The maximum total cost share payments to an applicant shall be limited to seventy-five thousand dollars ($75,000) per year.

(f) Cost share payments to implement BMP's under this program may be combined with other funding programs, as long as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e) of this Rule. For special funding programs where the applicant relinquishes all production capability on his or her agriculture land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program funding shall not exceed 75 percent of the average cost of BMP installation.

(g) Use of cost share payments is restricted to land located within the county approved for funding by the Commission. In the situation where an applicant's farm is not located solely within a county, the entire farm, if contiguous, shall be eligible for cost share payments.

(h) Cost share contracts used on or for local, state or federal government land must be approved by the Commission in order to avoid potential conflicts of interest and to ensure that such contracts are consistent with the purposes of this program.

History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;
Eff. May 1, 1987;
Temporary Amendment Eff. September 23, 1996;
Recodified from 15A NCAC 6E .0005 Eff. December 20, 1996;
Temporary Amendment Expired on June 13, 1997;
Amended Eff. April 1, 1999; January 1, 1998.

CHAPTER 8 - WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION

SUBCHAPTER 8G - AUTHORITY: ORGANIZATION STRUCTURE: DEFINITIONS AND HEARING PROCEDURES

SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS

.0101 PURPOSE

The purpose of these Rules is to:

(1) protect the public health of the citizens of the State; and

(2) conserve, protect, and maintain the quality of the water resources of the State as assigned by the North Carolina Environmental Management Commission; and

(3) protect the public investment in water pollution control systems; and

(4) provide for the classification of water pollution control systems; and

(5) establish the procedures for the examination and certification of operators of water pollution control systems.

History Note: Authority G.S. 90A-35;
Eff. April 1, 1999.

.0102 DEFINITIONS

(a) "Activated sludge" shall mean a biological wastewater treatment process in which predominantly biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension which is separated from the treated wastewater gravimetrically.

(b) "Actual experience" shall mean the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose principal job responsibility is the actual physical operation of process equipment and systems at a water pollution control system. Primary job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct, or indirect, supervision do not qualify as actual experience.

(c) "Approved training" shall mean any training, required in order to be eligible for an examination or to meet continuing education requirements, that has been approved by the Commission in accordance with 15 NCAC 8G .0701.

(d) "Back-up ORC" shall mean Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from their professional duties as set forth in G.S. 90A-44.

(e) "Basic sciences" shall mean courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by an accredited college or university.

(f) "Biological Nutrient Removal" shall mean the reduction of total nitrogen or total phosphorous by an activated sludge or fixed growth process.

(g) "Chemical process" shall mean a water pollution control system process consisting exclusively of the addition of chemicals to treat wastewaters.

(h) "Collection system" shall mean a continuous connection of pipelines, conduits, pumping stations and other related constructions or devices used to conduct wastewater to a water pollution control system.

(i) "Commission" shall mean the Water Pollution Control System Operators Certification Commission created by G.S.

143B-300.

(j) "Contact Hour" shall mean one hour of Commission approved operator instruction in accordance with 15 NCAC 8G .0701.

(k) "Contract operations firm" shall mean any commercial water pollution control system operations firm which contracts with the owner of a water pollution control system to provide operational services for the system pursuant to G.S. 90A-45(a).

(l) "Contract operator" shall mean any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).

(m) "Currently valid certificate" shall mean the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked, relinquished, invalidated, or suspended.

(n) "Electrodialysis system" shall mean a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.

(o) "Fixed growth" shall mean a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is affixed to support media and includes systems such as trickling filters, rotating biological contactors, and biological tower treatment systems.

(p) "GED" shall mean general educational development in reference to a high school diploma equivalency.

(q) "ORC" shall mean the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46.

(r) "Owner" shall mean the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as described in G.S. 90A-44.

(s) "Passing score" shall mean earning 70 percent of the available points on an examination administered by the Commission.

(t) "Permanent certificate" shall mean the certificate of competency issued by the Commission to an individual as the result of the individual obtaining a passing score on an examination administered by the Commission, or a certificate issued by reciprocity agreement by the Commission, and is subject to the provisions of G.S. 90A-40(a).

(u) "Physical/Chemical system" shall mean any water pollution control system which utilizes a physical and/or a chemical process.

(v) "Physical process" shall mean any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, flotation or filtration as the means of treatment.

(w) "Reciprocity certificate" shall mean a certificate issued of the appropriate type and grade without examination to any person who is properly registered on the "National Association of Boards of Certification" Reciprocity Register and who meets all other requirements of these Rules as set forth in G.S. 90A-40(b).

(x) "Regional office" shall mean one of the seven local offices of the Division of Water Quality located across the State.

(y) "Residuals" shall mean any solid or semisolid byproduct that is produced by the treatment of wastewater in a water pollution control system.

(z) "Reverse osmosis system" shall mean a system which utilizes solutions and semipermeable membranes to separate and treat wastewaters.

(aa) "Satisfactory completion" shall mean the attendance of at least 80 percent of the approved training.

(bb) "Temporary certificate" shall mean a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).

(cc) "Ultrafiltration system" shall mean a system which utilizes a membrane filter process to remove pollutants from wastewater.

(dd) "Water pollution control system" shall mean any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

History Note: Authority G.S. 143B-300;
Eff. April 1, 1999.

SECTION .0200 - DUTIES AND RESPONSIBILITES

.0201 REQUIREMENTS FOR CERTIFIED OPERATORS

Owners of classified water pollution control systems shall designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each system, must designate:

(1) one Operator In Responsible Charge (ORC) who possesses a currently valid certificate of the type and grade at least equivalent to the type and grade of the system; and

(2) one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) who possesses a currently valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of residential systems with a design flow of less than 1,500 gallons per day.

History Note: Authority G.S. 90A-37; 90A-38; 90A-39;
Eff. April 1, 1999.

.0202 RESPONSIBILITIES OF SYSTEM OWNERS

(a) The owner of a classified water pollution control system must:

(1) designate one Operator in Responsible Charge (ORC) and one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) of the appropriate type and grade for the system as set forth in Rule .0201(a) of this Section; and

(2) submit a signed letter to the Commission (local health department for owners of subsurface systems), countersigned by the designated certified operators, designating the Operator in Responsible Charge (ORC) and the Back-up Operator in Responsible Charge (Back-up ORC):
  (A) 60 calendar days prior to wastewater or residuals being introduced into a new system; or
  (B) within 120 calendar days following:
    (i) receiving notification of a change in the classification of the system requiring the designation of a new Operator in Responsible Charge (ORC) and Back-up Operator in Responsible Charge (Back-up ORC) of the proper type and grade; or
    (ii) a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC).

(b) Upon the vacancy of the Operator in Responsible Charge (ORC) position for a system, the owner of the system must notify the appropriate regional office of the Division of Water Quality (local health department for owners of subsurface systems) of the vacancy, within 10 working days. If the 10 day notification was not made in writing, then within 20 working days of the vacancy written notification must be submitted to the regional office.

History Note: Authority G.S. 90A-37 through 90A-45;
Eff. April 1, 1999.

.0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An Operator in Responsible Charge (ORC) of a water pollution control system must:

(1) possess a currently valid certificate of the appropriate type and grade for the system; and
(2) visit the system as often as is necessary to insure the proper operation of the system but in no case less frequently than specified in the following schedule:
  (a) biological grade I systems with the exception of Sub-item (2)(e) of this Rule; weekly;
  (b) biological grade II, III, and IV systems, other than those systems specified in Rule .0204(2)(f) of this Section; five days per week, excluding holidays and weekends unless otherwise specified in the permit;
  (c) spray irrigation systems with the exception of Sub-item (2)(e) of this Rule; weekly.
  (d) collection systems; within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system unless visited by a collection system Back-up Operator in Responsible Charge;
  (e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or less; twice per year with a six month interval between visits;
  (f) domestic wastewater aerobic treatment units (ATUs) with a treatment capacity of 1500 gallons per day or less; weekly;
  (g) systems permitted under rules adopted by the Commission for Health Services; as required by 15A NCAC 18A .1961;
  (h) physical/chemical systems:
    (i) grade I systems, including groundwater remediation systems; weekly;
    (ii) grade II systems; five days per week, excluding holidays and weekends unless otherwise specified in the permit;
  (i) systems not otherwise classified; as specified by the Commission based on the complexity of the system; and
(3) operate and maintain the system efficiently and attempt to insure the compliance of the system with any permit(s) issued for the system as well as any other applicable local, state, and federal environmental permitting and regulatory requirements; and
(4) certify, by signature, as to the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system; and
(5) document the operation, maintenance, and all visitation of the system in a daily log that shall be maintained at the system; and
(6) notify the owner of the system in writing within five calendar days of first knowledge, of any:
  (a) overflows from the system or any treatment process unit; or
  (b) bypasses of the system or any treatment process unit; and
(7) notify the owner, in writing, of the need for any system repairs and modifications that may be necessary to insure the compliance of the system with all local, state, and federal environmental permitting and regulatory requirements; and
(8) be available:
  (a) for consultations with the system owner and regulatory officials; and
  (b) to handle emergency situations; and
  (c) to provide access to the facility by regulatory agencies.

History Note: Authority G.S. 90A-37 through 90A-40; 90A-44;
Eff. April 1, 1999.

.0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

The Back-up Operator in Responsible Charge (Back-up ORC):

(1) may act as surrogate for the Operator in Responsible Charge (ORC), if they possess a currently valid

certificate of the appropriate type and grade for the system, for a period:

(a) not to exceed 20 percent of the system visitations required per calendar year under Rule .0204(2) of this Section; or

(b) not to exceed 120 consecutive days when the Operator in Responsible Charge (ORC) is absent due to:

(i) the vacancy of the Operator in Responsible Charge (ORC) position; or

(ii) personal or familial illness; and

(2) must fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the Operator in Responsible Charge (ORC).

History Note: Authority G.S. 90A-37; 90A-44;
Eff. April 1, 1999.

SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

.0301 APPLICABILITY

(a) The purpose of this Section is to establish procedures for the classification of water pollution control systems.

(b) Not withstanding the requirements in Rules .0302 through .0307 of this Section, the Commission may modify the grade of a water pollution control system when:

(1) special conditions created by system design features, or inherent operational requirements, exist which make normal operation of the system more or less complex; or

(2) upgrades or other modifications to a system are completed; or

(3) changes in Commission classification rules are made.

(c) In-plant processes, and related water pollution control equipment which are integral parts of direct industrial production, shall not be considered water pollution control systems for the purpose of this Section.

(d) Water Pollution Control Systems permitted under rules adopted by the Commission for Health Services shall be deemed classified pursuant to Rule .0307 of this Section.

(e) Water Pollution Control Systems permitted under rules adopted by the Environmental Management Commission shall be classified by letter pursuant to Rules .0302 through .0308 of this Section.

(f) Reservoirs, settling ponds and associated pumps and piping which are an integral part of closed-loop water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, crushed stone and similar operations shall not be subject to the requirements of these Rules unless the Commission determines that the system is not being properly operated or maintained in accordance with permit conditions.

(g) Any water pollution control system, regardless of type or ownership, may be classified and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC), in the event that the Commission determines that the system is not being properly operated or maintained.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

.0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) The following discharging systems shall be assigned a classification of Grade I Biological Water Pollution Control System unless the permitted flow, or operational complexity of the system, is sufficient to warrant special consideration by the Commission:

(1) septic tank/sand filter systems;

(2) biological lagoon systems;

(3) constructed wetlands and associated appurtenances.

(b) Systems that utilize an activated sludge or fixed growth process with a permitted flow less than or equal to 0.5 million gallons per day (mgd) shall be assigned the classification of Grade II Biological Water Pollution Control System.

(c) Systems utilizing an activated sludge or fixed growth process with permitted flows of greater than 0.5 through 2.5 million gallons per day (mgd) shall be assigned the classification of Grade III Biological Water Pollution Control System.

(d) Systems utilizing an activated sludge or fixed growth process with a permitted flow greater than 2.5 million gallons per day (mgd) shall be assigned a classification of Grade IV Biological Water Pollution Control System.

(e) Any system receiving a classification of Grade II Biological Water Pollution Control System pursuant to Paragraph (b) of this Rule, that is required to achieve biological nutrient reduction, shall be assigned the classification of Grade III Biological Water Pollution Control System.

(f) Any system receiving a classification of Grade III Biological Water Pollution Control System pursuant to Paragraph (c) of this Rule, that is required to achieve biological nutrient reduction, shall be assigned the classification of Grade IV Biological Water Pollution Control System.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

.0303 CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS

(a) Water pollution control collection systems operated to convey wastewater to water pollution control systems which are permitted or tributary to municipalities, regional water pollution control systems, water and sewer authorities, public utilities, or are a Grade II, III or IV state or federally owned system, shall be subject to classification in accordance with Rule .0303(b) of this Section. Any collection system, regardless of ownership, may be classified and required to designate an Operator in Responsible Charge (ORC) and a Back-up Operator in Responsible Charge (Back-up ORC) if the Commission determines that the system is not being operated and maintained in a manner which prevents the escape of wastewater from the system into the environment.

(b) Collection systems shall be assigned a classification that

is:

(1) the same as the grade of the biological water pollution control system to which the collection system is tributary; or

(2) based on the population served by the collection system in accordance with the following chart, whichever provides the lower grade:

(A) 1,500 or less Grade I;

(B) 1,501 to 15,000 Grade II;

(C) 15,001 to 50,000 Grade III;

(D) 50,001 or more Grade IV.

In the event that the population served cannot be determined, the equivalent population served shall be calculated by using the design flow of the system divided by a flow of 60 gallons per day per person.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

.0306 CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes a primarily physical process to treat wastewaters, with the exception of reverse osmosis, electrodialysis, and ultrafiltration systems, shall be classified as a Grade I Physical/Chemical Water Pollution Control System.

(b) Any water pollution control system that utilizes a primarily chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, shall be classified as a Grade II Physical/Chemical Water Pollution Control System. Reverse osmosis, electrodialysis, and ultrafiltration systems shall be classified as Grade II Physical/Chemical Water Pollution Control System.

(c) Any water pollution control system that has, as part of its treatment process, a biological water pollution control system that may be classified under Rule .0302 of this Section shall be subject to additional classification as a biological water pollution control system.

(d) Any water pollution control system subject to classification under Rule .0302 of this Section, utilizing a physical or chemical process to enhance an activated sludge or fixed growth process, shall not be subject to additional classification under this Rule.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

.0307 CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS

(a) Systems permitted under rules adopted by the Environmental Management Commission which utilize the soil for the subsurface treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.

(b) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.

(c) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0307 of this Section shall be subject to additional classification. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, sand filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, no additional classification will be required.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

.0308 SYSTEMS NOT OTHERWISE CLASSIFIED

The Commission may classify any water pollution control system which is not otherwise classified when that system is receiving wastewater that has distinctly different characteristics from typical domestic wastewater or is a water pollution control system which contains treatment processes that are sufficiently different from the conventional treatment processes classified in Rules .0302 through .0306 of this Section.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999.

SECTION .0400 - ELIGIBILITY REQUIREMENTS FOR EXAMINATIONS

.0408 ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION

(a) The Commission may allow an applicant for any water pollution control system operator certificate to take the examination if the individual has met all of the prerequisite education and certification requirements but is unable to meet the actual experience requirement.

(b) Upon achieving a passing score on the examination, the applicant shall be issued an Operator In Training (OIT) certificate of the same type and grade as the examination.

(c) The Operator In Training (OIT) certificate does not qualify the applicant to be designated as the Operator in Responsible Charge (ORC) or Back-up Operator In Responsible Charge (Back-Up ORC) of a system.

(d) Operator In Training (OIT) certificates shall be renewed annually as stipulated in 15A NCAC 8G .0701.

(e) When the holder of an Operator in Training (OIT) certificate completes the prerequisite experience for the permanent certificate at that type and level, the holder must submit an application documenting the experience, with the appropriate fee for a replacement certificate in order to receive the permanent certificate at that level.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999.

SECTION .0500 - CERTIFICATION BY

EXAMINATION

.0501 APPLYING FOR EXAMINATION

(a) All applications for examination submitted to the Commission must be:

(1) submitted on an application form; and
(2) accompanied by the appropriate application fee; and
(3) completed in entirety with all required information, documentation, and signatures provided; and
(4) postmarked at least 30 days prior to the scheduled date of the examination.

(b) Upon receipt of an application by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination will be made.

(c) Each applicant shall be notified, in writing, of their eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall receive written notification containing information concerning the date, time and location of the examination. This written notification shall be considered a receipt from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination shall receive written notification of the ineligibility determination.

(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
Eff. April 1, 1999.

.0503 EXAMINATION ADMINISTRATION

(a) The Commission shall set the dates, times, and locations for all examinations.

(b) Additional examinations may be administered by the Commission at any time, or at any location, when a sufficient number of applications have been received to warrant such an examination.

(c) Before each applicant receives his/her examination paper, he/she shall identify themselves by way of a valid driver's license or other form of photo identification satisfactory to the proctor.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999.

SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION

.0601 RECIPROCITY CERTIFICATION

(a) The Commission may issue certification without examination to individuals listed on the National Association of Boards of Certification (ABC) Reciprocity Register who possess certification of the same type and grade as those certifications offered by the Commission.

(b) All requests for reciprocity certification must be submitted on an approved application form and must be accompanied by the required fee and proof of listing on the ABC Reciprocity Register. Upon receipt of a reciprocity certificate application, a copy of the rules which govern certified water pollution control system operators, along with a copy of a Commission-approved Statement of Understanding agreement, shall be forwarded to the applicant. The applicant must return the signed, notarized Statement of Understanding agreement verifying that they have read and are familiar with the rules which govern certified water pollution control system operators.

(c) A reciprocity certificate shall be issued to the applicant upon receipt of the notarized Statement of Understanding by the Commission. Failure to complete and submit a notarized Statement of Understanding shall result in the request for reciprocity being denied.

(d) Applicants for reciprocity certification shall not have taken and failed to achieve a passing score on a Commission-administered examination, of the same type and grade as that for which reciprocity certification is being requested, within the previous 24 month period prior to the date of the application for reciprocity certification.

(e) Applicants who obtain reciprocity certification by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-40; 90A-42;
Eff. April 1, 1999.

.0602 TEMPORARY CERTIFICATES

(a) Temporary certificates, of any type and grade, may be issued by the Commission to the operator of a water pollution control system, for a period not to exceed one year, due to:

(1) the unexpected vacancy of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC); or
(2) the suspension or revocation of the certification of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC); or
(3) a change in the classification of the system due to the completion of an upgrade or expansion, or permit modification; or
(4) a modification to Commission rules.

(b) Temporary Certificates shall only be issued for the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system specified on the application.

(c) All applications for a temporary certificate must:

(1) be submitted by the owner of the system for the applicant; and
(2) be accompanied by the required fee; and
(3) include a letter from the owner that contains:
    (A) an explanation for the need of a temporary certificate for the applicant; and
    (B) an explanation of all of the efforts that were made to employ an operator who possessed the required certification; and
    (C) a statement designating the applicant as either the Operator in Responsible Charge (ORC) or

Back-up Operator in Responsible Charge (Back-up ORC) of the system; and

(D) a plan that describes the actions that:

(i) the applicant will pursue in order to attempt to obtain permanent certification during the effective period of the temporary certificate; and

(ii) the owner of the system will be pursuing in the event that the applicant fails to obtain permanent certification during the effective period of the temporary certificate.

(d) Applicants for a temporary certificate must:

(1) for biological or collection system grade II or higher operator certification, possess a currently valid certificate of the same type as the system and that is no more than one grade lower than the classification of the system when applying as an Operator in Responsible Charge (ORC) and no more than two grades lower than the classification of the system when applying as a Back-up Operator in Responsible Charge (Back-up ORC); or

(2) have a minimum of three months of actual experience in the operation of the type of system for which a temporary certificate is being applied if the temporary certificate is requested for a Grade I biological, Grade I Physical/Chemical, Grade I Collection, Spray Irrigation, Land Application, or Subsurface Water Pollution Control System; and

(3) be eligible for permanent certification prior to the expiration date of the temporary certificate; and

(4) not have made three previous unsuccessful attempts to make a passing score on the same type and grade examination as the temporary certificate; and

(5) have never relinquished, nor had revoked, any water pollution control operator certificate issued by the Commission.

(e) Applicants who obtain a temporary certificate by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-40; 90A-42; Eff. April 1, 1999.

.0603 TEMPORARY CERTIFICATE RENEWAL

(a) All applications for renewal of a temporary certificate must:

(1) be submitted by the owner of the system 60 days prior to the expiration date of the original temporary certificate; and

(2) be accompanied by the required fee; and

(3) include a letter from the owner that explains:

(A) the need for renewal of the temporary certificate; and

(B) the reasons for the failure of the applicant to obtain permanent certification during the original effective period of the temporary certificate; and

(C) the efforts that have been made by the owner to employ a properly certified operator during the effective period of the original temporary certificate; and

(D) the actions that will be taken by:

(i) the applicant in order to obtain permanent certification during the effective period of the renewed temporary certificate; and

(ii) the owner if the applicant does not obtain permanent certification during the effective period of the renewed temporary certificate.

(b) The renewal request shall be denied if the applicant has failed:

(1) to seek permanent certification by examination during the original effective period of the temporary certificate; or

(2) to obtain permanent certification after four examination attempts during the original effective period of the temporary certificate.

(c) A temporary certificate may only be renewed once for the same operator.

(d) Applicants who obtain a temporary certificate renewal by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-40; 90A-42; Eff. April 1, 1999.

.0604 CONVERSION OF VOLUNTARY CERTIFICATION TO MANDATORY CERTIFICATION

(a) Individuals who hold certificates of competency under a voluntary certification program, administrated the North Carolina Water Environment Association, may apply for the conversion of the voluntary certificate into a certificate issued by the Commission once a mandatory certification program of the same type and grade as the voluntary program has been established by the Commission.

(b) All applications submitted to the Commission requesting the conversion of a voluntary certificate to a mandatory certificate must be accompanied by the appropriate fee and a copy of the voluntary certificate.

History Note: Authority G.S. 90A-39; 90A-40; 90A-42; Eff. April 1, 1999.

SECTION .0700 - RENEWAL OF CERTIFICATION

.0701 REQUIREMENTS

(a) In order to maintain a currently valid certificate, the certificate must be renewed annually by:

(1) submitting payment of the appropriate required annual renewal fee, as set forth in G.S. 90A-42, by the end of the effective year; and

(2) beginning December 31, 2000, and each successive year, each operator, excluding those operators who hold only a conditional certificate, must provide documentation of a minimum of six contact hours of Commission approved training during each year following the year of initial certification. The Commission will approve training if it finds that the course is applicable to a type of certification held by the certified operator.

(b) Certificate(s) that are not renewed when due shall be considered invalid. In order to renew a certificate that has been invalid for up to two consecutive years, all outstanding renewal fees and penalties that have accrued since the certificate was last renewed must be paid and all accrued continuing education requirements must be met. In order to renew a certificate that has been invalid for more than two consecutive years the operator shall be required to take and make a passing score on an examination of the same type and grade as the former certificate. In order to qualify for the examination, all relative requirements of Section .0400 of this Subchapter must be met. Any requirements in Section .0400 of this Subchapter for Commission approved training must have been met within the previous 12 month period.

(c) Renewal notices shall be mailed to each certified operator, at the last known address for the operator on file with the Commission, 60 calendar days prior to the renewal due date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew their certificate by the renewal due date.

History Note: Authority G.S. 90A-40; 90A-42; 90A-44; 90A-46.1;
Eff. April 1, 1999.

SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS

.0901 RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS

Each contract operator, or contract operations firm, that enters into a contract with the owner of a water pollution control system to operate the system must notify the owner, in writing, within five calendar days of:

(1) any change in the designation of the Operator in Responsible Charge (ORC) or the Back-up Operator in Responsible Charge (Back-up ORC) of the system; or

(2) becoming aware of any situation or problem (preexisting, anticipated, or otherwise) which may interfere with the proper operation of the system and necessitate corrective action by the owner. This notice shall include the comments and recommendations of the operator in regards to actions or measures that should be taken to correct the noted situation or problem.

History Note: Authority G.S. 90A-44; 90A-45;
Eff. April 1, 1999.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0301 GENERAL PROVISIONS

(a) Applicability. Except as limited by the subject matter, all of the provisions of this Rule apply to all public waters located within the territorial limits of the counties and municipalities in which special regulations are set forth for specific waters or regulated areas by the succeeding rules.

(b) Definitions. Unless the context requires otherwise, the definitions used in G.S.75A apply within these regulations. In addition, the following definitions apply in these regulations:

(1) Commission. North Carolina Wildlife Resources Commission;

(2) Executive Director. Executive Director of the Commission;

(3) No-Wake Speed. Idle speed or a slow speed creating no appreciable wake;

(4) Uniform System. Uniform Waterway Marking System and the supplementary standards for such system promulgated by the Commission.

(c) Marking of Regulated Areas. The Executive Director may designate agencies for placement and maintenance of markers for regulated areas established by rules promulgated pursuant to this Section. The agency designated by the Executive Director may delegate the actual placement and maintenance of such markers to some other agency, corporation, group or individual, so long as the designating agency exercises supervisory authority over such agency, corporation, group or individual. Prior to marking a restricted zone established pursuant to G.S. 75A-15, the designated agency for placement and maintenance of the markers must obtain written approval from the Executive Director by making a written request for permission to mark the area specifically described therein. Enforcement of the restrictions set forth in Rule .0302 et seq. of this Section is dependent upon placement and maintenance of adequate marking of the regulated areas by suitable agencies, as designated in those rules, in accordance with the requirements of the Uniform Waterway Marking System, which are hereby incorporated by reference, and automatically include any later amendments of the incorporated matter as authorized by G.S. 150B-21.6 and the supplementary standards for such system promulgated by the Commission in Paragraph (g) of this Rule. Unless a specific variance is granted, placement and maintenance of the markers must be and remain in accordance with the uniform system. The Executive Director or his representative is instructed to supervise and approve placement and maintenance of individual markers to insure full implementation of the objectives of the uniform system.

(d) Implementation of Uniform Waterway Marking System.

Except where done by virtue of the supervening federal authority, it is unlawful for anyone to place, maintain, or to allow to remain in place, any regulatory markers or navigational aids of the sort included in the uniform system in any waters without authorization of the Commission. The Executive Director is authorized to approve placement of the navigational aids, informational markers, and regulatory markers warning of dangers and not requiring enforcement sanctions, in accordance with both public interest in recreational use and water safety and in accordance with the policies embodied in the uniform system.

(e) Removal of Unauthorized Markers. Markers or navigational aids which do not conform to the specifications of the uniform system or which are placed without lawful authority or permission, where the person responsible for the actual placement cannot be feasibly determined, may be removed by agents of the Commission. Nonconforming markers as to which the person responsible for placement and maintenance is known, may nevertheless be removed by agents of the Commission if such markers are likely to mislead the public or cause a dangerous situation. Where agents of the Commission discover authorized markers which have been improperly placed or are defective through lack of maintenance, such agents may serve written notice upon the person responsible for such improper placement or for the maintenance of the marker concerned. If, within 10 days no action has been taken in accordance with the notice given, such default constitutes a violation of these regulations.

(f) Miscellaneous Restrictions. Except for mooring buoys or markers as to which it is specifically permitted, it is unlawful to tie a vessel to any waterway marker. It is unlawful for any unauthorized person to move, remove, damage, obstruct, paint over, or in any way tamper with any marker lawfully placed in the waters of North Carolina in conformity with these regulations or the uniform system generally.

(g) Supplementary Standards. The standards listed in this Paragraph are supplementary to the Uniform Waterway Marking System and shall be applicable in the succeeding rules of this Section to the areas of water thereby regulated:

(1) The perimeter of swimming areas in the water must be marked with float lines which, in conjunction with the shoreline, form a completely enclosed area. The total enclosed area may not exceed 5,000 square feet. Such area may not extend out into the water sufficiently as to restrict travel unduly on any regular navigational channel or otherwise to obstruct passage of vessels in reasonably using the waters.

(2) Float lines must have attached floats along their length at intervals of not less than one every 10 feet.

(3) Floats must be buoyant enough to float at the surface of the water while attached to the float line, but no float may exceed a size of 18 inches as measured across its largest dimension.

(4) Floats may be solid or hollow and preferably should be of plastic or other light and resilient material not likely to cause injury should one strike a swimmer in the water.

(5) Floats must be either solid white or solid international orange in color. Float lines may consist of all white floats or of alternating white and orange floats.

(6) Buoys or floating signs indicating the "boats-keep-out" symbol of the uniform system and in conformity with its standards must be attached to the float lines at such points as necessary to give warning to the vessels approaching the swimming area from various directions.

(7) Float lines and warning markers must be anchored securely to prevent them from shifting position to any appreciable extent under normal conditions.

(8) All markers warning of a no-wake speed zone around certain facilities must be buoys or floating signs placed in the water at a distance of not greater than 50 yards from the protected facility. The markers must be sufficient in number and size as to give adequate warning of the restriction to the vessels approaching from various directions.

(9) The boundaries of mooring areas may be defined by the placement of the speed zone warning markers themselves or by such warning markers plus additional boundary floats or markers that may be approved by the Executive Director or his representative.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. November 1, 1993; March 25, 1978;
Temporary Amendment Eff. July 1, 1998;
Amended Eff. April 1, 1999.

CHAPTER 11 - RADIATION PROTECTION

SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL

.0318 SPECIFIC LICENSES: GENERAL REQUIREMENTS FOR HUMAN USE

(a) License required:

(1) A person shall not manufacture, produce, acquire, receive, possess, use or transfer radioactive material for medical use except in accordance with a specific license issued by the agency or as allowed pursuant to Subparagraphs (a)(2) and (a)(3) of this Rule.

(2) An individual may receive, possess, use, or transfer radioactive material in accordance with the rules of this Section under the supervision of an authorized user as provided in this Section unless prohibited by license condition.

(3) An individual may prepare unsealed radioactive material for medical use in accordance with the rules of this Section under the supervision of a pharmacist who is an authorized user or physician who is an authorized user as provided in this Section unless prohibited by license condition.

(b) A license application for human use of radioactive material shall be approved if the agency determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the

purpose requested in accordance with these Rules;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to protect public health from radiation hazards and minimize radiological danger to life or property;

(3) The issuance of the license will not be inimical to the health and safety of the public;

(4) The following training and supervisory relationship are adhered to:

(A) the user of radioisotopes applied to humans for diagnostic, therapeutic, or investigational purposes shall be a physician authorized by a condition of a specific license, including a specific license of broad scope.

(B) An authorized physician may delegate only to persons who are physicians under the supervision of the authorized physician, the following:

(i) the approval of procedures involving the administration to patients of radiopharmaceuticals or the application to patients of radiation from radioisotope sources;

(ii) the prescription of the radiopharmaceutical or source of radiation and the dose or exposure to be administered:

(iii) the determination of the route of administration;

(iv) the interpretation of the results of diagnostic procedures in which radiopharmaceuticals are administered;

(C) The authorized physician shall review the work of the supervised individual as it pertains to the delegated work in Subparagraph (b)(4) of this Rule and the records kept reflecting that work.

(5) the applicant satisfies any applicable special requirements in Rules .0319 to .0322 of this Section.

(c) Subject to the provisions of Subparagraph (b)(4) and Paragraphs (d) to (g) of this Rule, an authorized physician may permit technicians and other paramedic personnel to perform the following activities:

(1) preparation and quality control testing of radiopharmaceuticals and sources of radiation;

(2) measurement of radiopharmaceutical doses prior to administration;

(3) use of appropriate instrumentation for the collection of data to be used by the physician;

(4) administration of radiopharmaceuticals and radiation from radioisotope sources to patients.

(d) Authorized physicians who permit activities to be performed by technicians and other paramedical personnel pursuant to Paragraph (c) of this Rule shall:

(1) prior to giving permission, determine that the technicians and other paramedical personnel have been properly trained to perform their duties with specific training in the following subjects, as applicable to the duties assigned:

(A) general characteristics of radiation and radioactive materials;

(B) physical, chemical, and pharmaceutical characteristics of each radiopharmaceutical to be used;

(C) mathematics and calculations basic to the use and measurement of radioactivity, including units of radiation dose and radiation exposure;

(D) use of radiation instrumentation for measurements and monitoring including operating procedures, calibration of instruments, and limitations of instruments;

(E) principles and practices of radiation protection;

(F) additional training in the above subjects, as appropriate, when new duties are added.

(2) assure that the technicians and other paramedical personnel receive appropriate retraining in the subjects listed in Subparagraph (d)(1) of this Rule to maintain proficiency and to keep abreast of developments in the field of nuclear medical technology;

(3) keep records showing the bases for the determinations of proper training;

(4) retain responsibility as licensee or authorized user for the satisfactory performance of the activites; and

(5) review the work of the supervised individual and the records kept reflecting that work.

(e) Certification in nuclear medicine technology by the American Registry of Radiologic Technologists or in nuclear medical technology by the Registry of Medical Technologists of the American Society of Clinical Pathologists or the Society of Nuclear Medicine shall be deemed to satisfy the training requirements in Subparagraphs (d)(1) and (2) of this Rule.

(f) An applicant for a license or for amendment or renewal of a license shall state whether he desires to permit technicians or other paramedical personnel to perform activities pursuant to Paragraph (c) of this Rule and, if so, shall include in his application for license, license amendment, or license renewal a statement of the activities to be so performed and a description of an adequate program for training the personnel, including retraining as required to keep abreast of developments in technology, or for otherwise determining that the personnel are properly trained to perform their duties.

(g) Whenever a technician or other paramedical person administers a radiopharmaceutical to a patient by injection, a physician shall be immediately accessible, but not necessarily a physician authorized by the agency to be a user of radioisotopes.

(h) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized pharmacist as allowed by Subparagraph (a)(3) of this Rule shall:

(1) instruct the supervised individual in the preparation of radioactive material for medical use and the principles of and procedures for radiation safety and in the licensee's written quality management program, as appropriate to that individual's use of radioactive material;

(2) require the supervised individual to follow the

instructions given pursuant to Subparagraph (h)(1) of this Rule and to comply with the rules of this Chapter and license conditions; and

(3) require the supervising authorized pharmacist to periodically review the work of the supervised individual as it pertains to preparing radioactive material for medical use and the records kept to reflect that work.

(i) A licensee shall appoint a Radiation Safety Officer (RSO) responsible for implementing the radiation safety program. The licensee, through the RSO, shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's radioactive material program.

(j) A licensee shall establish in writing the authority, duties and responsibilities of the Radiation Safety Officer.

(k) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, and management prerogative to:

(1) identify radiation safety problems;

(2) investigate radiation safety problems such as overexposures, accidents, spills, losses, thefts, unauthorized receipts, uses, transfers, disposals, misadministrations, and other deviations from approved radiation safety practice and implement corrective actions as necessary;

(3) initiate, recommend or provide corrective actions for radiation safety problems;

(4) verify implementation of corrective actions; and

(5) retain records of items listed in Subparagraphs (k)(1) through (4) of this Rule.

(l) For each individual receiving radiopharmaceutical therapy and hospitalized for compliance with Rule .0358 of this Section, a licensee shall:

(1) provide a private room with a private sanitary facility;

(2) post the individual's door with a "Radioactive Materials" sign and note on the door or the individual's chart, where and how long visitors may stay in the individual's room;

(3) promptly, after administration of the dosage, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with Section .1600 of this Chapter; and retain for three years a record of each survey that includes the time and date of the survey, a plan of the area or list of points surveyed, the measured dose rate at several points expressed in millirem per hour, the instrument used to make the survey, and the initials of the individual who performed the survey;

(4) either monitor material and items removed from the individual's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle them as radioactive waste; and

(5) Notify the Radiation Safety Officer and authorized user as soon as feasible if the individual has a medical emergency and immediately if the patient dies.

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. April 1, 1999; May 1, 1993; November 1, 1989.

.0359 MEASUREMENTS/DOSAGES OF UNSEALED RADIOACTIVE MATERIAL FOR MEDICAL USE

(a) A licensee shall possess and use a dose calibrator to measure the radioactivity of dosages of photon-emitting radionuclides prior to administration to each individual. A licensee shall:

(1) develop, maintain, and implement written procedures for use of the dose calibrator;

(2) check dose calibrator for constancy at the beginning of each day of use. To satisfy the requirements of this Subparagraph, the check shall be done on a frequently used setting with a sealed source of not less than 10 microcuries (0.37 megabecquerel (MBq) of radium-226 or 50 microcuries (1.85 MBq) of any other photon-emitting radionuclide;

(3) test each dose calibrator for accuracy upon installation and at least annually thereafter by assaying at least two sealed sources containing different radionuclides who activity the manufacturer has determined within five percent of this stated activity, whose activity is at least 10 microcuries (0.37 MBq) for radium-226 and 50 microcuries (1.85 MBq) for any other photon-emitting radionuclide, and at least one of which has a principal photon energy between 100 keV and 500 keV;

(4) test each dose calibrator for linearity upon installation and at least quarterly thereafter over a range with from the highest dosage that will be administered to a patient or human research subject to 30 microcuries (1.1 MBq); and

(5) test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used. The licensee shall keep a record of this test for the duration of the use of the dose calibrator.

(b) A licensee shall also perform appropriate checks and tests required by this Rule following repair of the dose calibrator.

(c) A licensee shall mathematically correct dosage readings for any geometry or linearity error that exceeds 10 percent if the dosage is greater than 10 microcuries (.37 MBq) and shall repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.

(d) A licensee shall retain a record of each check and test required by this Rule for three years. The records required in Subparagraphs (a)(2)-(a)(5) of this Rule shall include:

(1) For Subparagraph (a)(2) of this Rule, the model and serial number of the dose calibrator, the identity of the radionuclide contained in the check source, the date of the check, the activity measured, and the initials of the individual who performed the check;

(2) For Subparagraph (a)(3) of this Rule, the model and serial number of the dose calibrator, the model and serial number of each source used, the identity of the radionuclide contained in the source and its activity, the date of the test, the results of the test, and the identity of the individual performing the test;

(3) For Subparagraph (a)(4) of this Rule, the model and serial number of the dose calibrator, the calculated activities, the measured activities, the date of the test, and the identify of the individual performing the test; and

(4) For Subparagraph (a)(5) of this Rule, the model and serial number of the dose calibrator, the configuration of the source measured, the activity measured for each volume measured, the date of the test, and the identity of the individual performing the test.

History Note: Authority G.S. 104E-7; 104E-10(b); 104E-12; Eff. April 1, 1999.

.0361 MEDICAL USE OF UNSEALED RADIOACTIVE MATERIAL

(a) A licensee may use for diagnostic or therapeutic administration any unsealed radioactive material prepared for medical use that is either:

(1) obtained from a manufacturer or preparer licensed pursuant to 10 CFR 32.72 or equivalent agreement state requirements; or

(2) prepared by a pharmacist who is an authorized user, a physician who is an authorized user or an individual under the supervision of either.

(b) A licensee shall not administer to humans a radiopharmaceutical containing more than 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m.

(c) A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the molybdenum-99 concentration in each eluate or extract.

(d) A licensee that must measure molybdenum concentration shall retain a record of each measurement for three years. The record shall include for each elution or extraction of technetium-99m:

(1) the measured activity of the technetium expressed in millicuries;

(2) the measured activity of the molybdenum expressed in microcuries;

(3) the time and date of the measurement; and

(4) the initials of the individual who made the measurement.

(e) A licensee that administers radioactive aerosols or gases shall:

(1) do so in a room with a system that will keep airborne concentrations low enough so as not to exceed the limits prescribed by Rules .1604 and .1605 of this Chapter;

(2) before receiving, using or storing a radioactive gas, calculate the amount of time needed after a spill to reduce the concentration in the room low enough so as to not exceed the limits prescribed by Rules .1604 and .1605 of this Chapter;

(3) post the calculated time and safety measures to be instituted in the case of a spill at the area of use;

(4) store volatile radiopharmaceuticals and radioactive gases in the shipper's radiation shield and container; and

(5) store multi-dose containers in a fume hood or other enclosure vented directly to the atmosphere after drawing the first dosage from the container.

History Note: Authority G.S. 104E-7(a)(2); 104E-10(b); 104E-12; Eff. April 1, 1999.

SECTION .0500 - SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHY OPERATIONS

.0510 LIMITATIONS

(a) The licensee or registrant shall not permit any person to act as a radiographer until the person:

(1) has been instructed in the subjects outlined in Rule .0519 of this Section and has demonstrated understanding thereof by successful completion of a written test. Within two years after the effective date of this Rule, the person shall also have a minimum of two months of on-the-job training, and be certified through a radiography certification program by a certifying entity in accordance with the requirements of Rule .0525 of this Section;

(2) has received copies of and instruction in the rules contained in this Section and in the applicable rules of Sections .0200, .0300, .0900 and .1600 of this Chapter, in applicable U.S. Department of Transportation regulations referenced in Rule .0117 of this Chapter, and the licensee's or registrant's operating and emergency procedures, and has demonstrated understanding thereof by successful completion of a written test;

(3) has received training in the use of the licensee or registrant's radiographic exposure devices, sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments;

(4) has demonstrated competence to use the radiographic exposure devices, sealed sources, related handling tools, radiation machines and survey instruments which will be employed in his assignment by successful completion of a practical examination covering this material; and

(5) has demonstrated understanding of the instructions in Paragraph (a) of this Rule by successful completion of a written test on the subjects covered.

(b) The licensee or registrant shall not permit any person to act as a radiographer's assistant until the person:

(1) has received copies of and instructions in the licensee's or registrant's operating and emergency

procedures, and has demonstrated understanding thereof by successful completion of a written or oral test and practical examination on the subjects covered;

(2) has demonstrated competence to use under the personal supervision of the radiographer, the radiographic exposure devices, sealed sources, related handling tools, radiation machines and radiation survey instruments which will be employed in his assignment; and

(3) has demonstrated understanding of the instructions in Paragraph (b) of this Rule by successfully completing a written or oral test and a field examination on the subjects covered.

(c) Records of the training including copies of written tests and dates of oral tests and field examinations shall be maintained in accordance with Rule .0523 of this Section.

(d) Each licensee or registrant shall conduct an internal audit program to ensure that the agency's radioactive material license, registration conditions and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer's assistant. These internal audits shall be performed and records maintained by the licensee or registrant as specified in Items (3) and (4) of Rule .0323 of this Chapter.

(e) The licensee or registrant shall provide periodic training for radiographers and radiographer's assistants at least once during every 12 months.

(f) Whenever radiography is performed outside of a permanent radiographic installation, the radiographer shall be accompanied by another radiographer or an individual with, at least, the qualifications of a radiographer's assistant. This person's responsibilities shall include but not be limited to observing the operations and being capable and prepared to provide immediate assistance to prevent unauthorized entry.

(g) A licensee or registrant may conduct lay-barge, off-shore platform, or underwater radiography only if detailed procedures have been developed and submitted to the agency that ensure radiation exposure to the workers and the public are ALARA during the radiographic operation.

(h) The radiation safety officer shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's or registrant's program.

(1) The radiation safety officer's qualifications shall include:

(A) completion of the training and testing requirements of Paragraph (a) of this Rule; and

(B) Two thousand hours documented experience in industrial radiographic operations, with at least 40 hours of classroom training with respect to the establishment and maintenance of radiation protection programs; or

(C) an equivalent combination of education and experience.

(2) The specific duties and authorities of the radiation safety officer shall include, but are not limited to the following:

(A) to establish and oversee operating, emergency and ALARA procedures, and to review them regularly to assure that the procedures are current and conform with these Rules and to the license conditions;

(B) to oversee and approve all phases of the training of radiographic personnel so that appropriate and effective radiation protection practices are taught;

(C) to ensure that required radiation surveys and leak tests are performed and documented in accordance with this Rule, including any corrective measures when levels of radiation exceed established limits;

(D) to ensure that personnel monitoring devices are calibrated and used properly by occupationally-exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by Rule .1646 of this Chapter;

(E) to assure that operations are conducted safely and to assume control and have the authority to institute corrective actions including stopping of operations when necessary in emergency situations or unsafe conditions.

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Eff. February 1, 1980;
Amended Eff. April 1, 1999; May 1, 1995; June 1, 1993; June 1, 1989.

SECTION .1600 - STANDARDS FOR PROTECTION AGAINST RADIATION

.1635 GENERAL PROVISIONS FOR RECORDS

(a) Each licensee or registrant shall use the units: curie, rad and rem, including multiples and subdivisions thereof, and shall clearly indicate the units of all quantities on records required by this Section.

(b) Notwithstanding the requirements of Paragraph (a) of this Rule, when recording information on shipping manifests, as required by Rule .1633 of this Section and Appendix G to 10 CFR 20, information shall be recorded in the International System of Units (SI) or SI and units as specified in Paragraph (a) of this Rule.

(c) The licensee or registrant shall make a clear distinction whether the quantities entered on the records required by this Section are total effective dose equivalent, shallow-dose equivalent, eye dose equivalent, deep-dose equivalent, or committed effective dose equivalent.

(d) The discontinuance or curtailment of activities does not relieve the licensee or registrant of responsibility for retaining all records required by the rules in this Section.

History Note: Authority G.S. 104E-7(a)(2); 104E-12(a);

Eff. January 1, 1994;
Amended Eff. April 1, 1999.

CHAPTER 13 - SOLID WASTE MANAGEMENT

SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

SECTION .1600 - REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILL FACILITIES (MSWKFs)

.1624 CONSTRUCTION REQUIREMENTS FOR MSWLF FACILITIES

(a) This Rule establishes the performance standards and minimum criteria for designing and constructing a new MSWLF unit or lateral expansion of existing MSWLF units. Additional standards for the cap system are described in Rule .1627 of this Section.

(b) New MSWLF units and lateral expansions shall comply with the following design and construction criteria:

(1) Base liner system description. The base liner system is constructed on the landfill subgrade and shall be designed to efficiently contain, collect and remove leachate generated by the MSWLF unit. At a minimum, the components of the liner system shall consist of the following.

(A) A Base Liner. The base liner shall consist of one of the following designs. The design described in Subpart (b)(1)(A)(i) of this Rule is the standard composite liner. If a landfill owner or operator proposes to utilize one of the alternative composite liner designs described in Subparts (b)(1)(A)(ii) and (iii) of this Rule, the owner or operator shall demonstrate through a model that the proposed design will ensure that maximum concentration levels (MCLs) listed in Table 1 will not be exceeded in the uppermost aquifer at the relevant point of compliance as established in Rule .1631(a)(2) of this Section. For these two designs, the Division may waive the site-specific modeling requirement if it can be demonstrated that a previous site for which a model was approved had similar hydrogeologic characteristics, climatic factors and volume and physical and chemical leachate characteristics. If an alternative liner design other than Subparts (b)(1)(A)(ii)and(iii) of this Rule is proposed, the Division shall require site-specific, two-phase modeling as described in Subpart (b)(1)(A)(iv) of this Rule.

(i) A composite liner utilizing a compacted clay liner (CCL). The composite liner is one liner that consists of two components; a geomembrane liner installed above and in direct and uniform contact with a compacted clay liner with a minimum thickness of 24 inches (0.61 m) and a permeability of no more than 1.0 X 10^{-7} cm/sec. The composite liner shall be designed and constructed in accordance with Subparagraphs (b)(8) and (10) of this Rule.

(ii) A composite liner utilizing a geosynthetic clay liner (GCL). The composite liner is one liner that consists of three components: a geomembrane liner installed above and in uniform contact with a GCL overlying a compacted clay liner with a minimum thickness of 18 inches (0.46 m) and a permeability of no more than 1.0 X 10^{-5} cm/sec. The composite liner shall be designed and constructed in accordance with Subparagraphs (b)(8), (9), and (10) of this Rule.

(iii) A composite liner utilizing two geomembrane liners. The composite liner consists of three components; two geomembrane liners each with an overlying leachate drainage system designed to reduce the maximum predicted head acting on the lower membrane liner to less than one inch. The lower membrane liner shall overlie a compacted clay liner with a minimum thickness of 12 inches (0.31m) and a permeability of no more than 1.0 X 10^{-5} cm/sec. The composite liner system shall be designed and constructed in accordance with Subparagraphs (b)(8) and (10) of this Rule.

(iv) An alternative base liner. An alternative base liner system may be approved by the Division if the owner or operator demonstrates through a two-phase modeling approach that the alternative liner design meets the following criteria:

(I) the rate of leakage through the alternative liner system will be less than or equal to the composite liner system defined in Subparts (b)(1)(A)(i) of this Rule; and

(II) the design will ensure that concentration values listed in Table 1 will not be exceeded in the uppermost aquifer at the relevant point of compliance as established in Rule .1631(a)(2) of this Section.

(B) A leachate collection system (LCS). The LCS is constructed directly above the base liner and shall be designed to effectively collect and

remove leachate from the MSWLF unit. The secondary function of the LCS is to establish a zone of protection between the base liner and the waste. The LCS shall be designed and constructed in accordance with Subparagraphs (b)(2), (11), (12) and (13) of this Rule.

(2) Leachate collection system design and operation.

(A) The leachate collection system shall be hydraulically designed to remove leachate from the landfill and ensure that the leachate head on the composite liner does not exceed one foot. A means of quantitatively assessing the performance of the leachate collection system must be provided in the engineering plan. The performance analysis must evaluate the flow capacities of the drainage network necessary to convey leachate to the storage facility or off-site transport location. The engineering evaluation shall incorporate the following criteria:

(i) At a minimum, the geometry of the landfill and the leachate collection system shall be designed to control and contain the volume of leachate generated by the 24-hour, 25-year storm.

(ii) The performance analysis shall evaluate the leachate collection system for the flow capacities during conditions when the maximum impingement rate occurs on the LCS. The LCS flow capacity shall be designed to reduce the head on the liner system generated by the 24-hour, 25-year storm to less than one foot within 72 hours after the storm event.

(B) The leachate collection system shall be designed to provide a zone of protection at least 24 inches separating the composite liner from landfilling activities, or shall be subject to approval from the division upon a demonstration of equivalent protection for the liner system.

(C) The leachate collection system shall be designed to resist clogging and promote leachate collection and removal from the landfill.

(D) The leachate collection system shall be operated to remove leachate from the landfill in such a way as to ensure that the leachate head on the composite liner does not exceed one foot under normal operating conditions.

(3) Horizontal separation requirements.

(A) Property line buffer. New MSWLF units at a new facility shall establish a minimum 300-foot buffer between the MSWLF unit and all property lines.

(B) Private residences and wells. All MSWLF units at a new facility shall establish a minimum 500-foot buffer between the MSWLF unit and existing private residences and wells.

(C) Surface waters. All MSWLF units at new facilities shall establish a minimum 50-foot buffer between the MSWLF unit and any stream, river, or lake, unless the owner or operator can demonstrate:

(i) To the Division that the alternative management of the water and any discharge will adequately protect the public health and environment; and

(ii) That the construction activities will conform to the requirements of Sections 404 and 401 of the Clean Water Act.

(D) Existing landfill units. An adequate buffer distance shall be established between a new MSWLF unit and any existing landfill units to establish a ground-water monitoring system as set forth in Rule .1631 of this Section.

(E) Existing facility buffers. At a minimum, a lateral expansion or new MSWLF unit at an existing facility shall conform to the requirements of the effective permit.

(4) Vertical separation requirements. A MSWLF unit shall be constructed so that the post settlement bottom elevation of the base liner system is a minimum of four feet above the seasonal high ground-water table and bedrock datum plane contours established in the Design Hydrogeological Report prepared in accordance with Rule .1623(b) of this Section.

(5) Survey control. One permanent benchmark of known elevation measured from a U.S. Geological Survey benchmark shall be established and maintained for each 50 acres of developed landfill, or part thereof, at the landfill facility. This benchmark shall be the reference point for establishing vertical elevation control.

(6) Location coordinates. The North Carolina State Plane (NCSP) coordinates shall be established and one of its points shall be the benchmark of known NCSP coordinates.

(7) Landfill subgrade. The landfill subgrade is the in-situ soil layer(s), constructed embankments, and select fill providing the foundation for construction of the unit. A foundation analysis shall be performed to determine the structural integrity of the subgrade to support the loads and stresses imposed by the weight of the landfill and to support overlying facility components and maintain their integrity of the components. Minimum post-settlement slope for the subgrade shall be two percent. Safety factors shall be specified for facilities located in a Seismic Impact Zones.

(A) Materials required. The landfill subgrade shall be adequately free of organic material and consist of in-situ soils or a select fill approved by the Division in accordance with the performance standards contained in

Subparagraph (b)(7) of this Rule.

(B) Construction requirements.

(i) The landfill subgrade shall be graded in accordance with the approved plans and specifications, which are incorporated into the permit to construct in accordance with Rule .1604(b) of this Section.

(ii) The owner or operator of the MSWLF units may be required by the permit to notify the Division's hydrogeologist and inspect the subgrade when excavation is completed or if bedrock or other unpredicted subsurface conditions are encountered during excavation.

(C) Certification requirements. At a minimum, the subgrade surface shall be inspected in accordance with the following requirements:

(i) Before beginning construction of the base liner system, the project engineer shall visually inspect the exposed surface to evaluate the suitability of the subgrade and document that the surface is properly prepared and that the elevations are consistent with the approved engineering plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section;

(ii) The subgrade shall be proof-rolled using procedures and equipment specified by the design or project engineer; and

(iii) The subgrade shall be tested for density and moisture content at a minimum frequency as specified in the plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section.

(8) Compacted clay liners. Compacted clay liners are low permeability barriers designed to control fluid migration in a cap liner system or base liner system.

(A) Materials required. The soil materials used in constructing a compacted clay liner may consist of on-site or off-site sources, or a combination of sources; sources may possess adequate native properties or may require bentonite conditioning to meet the permeability requirement. The soil material shall be free of particles greater than three inches in any dimension.

(B) Construction requirements. Construction methods for the compacted clay liner shall be based upon the type and quality of the borrow source and shall be verified in the field by constructing test pad(s). The project engineer shall ensure that the compacted clay liner installation conforms with the Division approved plans including the following minimum requirements:

(i) A test pad shall be constructed prior to beginning installation of the compacted clay liner and whenever there is a significant change in soil material properties. The area and equipment, liner thickness, and subgrade slope and conditions shall be representative of full scale construction. Acceptance and rejection criteria shall be verified for the tests specified in accordance with Part (C) of this Subparagraph. For each lift, a minimum of three test locations shall be established for testing moisture content, density, and a composite sample for recompacted lab permeability. At least one shelby tube sample for lab permeability testing, or another in situ test that is approved by the Division as equivalent for permeability determination shall be obtained per lift.

(ii) Soil conditioning, placement, and compaction shall be maintained within the range identified in the moisture-density-permeability relation developed in accordance with Subparagraph (C) of this Paragraph.

(iii) The final compacted thickness of each lift shall be a maximum of six inches.

(iv) Prior to placement of successive lifts, the surface of the lift in place shall be scarified or otherwise conditioned to eliminate lift interfaces.

(v) The final lift shall be protected from environmental degradation.

(C) Certification requirements. The project engineer shall include in the construction quality assurance report a discussion of all quality assurance and quality control testing required in this Subparagraph. The testing procedures and protocols shall be submitted in accordance with Rule .1621 of this Section and approved by the Division. The results of all testing shall be included in the construction quality assurance report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with the Division approved plans including the following requirements:

(i) At a minimum, the quality control testing for accepting materials prior to and during construction of a compacted clay liner shall include: particle size distribution analysis, Atterberg limits, triaxial cell laboratory permeability,

moisture content, percent bentonite admixed with soil, and the moisture-density-permeability relation. The project engineer shall certify that the materials used in construction were tested according to the Division approved plans.

(ii) At a minimum, the quality assurance testing for evaluating each lift of the compacted clay liner shall include: moisture content and density, and permeability testing. For each location the moisture content and density shall be compared to the appropriate moisture-density-permeability relation. The project engineer shall certify that the liner was constructed using the methods and acceptance criteria consistent with test pad construction and tested in accordance with the plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section.

(iii) Any tests resulting in the penetration of the compacted clay liner shall be repaired using bentonite or as approved by the Division.

(9) Geosynthetic Clay liners. Geosynthetic clay liners are geosynthetic hydraulic barriers manufactured in sheets and installed by field seaming techniques.

(A) Materials required. Geosynthetic clay liners shall consist of natural sodium bentonite clay or equivalent, encapsulated between two geotextiles or adhered to a geomembrane. The liner material and any seaming materials shall have chemical and physical resistance not adversely affected by environmental exposure, waste placement, leachate generation and subgrade moisture composition. Accessory bentonite, used for seaming, repairs and penetration seaming shall be made from the same sodium bentonite as used in the geosynthetic clay liner or as recommended by the manufacturer. The type of geosynthetic clay liner shall be approved by the Division according to the criteria set forth in this Part.

(i) Reinforced geosynthetic clay liners shall be used on all slopes greater than 10H:1V.

(ii) The geosynthetic clay liner material shall have a demonstrated hydraulic conductivity of not more than 5×10^{-9} cm/sec under the anticipated confining pressure.

(B) Design and Construction requirements. The design engineer shall ensure that the design of the geosynthetic clay liner installation conforms to the requirements of the manufacturer's recommendations and the Division approved plans. The Division approved plans shall provide for and include the following provisions:

(i) The surface of the supporting soil upon which the geosynthetic clay liner will be installed shall be reasonably free of stones, organic matter, protrusions, loose soil, and any abrupt changes in grade that could damage the geosynthetic clay liner;

(ii) Materials placed on top of the GCL shall be placed in accordance with the plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section. Equipment used to install additional geosynthetics shall be specified by the design engineer and as recommended by the manufacturer. A minimum of 12 inches of separation between the application equipment and the geosynthetic clay liner shall be provided when applying soil materials;

(iii) Materials that become prematurely hydrated shall be removed, repaired, or replaced, as specified by the project engineer and in accordance with the plans incorporated into the permit to construct prepared in accordance with Rule .1604(b) of this Section;

(iv) Field seaming preparation and methods, general orientation criteria, and restrictive weather conditions;

(v) Anchor trench design;

(vi) Critical tensile forces and slope stability, including seismic design;

(vii) Protection from environmental damage; and

(viii) Physical protection from the materials installed directly above the geosynthetic clay liner.

(C) Certification requirements.

(i) Before beginning installation of the geosynthetic clay liner, the project engineer shall visually inspect the exposed surface to evaluate the suitability of the subgrade and document that the surface is properly prepared and that the elevations are consistent with the approved engineering plans incorporated into the permit to construct in accordance with Rule .1604 (b) of this Section.

(ii) The project engineer shall ensure that the geosynthetic clay installation conforms to the requirements of the manufacturer's recommendations and

the plans incorporated into the permit to construct in accordance with Rule .1604 (b) of this Section.

(iii) The project engineer shall include in the construction quality assurance report a discussion of quality assurance and quality control testing to document that material is placed in accordance with plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section.

(iv) The project engineer shall include in the construction quality assurance report a discussion of the approved data resulting from the quality assurance and quality control testing required in this Subparagraph.

(v) The testing procedures and protocols for field installation shall be submitted in accordance with Rule .1621 of this Section and approved by the Division.

(vi) The results of all testing shall be included in the construction quality assurance report, including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and performance documentation of all retesting, in accordance with the plans incorported into the permit to consturct in accordance with Rule .1604 (b) of this Section, including the following:

(I) Quality control testing of the raw materials and manufactured product;

(II) Field and independent laboratory destructive testing of geosynthetic clay liner samples;

(III) Documentation prepared by the project engineer in accordance with Subpart (b)(9)(C)(i) of this Rule.

(10) Geomembrane liners. Geomembrane liners are geosynthetic hydraulic barriers manufactured in sheets and installed by field seaming techniques.

(A) Materials required. The liner material and any seaming materials shall have chemical and physical resistance not adversely affected by environmental exposure, waste placement and leachate generation. The type of geomembrane shall be approved by the Division according to the criteria set forth in this Part.

(i) High density polyethylene geomembrane liners shall have a minimum thickness of 60 mils.

(ii) The minimum thickness of any geomembrane approved by the Division shall be greater than 30 mils.

(B) Construction requirements. The project engineer shall ensure that the geomembrane installation conforms to the requirements of the manufacturer's recommendations and the Division approved plans including the following:

(i) The surface of the supporting soil upon which the geomembrane will be installed shall be reasonably free of stones, organic matter, protrusions, loose soil, and any abrupt changes in grade that could damage the geomembrane;

(ii) Field seaming preparation and methods, general orientation criteria, and restrictive weather conditions;

(iii) Anchor trench design;

(iv) Critical tensile forces and slope stability;

(v) Protection from environmental damage; and

(vi) Physical protection from the materials installed directly above the geomembrane.

(C) Certification requirements. The project engineer shall include in the construction quality assurance report a discussion of the approved data resulting from the quality assurance and quality control testing required in this Subparagraph. The testing procedures and protocols for field installation shall be submitted in accordance with Rule .1621 of this Section and approved by the Division. The results of all testing shall be included in the construction quality assurance report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with the plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section, including the following:

(i) Quality control testing of the raw materials and manufactured product;

(ii) At a minimum, test seams shall be made upon each start of work for each seaming crew, upon every four hours of continuous seaming, every time seaming equipment is changed or if significant changes in geomembrane temperature and weather conditions are observed;

(iii) Nondestructive testing of all seams; and

(iv) Field and independent laboratory destructive testing of seam samples.

(11) Leachate collection pipes. A leachate collection pipe network shall be a component of the leachate collection system and shall be hydraulically designed

to convey leachate from the MSWLF unit to an appropriately sized leachate storage or treatment facility or a point of off-site transport. Leachate collection piping shall comply with the following:

(A) Materials required.

(i) The leachate collection piping shall have a minimum nominal diameter of six inches.

(ii) The chemical properties of the pipe and any materials used in installation shall not be adversely affected by waste placement or leachate generated by the landfill.

(iii) The physical properties of the pipe shall provide adequate structural strength to support the maximum static and dynamic loads and stresses imposed by the overlying materials and any equipment used in construction and operation of the landfill. Specifications for the pipe shall be submitted in the engineering report.

(B) Construction requirements.

(i) Leachate collection piping shall be installed according to the plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section.

(ii) The location and grade of the piping network shall provide access for periodic cleaning.

(iii) The bedding material for the leachate collection pipe shall consist of a coarse aggregate installed in direct contact with the pipe. The aggregate shall be chemically compatible with the leachate generated and shall be placed to provide adequate support to the pipe. The bedding material for main collector lines shall be extended to and in direct contact with the waste layer or a graded soil or granular filter.

(C) Certification requirements. The project engineer shall include in the construction quality assurance report a discussion of the quality assurance and quality control testing to ensure that the material is placed according to the approved plans. The testing procedures and protocols for field installation shall be submitted in accordance with Rule .1621 of this Section and approved by the Division. The results of all testing shall be included in the construction quality assurance report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with plans incorporated into the permit to construct in accordance with Rule .1604(b) of this Section, including the following:

(i) All leachate piping installed from the MSWLF unit to the leachate storage or treatment facility shall be watertight.

(ii) The seal where the piping system penetrates the geomembrane shall be inspected and non-destructively tested for leakage.

(12) Drainage layers. Any soil, granular, or geosynthetic drainage nets used in the leachate collection system shall conform to the following requirements:

(A) Materials required.

(i) The chemical properties of the drainage layer materials shall not be adversely affected by waste placement or leachate generated by the landfill.

(ii) The physical and hydraulic properties of the drainage layer materials shall promote lateral drainage of leachate through a zone of relatively high permeability or transmissivity under the predicted loads imposed by overlying materials.

(B) Construction requirements.

(i) The drainage layer materials shall be placed in accordance with the approved plans prepared in accordance with Rule .1604(b) of this Section and in a manner that prevents equipment from working directly on the geomembrane.

(ii) The drainage layer materials shall be stable on the slopes specified on the engineering drawings.

(C) Certification requirements. The project engineer shall include in the construction quality assurance report a discussion of the quality assurance and quality control testing to ensure that the drainage layer material is placed according to the approved plans. The testing procedures and protocols for field installation shall be submitted in accordance with of Rule .1621 of this Section and approved by the Division. The results of all testing shall be included in the construction quality assurance report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with the approved plans prepared in accordance with Rule .1604(b) of this Section.

(13) Filter layer criteria. All filter collection layers used in the leachate collection system shall be designed to prevent the migration of fine soil particles into a courser grained material, and permit water or gases to freely enter a drainage medium (pipe or drainage

layer) without clogging.

(A) Materials required.

(i) Graded cohesionless soil filters. The granular soil material used as a filter shall have no more than five percent by weight passing the No. 200 sieve and no soil particles larger than three inches in any dimension.

(ii) Geosynthetic filters. Geosynthetic filter materials shall demonstrate adequate permeability and soil particle retention, and chemical and physical resistance which is not adversely affected by waste placement, any overlying material or leachate generated by the landfill.

(B) Construction requirements. All filter layers shall be installed in accordance with the engineering plan and specifications incorporated into the permit to construct prepared in accordance with Rule .1604(b) of this Section. Geosynthetic filter materials shall not be wrapped directly around leachate collection piping.

(C) Certification requirements. The project engineer shall include in the construction quality assurance report a discussion of the quality assurance and quality control testing to ensure that the filter layer material is placed according to the approved plans. The testing procedures and protocols for field installation shall be submitted in accordance with Rule .1621 of this Section and approved by the Division. The results of all testing shall be included in the construction quality assurance report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with the approved plans prepared in accordance with Rule .1604(b) of this Section.

(14) Special engineering structures. Engineering structures incorporated in the design and necessary to comply with the requirements of this Section shall be specified in the engineering plan. Material, construction, and certification requirements necessary to ensure that the structure is constructed according to the design and acceptable engineering practices shall be included in the Division approved plan.

(15) Sedimentation and erosion control. Adequate structures and measures shall be designed and maintained to manage the run-off generated by the 24-hour, 25-year storm event, and conform to the requirements of the Sedimentation Pollution Control Law (15A NCAC 4).

(16) Construction quality assurance (CQA) report.

(A) A CQA report shall be submitted:

(i) After completing landfill construction in order to qualify the constructed MSWLF unit for a permit to operate;

(ii) After completing construction of the cap system in accordance with the requirements of Rule .1629; and

(iii) According to the reporting schedule developed in accordance with Rule .1621 of this Section.

(B) The CQA report shall include, at a minimum, the information prepared in accordance with the requirements of Rule .1621 of this Section containing results of all construction quality assurance and construction quality control testing required in this Rule including documentation of any failed test results, descriptions of procedures used to correct the improperly installed material and results of all retesting performed. The CQA report shall contain as-built drawings noting any deviation from the approved engineering plans and shall also contain a comprehensive narrative including but not limited to daily reports from the project engineer and a series of color photographs of major project features.

(C) The CQA report shall bear the seal of the project engineer and a certification that construction was completed in accordance with:

(i) The CQA plan:

(ii) The conditions of the permit to construct;

(iii) The requirements of this Rule; and

(iv) Acceptable engineering practices.

(D) The Division shall review the CQA report within 30 days of a complete submittal to ensure that the report meets the requirements of this Subparagraph.

Table 1

CHEMICAL	MCL(mg/l
Arsenic	0.05
Barium	1.0
Benzene	0.005
Cadmium	0.01
Carbon Tetrachloride	0.005
Chromium (hexavalent)	0.05
2,4-Dichlorophenoxy acetic acid	0.1
1,4-Dichlorobenzene	0.075
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
Endrin	0.0002
Fluoride	4
Lindane	0.004
Lead	0.05
Mercury	0.002
Methoxychlor	0.1
Nitrate	10.0
Selenium	0.01
Silver	0.05
Toxaphene	0.005
1,1,1-Trichloromethane	0.2
Trichloroethylene	0.005
2,4,5-Trichlorophenoxy acetic acid	0.01
Vinyl Chloride	0.002

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Eff. October 9, 1993;
Temporary Amendment Eff. July 7, 1998;
Amendment Eff. April 1, 1999.

CHAPTER 16 - ADULT HEALTH

SUBCHAPTER 16A - CHRONIC DISEASE

SECTION .0100 - MIGRANT HEALTH

.0101 GENERAL

History Note: Authority G.S. 130A-223; Sec. 329, Public Health Services Act, 95 Stat.569 (42 U.S.C. 254b);
Eff. January 1, 1983;

Amended Eff. September 1, 1990;
Repealed Eff. April 1, 1999.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2500 - PUBLIC SWIMMING POOLS

.2522 DECKS

(a) Outdoor swimming pools shall have a continuous deck extending completely around the swimming pool. The width of the deck or walkway shall provide at least six feet of clear walking space at all points. If the swimming area of the pool is 1600 square feet or larger, at least eight feet of clear walking space is required.

(b) Indoor swimming pools shall have a continuous deck or walkway extending completely around the swimming pool. The width of the deck shall provide at least five feet of clear walking space at all points.

(c) Wading pools shall have a continuous deck extending completely around the wading pool. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.

(d) Spas shall have a continuous deck extending at least one-half way around the spa. The width of the deck or walkway shall provide at least four feet of clear walking space at all points.

(e) Whenever a diving board or slide is installed on a swimming pool, there shall be at least five feet (1.52 m) of unobstructed deck behind the diving board or slide.

(f) All deck areas and walkways shall be sloped at a grade of ¼ inch to ½ inch per foot to a deck drain or sheet drain to deck edge. Deck drains shall not be connected to the circulation system in any manner.

(g) All decks and walkways shall have a slip-resistant, impervious surface.

(h) Sufficient hose bibs shall be provided to allow all areas of the deck to be reached with a 100 foot hose.

(i) Special purpose pools such as waterslides and wave pools may vary from the minimum deck area requirements to the extent necessary to accommodate the special features of the pool.

(j) Special structures necessary to provide access to a public swimming pool by persons with disabilities shall be allowed to vary from the provisions of this Section to the extent necessary to accommodate such access. Such structures shall be approved on a case-by-case basis and shall be designed so as to minimize obstruction of the deck.

(k) For all swimming pools constructed after April 1, 2000 decks shall be continuous with the top of the pool wall or gutter and shall not be more than nine inches above the standard operating water level.

History Note: Authority G.S. 130A-282;
Eff. May 1, 1991;
Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.

.2537 MAINTENANCE AND OPERATION

(a) All public swimming pools constructed or remodeled on or after May 1, 1991 shall be maintained and operated in accordance with the Rules of this Section.

(b) On or after May 1, 1993 all public swimming pools including those constructed prior to May 1, 1991 shall be maintained and operated in accordance with the following:

(1) All safety provisions of Rule .2530 of this Section shall be met.

(2) Decks shall be structurally sound and shall be maintained free of trip hazards or offsets greater than one-half inch resulting from deterioration or changes from the original deck profile.

(3) There shall be no loose coping.

(4) Artificial lighting shall be provided for all pools used when natural lighting is not sufficient to make all parts of the pool and pool area clearly visible.

(5) Swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, which completely encloses the swimming pool area to a height of at least 48 inches and is capable of preventing small children from entering the pool area. All gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms. Existing waterslide flumes and other appurtenances are not required to be located inside the fence.

(6) Depth markings shall be provided.

(7) Drain covers shall be in good condition and securely attached.

(8) Damaged face plates or fittings shall be repaired or replaced.

(9) Underwater light niches shall be maintained or covered so as not to present a potential hazard to bathers.

(10) Diving equipment and pool slides including stairs and railing shall be maintained in good working order.

(11) A timer switch which allows no more than 15 minutes of operation without manual resetting shall be used to control air blowers and hydrotherapy pumps on heated spas.

(12) All breaks in grade of the pool bottom including the leading edges of stair treads and seats and the tops of breakpoints where the slope of the bottom changes at a depth of five feet (15m) or less shall be marked with a contrasting color band by May 1, 2000. Contrasting color bands shall not be required where a registered engineer, registered architect or licensed swimming pool contractor certifies in writing that structural weakness or materials of construction prevent the installation of permanent markings.

(13) On or after May 1, 1996 all heated spas shall post a caution sign as specified in Rule .2532 of this Section.

(14) Pool maintenance shall include removal of debris from the water surface and bottom of the pool.

(15) All pool chemicals shall be stored in a clean, dry,

well ventilated area and shall be organized so as to prevent chemicals from reacting.

(16) No submersible pumps or mechanical pool cleaning equipment shall be placed or used in the pool while bathers are in the pool.

(c) The owner of a public swimming pool shall provide for the operation of the pool by a person or persons who shall be responsible to the owner for operation, maintenance, pool safety and recordkeeping. The pool owner shall maintain documentation that the person responsible for operating the pool has been trained on pool equipment operation, disease and injury prevention, pool water chemistry and regulatory requirements for public swimming pools. A pool and spa operator certificate issued by the National Swimming Pool Foundation or other organization which provides training on those subjects shall be accepted as meeting this requirement.

History Note: Filed as a Temporary Amendment Eff. May 11, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
The Codifier of Rules determined that the agency's findings of need did not meet the criteria listed in GS 150B-21.1(a);
Filed as a Temporary Amendment Eff. May 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-282;
Eff. July 1, 1992;
Amended Eff. April 1, 1999; January 1, 1996; October 1, 1993; May 1, 1993.

SECTION .2800 - SANITATION OF CHILD DAY CARE FACILITIES

.2808 FOOD SERVICE

(a) Milk and milk products for drinking purposes shall be served from a commercially filled container of not more than one gallon capacity or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser directly into the drinking utensil.

(b) Ice shall be made, handled, transported, stored and dispensed in such a manner as to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip, splash and other contamination. Ice storage bins shall be drained through an air gap.

(c) Employees preparing or serving food shall wash their hands in accordance with 15A NCAC 18A .2828 and shall either use antibacterial soap, dips, or hand sanitizers immediately prior to food preparation or service or use clean, disposable gloves utensils during food preparation or service. This requirement is in addition to all handwashing requirements in Rule .2828 of this Section.

(d) Once served, portions of leftover food shall not be served again unless the package is intact and the food is not potentially hazardous.

(e) Between uses during service, dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food or stored clean and dry.

(f) Children attending child care centers shall not have access to the kitchen except for emergencies or when participating in a supervised activity.

(g) Nothing in these Rules shall be construed as prohibiting family style food service at child care centers so long as supervision of the children is maintained throughout each meal except that family style food service may be prohibited during the outbreak and investigation of communicable diseases.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. April 1, 1999; February 1, 1995.

.2827 COMMUNICABLE DISEASES AND CONDITIONS

(a) Any child who becomes ill at the child care center and is suspected of having a communicable disease or communicable condition shall be separated from the other children until the child leaves the center.

(b) Each child care center shall include a designated area for a child who becomes ill. When in use, such area shall be equipped with a bed, cot or mat and a vomitus receptacle. All materials shall be sanitized after each use. Linens and disposables shall be changed after each use.

(c) If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means approved by the Environmental Health Specialist. This designated area shall be proximate to a toilet and lavatory, and where health and sanitation measures can be carried out without

interrupting activities of other children and staff.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999.

.2833 SWIMMING AND WADING POOLS

(a) Swimming and wading pools shall be designed, constructed, operated and maintained in accordance with the Rules Governing Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from DENR, Division of Environmental Health, Environmental Health Services Section P.O. Box 29534, Raleigh, North Carolina 27626-0534.

(b) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities.

History Note: Authority G.S. 110-91;
Eff. July 1, 1991;
Amended Eff. February 1, 1995; January 1, 1992;
Temporary Amendment Eff. April 15, 1998;
Amended Eff. April 1, 1999.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 18 - BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL CONTRACTING LICENSING ACT

SECTION .0200 - EXAMINATIONS

.0202 EXPERIENCE

(a) Primary. Primary experience shall mean working experience gained by the applicant while engaged actively and directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities directly related thereto. Examples of the capacity in which a person may work in gaining primary experience and the percentages for creditable primary experience are as follows:

		Percentage
(1)	journeyman electrician or electrician mechanic, both meaning the same;	100
(2)	electrical foreman;	100
(3)	electrical general foreman;	100
(4)	electrical superintendent;	100
(5)	electrical general superintendent;	100
(6)	estimator for licensed electrical contractor;	100
(7)	electrical inspector recognized as such by the State Department of Insurance;	100
(8)	time spent by a professional engineer who is responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	100
(9)	full-time instructor teaching National Electrical Code and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(10)	maintenance journeyman electrician or electrician mechanic employed in a full-time electrical maintenance department;	100
(11)	time actually spent in electrical maintenance by a maintenance journeyman electrician or electrician mechanic regularly employed in other than a full-time electrical maintenance department;	100
(12)	military person holding an electrician rating or rank of at least E-4 who is engaged in land based electrical installations similar or equivalent to work performed by an electrical contractor;	100
(13)	time actually spent in part-time or incidental work in any primary experience category.	100

In calculating accumulative primary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by dividing the total hours of primary experience by 2,000. Example: Applicant has worked in primary capacity for a total of 7,200 hours of primary experience.

$\frac{7,200}{2,000}$ = 3.6 years creditable primary work experience

(b) Secondary. Secondary experience shall mean working experience gained while engaged in work or training that is related in varying degrees to the installation of electrical wiring and equipment governed by the National Electrical Code. Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages for creditable secondary experience are as follows:

		Percentage
(1)	apprentice electrician training in an approved program;	100
(2)	apprentice electrician or helper other than as described in Items (1) and (3) of this list;	80
(3)	time actually spent in electrical maintenance by a maintenance apprentice or electrician helper regularly employed in other than a full-time electrical maintenance department;	80

(4)	student satisfactorily completing National Electrical Code and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(5)	time spent by a professional engineer who is not responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	50
(6)	electrical construction design under the supervision of a professional engineer;	50
(7)	sales representative for an electrical wholesaler, distributor, or manufacturer;	20
(8)	appliance service and repair;	20
(9)	electric utility lineman;	10
(10)	electric utility serviceman.	20

In calculating accumulative secondary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by applying the percentage for creditable secondary experience and dividing the remainder hours by 2,000. Example: Applicant has 1,000 hours of work experience as a helper or regular apprentice and 2,200 hours of experience while enrolled in an approved apprentice training program: 1,000 hours at 80 percent = 800 hours secondary experience; 2,200 hours at 100 percent = 2,200 hours secondary experience;

$$\frac{800 + 2{,}200}{2{,}000} = 1.5 \text{ years creditable secondary experience}$$

(c) Other Experience. The Board shall approve other experience that it finds to be equivalent or similar to the primary or secondary experience defined in this Rule.

History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; Eff. October 1, 1988; Amended Eff. March 1, 1999.

SECTION .0400 - LICENSING REQUIREMENTS

.0406 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE

(a) Subject to Rule .0906 of this Subchapter, any licensee whose license has expired solely because of failure to apply for renewal may apply and have the license renewed without further examination, and in compliance with the provisions contained in G.S. 87-44, if the applicant makes application within a period of 12 months immediately following the date the license expired.

(b) If the application is filed later than 12 months immediately following the date the license expired, the applicant may have the license renewed if, during the 12 month period immediately preceding the date the application is filed with the Board, the applicant's listed qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter or completed 16 contact hours of approved continuing education.

(c) An applicant failing to meet the requirements of Paragraphs (a) or (b) of this Rule may obtain a new license in accordance with Section .0200 of this Subchapter and Rule .0401 of this Section.

(d) The provisions of Section .0600 of this Subchapter apply to applicants whose last license expired on or before June 30, 1970.

History Note: Authority G.S. 87-42; Eff. October 1, 1988; Amended Eff. March 1, 1999; February 1, 1990.

SECTION .0500 - LICENSING OPTIONS

.0501 RECLASSIFICATION OF CURRENT LICENSE

(a) A licensee may have the license classification lowered from unlimited to intermediate or limited, or from intermediate to limited, by:

(1) filing with the Board, in writing, a request for the lowering of the license classification; and

(2) surrendering the current license certificate to the Board for replacement as requested.

(b) A licensee may have a license that was lowered pursuant to Paragraph (a) of this Rule raised to a classification up to and including that classification from which it was lowered by:

(1) filing with the Board, in writing, a request for the raising of the license classification;

(2) surrendering the current license certificate to the Board for replacement as requested; and

(3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee shall be the annual license fee for the class license requested.

(c) A limited or intermediate licensee whose license has not

been lowered pursuant to Paragraph (a) of this Rule may have the license classification raised to intermediate or unlimited by:

(1) submitting an application on a form furnished by the Board indicating the classification of the license desired;

(2) meeting all the requirements for the classification in effect when the application is made, including taking and passing the examination; and

(3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee shall be the annual license fee for the class license requested.

(d) Licenses in the single family detached residential dwelling classification and in any special restricted classification are not subject to reclassification. A change in these classifications can be effected only on the basis of a new application subject to all of the normal processing and examination requirements.

History Note: Authority G.S. 87-42; 87-43.3; 87-43.4;
Eff. October 1, 1988;
Amended Eff. March 1, 1999.

.0504 ONCE LISTED BUT NOT NOW LISTED

(a) A qualified individual who was formerly but is not now listed on any license may apply for and obtain a license upon meeting all current licensing requirements not previously met and by submitting to the Board:

(1) a license application on a form furnished by the Board;

(2) payment of the appropriate license fee; and

(3) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter or completed 16 contact hours of approved continuing education.

(b) A qualified individual who was formerly but is not now listed on any license may be listed on a current active license in the same or a lower classification as the classification of examination passed by submitting to the Board:

(1) a written request from the licensee, co-signed by the qualified individual, requesting the Board to list the qualified individual on the license;

(2) the licensee's current license certificate; and

(3) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter or completed 16 contact hours of approved continuing education.

History Note: Authority G.S. 87-42; 87-43;
Eff. October 1, 1988;
Amended Eff. March 1, 1999; February 1, 1990.

.0505 QUALIFIED INDIVIDUAL: NEVER LISTED NOR OBTAINED LICENSE

A qualified individual who has passed the qualifying examination for a license but has never obtained a license nor been a listed qualified individual on any license shall:

(1) be eligible to obtain a license in the same or lower classification as the classification of examination passed upon meeting all current licensing requirements not previously met and by submitting to the Board:

(a) a license application on a form furnished by the Board;

(b) payment of the appropriate license fee; and

(c) if more than 12 months has elapsed since the qualified individual passed the qualifying examination for a license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Chapter or completed 16 contact hours of approved continuing education.

(2) be eligible to be included as a listed qualified individual on a current active license in the same or a lower classification as the classification of examination passed upon submitting to the Board:

(a) a written request from the licensee, co-signed by the qualified individual, requesting the Board to list the qualified individual on the license;

(b) the licensee's current license certificate; and

(c) if more than 12 months has elapsed since the individual passed the qualifying examination for a license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has engaged for at least 1,000 hours in an occupation of primary experience as defined in Rule .0202 of this Chapter or completed 16 contact hours of approved continuing education.

History Note: Authority G.S. 87-42; 87-43;
Eff. October 1, 1988;
Amended Eff. March 1, 1999; February 1, 1990.

SECTION .1100 - CONTINUING EDUCATION

.1105 COMPUTATION OF CONTINUING EDUCATION HOURS

(a) Group Courses: Non-college. Continuing education credit for a group course that is not part of a college curriculum is given based on contact hours. A contact hour is 50 minutes of instruction. Credit is granted only for full contact hours.

(b) College Courses. Continuing education credit for a college course in the college curriculum is given based on college credit hours. One semester hour of college credit is 16 contact hours; and one continuing education unit is 10 contact hours.

(c) Self-Study Courses. Continuing education credit for a self-study course is given based on the average number of contact hours needed to complete the course. The course shall include a written examination having a minimum of 25 questions and a minimum passing grade of 70. A sponsor must determine the average number of contact hours it takes to complete the self-study course and submit this information with its application for continuing education course sponsor approval.

(d) Examination. Continuing education credit for an examination is given based on the type of examination, number of questions, number of hours permitted to take the examination, and passing grade. The examination shall include a minimum of 25 questions and a minimum passing grade of 70. A sponsor must set the number of hours permitted to take the examination and submit this information with its application for continuing education course sponsor approval.

(e) Totaling Annual Hours. No credit shall be allowed for a course having fewer than the minimum number of contact hours required for the license classification pursuant to Rule .1101(b) of this Section. Courses held for license classifications pursuant to Rule .1101(b)(1) of this Section and lasting from eight to 15 contact hours shall satisfy one year of the required continuing education; a course lasting from 16 to 23 contact hours shall satisfy two years of the required continuing education; and a course lasting 24 or more contact hours shall satisfy three years of the required continuing education. Courses held for license classifications pursuant to Rule .1101(b)(2) of this Section and lasting from four to seven contact hours shall satisfy one year of the required continuing education; a course lasting from eight to 11 contact hours shall satisfy two years of the required continuing education; and a course lasting 12 or more contact hours shall satisfy three years of the required continuing education. Credit hours for more than one year are subject to the provisions of Rule .1104(c) of this Section.

History Note: Authority G.S. 87-42; 87-44.1;
Eff. October 1, 1990;
Amended Eff. March 1, 1999.

CHAPTER 46 - BOARD OF PHARMACY

SECTION .1600 - LICENSES AND PERMITS

.1601 PHARMACY PERMITS

(a) Applications for pharmacy permits, whether original or renewal, shall be made upon forms provided by the Board. The Board shall not issue any original or annual renewal pharmacy permit until the Board is satisfied that:

(1) The pharmacist-manager is sure that at all times adequate qualified personnel has been secured by the management of the store to properly render pharmaceutical service in the manner prescribed by law.

(2) Any and all unlicensed clerks have been instructed that they may render pharmaceutical service only as an aid to and under the immediate supervision of a registered pharmacist.

(3) The pharmacy posts in a location conspicuous to the public the specific hours that a pharmacist is on duty in the pharmacy. This requirement does not apply to hospitals, nursing homes, and similar institutions subject to the provisions of Section .1400 of this Chapter.

(4) The following minimum technical equipment is maintained:

(A) Graduates. Capable of accurately measuring volumes from 1 ml to at least 500 ml;

(B) Mortars and pestles:

(i) one -- glass;

(ii) one -- "Wedgwood";

(C) Stirring Rods. Two different sizes made of glass or rubber;

(D) Ointment slab or suitable substitute;

(E) Class A prescription or electronic balances and appropriate weights, suitable for all required weighings, at least one of which must be sensitive to six mg;

(F) Suitable facilities for recording and filing prescriptions as required by G.S. 90-85.26;

(G) Spatulas:

(i) stainless steel, at least three assorted sizes;

(ii) non-metallic, one of any size;

(H) Useable Supplies. Equipped with safety closures where required:

(i) prescription bottles, 1 to 32 fluid ounces;

(ii) dropper bottles, 1/2 to 2 fluid ounces;

(iii) assorted pill and tablet containers;

(iv) empty capsules, No. 00 to No. 3;

(v) powder papers;

(vi) ointment jars, assorted;

(vii) prescription labels;

(viii) all appropriate auxiliary labels;

(I) Heating apparatus;

(J) Refrigerator;

(K) Reference library, as follows:

(i) the latest edition of the United States Pharmacopoeia (USP) and National Formulary and supplements thereto or a standard commentary thereon;

(ii) a copy of the pharmacy laws of North Carolina, including the North Carolina Controlled Substances Act and the rules adopted pursuant thereto, and the North Carolina Pharmacy Practice Act and the rules of the Board;

(iii) a copy of the Federal Controlled Substances Act and the regulations adopted pursuant thereto;

(iv) a Schedule V controlled substances register (where these preparations are sold other than on prescriptions);

(v) a medical dictionary;

(vi) current editions of generally accepted reference books on the following subjects:

(I) drug interactions,

(II) clinical pharmacology,

(III) USP Dispensing Information or its equivalent, and

(IV) if IV admixture services are provided, a reference on Parenteral Incompatibilities.

(5) The pharmacy is equipped with sanitary appliances including lavatory facilities with hot and cold running water; is adequately lighted; and is kept in a clean, orderly, and sanitary condition.

(6) All prescription medications are labeled in accordance with G.S. 106-134 and 106-134.1.

(b) In addition to the requirements for issuance and renewal of a pharmacy permit imposed by a statute and by other rules of the Board, a permit shall not be issued or renewed to any person to operate a pharmacy wherein the prescriptions of medical practitioners are compounded or dispensed and distributed when such distribution is effected by mail and the practitioner-pharmacist-patient relationship does not exist, until the Board is satisfied that:

(1) The pharmacy maintains records of prescriptions compounded or dispensed and distributed in manner that is readily retrievable;

(2) During the pharmacy's regular hours of operation but not less than six days per week, for a minimum of forty hours per week, a toll-free telephone service is provided to facilitate communication between patients and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed drugs;

(3) The pharmacy complies with all lawful orders, directions, and requests for information from the Boards of pharmacy of all states in which it is licensed and all states into which it distributes prescription drugs;

(4) The pharmacy complies with all USP and FDA requirements regarding the storage, packaging, and shipping of prescription medications. The pharmacist-manager and all other pharmacists employed in the pharmacies permitted pursuant to this Paragraph shall be subject to all Federal and State statutes and regulations concerning the dispensing of prescription medications including, but not limited to, 21 NCAC 46.1801 and .1805 and 21 CFR 1306.01, 1306.05, and 1306.21.

(c) The Board shall not issue an original or renewal permit to any person to operate a drugstore or pharmacy as a department in or a part of any other business serving the general public (except hospitals, nursing homes, and similar institutions subject to the provisions of Section .1400 of this Chapter) unless such pharmacy facility:

(1) is physically separated from such other business;

(2) is separately identified to the public both as to name and any advertising;

(3) completes all transactions relative to such pharmacy within the registered facility; and

(4) meets the same requirements for registration as all other pharmacies.

(d) Permits to operate pharmacies, whether original or renewal, shall be issued to the pharmacist-manager of such pharmacy pursuant to a joint application of the owner and pharmacist-manager for the conduct and management of said pharmacy. The issuance of said permit shall not be complete and the permit shall not be valid until it has been countersigned by the pharmacist-manager as represented in the application. The permit so issued is valid only so long as the pharmacist-manager to whom it was issued assumes the duties and responsibilities of pharmacist-manager. Permits may be reissued at any time to a successor pharmacist-manager pursuant to the proper amendment of the application for the permit.

(e) Upon application, the Board may issue and renew separate permits for pharmacies operating at one location. Records for each permitted pharmacy must be maintained separately. Prior to issuance of an original permit, each pharmacy shall submit a plan to the Board that shall assure accountability for the actions of each pharmacy at the location.

History Note: Authority G.S. 90-85.6; 90-85.21;
Eff. April 1, 1983;
Amended Eff. April 1, 1999; July 1, 1996; September 1, 1995; May 1, 1989; August 1, 1988; March 1, 1984.

SECTION .1700 - DRUGS DISPENSED BY NURSE PRACTITIONER OR PHYSICIAN'S ASSISTANT

.1703 DRUGS TO BE DISPENSED

(a) The nurse practitioner may dispense any and all drugs that the nurse practitioner is authorized by law to prescribe.

(b) The physician assistant may dispense any and all drugs that the physician assistant is authorized by law to prescribe.

(c) The pharmacist shall prepare a plan to ensure that there are adequate amounts of each of the drugs dispensed by a nurse practitioner or physician assistant, and that such drugs are properly stored and packaged.

(d) All drugs dispensed by a nurse practitioner or physician assistant must be dispensed from a place holding a current pharmacy permit from the Board as required by G.S. 90-85.21.

(e) The consulting pharmacist shall be available for

consultation in person, by telephone, or other means of direct communication at all times when drugs are dispensed.

(f) All drugs dispensed by the nurse practitioner or physician assistant shall be prepackaged in safety closure containers and shall be appropriately prelabeled (including necessary auxiliary labels) by the pharmacist with all information required by law except the name of the patient and the directions for use. The name of the patient and directions for use of the drugs shall be placed on the label by the nurse practitioner or physician assistant at the time it is delivered to the patient or his agent.

History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; Eff. April 1, 1983; Amended Eff. April 1, 1999; May 1, 1997; May 1, 1989.

.1706 RETROSPECTIVE REVIEW AND CONSULTATION

All drugs dispensed by a nurse practitioner or physician assistant shall be retrospectively reviewed by a pharmacist on a weekly basis. The reviewing pharmacist may advise and consult with the dispensing nurse practitioner, physician assistant, or supervising physician about potential drug therapy concerns which may result from:

(1) therapeutic duplication;
(2) drug-disease contraindication;
(3) interactions between or among drugs, including serious interactions with prescription or over-the-counter drugs;
(4) incorrect drug dosage or duration of drug treatment;
(5) interactions between drugs and allergies; and
(6) clinical abuse or misuse.

History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; Eff. April 1, 1999.

SECTION .1800 - PRESCRIPTIONS

.1809 EMERGENCY PRESCRIPTION REFILLS

In the event a pharmacist or device and medical equipment permit holder receives a request for a prescription refill and the pharmacist or permit holder is unable to obtain refill authorization from the prescriber, the pharmacist or permit holder may dispense a one-time emergency refill of up to a 30 day supply of the prescribed medication, provided that:

(1) The prescription is not for a Schedule II controlled substance;
(2) The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition;
(3) In the pharmacist's or permit holder's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences;
(4) The dispensing pharmacist or permit holder creates a written order containing all of the prescription information required by Section .2300 of these Rules and signs that order;
(5) The dispensing pharmacist or permit holder notifies the prescriber or the prescriber's office of the emergency dispensing within 72 hours after such dispensing.

History Note: Authority G.S. 90-85.6; 90-85.32; Eff. September 1, 1993; Amended Eff. April 1, 1999; September 1, 1995.

SECTION .2300 - PRESCRIPTION INFORMATION AND RECORDS

.2304 AUTOMATED DATA PROCESSING SYSTEMS

An automated data processing system may be employed as a record-keeping system if the following conditions are met:

(1) The system shall have the capability of producing sight-readable documents of all original and refilled prescription information. The term "sight-readable" means that a regulatory agent shall be able to examine the record and read the information. In the case of administrative proceedings before the Board, records must be provided in a readable paper printout form.
(2) Such information shall include, but not be limited to the prescription requirements and records of dispensing as indicated in Rules .2301 and .2302 of this Section.
(3) The individual pharmacist responsible for completeness and accuracy of the entries to the system must provide documentation of the fact that prescription information entered into the computer is correct. In documenting this information, the pharmacist shall have the option of either:
    (a) providing a printout of each day's prescription information. That printout shall be dated and the individual pharmacist shall verify that the information indicated is correct and sign the printout in the same manner as a check or legal document (e.g. J.H. Smith, or John H. Smith). Such printout must be maintained three years from the date of last dispensing; or
    (b) maintaining a log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement each day attesting to the fact that the prescription information entered into the computer that day has been reviewed and is correct as shown. Such a book or file must be maintained at the pharmacy employing such a system for a period of three years after the date of last dispensing.
(4) Documentation in Paragraph (3) of this Rule must be provided in the pharmacy within 72 hours of date of dispensing.
(5) An auxiliary recordkeeping system shall be established for the documentation of refills if the automated data processing system is inoperative for any reason. When the automated data processing system is restored to operation, the information regarding prescriptions filled, refilled or transferred during the inoperative period shall be entered into the automated data processing system within the time

equal to the number of inoperative days times three; for example, if the system were inoperative for five days then all interim data shall be entered within 15 days of the last inoperative day. However, nothing in this Paragraph shall preclude the pharmacist from using professional judgment for the benefit of a patient's health and safety. The auxiliary record keeping system shall be backed up at least weekly.

(6) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with such supplier is terminated for any reason. A pharmacy shall assure continuity in the maintenance of records.

(7) A current version of drug interactions software shall be used and policies and procedures shall be established to address overriding the interactions prompt.

History Note: Authority G.S. 90-85.6(a); 90-85.26; 90-85.32; 90-107;
Eff. December 31, 1985;
Amended Eff. April 1, 1999; May 1, 1989.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, February 18, 1999, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, February 15, 1999, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Teresa L. Smallwood, Vice Chairman
John Arrowood
Laura Devan
Jim Funderburke
David Twiddy

Appointed by House
Paul Powell, Chairman
Anita White, 2nd Vice Chairman
Mark Garside
Steve Rader
George Robinson

RULES REVIEW COMMISSION MEETING DATES

February 18, 1999
March 18, 1999
April 15, 1999
May 20, 1999
June 17, 1999
July 15, 1999
August 19, 1999
September 16, 1999
October 21, 1999
November 18, 1999
December 16, 1999

LOG OF FILINGS

RULES SUBMITTED: DECEMBER 20, 1998 THROUGH JANUARY 20, 1999

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHHS/DIVISION OF MEDICAL ASSISTANCE			
	Physician's Fee Schedule	10 NCAC 26H .0401	Amend
DHHS/SOCIAL SERVICES COMMISSION			
	Consultative Services	10 NCAC 41E .0401	Repeal
	Definitions	10 NCAC 41E .0403	Repeal
	Licensing Process	10 NCAC 41E .0404	Repeal
	Kinds of Licenses	10 NCAC 41E .0405	Repeal
	Licensing Actions	10 NCAC 41E .0406	Repeal
	Incorporation	10 NCAC 41E .0501	Repeal
	Governing Body	10 NCAC 41E .0502	Repeal
	Finances	10 NCAC 41E .0503	Repeal
	Staff	10 NCAC 41E .0504	Repeal
	Personnel Policies	10 NCAC 41E .0505	Repeal
	Social Services: Admissions: Policies	10 NCAC 41E .0506	Repeal
	Social Services: Discharge Policies	10 NCAC 41E .0507	Repeal
	Social Services: Services to Child & Family	10 NCAC 41E .0508	Repeal
	Social Services: Visiting Policies	10 NCAC 41E .0509	Repeal
	Social Services: Follow Up Services	10 NCAC 41E .0510	Repeal
	Social Services: Records and Reports	10 NCAC 41E .0511	Repeal
	Child Care and Development: Program	10 NCAC 41E .0512	Repeal
	Education	10 NCAC 41E .0513	Repeal

Child Care and Development: Health	10 NCAC 41E .0514	Repeal
Child Care and Development: Recreation	10 NCAC 41E .0515	Repeal
Discipline	10 NCAC 41E .0516	Repeal
Work	10 NCAC 41E .0517	Repeal
Exploitation	10 NCAC 41E .0518	Repeal
Purpose	10 NCAC 41E .0601	Repeal
Finances	10 NCAC 41E .0602	Repeal
Staff	10 NCAC 41E .0603	Repeal
Personnel Policies	10 NCAC 41E .0604	Repeal
Social Services	10 NCAC 41E .0605	Repeal
Child Care and Development	10 NCAC 41E .0606	Repeal
Construction: General Requirements	10 NCAC 41E .0701	Repeal
Construction: Functional Requirements	10 NCAC 41E .0702	Repeal
Construction: Fire Safety Regulations	10 NCAC 41E .0703	Repeal
Construction: Health Regulations	10 NCAC 41E .0704	Repeal
Definitions	10 NCAC 41G .0501	Repeal
Purpose	10 NCAC 41G .0502	Repeal
Location	10 NCAC 41G .0504	Repeal
Governing Body	10 NCAC 41G .0505	Repeal
Finances	10 NCAC 41G .0506	Repeal
Staff: General	10 NCAC 41G .0507	Repeal
The Director	10 NCAC 41G .0508	Repeal
Supervisory Staff/Professional Services	10 NCAC 41G .0509	Repeal
Clerical Staff	10 NCAC 41G .0510	Repeal
Child Care Staff	10 NCAC 41G .0511	Repeal
Maintenance Staff	10 NCAC 41G .0512	Repeal
Personnel Policies	10 NCAC 41G .0513	Repeal
Staff	10 NCAC 41G .0601	Repeal
Admission Services	10 NCAC 41G .0602	Repeal
Residential Services	10 NCAC 41G .0603	Repeal
Discharge Services	10 NCAC 41G .0604	Repeal
Records	10 NCAC 41G .0605	Repeal
Reports	10 NCAC 41G .0606	Repeal
Social Aspects of Care	10 NCAC 41G .0701	Repeal
Recreation	10 NCAC 41G .0702	Repeal
Education	10 NCAC 41G .0703	Repeal
Religious Training	10 NCAC 41G .0704	Repeal
Medical Program	10 NCAC 41G .0705	Repeal
Dental Program	10 NCAC 41G .0706	Repeal
Routine Health Care and Personal Hygiene	10 NCAC 41G .0707	Repeal
Nutrition	10 NCAC 41G .0708	Repeal
Construction	10 NCAC 41G .0801	Repeal
Requirements for Approval	10 NCAC 41G .0802	Repeal
General Requirements	10 NCAC 41G .0803	Repeal
Fire Safety	10 NCAC 41G .0804	Repeal
General Sanitation	10 NCAC 41G .0805	Repeal
Bath and Toilet Facilities	10 NCAC 41G .0806	Repeal
Sleeping Facilities	10 NCAC 41G .0807	Repeal
Heat, Light, and Ventilation	10 NCAC 41G .0808	Repeal
Inspections	10 NCAC 41G .0809	Repeal
License	10 NCAC 41G .0902	Repeal
Definitions	10 NCAC 41G .1001	Repeal
Purpose	10 NCAC 41G .1002	Repeal
Location	10 NCAC 41G .1004	Repeal
Governing Body	10 NCAC 41G .1005	Repeal
Finances	10 NCAC 41G .1006	Repeal
Staff: General	10 NCAC 41G .1007	Repeal
The Director	10 NCAC 41G .1008	Repeal

Supervisory Staff/Professional Services	10 NCAC 41G .1009	Repeal
Clerical Staff	10 NCAC 41G .1010	Repeal
Child Care Staff	10 NCAC 41G .1011	Repeal
Maintenance Staff	10 NCAC 41G .1012	Repeal
Personnel Policies	10 NCAC 41G .1013	Repeal
Staff	10 NCAC 41G .1101	Repeal
Admission Services	10 NCAC 41G .1102	Repeal
Residential Services	10 NCAC 41G .1103	Repeal
Discharge Services	10 NCAC 41G .1104	Repeal
Records	10 NCAC 41G .1105	Repeal
Reports	10 NCAC 41G .1106	Repeal
Social Aspects of Care	10 NCAC 41G .1201	Repeal
Recreation	10 NCAC 41G .1202	Repeal
Education	10 NCAC 41G .1203	Repeal
Religious Training	10 NCAC 41G .1204	Repeal
Medical Program	10 NCAC 41G .1205	Repeal
Dental Program	10 NCAC 41G .1206	Repeal
Routine Health Care and Personal Hygiene	10 NCAC 41G .1207	Repeal
Nutrition	10 NCAC 41G .1208	Repeal
Construction	10 NCAC 41G .1301	Repeal
Requirements for Approval	10 NCAC 41G .1302	Repeal
General Requirements	10 NCAC 41G .1303	Repeal
Fire Safety	10 NCAC 41G .1304	Repeal
Health Aspects	10 NCAC 41G .1305	Repeal
Bath and Toilet Facilities	10 NCAC 41G .1306	Repeal
Sleeping Facilities	10 NCAC 41G .1307	Repeal
Heat, Light, and Ventilation	10 NCAC 41G .1308	Repeal
Inspections	10 NCAC 41G .1309	Repeal
License	10 NCAC 41G .1402	Repeal
Applicability	10 NCAC 41R .0101	Repeal
Administration and Organization	10 NCAC 41R .0102	Repeal
Program Requirements and Services	10 NCAC 41R .0103	Repeal
Facilities	10 NCAC 41R .0104	Repeal
Transportation	10 NCAC 41R .0105	Repeal
Daily Life	10 NCAC 41R .0106	Repeal
Education	10 NCAC 41R .0107	Repeal
Licensing Actions	10 NCAC 41S .0101	Adopt
Licensing Process	10 NCAC 41S .0102	Adopt
Definitions	10 NCAC 41S .0201	Adopt
Responsibility to Div. of Social Services	10 NCAC 41S .0202	Adopt
Substantiations of Neglect Against Facility	10 NCAC 41S .0203	Adopt
Licensure Procedures	10 NCAC 41S .0204	Adopt
Governance	10 NCAC 41S .0301	Adopt
Responsibilities of the Governing Body	10 NCAC 41S .0302	Adopt
Finances	10 NCAC 41S .0303	Adopt
Internal Operating Procedures	10 NCAC 41S .0304	Adopt
Recordkeeping and Reporting	10 NCAC 41S .0305	Adopt
Client Rights	10 NCAC 41S .0306	Adopt
Grievance Procedures	10 NCAC 41S .0307	Adopt
Personnel Policies	10 NCAC 41S .0401	Adopt
Personnel Deployment	10 NCAC 41S .0402	Adopt
Personnel File	10 NCAC 41S .0403	Adopt
Personnel Qualifications	10 NCAC 41S .0404	Adopt
Personnel Positions	10 NCAC 41S .0405	Adopt
Auxiliary Services Personnel	10 NCAC 41S .0406	Adopt
Volunteers	10 NCAC 41S .0407	Adopt
Admission Policies	10 NCAC 41S .0501	Adopt
Admission Procedures	10 NCAC 41S .0502	Adopt

Admission Agreement	10 NCAC 41S .0503	Adopt
Orientation	10 NCAC 41S .0504	Adopt
Discharge Policies and Procedures	10 NCAC 41S .0505	Adopt
Client Records	10 NCAC 41S .0506	Adopt
Program Policies and Practices	10 NCAC 41S .0601	Adopt
Family Involvement	10 NCAC 41S .0602	Adopt
Visiting Resources	10 NCAC 41S .0603	Adopt
Health Services	10 NCAC 41S .0604	Adopt
Routine Aspects of Health	10 NCAC 41S .0605	Adopt
Nutrition	10 NCAC 41S .0606	Adopt
Health Education	10 NCAC 41S .0607	Adopt
Educational and Vocational Services	10 NCAC 41S .0608	Adopt
Recreation and Leisure Activities	10 NCAC 41S .0609	Adopt
Religion and Spiritual	10 NCAC 41S .0610	Adopt
Personal Possessions and Money	10 NCAC 41S .0611	Adopt
Work	10 NCAC 41S .0612	Adopt
Discipline and Behavior Management	10 NCAC 41S .0613	Adopt
Incident Reports	10 NCAC 41S .0614	Adopt
Searches	10 NCAC 41S .0615	Adopt
Requirements for Approval	10 NCAC 41S .0701	Adopt
Construction and Renovation	10 NCAC 41S .0702	Adopt
Applicable Building Codes	10 NCAC 41S .0703	Adopt
Fire and Building Safety	10 NCAC 41S .0704	Adopt
General Sanitation	10 NCAC 41S .0705	Adopt
Bathing and Toilet Areas	10 NCAC 41S .0706	Adopt
Sleeping Areas	10 NCAC 41S .0707	Adopt
Living/Activity Areas	10 NCAC 41S .0708	Adopt
Dining Areas	10 NCAC 41S .0709	Adopt
Heat, Light and Ventilation	10 NCAC 41S .0710	Adopt
Exterior Space	10 NCAC 41S .0711	Adopt
Inspections	10 NCAC 41S .0712	Adopt
Vehicles Used for Transportation/Children	10 NCAC 41S .0713	Adopt
Applicability	10 NCAC 41T .0101	Adopt
Admission Criteria	10 NCAC 41T .0102	Adopt
Personnel	10 NCAC 41T .0103	Adopt
Service Planning	10 NCAC 41T .0104	Adopt
Service Delivery	10 NCAC 41T .0105	Adopt
Buildings, Grounds & Equipment	10 NCAC 41T .0106	Adopt
Applicability	10 NCAC 41T .0201	Adopt
Admission Procedures	10 NCAC 41T .0202	Adopt
Admission Criteria	10 NCAC 41T .0203	Adopt
Recordkeeping	10 NCAC 41T .0204	Adopt
Service Planning	10 NCAC 41T .0205	Adopt
Discharge Services	10 NCAC 41T .0206	Adopt
DHHS/DIVISION OF MEDICAL ASSISTANCE		
United States Citizen	10 NCAC 50B .0302	Amend
Income	10 NCAC 50B .0313	Amend
DENR/WILDLIFE RESOURCES COMMISSION		
Dare County	15 NCAC 10F .0310	Amend
Catawba County	15 NCAC 10F .0342	Amend

RULES REVIEW COMMISSION

January 21, 1999
MINUTES

The Rules Review Commission met on January 21, 1999, in the West Wing Conference Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Steven P. Rader, R. Palmer Sugg, Laura Devan, John Arrowood, Mark P. Garside, and George S. Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Jackie Herbster	Kilpatrick Stockton
Patrice Alexander	NC Board of Employee Assistance Professionals
Warren Plonk	State Budget
Alicia Gregory	Poyner & Spruill
Roy Sonorick	DHHS/MH/DD/SAS
Glenda Harris	DHHS

APPROVAL OF MINUTES

The meeting was called to order at 10:10 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the December 17, 1998 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

4 NCAC 1E .0104: COMMERCE/Commerce Finance Center – The rewritten rule submitted by the agency was approved by the Commission.

4 NCAC 1K .0102, .0103, .0302, and .0402: COMMERCE/Commerce Finance Center – The rewritten rules submitted by the agency were approved by the Commission.

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – The agency requested additional time to rewrite these rules. No action was necessary. Commissioner Arrowood recused himself from any action on these rules.

4 NCAC 3H .0002: COMMERCE/Banking Commission – The agency requested additional time to rewrite this rule. No action was necessary. Commissioner Arrowood recused himself from any action on this rule.

10 NCAC 3R .6112: DHHS/Medical Care Commission – The agency and those opposed to this rule requested additional time to rewrite the rule. No action was necessary.

10 NCAC 26H .0304: DHHS/Division of Medical Assistance – The rewritten rule submitted by the agency was approved by the Commission.

12 NCAC 7D .1201, .1202, .1301, .1302, .1303, .1304, .1305, .1306, and .1307: JUSTICE/N C Private Protective Services Board – No response was received from the agency on these rules so they were returned to the agency for failure to comply with the APA.

17 NCAC 6B .0118: DEPARTMENT OF REVENUE – No action was necessary on this rule.

21 NCAC 46 .1804 and .2506: NC Board of Pharmacy – No response was received on these rules.

21 NCAC 57A .0305: NC Appraisal Board - The agency stated that this rule would be addressed at their February 18, 1999 meeting.

LOG OF FILINGS

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

10 NCAC 14V .4301: DHHS/Commission for MH/DD/SAS – The Commission objected to this rule due to ambiguity. In (2)(a), it is not clear what is meant by a "nationally accredited" therapeutic community. Who does the accrediting?

15A NCAC 21H .0110: DENR/Commission for Health Services – The Commission extended the period of review on this rule in order to receive information on whether "other rare hemoglobins with symptomatic abnormal clinical thalessima disease" is a variant of sickle cell disease, sickle cell trait, or sickle cell thalassemia.

21 NCAC 11 .0109: NC Board of Employee Assistance Professionals – The Commission objected to this rule due to ambiguity. The last two sentences in this rule contradict each other. One sentence says the materials may be obtained at no cost while the other says costs vary. It therefore is not clear what the costs are.

COMMISSION PROCEDURES AND OTHER MATTERS

A resolution was adopted by the Commission allowing employees of the Rules Review Commission to participate in a 401(k) plan. Mr. DeLuca announced that Ms. Gruber would be retiring on March 31, 1999 after 10 years with the Commission. The Joint Legislative Administrative Procedures Oversight Committee met recently. Elections were held for the Rules Review Commission and Commissioner Powell was unanimously reelected as Chairman and Commissioner Smallwood was unanimously reelected Vice Chairman. Commissioner Rader was unanimously elected as second Vice Chairman.

The next meeting will be on February 18, 1999.

The meeting adjourned at 11:10 a.m.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: http://www.state.nc.us/OAH/hearings/decision/caseindex.htm.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens
Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith
Beryl E. Wade

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
ADMINISTRATION				
Occaneechi Band of the Saponi Nation v NC Comm of Indian Affairs	96 DOA 0006	Smith	12/07/98	13.13 NCR 1075
Carlton L. Coleman v Administration, Division of Purchase and Contract	98 DOA 1016	Phipps	12/16/98	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v Jesse Jacob Joyner, Jr	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v Trade Oil Company, Inc	98 ABC 0033	Reilly	08/21/98	
Alcoholic Beverage Control Commission v Pantana Bobs, Inc	98 ABC 0293	Reillly	09/17/98	13 11 NCR 933
Alcoholic Beverage Control Comm v Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Comm v Harold Webster Hadnott	98 ABC 0324	Smith	12/02/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0357*[3]	Reilly	07/02/98	
Sokha Huor Ramadneh v Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13.03 NCR 350
Alcoholic Beverage Control Commission v Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0401*[3]	Reilly	07/02/98	
Alcoholic Beverage Control Commission v James Aubrey Stephenson	98 ABC 0494	Chess	09/01/98	
Alcoholic Beverage Control Commission v Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v Robert Lee, Inc	98 ABC 0518	Gray	08/11/98	
Alcoholic Beverage Control Comm v Partnership, T/A Variety Pic Up #21	98 ABC 0714	Morrison	10/09/98	
Tarus Jackson v Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
Alcoholic Beverage Control Comm v Simple Elegance Restaurants, Inc	98 ABC 0850	Phipps	10/26/98	
Alcoholic Beverage Control Comm v Daniel Hinton Green	98 ABC 0889	Morrison	11/06/98	
Alcoholic Beverage Control Comm v Zaheer Ahmad Bajwa	98 ABC 0960	Owens	10/30/98	
Alcoholic Beverage Control Comm v Jerald Taft Howell, Jr	98 ABC 1171	Smith	12/03/98	
Alton Ollivierra Perry v Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
BOARD OF CONTRACTORS				
Heritage Pointe Builders, Inc & Patrick Hannon v Bd of Contractors	97 LBC 0243	Phipps	08/17/98	
CRIME CONTROL AND PUBLIC SAFETY				
Loretta Battle v Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13 05 NCR 533
Marcella Skaggs v Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Linda Caldwell Wiggins v Crime Victims Compensation Commission	98 CPS 0153	Chess	08/27/98	
Kenneth T Lytle v Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Shirley Henryhand v Crime Victims Compensation Commission	98 CPS 0263	Morrison	08/11/98	
Brenda Jean Thomas v Crime Victims Compensation Commission	98 CPS 0314	Morrison	08/11/98	
Tareyton L. Johnson v Crime Victims Compensation Commission	98 CPS 0327	Reilly	09/02/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
Godfrey Akenabor v. Crime Victims Compensation Commission	98 CPS 0427	Owens	10/30/98	13.12 NCR 1015
Valine H Thompson v Crime Victims Compensation Commission	98 CPS 0674	Morrison	11/18/98	
Rufus K Williams v Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	
Faye E. Powell v Crime Victims Compensation Commission	98 CPS 0808	Owens	08/28/98	
Hubert Lee Grant v Crime Victims Compensation Commission	98 CPS 0839	Morrison	10/21/98	13 10 NCR 853
Mary Elizabeth Troutman v Crime Victims Compensation Comm	98 CPS 0901	Smith	11/12/98	
Brenda H Alston v Crime Victims Compensation Commission	98 CPS 0952	Phipps	11/10/98	
Shirley P Chen v Crime Victims Compensation Commission	98 CPS 1015	Phipps	09/17/98	
Kenneth B Hall, Sr v Crime Victims Compensation Commission	98 CPS 1170	Mann	12/21/98	
Dunnie G Smith v Crime Victims Compensation Commission	98 CPS 1201	Reilly	01/04/99	
Felicia House v Crime Victims Compensation Commission	98 CPS 1273	Smith	01/25/99	
Antonia F Jones v Office of Administrative Hearings	98 CPS 1403	Gray	01/29/99	
ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR				
Thomas A Truelove, Jr., PE v Bd./Examiners/Engineers and Surveyors	98 ELS 0047	Mann	11/12/98	13 12 NCR 1035
ENVIRONMENT AND NATURAL RESOURCES				
Albert C Wright, Jr. v Environment, Health, & Natural Resources	96 EHR 0610*[17]	Gray	01/29/99	
Albert C Wright, Jr v Environment, Health, & Natural Resources	96 EHR 0630*[17]	Gray	01/29/99	
Ladane Williamson and Odell Decarol Williamson v DENR	96 EHR 1926	Gray	09/01/98	13 07 NCR 609
Teresa Heflin v Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F Smith v Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
William Hickman v Department of Environment and Natural Resources	97 EHR 1388	Gray	11/06/98	13.11 NCR 928
Hickory Alliance v Department of Environment and Natural Resources and Godfrey Lumber Company, Inc	97 EHR 1607	Reilly	07/17/98	
John M Silvia v Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc v. Dept /Environment & Natural Resources and Hickory Alliance	97 EHR 1676	Reilly	07/17/98	
Gregory B Jackson, Brenda R Jackson v Greene Cty Hlth Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G Goff, Sr v Department of Environment and Natural Resources	98 EHR 0072*[2]	Gray	06/25/98	
Scotland Water, Cedar Circle v Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Womble & Company v Dept of Environment and Natural Resources	98 EHR 0345	Chess	11/05/98	
Eric Glenn Harrison v Environment and Natural Resources	98 EHR 0373	Reilly	08/28/98	
Robert G. Goff, Sr v Department of Environment and Natural Resources	98 EHR 0448*[2]	Gray	06/25/98	
Mid South Water Systems, Inc v Environment and Natural Resources	98 EHR 0548	Gray	12/02/98	
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Sherry L Hampton v Department of Human Resources	98 DCS 0257	Morrison	12/01/98	
Terita M Sharpe v Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Sherisse Stancel Kelly v Department of Human Resources	98 DCS 0508	Mann	12/16/98	
Melanie D Nickerson v Department of Health & Human Services	98 DCS 0593	Gray	01/19/99	
Ruth McFadden v Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
Division of Women's and Children's Health				
Khamis A Sirhan v DHHS, Women's/Children's Health, Nutrition Svcs.	98 DHR 0219	Reilly	08/11/98	
Joseph A Nawas v DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
Mohamad I Rahman v DHHS, Womens/Childrens Hlth, Nutr Svcs Sect	98 DHR 0923	Chess	11/06/98	
Evelyn Powell v Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
HUMAN RELATIONS COMMISSION				
NC Human Relations Comm Ex Rel Clarice Dial v Dixie Lee Newsome, Jetti Lee, Jackie Lee and Erwin Judd	98 HRC 1063	Smith	01/21/99	13:16 NCR 1368
JUSTICE				
James Todd Tippet v NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
Alarm Systems Licensing Board				
Claude David Huggins v Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Jay Michael Ratcliff v Alarm Systems Licensing Board	98 DOJ 1345	Owens	11/19/98	
Robert Derek Ross v Alarm Systems Licensing Board	98 DOJ 1494	Morrison	12/10/98	
Barry D Lyman v Alarm Systems Licensing Board	98 DOJ 1496	Smith	12/16/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Auctioneer Licensing Board				
Wiley R Tyndall v Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Gavin Haviv Abadi v Auctioneer Licensing Board	98 DOJ 1060	Smith	10/21/98	
Education and Training Standards Division				
Thomas Dwayne Brown v Sheriffs' Education & Training Standards Comm.	97 DOJ 1319	Phipps	07/29/98	
Kenneth Joseph Jackson v Sheriffs' Education & Training Standards Comm	97 DOJ 1578*[8]	Gray	08/20/98	
Odis Fitzgerald Darden v Sheriffs' Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
Hoyle Kenneth Wise, Jr v Sheriffs' Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Kenneth Earl Brantley v Criminal Justice Ed & Training Stds. Comm	98 DOJ 0046	Gray	11/04/98	13 11 NCR 935
Hearl Oxendine v Criminal Justice Education & Training Stds Comm	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v Criminal Justice Education & Training Stds Comm	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v Sheriffs' Education & Training Standards Comm	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v Sheriffs' Education & Training Standards Comm	98 DOJ 0430	Gray	07/21/98	
Harold F Esters v Sheriffs' Education & Training Standards Comm	98 DOJ 0431	Gray	08/21/98	
William Scott Key v Sheriffs' Education & Training Standards Comm	98 DOJ 0432	Becton	06/08/98	
Cecil W Duke, Jr v Criminal Justice Education & Training Stds Comm	98 DOJ 0479	Chess	10/07/98	
Marvin Sherriel Clark v Department of Correction and Marvin S. Clark v Criminal Justice Ed & Training Stds Comm.	98 DOJ 0491*[19]	Phipps	01/08/99	
Amado Martinez v Criminal Justice Education & Training Stds Comm	98 DOJ 0526	Morrison	09/09/98	
Johnny Wayne Wills v Criminal Justice Education & Training Stds. Comm	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v Sheriffs' Education & Training Standards Comm	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v DOJ, Criminal Justice Ed & Training Stds Comm	98 DOJ 0841	Phipps	09/16/98	
Kenneth Joseph Jackson v Sheriffs' Education & Training Standards Comm	98 DOJ 0847*[8]	Gray	08/20/98	
Kelly Suzanne Mayberry v Sheriffs' Education & Training Stds. Comm.	98 DOJ 0875	Chess	11/13/98	
Sharon Day Herring v Sheriffs' Education & Training Stds. Comm	98 DOJ 0877	Mann	12/30/98	
Robert Ryan Hardison v Sheriffs' Education & Training Standards Comm.	98 DOJ 0878	Phipps	09/08/98	
Tracey Jerome Clark v Sheriffs' Education & Training Standards Comm	98 DOJ 0879	Owens	08/31/98	
Berry Bernard Baker v Criminal Justice Ed & Training Standards Comm	98 DOJ 0907	Mann	01/15/99	
Evelyn D Brown v Sheriffs' Education & Training Stds Comm	98 DOJ 0922	Mann	12/22/98	
Kevin Lamar Dorsey v Sheriffs' Education & Training Standards Comm	98 DOJ 0930	Phipps	09/22/98	
Willoughby McCormick, Jr v Sheriffs' Ed & Training Standards Comm	98 DOJ 1007	Reilly	10/13/98	
Herman Lee Colvin v Sheriffs' Ed & Training Standards Comm	98 DOJ 1008	Smith	01/07/99	
Ronald Hosea Hodge v Criminal Justice Ed & Training Standards Comm	98 DOJ 1058	Smith	01/08/99	
Melvin Garfield Smith v Criminal Justice Ed & Training Stds Comm	98 DOJ 1059	Gray	01/04/99	
Paul Harvey Taylor v Criminal Justice Ed & Training Stds Comm	98 DOJ 1125	Phipps	12/30/98	
Phillip K McPherson v Sheriffs' Education & Training Standards Comm	98 DOJ 1360	Gray	01/28/99	
Frankie Arlene Fisher v Sheriffs' Ed & Training Standards Comm	98 DOJ 1421	Chess	01/06/99	
Tarrie L. Reid v Criminal Justice Ed & Training Stds Comm	98 DOJ 1623	Chess	01/13/99	
Private Protective Services Board				
Wayne Carey v Private Protective Services Board	98 DOJ 0619	Owens	11/19/98	
Claims Verification, Inc v Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
Walter R Shirer v Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
Stacey L. Williams v Private Protective Services Board	98 DOJ 0938	Morrison	08/18/98	
Eugene Norman Garrett v Private Protective Services Board	98 DOJ 0939	Morrison	08/18/98	
G. Russell Smith v Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
David C Brisson v Private Protective Services Board	98 DOJ 0941	Owens	11/19/98	
Danny Charles Garrett v Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
David C Truesdale v Private Protective Services Board	98 DOJ 1082	Morrison	12/10/98	
Dennis Ray Hyatt v Private Protective Services Board	98 DOJ 1139	Owens	11/19/98	
Alfred D Malson v Private Protective Services Board	98 DOJ 1141	Morrison	09/29/98	
Rodney Hamilton Marsh v Private Protective Services Board	98 DOJ 1142	Owens	11/04/98	
Melvin Eugene Davis v Private Protective Services Board	98 DOJ 1145	Morrison	09/22/98	
Glen Leon Fitchette v Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
Arvin Itwaru v Private Protective Services Board	98 DOJ 1493	Morrison	12/10/98	
LABOR				
Hildreth Mechanical & Maintenance v Labor/Labor Standards	98 DOL 0903	Mann	11/04/98	
Labor World, Eric Feinstein v Labor, Harry E. Payne, Jr	98 DOL 1256	Gray	11/05/98	
BOARD OF MEDICAL EXAMINERS				
Joe D Crawford, M D v Medical Bd of NC Bd of Medical Examiners	98 BME 0870	Owens	07/30/98	
PUBLIC INSTRUCTION				
Linda & Danny Howard for Nikki Howard v Lenoir Cty Bd of Ed	97 EDC 1047	Gray	10/30/98	
George & Ruth Sinclair for Adam Sinclair v Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Throught His Parents, Charles & Kathleen Eirschele v Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
Dewitt Brinson & Elizabeth Brinson v Craven County Board of Education	97 EDC 1298	Phipps	10/26/98	
Gene Edward Lloyd v Department of Public Instruction	98 EDC 0110	Reilly	09/10/98	
Joseph Hughey Barringer v Dr Michael Ward, Dept of Public Instruction	98 EDC 0127	Mann	01/14/99	

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Mrs Phyllis Y Moore v Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
Laney Bruce Harrill v State Board of Education	98 EDC 0350	Smith	09/17/98	
L K on behalf of her son, J H , as well as on her own behalf v St Bd./Ed	98 EDC 0370	Smith	10/14/98	
Joseph J Sarrerro v Department of Public Instruction	98 EDC 0459	Owens	08/10/98	
M E. and her husband, P.E , individually, and on behalf of their son, C E. v Bd of Ed for Buncombe Cty a/k/a Buncombe Cty Public Schools, et al	98 EDC 0566	Gray	10/01/98	
STATE BAR				
Linda R Sharp v North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	
STATE PERSONNEL				
Department of Administration				
David Grigsby v NC Commission of Indian Affairs	98 OSP 0428	Morrison	12/14/98	
Community Colleges				
Dr William R Strickland v NC Community College System	98 OSP 1305	Gray	12/07/98	
Department of Correction				
Annie D Dizon v NC Correctional (Inst) Center for Women	97 OSP 0166	Mann	11/06/98	
Terry T Rees v Department of Correction	97 OSP 1671*[4]	Smith	06/30/98	
Mohammad H Baloch, M D v Department of Correction	98 OSP 0014	Gray	09/01/98	
Leon Owens v Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T Rees v Department of Correction	98 OSP 0119*[4]	Smith	06/30/98	
Michael A Smith v Department of Correction	98 OSP 0231*[9]	Reilly	08/11/98	
Michael A Smith v Department of Correction	98 OSP 0317*[9]	Reilly	08/11/98	
Jayne D Bledsoe v Correction, Div of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
David Spencer Norris v Correction, Div of Adult Probation & Parole	98 OSP 0572	Gray	12/18/98	
Carl W Craven, II v Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Ervin Shaw v Martin Horner, Asst Super , Corr , Sandy Ridge Corr Ctr	98 OSP 0671	Phipps	10/09/98	
Joseph Szilagyi v Department of Correction	98 OSP 0757	Owens	10/05/98	
Dennis S Harrell v Dept of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
Tommy L Hancock v Department of Correction	98 OSP 0881	Owens	08/04/98	
Tommy L. Hancock v Department of Correction	98 OSP 0882	Owens	10/09/98	
Bertha Darden v Raymond Smith & Dept of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
Robert C. Lowder v Brown Creek Correctional Institution	98 OSP 0984	Owens	12/02/98	
Ruth Moseley v Department of Correction	98 OSP 1092	Gray	10/07/98	
Lamont M Burt v Department of Correction	98 OSP 1115	Smith	10/06/98	
Mark Murphy v Correction, Div of Adult Probation & Parole	98 OSP 1155	Mann	12/21/98	
Leo Powell v Harnett Correctional Institute, Department of Correction	98 OSP 1175	Owens	11/25/98	
Amos Boone v Department of Correction	98 OSP 1188	Smith	12/15/98	
Nona W Hubbard v DOC, Division of Community Corrections	98 OSP 1214	Owens	10/27/98	
Robert R Stovall v Department of Correction	98 OSP 1282	Phipps	10/26/98	
Harold Keith Hamm v Dept of Correction Enterprise/Personnel Off	98 OSP 1409	Gray	12/16/98	
Joseph A Harrell v Correction, Div of Adult Probation & Parole	98 OSP 1411	Gray	12/11/98	
Deborah Griffin v Warren Correctional Institution, Mr. Smiley	98 OSP 1583	Chess	01/07/99	
Crime Control and Public Safety				
Roger D Davis v Crime Control & Public Safety, St Hwy Patrol	97 OSP 0617	Chess	05/27/98	
Albert R Little v Crime Control & Public Safety, Info Sys Specialists	97 OSP 1157	Morrison	07/22/98	
Thomas E. Carlton v Crime Control & Public Safety, St Hwy Patrol	98 OSP 0919	Phipps	09/24/98	
Eastern North Carolina School for the Deaf				
Cathy A Lancaster v Eastern North Carolina School for the Deaf	98 OSP 0482	Gray	11/30/98	
Employment Security Commission				
Jane B Bolin and Arlene G. Sellers v Employment Security Commission	97 OSP 1122*[1]	Chess	06/02/98	
Jane B Bolin and Arlene G Sellers v Employment Security Commission	97 OSP 1134*[1]	Chess	06/02/98	
Environment and Natural Resources				
Charles Anthony Bruce v ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
Health and Human Services				
Annette Honea v Department of Human Resources	96 OSP 0833	Chess	08/24/98	
Angela M Miles v Cumberland County Department of Social Services	97 OSP 0613*[5]	Gray	07/10/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 0638*[10]	Chess	08/13/98	
Walker Cannon v DHR/Caswell Center	97 OSP 0731	Phipps	11/30/98	
Charity Swick v Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0862*[11]	Chess	08/13/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0863*[11]	Chess	08/13/98	

* Consolidated Cases.

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Kenneth Dippel v Columbus County Dept of Social Services	97 OSP 0905	Gray	11/09/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1287*[12]	Smith	08/20/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 1530*[10]	Chess	08/13/98	
Ruth Holroyd v Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Tilda D Whitaker v Nash County Health Department Board of Directors	97 OSP 1665	Gray	12/02/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1701*[12]	Smith	08/20/98	
James W Crews v DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R Quick v DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M Miles v Cumberland County Department of Social Services	98 OSP 0084*[5]	Gray	07/10/98	
Delores Laverne Rich v Health & Human Services, Dorothea Dix Hosp	98 OSP 0120	Gray	07/08/98	
Elwin C Munson v Health & Human Services, Juvenile Evaluation Center	98 OSP 0140	Phipps	10/28/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0187*[12]	Smith	08/20/98	
Jackie M Sinclair v Duplin-Sampson Area Mental Health DD, SAS	98 OSP 0252	Smith	12/31/98	
David A Kilpatrick v Health & Human Services, Caswell Center	98 OSP 0271	Owens	08/13/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0403*[12]	Smith	08/20/98	
Laura Blanton v Cleveland Center	98 OSP 0453	Smith	10/02/98	
Anthony M Ruiz v Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Euwell Falconer v Karen A Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
Jeffrey L. Williams v Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Delores Laverne Rich v DHHS, Dorothea Dix Hospital	98 OSP 0763	Gray	12/02/98	
Barbara Jean Paquette v Durham County (respondeat superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v Center Point Human Services Forsyth Mental Health Forsyth Industrial Systems	98 OSP 0819	Smith	11/05/98	
Stanley K Strong v Jimmy Summerville, Dobbs School, Youth Svcs	98 OSP 1017	Gray	12/07/98	
Derrick Skinner v Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
Paul L. Long v Department of Health & Human Services	98 OSP 1202	Owens	12/16/98	
Department of Insurance				
Patricia Casey Rollins v Department of Insurance	95 OSP 0729	Chess	12/14/98	
Department of Justice				
Linda Margaret Koss v State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
Marvin Sherriel Clark v Department of Correction and Marvin S Clark v Criminal Justice Ed & Training Stds Comm	98 OSP 0300*[19]	Phipps	01/08/99	
Department of Public Instruction				
Lillie Burnette Pearsall v Wayne Cty Bd of Ed, Mrs Veda McNair and Mr Steve Taylor	98 OSP 0944	Smith	08/25/98	
Secretary of State				
Jonathan M Demers v Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13 03 NCR 343
Department of Transportation				
Pasquale Vendettuoli v Department of Transportation	97 OSP 1090	Morrison	12/19/98	
Johnny O Shivar v Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Teresa G Mitchell v Department of Transportation	97 OSP 1565	Smith	12/09/98	
Larry W Davis v Department of Transportation	98 OSP 0241	Gray	07/08/98	
Sherry Lynn Noles v Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98	
Clarice Goodwin Arthur v Department of Transportation, Ferries Division	98 OSP 0864	Phipps	09/24/98	
University of North Carolina				
Joseph A Bryant v North Carolina A & T University	96 OSP 1698*[16]	Mann	12/02/98	
Joseph A Bryant v North Carolina A & T University	97 OSP 0242*[16]	Mann	12/02/98	
Douglas Love, Jr v UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J Fenner v NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M Smith v North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Patricia A G Roberts v Asst /Chan /Qty Mgmt /Dir Human Res UNCW	98 OSP 0178	Phipps	10/08/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al v University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Johnny Johnson, Jr v A & T St University Student Union-Grievance Bd	98 OSP 0299	Owens	09/02/98	
Jessie L. Johnson v Bernard K Locklear, UNC at Pembroke	98 OSP 0444	Gray	09/29/98	
Jonathan L. Fann v North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
Greta M. Hawthorne v University of NC at Pembroke	98 OSP 0831	Chess	09/11/98	
Robert W Brinson v NC State University	98 OSP 0887	Owens	08/10/98	
Alberta A Ingram-Peterson v NC Central University	98 OSP 1024	Smith	10/14/98	
Thomas H Hastye, III v NC A & T State University	98 OSP 1114	Reilly	12/30/98	
Fred T Jackson v UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Betty Parks v Winston Salem State University	98 OSP 1278	Chess	11/25/98	
Ronnie Bell v Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	
Brenda D Moore v Atty Wanda Jenkins, Fayetteville St University	98 OSP 1506	Smith	01/25/99	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Joseph Carroll Goodlake v UNCA	98 OSP 1535	Phipps	01/07/99	
STATE TREASURER				
Hugh A Wells v Consolidated Judicial Retirement System of NC, Bd of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13 01 NCR 166
Walter Williams v Bd of Trustees NC Local Gov Emp Retirement Sys	98 DST 0774	Smith	12/08/98	
TRANSPORTATION				
David Warren Dew et al v Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	
UNIVERSITY OF NORTH CAROLINA				
Patricia D Hall v University of North Carolina at Chapel Hill	98 UNC 0397	Reilly	08/20/98	
Ladonna P James v UNC Hospitals	98 UNC 0591	Becton	07/20/98	
Joycelne Sellars v UNC Hospitals	98 UNC 1113	Smith	10/22/98	

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 98 DHR 0979
WILLIAM M. BELL, JR., Petitioner, v. NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, THIRD PARTY RECOVERY SECTION, Respondent.	)	RECOMMENDED DECISION

The above entitled matter was heard before Julian Mann, III, Chief Administrative Law Judge, on November 16, 1998, in Raleigh, North Carolina.

APPEARANCES

Petitioner: Julie L. Bell, Attorney at Law

Respondent: Grady L. Balentine, Jr., Assistant Attorney General

ISSUE

Whether the Respondent properly denied Petitioner's request to waive the Respondent's estate recovery claim against the estate of Harriette L. Bell pursuant to 10 NCAC 50D .0501 by calculating the value of the estate before deducting costs of administering the estate.

STIPULATED FACTS

Pursuant to G.S. 150B-31 the parties stipulated to the following:

1. The parties received notices of hearing by certified mail more than 15 days prior to the hearing and stipulated that notice of hearing was in all respects proper.

2. Harriette L. Bell received Medicaid to help pay for the cost of her care in a nursing home in the an amount in excess of $13,000.00

3. Harriette L. Bell died on December 13, 1997.

4. William M. Bell, Jr., the son of Harriette L. Bell, was appointed Administrator of the estate by the Clerk of Court.

5. At the filing of the 90 Day Inventory the value in the estate was believed to be $6,151.59.

6. As of May 6, 1998, the value in the estate was believed to be $4,961.91.

7. The differing values for the estate can be attributed to several factors including: ascertainment of the correct value of a television set, the exclusion of a joint account with rights of survivorship, and payment of costs of administering the estate including advertisement fees, estate fees and attorney's fees.

8. The Petitioner requested a waiver under Administrative Rule 10 NCAC 50D .0501.

9. The Respondent denied the Petitioner's request for a waiver.

OFFICIAL NOTICE

Pursuant to G.S. 150B-30 the undersigned took official notice of the following:

1. G.S. 108A-70.5, which provides, in pertinent part:

"(a) There is established in the Department of Health and Human Services, the Medicaid Estate Recovery Plan...to recover from the estates of recipients of medical assistance an equitable amount of the State and federal shares of the cost paid the recipient."

"(b)(2) 'Estate' means all the real and personal property considered assets of the estate available for the discharge of debt pursuant to G.S. 28A-15-1."

"(d) The Department of Health and Human Services shall adopt rules pursuant to Chapter 150B of the General Statutes to implement the Plan, including rules to waive whole or partial recovery when this recovery would be inequitable because it would work an undue hardship or because it would not be administratively cost effective and rules to ensure that all recipients are notified that their estates are subject to recovery at the time they become eligible to receive medical assistance."

2. 10 NCAC 50D .0501, which provides that:

"Recovery shall be deemed to not be cost effective and shall be waived when:

(1) The amount of Medicaid payments for services and benefits subject to recovery is less than three thousand dollars ($3,000), or

(2) The assets in the estate are below five thousand dollars ($5,000)."

3. G.S. 28A-15-1, which provides, in pertinent part:

"(a) All of the real and personal property, both legal and equitable, of a decedent shall be assets available for the discharge of debts and other claims against his estate in the absence of a statute expressly excluding any such property."

4. G.S. 28A-19-6, which provides, in pertinent part:

"After payment of costs and expenses of administration, the claims against the estate of a decedent must be paid in the following order: . . ."

5. AOC-B0021 Estate Procedures Pamphlet, Rev. 10/95, which restates the order of priority of claims contained in G.S. 28A-19-6.

FINDINGS OF FACT

1. The value of the estate of Harriette L. Bell, prior to deducting the costs of administration exceeded $5,000.00.

2. The Respondent denied the Petitioner's request to waive its estate recovery claim because the value of the estate exceeded $5,000.00.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the undersigned makes the following conclusions of law:

1. The parties are properly before the Office of Administrative Hearings.

2. All real and personal property, both legal and equitable, of Harriette L. Bell's estate are assets available for the discharge of debts and other claims against her estate, and, as such, make up the value of her estate for purposes of the Medicaid Estate Recovery Plan.

3. In directing that claims against an estate be paid after payments of costs and expenses of administration, G.S. 28A-19-6 is merely establishing an order of payment of claims; this statute does not define the assets that make up the value of an estate.

4. The value of assets in Harriette L. Bell's estate, for purposes of the waiver provisions in 10 NCAC 50D .0501(2), is calculated prior to deducting the costs of administration.

5. Based on the foregoing, the Respondent did not act arbitrarily or capriciously in denying Petitioner's request for a waiver of the Respondent's estate recovery claim.

6. Based on the foregoing, the Respondent followed proper procedure in denying Petitioner's request for a waiver of the Respondent's estate recovery claim.

7. Based on the foregoing, there is substantial evidence to support Respondent's decision to deny Petitioner's request for a waiver of the Respondent's estate recovery claim.

RECOMMENDED DECISION

The Respondent's Decision to deny the Petitioner's request to waive the Respondent's estate recovery claim against the estate of Harriet L. Bell should be affirmed.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, N. C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina Department of Health and Human Services, Division of Medical Assistance.

This the 13th day of January, 1999.

_____
Julian Mann, III
Chief Administrative Law Judge

STATE OF NORTH CAROLINA COUNTY OF WAKE		IN THE OFFICE OF ADMINISTRATIVE HEARINGS 98 HRC 1063
NORTH CAROLINA HUMAN RELATIONS COMMISSION EX REL CLARICE DIAL Petitioner, v. DIXIE LEE NEWSOME, JETTI LEE, JACKIE LEE AND ERWIN JUDD Respondents.	))))))))))	PROPOSAL FOR DECISION

This matter came on for hearing before Administrative Law Judge Dolores O. Smith on December 14, 1998 in Raleigh, North Carolina.

APPEARANCES

For Petitioner: Sandra Wallace-Smith
Attorney at Law
N.C. Human Relations Commission
217 West Jones Street
Raleigh, North Carolina 27603
Appeared for Petitioner

For Respondent: Henry C. Fordham, Jr.
Stam, Fordham & Danchi, P.A.
P.O. Box 1600
Apex, North Carolina 27502
Attorney for **Dixie Lee Newsome, Jetti Lee, Jackie Lee**

Erwin Judd, Respondent
Appeared *pro se*

ISSUE

1. Did the Respondent engage in unlawful discriminatory housing practices in violation of the North Carolina State Fair Housing Act?

2. If so, was the Petitioner harmed as a result?

STATUTE AND RULE IN ISSUE

N.C. Gen. Stat. 41A-4(a)(1)(2)(6)

Upon careful consideration of the testimony and evidence presented at the hearing, the documents and exhibits received into evidence, and the entire record in this proceeding, the undersigned makes the following:

FINDINGS OF FACT

1. Hazel and Jetti Lee owned a parcel of land of approximately 15 acres in New Hill, North Carolina.

2. Some years ago Mr. Hazel Lee decided that he would subdivide the parcel into five sections with one section being kept for himself and his wife Jetti, and the other four sections being given to each of his four daughters; Dixie, Jackie, Marilyn, and Mathilda.

3. Hazel Lee arranged for septic tanks and wells to be placed on each of the four new parcels.

4. Some years later, three of the lots were not being occupied by his daughters. Instead, each had one mobile home which was rented out to family members or friends.

5. Prior to his death, Mr. Lee had handled all transactions for the properties as well as maintenance on the land and mobile homes.

6. When Mr. Lee passed away in the early 90s, his daughter Jackie began to handle the business transactions on behalf of the family.

7. Jackie Lee testified that after her father died, she and her mother lived in the original home on one of the parcels of land. Jackie subsequently moved to what is known as Tract 4 which is adjacent to her mother's original home.

8. Clarice Dial, a native American, lives on the parcel of land owned by Dixie Lee Newsome. She had lived there for eight years at which time she determined that she could afford to buy a house.

9. Ms. Dial owned the mobile home on which she had a mortgage and she paid rent for the property.

10. Ms. Dial had originally moved onto that property because her brother had worked with Hazel Lee and was a friend of his.

11. Ms. Dial began to speak with a realtor, Wanda Burns-Ramsey, about the possibility of buying a home. Ms. Ramsey recommended that Ms. Dial speak with a mortgage lender to see if she could qualify for a loan. Ms. Dial did that and she was pre-approved provided that she sell the mobile home so that she did not have that debt.

12. Ms. Dial's cost for the loan application was $300.

13. Ms. Ramsey informed Ms. Dial that it had been her experience that in the sale of mobile homes it was critically important that the mobile home be allowed to stay on the parcel of land on which it was located at the time of the sale. Mobile homes can be moved to new locations but the cost could be $2,500 or more. Since buyers of mobile homes are shopping for property within a somewhat modest price range, this additional expense frequently caused the sale to fail.

14. Ms. Dial spoke to Jackie Lee and asked her if the mobile home could stay on the parcel of land after it had been sold. Ms. Dial told Ms. Lee her brother was thinking of buying the mobile home.

15. Jackie said that if the home was sold to Ms. Dial's brother it could probably stay.

16. Ms. Dial also told Jackie that her sister-in-law's sister was also thinking of buying the home and Jackie said that she would work with Ms. Dial on that problem.

17. Ms. Dial improperly and incorrectly assured Ms. Ramsey that the mobile home could stay on the property.

18. Jackie Lee testified that Clarice Dial told her that she was thinking of selling her trailer to her brother or sister-in-law's sister. Ms. Dial asked about leaving the trailer and Jackie Lee replied, "We'll be glad to talk to them." Jackie Lee testified that she never told Clarice Dial that she could leave the mobile home on the property. Jackie Lee testified that Clarice's parcel in fact was owned by Dixie Lee Newsome and Jackie could not give permission in any event. However, she testified it would be a family decision and would not have been her sole decision.

19. Ervin Judd has lived in the area and has helped out on the Lee Farm since his childhood. After Hazel Lee died, Mr. Judd began to assist Mrs. Lee and her daughters in various chores and in the maintenance of the property.

20. When Ervin Judd learned that Clarice Dial was planning to sell her mobile home, he expressed an interest in buying it. He spoke with Ms. Dial who said that she wanted to clear $12,000 on the sale of her home. Mr. Judd was interested but did not make an offer.

21. Subsequently, Ms. Dial contacted another real estate agent, Dale Rimmer, of Southern Comfort Homes, who sells mobile homes. He, too, was concerned that the home should be able to stay on the parcel of land.

22. Ms. Dial incorrectly and improperly assured Mr. Rimmer that that would be all right.

23. After Ms. Dial contracted with Mr. Rimmer to sell the home, he added his profit to Ms. Dial's base price of $12,000.

24. Mr. Rimmer learned that Ervin Judd was interested in the mobile home and he contacted Mr. Judd. When Mr. Judd learned that the price would be higher than he had earlier thought, he was no longer interested in purchasing the mobile home.

25. Even though Ms. Dial said she was sure that the mobile home could stay on the property, Mr. Rimmer decided to check on that since it had frequently been a problem. He called Jackie Lee. Mr. Rimmer testified that Jackie said, "Check with Ervin Judd. He handles it."

26. Jackie Lee testified that she did not tell Mr. Rimmer that Ervin Judd "handles it." She further testified that she never asked Ervin Judd to manage her property and Mr. Judd had no rental authority whatsoever.

27. Jackie Lee testified that she told Mr. Rimmer that Ervin was interested in buying the mobile home.

28. Mr. Rimmer testified that Jackie Lee didn't tell him that Mr. Judd was interested in buying the home but that he learned that later from Mr. Judd.

29. Mr. Rimmer testified that Mr. Judd said that he "handles the park."

30. Ervin Judd testified that he spoke with Dale Rimmer at least two to three times but did not represent to Mr. Rimmer that he was the manager of the property.

31. Mr. Rimmer subsequently met with Ervin Judd and Mr. Judd told Mr. Rimmer that the mobile home could stay on the land "if they were good people." Mr. Rimmer understood that to mean if they had good credit, good references, and were otherwise desirable tenants.

32. Mr. Rimmer then showed the home to a family by the name of Martinez. Mr. Martinez is Hispanic and speaks with an accent. Mrs. Martinez is white. The family has two children.

33. The Martinez Family were financially secure. They qualified for a mortgage and were able to pay cash for a down payment. They saw Clarice Dial's mobile home and wanted to buy it.

34. In the mean time, Ms. Dial and Ms. Ramsey had found a house for Ms. Dial. It was a new construction and had three bedrooms, and two baths. The home was in a development where a government program was assisting low income home buyers and Ms. Dial found that she would be able to afford to buy one of these brand new houses if she could accomplish the sale of her mobile home. Ms. Dial and Ms. Ramsey completed an Offer to Purchase and Contract on the new home contingent on the sale of the mobile home.

35. Mr. Judd subsequently spoke with Ms. Dial and represented to her that he was now managing the properties for the Lee Family.

36. Ms. Dial told him that Jackie Lee said that the mobile home could stay on the property after the sale.

37. Mr. Judd asked Ms. Dial if she had that agreement in writing. Ms. Dial said that she did not and had not had anything in writing during her transactions with the Lee Family.

38. Ms. Dial asked Mr. Judd if he had gotten his contract to manage their properties in writing and he said that he did.

39. Ms. Dial believed that Ervin Judd was the manager of the Lee properties because Ervin Judd had worked for the Lee family and had in fact on one occasion rented out one of the trailers to another person.

40. Jetti Lee testified that she has lived in New Hill, North Carolina for 55 years. She testified that Mr. Judd is not in charge of Clarice's home and is certainly not the "park" manager.

41. Subsequently, Mr. Rimmer called Mr. Judd and told him that the Martinez Family wanted to purchase the mobile home.

42. Mr. Rimmer testified that Mr. Judd would not make a decision and Mr. Rimmer became frustrated that he would not be able to close the deal.

43. Mr. Rimmer then called Mr. Judd again and asked him if he would meet with the Martinez family at the mobile home and then make a decision. Mr. Judd agreed to do that.

44. Mr. Judd testified, but it is not found as fact, that Mr. Rimmer called him and said that he was in a bind and needed Mr. Judd to help him. Mr. Judd testified, but it is not found as fact, that Mr. Rimmer said he had sold the trailer to some people but wanted to get out of the deal so he asked Mr. Judd to meet with them and get him "off the hook." Mr. Judd testified that he agreed to do that.

45. After the meeting, Mr. Judd told Ms. Dial that he had met the Martinez Family and they could not "stay there." He said, "If you sell it, you have to move it."

46. Mr. Rimmer then called Mr. Judd and Mr. Judd said he preferred to put his own people in there.

47. Mr. Judd testified that he never said he would like to rent to his own people. However, he did have family members who were looking for some place to live.

48. Ms. Ramsey testified that she called Jackie Lee when she learned that there might be a problem with leaving the mobile home on the parcel of land and Jackie Lee told her to contact Mr. Judd.

49. Ms. Ramsey's husband, Calvin Ramsey, who is her supervisory real estate agent, learned that the sale to the Martinez Family was not going well. He understood that Mr. Judd was the manager of the property so he called Mr. Judd and said, "Let's sit down and talk." Mr. Judd became upset and said that he was the manager and he would make the decisions.

50. During that conversation Mr. Judd told Mr. Ramsey that he was not interested in renting to the Martinez Family. He said he would rent to his own kind. Mr. Ramsey asked him what he meant but Mr. Judd would not explain. Mr. Judd then hung up the phone.

51. Mr. Judd testified that he never said he would like to rent to his "own kind."

52. It is found as fact that Mr. Judd told Mr. Rimmer and Mr. Ramsey that he would rather rent to his own kind.

53. Mr. Ramsey called Ms. Jetti Lee but when he did he learned that she was an elderly woman and was not involved in the business management of the property.

54. Mr. Ramsey then called Jackie Lee at work. Jackie Lee is a school teacher and it is very difficult for her to get calls at work. She had received a number of phone calls about the problem, and she was irate to receive an additional phone call at work while she was teaching.

55. Mr. Ramsey testified that Ms. Lee said Mr. Judd made decisions and he was their manager.

56. Jackie Lee testified that Wanda Ramsey called her and was very upset about the deal falling through. Ms. Ramsey didn't say anything about the race of the people who were interested or that people were in fact interested in purchasing. Ms. Ramsey told Jackie Lee that she was going to recommend to Clarice Dial that she take legal action against the Lee Family for the deal falling through.

57. Subsequently, Jackie asked Clarice Dial if she was really considering legal action and Clarice Dial said that she was.

58. The Lee sisters did not know what type of action Clarice Dial was considering, but they had become frustrated with the phone calls and all the activity involving the sale of Clarice's trailer. Once they understood that Clarice was thinking of taking legal action they decided that they must ask her to leave the property.

59. In October of 1996, after church on Sunday, Jackie, Dixie, and Marilyn Lee went to Clarice's mobile home. They told her that they felt it would be better if she relocated her trailer elsewhere and they would give her until February to move away. They also told Clarice at that meeting that the rent would be raised. Jackie Lee testified that while her father had done most of the maintenance and repairs, since he died they had to pay for every repair that was done and felt it was reasonable to raise the rent to cover their costs.

60. Prior to the meeting with the Lee Sisters, Mr. Judd had come to Clarice Dial and told her that her rent was about to be raised.

61. Mr. Judd testified that he never told Clarice that her rent would be raised.

62. Ervin Judd had briefly handled the rental of one of the Lee mobile homes as part of a payment arrangement for repairs.

63. Ms. Jetti Lee's brother, Porter Morrison, had lived in a mobile home on the property owned by Marilyn Lee. The trailer in which Mr. Morrison lived was owned by Ms. Jetti Lee.

64. In 1996, Mr. Morrison became ill and moved to a nursing home.

65. During the time Mr. Morrison lived there, because of Mr. Morrison's advanced age, the trailer had not been maintained.

66. After Mr. Morrison went to the nursing home, Ms. Jetti Lee contracted with Ervin Judd to make all necessary repairs on the mobile home. It was their estimate that the cost of the project would be approximately $2,000.

67. Mr. Judd made the necessary repairs on the home and found that there were more repairs than he had anticipated. The cost of the repairs was more than $4,000.

68. When Mr. Judd reported to Ms. Lee the cost of the repairs, she stated that she did not have that much extra cash on hand. They then made an agreement that Ms. Lee would pay Mr. Judd the original amount and Mr. Judd would arrange for the mobile home to be rented out during which period of time he would collect the rent until he had received enough money to pay him for the repairs he had made.

69. Subsequently, Mr. Judd rented the mobile to Dorothy Farrar. Mr. Judd knew Ms. Farrar's family from the area.

70. Mr. Judd collected the rent for a number of months but an occasion came when Mr. Judd did not come to pick up the rent because Mr. Judd had received enough money to pay himself back for the work he had done on the home. Ms. Farrar, however, did not know of that arrangement and she did not understand why Mr. Judd didn't pick up the rent. Ms. Farrar went to Ms. Jetti Lee's home to give her the rent.

71. On one occasion when Mr. Judd had come to collect the rent from Ms. Farrar, they had a conversation. Mr. Judd, who had several properties of his own which he also rented out, told Ms. Farrar that he would never rent to a Mexican because they have too many people in the house and they do damage to the property.

72. Mr. Judd testified that he never told Dorothy Farrar that he would not rent to Mexicans and had never said anything similar to that.

73. It is found as fact that Mr Judd told Ms. Farrar that he would not rent to Mexicans.

74. Jackie Lee testified that her family is African-American, Native American, and Caucasian. She testified that there is a great deal of diversity and that some of her relatives have married Hispanic people as well as people of Asian ancestry.

75. The Lee family has rented one of the properties to Marcelena Hernandez and her family since 1988. The Hernandez family is Hispanic.

76. Ms. Jetti Lee testified that she had no knowledge of any one being interested in purchasing Clarice Dial's home.

77. Jackie Lee testified that she did not know any one had seen Clarice's trailer and was interested in buying it.

78. Dixie Lee Newsome testified that she had no knowledge of the people who saw Clarice's home and didn't know that they existed until she got the letter from the Human Relations Commission.

79. Marilyn Lee Girardeau testified that she did not know that a couple had seen Clarice's mobile home and that the Lee family had no idea that the legal action would involve any matters of discrimination until they received a letter from the North Carolina Human Relations Commission on April 2, 1997.

80. Ms. Girardeau also testified that Ervin Judd never had authority to make decisions for the family.

81. Clarice Dial has not moved off the Lee family's property and the Lee family has taken no further action against her.

82. N.C. Gen. Stat. 41A-4(a)(1) provides as follows:

> It is unlawful discriminatory housing practice for any person in a real estate transaction, because of race, color, religion, sex, national origin, handicapping condition, or familial status to refuse to engage in a real estate transaction.

83. N.C. Gen. Stat. 41A-3 defines "person" as:

> ... any individual, association, corporation, political subdivision, partnership, labor union, legal representative, mutual company, joint stock company, trust, trustee in bankruptcy, unincorporated organization, or other legal or commercial entity, the State, or governmental entity or agency.

84. N.C. Gen. Stat. 41A-3(7) defines real estate transaction as:

> The sale, exchange, rental, or lease of real property.

85. N.C. Gen. Stat. 41A-7(L) provides that the Commission may apply to the Office of Administrative Hearings for an Administrative Law Judge to preside at a hearing of the case.

86. N.C. Gen. Stat. 41A-7(L)(2) provides that the Parties shall be permitted to participate under 150B-40(a) of Article 3A, of 150B.

87. N.C. Gen. Stat. 41A-7(L)(3) provides that a panel of three commission members shall make the final decision and may order compensatory damages, assess a civil penalty not to exceed $10,000, and other such relief as may be appropriate.

88. After observing the demeanor of the witnesses and assessing the testimony, it is determined that the Lee family witnesses are credible and that the Lee family had no knowledge of the Martinez family, their review of the property, or their offer to purchase.

89. After considering the demeanor of the witnesses and reviewing the testimony, it is determined that the testimony of Ervin Judd is not credible.

Based upon the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Dixie Lee Newsome, Jetti Lee, and Jackie Lee did not engage in unlawful discriminatory practice in violation of the North Carolina Fair House Act.

2. Ervin Judd was not authorized by the Lee Family to act as agent for the property rented by Clarice Dial.

3. Ervin Judd intentionally misrepresented that he was authorized to act as agent for the Lee Family.

4. Although Mr. Judd did not have actual authority to engage in this real estate transaction, he did have apparent authority which a reasonable man would believe to be actual.

5. Clarice Dial was reasonable to believe Mr. Judd when he told her he was agent for the Lee family.

6. Ms. Ramsey and Mr. Rimmer were also reasonable to believe that Mr. Judd was the manager for the Lee family.

7. The rental of the land on which Clarice Dial's mobile home stood was a real estate transaction as defined by N.C. Gen. Stat. 41A-3(7).

8. Ervin Judd is a "person" as defined by N.C. Gen. Stat. 41A-3.

9. Ervin Judd violated N.C. Gen. Stat. 41A-4(a)(2) in that he was a person engaging in a real estate transaction in which he discriminated against the Martinez Family because of their national origin in refusing to allow them to rent the land on which the mobile home stood.

Based upon the foregoing Conclusions of Law, the undersigned makes the following:

PROPOSAL

1. It is recommended that Ervin Judd be assessed a penalty in the amount of $300 to cover the cost of Ms. Dial's loan application.

2. It is not recommended that Ervin Judd be assessed a penalty in an amount to cover the raise in Ms. Dial's rent.

3. It is recommended that Ervin Judd be assessed a civil penalty in the amount of $1,000.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorneys of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case in the North Carolina Human Relations Commission.

This the 21 day of January, 1999.

_____
Dolores O. Smith
Administrative Law Judge

CUMULATIVE INDEX

(Updated through February 9, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least $5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101	12:22 NCR 1981	13:05 NCR 502	*	Approve	12/17/98	
21 NCAC 01 .0105	12:22 NCR 1981	13:05 NCR 502	*	Approve	12/17/98	*

ADMINISTRATION

Environmental Policy Act

1 NCAC 25 .0211	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	
1 NCAC 25 .0212	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0213	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0301	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0302	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0303	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0402	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0504	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	
1 NCAC 25 .0505	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	
1 NCAC 25 .0506	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0602	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0603	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*
1 NCAC 25 .0605	12:23 NCR 2088	13:08 NCR 642	*	Approve	12/17/98	*

Indian Affairs, Commission of

1 NCAC 15 .0201	13:02 NCR 175					
1 NCAC 15 .0202	13:02 NCR 175	13:08 NCR 640	*	Approve	12/17/98	*
1 NCAC 15 .0203	13:02 NCR 175	13:08 NCR 640	*	Approve	12/17/98	*
1 NCAC 15 .0204	13:02 NCR 175	13:08 NCR 640	*	Approve	12/17/98	
1 NCAC 15 .0205	13:02 NCR 175					

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1 NCAC 15 .0206	13:02 NCR 175									
1 NCAC 15 .0207	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98	*			
1 NCAC 15 .0208	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98	*			
1 NCAC 15 .0209	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98				
1 NCAC 15 .0210	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98				
1 NCAC 15 .0211	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98	*			
1 NCAC 15 .0212	13:02 NCR 175									
1 NCAC 15 .0213	13:02 NCR 175									
1 NCAC 15 .0214	13:02 NCR 175		13:08 NCR 640	*	Approve	12/17/98	*			
Non-Public Education										
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1 NCAC 40 .0102		13:05 NCR 521								
1 NCAC 40 .0103		13:05 NCR 521 13:13 NCR 1057								
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1 NCAC 40 .0203		13:05 NCR 521 13:13 NCR 1057								
1 NCAC 40 .0204		13:05 NCR 521 13:13 NCR 1057								
Purchase and Contract Division										
1 NCAC 05A .0101	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05A .0108	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05A .0112	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0101	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0102	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0201	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0203	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0206	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			

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1 NCAC 05B .0208	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0301		12.17 NCR 1611	13.08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0302		12 17 NCR 1611	13.08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0303	13.04 NCR 360		13.08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0305	13:04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0306	13:04 NCR 360		13.08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0309	13:04 NCR 360		13.08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0310		12 17 NCR 1611	13.08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0314	13 04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0315	13.04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0316		12.17 NCR 1611	13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0317	13:04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0401		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0402	13 04 NCR 360		13 08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0403	13:04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B .0503	13:04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0601	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0701	13:04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0801		12 17 NCR 1611	13 08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .0802		12.17 NCR 1611	13.08 NCR 627	*						
1 NCAC 05B .0901	13:04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B .0905	13.04 NCR 360		13.08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .0906	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1101	13:04 NCR 360		13 08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1102	13:04 NCR 360		13.08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1105	13.04 NCR 360		13.08 NCR 627	*	Approve	12/17/98				

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1 NCAC 05B .1301		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1303	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1401	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1402	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1501	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1505	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1507	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1509	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1510	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1511	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1512	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1513	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1517	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1518	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1519		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1520	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1521	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1601	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1602	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1603	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1604		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1605	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1901	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1903	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98	*			
1 NCAC 05B .1906		12:17 NCR 1611	13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05B .1907	13:04 NCR 360		13:08 NCR 627	*						

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					Action	Date				
1 NCAC 05B .1909	13:04 NCR 360		13:08 NCR 627	*	Approve	12/17/98				
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
State Building Commission										
1 NCAC 30F .0305	13:04 NCR 360		13:08 NCR 645	*	Approve	12/17/98	*			
State Employees Combined Campaign										
1 NCAC 35 .0101	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0103	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0202	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0308	13:04 NCR 360		13:08 NCR 647	*						
ADMINISTRATIVE HEARINGS										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13:09 NCR 779	13:03 NCR 334
AGRICULTURE										
2 NCAC 09K .0214	13:14 NCR 1109									
2 NCAC 20B .0104	13:13 NCR 1040									
2 NCAC 43L .0309	13:14 NCR 1109									
Consumer Services										
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0102	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0103	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0104	13:14 NCR 1119	13:14 NCR 1119								
2 NCAC 54 .0101	13:14 NCR 1119	13:14 NCR 1119								
Structural Pest Control										
2 NCAC 34 .0404	12:09 NCR 743		12:14 NCR 1234	*	Object	04/15/98				
					Approve	05/21/98	*		13:02 NCR 249	
APPRAISAL BOARD										
21 NCAC 57A .0101	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0102	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	

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					Action	Date				
21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0302	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*	**Object**	**11/19/98**				
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0404	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0405	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0406	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0407	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 57A .0501	13:01 NCR 3		13:05 NCR 513	*	Approve	11/19/98			13:16 NCR 1265	
ATHLETIC TRAINER EXAMINERS, BOARD OF										
21 NCAC 03 .0101		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0102		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0103		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0201		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0301		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	

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					Action	Date				
21 NCAC 03 .0302		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0303		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0304		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0401		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE										
21 NCAC 03 .0501		12:18 NCR 1714	12:22 NCR 2007	*	Approve	09/17/98	*		13:11 NCR 912	
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0301	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08A .0308	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08A .0310	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08A .0315	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08F .0107	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08F .0504	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08H .0101	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08H .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08I .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08J .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08J .0107	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08J .0108	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08J .0110	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08J .0111	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08K .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08K .0105	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08M .0102	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08M .0103	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0104	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0201	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0202	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0204	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			

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					Action	Date				
21 NCAC 08M .0206	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0207	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0301	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0302	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0303	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0304	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0305	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0306	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0401	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08M .0402	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08M .0403	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08N .0202	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08N .0208	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98				
21 NCAC 08N .0302	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08N .0303	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08N .0306	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
21 NCAC 08N .0307	13:03 NCR 269		13:08 NCR 696	*	Approve	12/17/98	*			
CHIROPRACTIC										
21 NCAC 10 .0203		12:23 NCR 2098	13:14 NCR 1117	*						
COMMERCE										
4 NCAC 01E .0104	11:09 NCR 569		13:08 NCR 652	*	Object Approve	12/17/98 01/21/99	*			
4 NCAC 01E .0202	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01E .0205	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01E .0206	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01E .0207	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01E .0303	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01E .0306	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01I	11:09 NCR 569									

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4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I .0101	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101		13:15 NCR 1224								
4 NCAC 01I .0102	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102		13:15 NCR 1224								
4 NCAC 01I .0201	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201		13:15 NCR 1224								
4 NCAC 01I .0202	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202		13:15 NCR 1224								
4 NCAC 01I .0301	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301		13:15 NCR 1224								
4 NCAC 01I .0302	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302		13:15 NCR 1224								
4 NCAC 01I .0303	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0303		13:15 NCR 1224								
4 NCAC 01I .0304	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304		13:15 NCR 1224								
4 NCAC 01I .0401	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401		13:15 NCR 1224								
4 NCAC 01I .0402	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402		13:15 NCR 1224								
4 NCAC 01I .0403	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403		13:15 NCR 1224								
4 NCAC 01I .0404	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404		13:15 NCR 1224								
4 NCAC 01I .0405	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405		13:15 NCR 1224								
4 NCAC 01I .0501	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501		13:15 NCR 1224								
4 NCAC 01I .0502	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0502		13:15 NCR 1224								
4 NCAC 01I .0503	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0503		13:15 NCR 1224								
4 NCAC 01I .0601	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0601		13:15 NCR 1224								
4 NCAC 01I .0701	11:09 NCR 569		13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0701		13:15 NCR 1224								
4 NCAC 01I .0801		13:15 NCR 1224								
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K .0101	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0102	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				

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					Action	Date				
					Approve	01/21/99	*			
4 NCAC 01K .0103	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*			
4 NCAC 01K .0104	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0105	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0202	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0203	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0204	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0205	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0206	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0301	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0302	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*			
4 NCAC 01K .0401	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
4 NCAC 01K .0402	11:09 NCR 569		13:08 NCR 652	*	Object	12/17/98				
					Approve	01/21/99	*			
4 NCAC 01K .0404	11:09 NCR 569		13:08 NCR 652	*	Approve	12/17/98				
Banking Commission										
4 NCAC 03B .0101					**Object**	**10/22/98**				
4 NCAC 03B .0102					**Object**	**10/22/98**				
4 NCAC 03B .0103					**Object**	**10/22/98**				
4 NCAC 03H .0102					**Object**	**10/22/98**				
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13:10 NCR 804									
23 NCAC 02C .0307		13:05 NCR 524								
23 NCAC 02C .0503		13:10 NCR 815								
23 NCAC 02C .0504		13:10 NCR 815								
23 NCAC 02C .0505		13:10 NCR 815								
COSMETIC ART EXAMINERS										
21 NCAC 14A .0101	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14A .0104	13:14 NCR 1114									

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					Action	Date				
21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13:09 NCR 779	
21 NCAC 14A .0105		13:14 NCR 1157								
21 NCAC 14C .0202	13:14 NCR 1114									
21 NCAC 14F .0101	13:14 NCR 1114									
21 NCAC 14G .0103		13:14 NCR 1157								
21 NCAC 14H .0112		13:16 NCR 1263								
21 NCAC 14H .0118		13:16 NCR 1263								
21 NCAC 14I .0104	13:14 NCR 1114									
21 NCAC 14I .0107	12:22 NCR 1981	13:14 NCR 1157	13:02 NCR 246	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14I .0109	13:14 NCR 1114									
21 NCAC 14J .0103		13:14 NCR 1157								
21 NCAC 14J .0208	13:14 NCR 1114									
21 NCAC 14J .0501	13:14 NCR 1114									
21 NCAC 14K .0102		13:14 NCR 1157								
21 NCAC 14K .0107		13:14 NCR 1157								
21 NCAC 14L .0101	13:14 NCR 1114									
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Approve	06/18/98			13:03 NCR 334	
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0216		13:14 NCR 1157								
21 NCAC 14L .0303	13:14 NCR 1114									
21 NCAC 14N .0101	13:14 NCR 1114									
21 NCAC 14N .0102	13:14 NCR 1114									
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*	Approve	09/17/98	*		13:11 NCR 912	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157								
21 NCAC 14N .0104		13:14 NCR 1157								
21 NCAC 14N .0105	13:14 NCR 1114									
21 NCAC 14N .0108	13:14 NCR 1114									
21 NCAC 14N .0110		13:14 NCR 1157								

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21 NCAC 14N .0112	13:14 NCR 1114									
21 NCAC 14N .0113	13.14 NCR 1114	13 14 NCR 1157								
21 NCAC 14N .0601		13.14 NCR 1157								
21 NCAC 14N .0602		13:14 NCR 1157								
21 NCAC 14N .0701		13 14 NCR 1157								
21 NCAC 14N .0702		13.14 NCR 1157								
21 NCAC 14O .0101		13.14 NCR 1157								
21 NCAC 14O .0102		13:14 NCR 1157								
21 NCAC 14O .0103		13:14 NCR 1157								
21 NCAC 14O .0104		13.14 NCR 1157								
21 NCAC 14O .0105		13.14 NCR 1157								
21 NCAC 14O .0106		13.14 NCR 1157								
21 NCAC 14O .0107		13:14 NCR 1157								
21 NCAC 14P .0101		13.14 NCR 1157								
21 NCAC 14P .0102		13:14 NCR 1157								
21 NCAC 14P .0103		13:14 NCR 1157								
21 NCAC 14P .0104		13:14 NCR 1157								
21 NCAC 14P .0105		13.14 NCR 1157								
21 NCAC 14P .0106		13.14 NCR 1157								
21 NCAC 14P .0107		13:14 NCR 1157								
21 NCAC 14P .0108		13 14 NCR 1157								
21 NCAC 14P .0109		13 14 NCR 1157								
21 NCAC 14P .0110		13:14 NCR 1157								
21 NCAC 14P .0111		13.14 NCR 1157								
21 NCAC 14P .0112		13.14 NCR 1157								
21 NCAC 14P .0113		13:14 NCR 1157								
21 NCAC 14P .0114		13:14 NCR 1157								
21 NCAC 14P .0115		13:14 NCR 1157								
21 NCAC 14P .0116		13.14 NCR 1157								

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CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11:24 NCR 1818		12:01 NCR 6	*	Object	09/17/98			13:11 NCR 912	
					Approve	10/22/98	*		13:14 NCR 1167	
DENTAL EXAMINERS										
21 NCAC 16G .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0206	12:24 NCR 2203									
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16M .0101		13:11 NCR 910	13:15 NCR 1218	*						
21 NCAC 16P .0101	13:10 NCR 804									
21 NCAC 16P .0102	13:10 NCR 804									
21 NCAC 16P .0103	13:10 NCR 804									
21 NCAC 16P .0104	13:10 NCR 804									
21 NCAC 16P .0105	13:10 NCR 804									
21 NCAC 16Q .0101	12:24 NCR 2203									
21 NCAC 16Q .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0202	12:24 NCR 2203		13:15 NCR 1218	*						

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21 NCAC 16Q .0301	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16Q .0302	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16S .0205	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16V .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16V .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16V .0102	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
ELECTRICAL CONTRACTORS, EXAMINERS OF										
21 NCAC 18B .0108	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0201	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0202	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0203	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0402	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0406	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0501	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0504	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0505	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 18B .0701	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0702	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0703	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0704	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .0706	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1001	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1002	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1003	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1004	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1101	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	

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21 NCAC 18B .1102	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1104	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 18B .1105	12:22 NCR 1982		13:05 NCR 502	*	Approve	11/19/98	*		13:16 NCR 1265	
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	**Object**	**01/21/99**				
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
ENVIRONMENT AND NATURAL RESOURCES										
Notice of Intent to Redevelop a Brownfields Property										13:06 NCR 537
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0301		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439	Temp Expired							

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15A NCAC 01N .0101	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0701	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98				
					Approve	12/17/98				
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0802	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01N .0901	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 01N .0902	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 01O .0101	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98				
15A NCAC 01O .0102	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98	*			
15A NCAC 01O .0103	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98				
15A NCAC 01O .0104	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98	*			
15A NCAC 01O .0105	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98	*			
15A NCAC 01O .0106	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98				
15A NCAC 01O .0107	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98	*			
15A NCAC 01O .0108	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98				
15A NCAC 01O .0109	12:16 NCR 1482	12:17 NCR 1617	13:07 NCR 588	*	Approve	12/17/98				
15A NCAC 12B .0901	12:13 NCR 1097	12:03 NCR 209 Temp. Expired	13:05 NRC 495	L	Approve	12/17/98				
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873									
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0300	13:05 NCR 436									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									
15A NCAC 07H .0308	12:16 NCR 1489		13:01 NCR 26	S	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 07H .0308	N/A		N/A	N/A	Approve	12/17/98				
15A NCAC 07H .0309	13:05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H .0310	12:11 NCR 919		12:20 NCR 1828	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 07H .1100	12:21 NCR 1873									

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					Action	Date				
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1300	12:21 NCR 1873									
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1600	12:21 NCR 1873									
15A NCAC 07H .1600	11.15 NCR 1200									
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1705	12.16 NCR 1489		13.01 NCR 26	S	Object	09/17/98			13.11 NCR 912	
					Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 07H .1805		13:07 NCR 593	13:16 NCR 1259	*						
15A NCAC 07H .2101	13.05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H .2102	13:05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H .2105	13:05 NCR 436		13.13 NCR 1044	S						
15A NCAC 07H .2401	13.05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H .2402	13:05 NCR 436		13.13 NCR 1044	S						
15A NCAC 07H .2403	13:05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H .2404	13:05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H .2405	13.05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593								
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07K .0203	12.21 NCR 1873									
15A NCAC 07K .0208	12:21 NCR 1873									
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12.21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									
15A NCAC 07L .0401	12:21 NCR 1874									

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15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361	13.12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07O .0105	13:02 NCR 176		13.06 NCR 551	S	Approve	12/17/98	*			
15A NCAC 07O .0202	13:02 NCR 176		13:06 NCR 551	S	Approve	12/17/98	*			
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0100	13:08 NCR 621									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0200	13:08 NCR 621									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12.02 NCR 77 12:14 NCR 1348 12:20 NCR 1836	11:14 NCR 1136	L						
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	*	Approve	12/17/98	*			

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					Action	Date				
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	SE	Approve	12/17/98	*			
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*			
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	12/17/98	*			
15A NCAC 02B .0303	13:14 NCR 1111									
15A NCAC 02B .0304	13:14 NCR 1111									
15A NCAC 02B .0306	13:14 NCR 1111									
15A NCAC 02B .0308	12:12 NCR 993		12:21 NCR 1879	*	Approve	11/19/98			13:16 NCR 1265	
			12:23 NCR 2091	L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:14 NCR 1233		12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0308	12:16 NCR 1489									
15A NCAC 02B .0308	13:14 NCR 1111									
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*	Approve	12/17/98	*			
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02D	13:12 NCR 943									
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0405	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0524	13:08 NCR 621									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0541	13:08 NCR 621									
15A NCAC 02D .0541	13:16 NCR 1252									
15A NCAC 02D .0601	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0602	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0604	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0605	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0606	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0607	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0608	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0610	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									

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					Action	Date				
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1104	13:16 NCR 1252									
15A NCAC 02D .1105	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	

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15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1200	13:12 NCR 943									
15A NCAC 02D .1200	13:16 NCR 1252									
15A NCAC 02D .1201	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1202	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1203	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1204	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1204	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1205	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1206	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1208	12:16 NCR 1482		13:03 NCR 270	L	Object Approve	11/19/98 12/17/98	 *			
15A NCAC 02D .1209	12:16 NCR 1482		13:03 NCR 270	L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1404	10:18 NCR 2318		12:22 NCR 1983	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .1404	11:15 NCR 1200									
15A NCAC 02D .1501	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1502	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1503	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1504	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1601	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1703	13:16 NCR 1252									
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1903	13:12 NCR 943									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2001	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .2002	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	

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					Action	Date				
15A NCAC 02D .2003	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .2004	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02D .2005	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02D .2100	13:04 NCR 356									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0226	12:20 NCR 1817	13:04 NCR 426	13:05 NCR 491	*						
15A NCAC 02H .0610	10:18 NCR 2317		12:08 NCR 650	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 02H .0610	12:02 NCR 52	12:02 NCR 77 Temp Expired 04/11/98								
15A NCAC 02H .0800	13:04 NCR 356									
15A NCAC 02H .0800	13:08 NCR 621									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		12:08 NCR 713								
15A NCAC 02L .0115	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02L .0202	13:04 NCR 356									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621									
15A NCAC 02Q .0102	13:12 NCR 943									

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15A NCAC 02Q .0103	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0309	11:26 NCR 1976		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0314	11:26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q .0315	12:20 NCR 1817		13.03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*	Approve	11/19/98			13.16 NCR 1265	
15A NCAC 02Q .0508	13:08 NCR 621									
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943									
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0711	13:16 NCR 1252									
15A NCAC 02Q .0801	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q .0803	12:02 NCR 52		13:03 NCR 270	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 02Q .0808	12:16 NCR 1482		13:03 NCR 270	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0109	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13A .0110	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13A .0111	12:07 NCR 509		12:22 NCR 2000	*	Approve	09/17/98			13:11 NCR 912	
15A NCAC 13B .1301		12.12 NCR 1064	12:24 NCR 2211	*	Approve	09/17/98			13:11 NCR 912	

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15A NCAC 13B .1624	11:19 NCR 1764	13:03 NCR 325	12:24 NCR 2211	L	Object	09/17/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0425		12:14 NCR 1352 13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98				
15A NCAC 18A .0432		12:14 NCR 1352 13:06 NCR 566	13:06 NCR 566	*	Approve	12/17/98				
15A NCAC 18A .1000	13:16 NCR 1252									
15A NCAC 18A .1202	N/A		N/A	N/A	Approve	12/17/98				
15A NCAC 18A .1300	13:16 NCR 1252									
15A NCAC 18A .1600	13:16 NCR 1252									
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882 13:12 NCR 979								
15A NCAC 18A .1700	13:16 NCR 1252									
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713 12:21 NCR 1882 12:24 NCR 2228								
15A NCAC 18A .1808	13:08 NCR 621		13:13 NCR 1047	*						
15A NCAC 18A .1810		12:24 NCR 2228	13:13 NCR 1047	*						
15A NCAC 18A .1812	13:08 NCR 621		13:13 NCR 1047	*						
15A NCAC 18A .1952		13:12 NCR 979								
15A NCAC 18A .1953		13:12 NCR 979								
15A NCAC 18A .1954		13:12 NCR 979								
15A NCAC 18A .1955		13:12 NCR 979								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review	12/18/97				
					Object	**01/15/98**				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review	12/18/97				
					Object	**01/15/98**				
15A NCAC 18A .2400	13:16 NCR 1252									
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	

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					Action	Date				
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2537	12:08 NCR 614		13:01 NCR 31	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2539	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2612		12.14 NCR 1352								
		13.06 NCR 566	13:06 NCR 566	*	Approve	12/17/98				
15A NCAC 18A .2801	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2802	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2803	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2804	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Object	10/22/98				
					Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2808	12:16 NCR 1482		13:02 NCR 235	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	12:16 NCR 1482	12.19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	

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					Action	Date				
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2822	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*	Approve	10/22/98	*		13:14 NCR 1167	
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Object	10/22/98				
					Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				

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					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98			13:09 NCR 779	
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3107	12:11 NCR 920	12.12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12.20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13.10 NCR 817	
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
					Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3110	12:11 NCR 920	12.12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98			13:09 NCR 779	
15A NCAC 18C	13:04 NCR 356									
15A NCAC 19A .0101	12:02 NCR 52	12.02 NCR 88								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Land Resources/Land Quality/Sedimentation Control Commission										
15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*						
15A NCAC 04C .0107	13.12 NCR 943									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									

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15A NCAC 03	12:14 NCR 1113									
15A NCAC 03H .0103	12:23 NCR 2089									
15A NCAC 03I .0101	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J .0103		13:08 NCR 739								
15A NCAC 03J .0107	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03J .0109	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0501		13:08 NCR 739								
15A NCAC 03M .0503	12:19 NCR 1762	12:23 NCR 2094	13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03M .0507	12:23 NCR 2089	12:23 NCR 2094	13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03O .0303		12:23 NCR 2094	13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03O .0306		12:19 NCR 1780	13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
		12:23 NCR 2094	13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0103	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0201	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0202	12:23 NCR 2089		13:03 NCR 303	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 03P .0203	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 03P .0301	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0302	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0303	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03P .0304	12:23 NCR 2089		13:03 NCR 303	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 03Q .0107	11:26 NCR 1985		13:13 NCR 1043	*						
Parks and Recreation Commission										
15A NCAC 12A .0001	12:13 NCR 1097									
15A NCAC 12A .0004	12:13 NCR 1097									

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					Action	Date				
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B .1201	12:13 NCR 1097									
Radiation Protection										
15A NCAC 11 .0104	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0111	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0117	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0305	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0317	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0318	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0321	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0323	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0339	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0353	12:22 NCR 1979		13:04 NCR 378	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0359	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0360	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	

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					Action	Date				
15A NCAC 11 .0361	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0362	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0502	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0503	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0506	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0507	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0508	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0509	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0510	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .0511	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0512	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0513	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0515	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0516	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0517	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0520	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0521	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0522	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0523	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0524	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0525	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0702	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .0703	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .1003	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .1100	12:04 NCR 240									No/Action by Agcy
15A NCAC 11 .1400	12:04 NCR 240									No/Action by Agcy
15A NCAC 11 .1633	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 11 .1635	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 11 .1647	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 11 .1653	12:22 NCR 1979		13:04 NCR 378	*	Approve	11/19/98			13:16 NCR 1265	
Soil & Water Conservation										
15A NCAC 06E .0105	12:20 NCR 1817		13:01 NCR 25	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 06E .0107	12:20 NCR 1817		13:08 NCR 688	*	Approve	12/17/98				
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A .0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0103	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	

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15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0405	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0406	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0502	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0107	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08C .0108	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08D .0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F .0406	13:16 NCR 1252									
15A NCAC 08F .0407	13:16 NCR 1252									
15A NCAC 08G .0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	

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15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0401	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0402	11:26 NCR 1976		13:02 NCR 204	S/L	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*	Object	11/19/98				
					Approve	12/17/98	*			

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15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0602	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0603	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0604	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0701	11:26 NCR 1976		13:02 NCR 204	S/L	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0801	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0802	11:26 NCR 1976		13:02 NCR 204	*	Object Approve	11/19/98 12/17/98	 *			
15A NCAC 08G .0803	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0804	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .0901	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98	*		13:16 NCR 1265	
15A NCAC 08G .0902	11:26 NCR 1976		13:02 NCR 204	*	Object Approve	11/19/98 12/17/98	 *			
15A NCAC 08G .1001	11:26 NCR 1976		13:02 NCR 204	*	Agcy withdrew	11/19/98				
15A NCAC 08G .1002	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .1101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 08G .1102	11:26 NCR 1976		13:02 NCR 204	*	Agcy withdrew	11/19/98				
Well Contractors Certification Commissio										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988								

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15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988								
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988								
Wildlife Resources Commission										
Public Notice - 15A NCAC 10B .0105										
15A NCAC 10B .0100	13:08 NCR 625									
15A NCAC 10B .0105		13:07 NCR 595	13:12 NCR 948	*						
15A NCAC 10B .0113	13:08 NCR 625		13:12 NCR 948	*						13:04 NCR 353
15A NCAC 10B .0200	13:08 NCR 625									
15A NCAC 10B .0202	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0203	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0207	12:06 NCR 445	13:04 NCR 427	12:24 NCR 2205	*	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 10B .0209	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0212	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B .0300	13:08 NCR 625									
15A NCAC 10B .0302	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0100	13:08 NCR 625									
15A NCAC 10C .0107	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0200	13:08 NCR 625									
15A NCAC 10C .0205	13:08 NCR 625		13:12 NCR 948	*						

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					Action	Date				
15A NCAC 10C .0206	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0300	13:08 NCR 625									
15A NCAC 10C .0302	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*	Approve	12/17/98	*			
15A NCAC 10C .0305	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492 13:12 NCR 948	* *	Approve	12/17/98	*			
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0400	13:08 NCR 625									
15A NCAC 10C .0401	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*	Approve	12/17/98	*			
15A NCAC 10C .0405	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*	Approve	12/17/98	*			
15A NCAC 10C .0500	13:14 NCR 1113									
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0102	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10D .0103	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D .0103	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10F .0300	13:14 NCR 1113									
15A NCAC 10F .0301	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	*	Object Approve	10/22/98 11/19/98	*		13:16 NCR 1265	
15A NCAC 10F .0303	12:19 NCR 1763									
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98			13:02 NCR 249	
15A NCAC 10F .0305	12:10 NCR 865	12:16 NCR 1518	12:16 NCR 1518	*	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0310	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	L	Approve	12/17/98				
15A NCAC 10F .0310	13:07 NCR 595		13:11 NCR 905	L						
15A NCAC 10F .0311	12:11 NCR 920	13:15 NCR 1231 12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0314	12:19 NCR 1763									
15A NCAC 10F .0317	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98			13:09 NCR 779	
15A NCAC 10F .0317	13:08 NCR 625		13:14 NCR 1116	*						
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0321	13:13 NCR 1040									
15A NCAC 10F .0323	13:13 NCR 1040									

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15A NCAC 10F .0327	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 10F .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L						
15A NCAC 10F .0330	13:11 NCR 855	13:15 NCR 1217	13:15 NCR 1231	L						
15A NCAC 10F .0339	13:13 NCR 1040									
15A NCAC 10F .0342	13:07 NCR 585	13:15 NCR 1231	13:11 NCR 905	L						
15A NCAC 10F .0345		12:19 NCR 1781								
15A NCAC 10F .0347		12:19 NCR 1781								
15A NCAC 10F .0359	12:19 NCR 1763									
15A NCAC 10G .0404	12:06 NCR 445		12:12 NCR 1004	*	Extend Review	04/15/98				
					Object	06/18/98				
					Approve	07/23/98	*		13:09 NCR 779	
FINAL DECISION LETTERS										
Voting Rights Act										13:02 NCR 173
Voting Rights Act										13:04 NCR 354
Voting Rights Act										13:07 NCR 583
Voting Rights Act										13:09 NCR 756
Voting Rights Act										13:12 NCR 941
Voting Rights Act										13:13 NCR 1038
Voting Rights Act										13:16 NCR 1251
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12 .0204		13:06 NCR 568	13:13 NCR 1048	*						
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0504	13:13 NCR 1040									
21 NCAC 12 .0902	11:28 NCR 2117									
21 NCAC 12 .0905	11:28 NCR 2117									
21 NCAC 12 .0906	11:28 NCR 2117									
21 NCAC 12 .0907	11:28 NCR 2117									
21 NCAC 12 .0908	11:28 NCR 2117									
21 NCAC 12 .0909	11:28 NCR 2117									

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					Action	Date				
21 NCAC 12 .0910	11:28 NCR 2117									
21 NCAC 12 .0911	11:28 NCR 2117									
21 NCAC 12 .0912	11:28 NCR 2117									
GOVERNOR'S EXECUTIVE ORDERS										
Number 136 - Eff. 06/05/98										13:01 NCR 1
Number 137 - Eff. 08/11/98										13:06 NCR 535
Number 138 - Eff. 08/25/98										13:07 NCR 581
Number 139 - Eff. 08/26/98										13:07 NCR 581
Number 140 - Eff. 09/29/98										13:09 NCR 753
Number 141 - Eff. 12/21/98										13:15 NCR 1216
Number 142 - Eff. 01/19/99										13:16 NCR 1248
Number 143 - Eff. 01/19/99										13:16 NCR 1248
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .0305	12:21 NCR 1873		13:06 NCR 539	*	Object Approve	11/19/98 12/17/98	 *			
10 NCAC 03U .0602	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0604	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0605	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817	12:08 NCR 710								
10 NCAC 03U .1601	12:21 NCR 1873		13:06 NCR 539	*	Object Approve	11/19/98 12/17/98				
10 NCAC 03U .1602	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .1606	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .1612	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98			13:16 NCR 1265	
10 NCAC 03U .1701	12:21 NCR 1873		13:06 NCR 539	*	Approve	11/19/98			13:16 NCR 1265	

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					Action	Date				
10 NCAC 03U .2000	12:21 NCR 1873									
10 NCAC 03U .2500	12:21 NCR 1873									
10 NCAC 03U .2801	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2802	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2803	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2804	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2805	12:21 NCR 1873		13:06 NCR 539	S	Object Approve	11/19/98 12/17/98	 *			
10 NCAC 03U .2806	12:21 NCR 1873		13:06 NCR 539	S	Object Approve	11/19/98 12/17/98	 *			
10 NCAC 03U .2807	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2808	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2809	12:21 NCR 1873		13:06 NCR 539	S	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 03U .2810	12:21 NCR 1873		13:06 NCR 539	S	Object Approve	11/19/98 12/17/98	 *			
10 NCAC 03U .2811	12:21 NCR 1873		13:06 NCR 539	S						
10 NCAC 03U .2812	12:21 NCR 1873		13:06 NCR 539	S						
Controller, Office of										
10 NCAC 01B .0418	13:14 NCR 1109									
10 NCAC 01B .0419	13:14 NCR 1109									
10 NCAC 01B .0420	13:14 NCR 1109									
Facility Services										
Certificate of Public Advantage (COPA)										13:03 NCR 261
Public Notice - Draft 1999 State Medical Facilities Plan										13:02 NCR 171
Abbreviated Notice of Temporary Rule-Making										13:06 NCR 536
10 NCAC 03R .0214	12:08 NCR 617		13:03 NCR 270	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .1613		13:14 NCR 1119								
10 NCAC 03R .1615		13:14 NCR 1119								
10 NCAC 03R .1713	.	13:14 NCR 1119								
10 NCAC 03R .1714		13:14 NCR 1119								

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10 NCAC 03R .1715		13:14 NCR 1119								
10 NCAC 03R .1912		13:14 NCR 1119								
10 NCAC 03R .1913		13:14 NCR 1119								
10 NCAC 03R .1914		13:14 NCR 1119								
10 NCAC 03R .2113		13:14 NCR 1119								
10 NCAC 03R .2713		13:14 NCR 1119								
10 NCAC 03R .2715		13:14 NCR 1119								
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3053		12:06 NCR 481								
10 NCAC 03R .3060		12:06 NCR 481								
10 NCAC 03R .3061		12:06 NCR 481								
10 NCAC 03R .3063		12:06 NCR 481								
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .4203		13:14 NCR 1119								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6102		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6103		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6104		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6105		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	

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10 NCAC 03R .6106		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6108		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6109		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6110		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6111		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE	**Object** **Object**	**10/22/98** **12/17/98**				
10 NCAC 03R .6113		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6114		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6115		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6116		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6117		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6118		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6119		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6125		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6126		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6127		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6128		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6130		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6131		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 03R .6132		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6133		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	

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10 NCAC 03R .6134		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R .6135		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6136		12.15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6137		12.15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 03R .6201		13.14 NCR 1119								
10 NCAC 03R .6202		13:14 NCR 1119								
10 NCAC 03R .6203		13.14 NCR 1119								
10 NCAC 03R .6204		13:14 NCR 1119								
10 NCAC 03R .6205		13 14 NCR 1119								
10 NCAC 03R .6206		13:14 NCR 1119								
10 NCAC 03R .6207		13:14 NCR 1119								
10 NCAC 03R .6208		13.14 NCR 1119								
10 NCAC 03R .6209		13.14 NCR 1119								
10 NCAC 03R .6210		13.14 NCR 1119								
10 NCAC 03R .6211		13:14 NCR 1119								
10 NCAC 03R .6212		13:14 NCR 1119								
10 NCAC 03R .6213		13:14 NCR 1119								
10 NCAC 03R .6214		13:14 NCR 1119								
10 NCAC 03R .6215		13:14 NCR 1119								
10 NCAC 03R .6216		13:14 NCR 1119								
10 NCAC 03R .6217		13.14 NCR 1119								
10 NCAC 03R .6218		13:14 NCR 1119								
10 NCAC 03R .6219		13:14 NCR 1119								
10 NCAC 03R .6220		13:14 NCR 1119								

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10 NCAC 03R .6221		13:14 NCR 1119								
10 NCAC 03R .6222		13:14 NCR 1119								
10 NCAC 03R .6223		13:14 NCR 1119								
10 NCAC 03R .6224		13:14 NCR 1119								
10 NCAC 03R .6225		13:14 NCR 1119								
10 NCAC 03R .6226		13:14 NCR 1119								
10 NCAC 03R .6227		13:14 NCR 1119								
10 NCAC 03R .6228		13:14 NCR 1119								
10 NCAC 03R .6229		13:14 NCR 1119								
10 NCAC 03R .6230		13:14 NCR 1119								
10 NCAC 03R .6231		13:14 NCR 1119								
10 NCAC 03R .6232		13:14 NCR 1119								
10 NCAC 03R .6233		13:14 NCR 1119								
10 NCAC 03R .6234		13:14 NCR 1119								
10 NCAC 03R .6235		13:14 NCR 1119								
10 NCAC 03R .6236		13:14 NCR 1119								
10 NCAC 03R .6237		13:14 NCR 1119								
10 NCAC 03R .6238		13:14 NCR 1119								
10 NCAC 03R .6239		13:14 NCR 1119								
10 NCAC 03R .6240		13:14 NCR 1119								
10 NCAC 03R .6241		13:14 NCR 1119								
10 NCAC 03S	12:24 NCR 2194									
Health Services										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*	Object	10/22/98				
					Approve	11/19/98		*		13:16 NCR 1265
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98				13:14 NCR 1167
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98				13:14 NCR 1167
15A NCAC 16A .1103	13:14 NCR 1114									
15A NCAC 16A .1104	13:14 NCR 1114									

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15A NCAC 16A .1106	13:14 NCR 1114									
15A NCAC 19A .0400	13:11 NCR 855									
15A NCAC 19A .0502	13:11 NCR 855	13:13 NCR 1059								
15A NCAC 19C .0206		12:15 NCR 1451	13:05 NCR 496	S	Approve	11/19/98			13:16 NCR 1265	
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S	Extended Rev. Agcy Withdrew	01/21/99 02/02/99				
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S	Approve	01/21/99	*			
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99				
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0212		12:09 NCR 827 Temp.Expired 7/31/98 12:13 NCR 733								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827 13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L	Object Approve	12/17/98 01/21/99	*			
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	07/23/98			13:09 NCR 779	

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10 NCAC 26H .0401		13:02 NCR 248	13:12 NCR 947	*						
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*	Approve	12/17/98	*			Ext. Com. Period 13:05 NCR 435
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*	Approve	12/17/98	*			Ext. Com. Period 13:05 NCR 435
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*	Approve	12/17/98	*			Extend. Com. Period 13.05 NCR 435
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						Extend. Com. Period 13:05 NCR 435
10 NCAC 26M .0305	13:02 NCR 175		13:07 NCR 588	*	Approve	12/17/98	*			
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*						
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0313	13:02 NCR 175		13:10 NCR 806	*						
Medical Care Commission										
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03H .2210	N/A		N/A	N/A	Approve	09/17/98			13:11 NCR 912	
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14G .0102		12:12 NCR 1060	12:19 NCR 1766	*	Object Approve	06/18/98 07/23/98	*		13:09 NCR 779	
10 NCAC 14V .0800	12:20 NCR 1820									
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*	**Object**	**01/21/99**				
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4304	12:19 NCR 1762		13.07 NCR 586	*						

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10 NCAC 14V .4305	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .4306	12:19 NCR 1762		13:07 NCR 586	*						
10 NCAC 14V .5000	12:20 NCR 1820									
10 NCAC 45H .0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223	13:05 NCR 487	*						
Secretary of Health and Human Services										
10 NCAC 14C .1151	12:20 NCR 1820		13:02 NCR 198	*	Approve	12/17/98	*			
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 14V .7201	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7202	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7203	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7204	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7205	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 21B .0117		12:17 NCR 1616	12:21 NCR 1875	S	Approve	07/23/98			13:09 NCR 779	
10 NCAC 49B .0315		12:18 NCR 1703	13:02 NCR 203	*	Approve	10/22/98	*		13:14 NCR 1167	
Social Services Commission										
10 NCAC 24A .0508	12:12 NCR 993	12:13 NCR 1180	12:23 NCR 2090	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 29C .0103		13:06 NCR 566								
10 NCAC 30 .0207	12:11 NCR 919	12:14 NCR 1347	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41A .0107		12:11 NCR 938	12:15 NCR 1420	*	Object Approve	05/21/98 07/23/98	*		13:09 NCR 779	
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41E .0403	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41E .0404	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41E .0405	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41E .0406	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41E .0501	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						

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10 NCAC 41E .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0514	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0515	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41E .0516	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0517	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0518	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0604	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41E .0605	12:11 NCR 919		13:05 NCR 438	*						

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10 NCAC 41E .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41E .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41F .0707		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41F .0813		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41G .0603	12:11 NCR 919		13:05 NCR 438	*						

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10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0701	12:11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0804	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0806	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0807	12 11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

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					Action	Date				
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1011	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*						

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			13:11 NCR 857	*						
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1208	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1308	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1309	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1402	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R .0106	12:11 NCR 919		13:05 NCR 438	*						

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			13:11 NCR 857	*						
10 NCAC 41R .0107	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0305	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0306	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0307	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0401	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0402	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0403	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0404	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0405	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0406	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41S .0407	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41S .0501	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0502	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0503	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0607	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0608	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0609	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0610	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0611	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0612	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0613	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0614	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0615	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0701	12:11 NCR 919		13:05 NCR 438	*						

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			13:11 NCR 857	*						
10 NCAC 41S .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0710	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0712	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41T .0203	12:11 NCR 919		13:05 NCR 438	*						
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10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41T .0205	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 41T .0206	12:11 NCR 919		13:05 NCR 438 13:11 NCR 857	* *						
10 NCAC 42C .2301	12:22 NCR 1979		13:05 NCR 438	*	Approve	11/19/98	*		13:16 NCR 1265	
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42E	13:07 NCR 585									
10 NCAC 42R .0201	12:11 NCR 919	12:13 NCR 1180	12:23 NCR 2090	S/L	Approve	10/22/98			13:14 NCR 1167	
10 NCAC 42S	13:07 NCR 585									
10 NCAC 42Z	13:07 NCR 585									
10 NCAC 47A .0502		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0102		12:11 NCR 938	12:15 NCR 1420	*	Object Approve	05/21/98 06/18/98	 *		 13:03 NCR 334	
10 NCAC 47B .0303		12.11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 47B .0304		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0305		12.11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 47B .0403		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 49B .0608	12:20 NCR 1822	13:03 NCR 320	13:06 NCR 549	*	Approve	11/19/98	*		13:16 NCR 1265	
Vocational Rehabilitation Services										
10 NCAC 20C .0125	12:24 NCR 2202		13:06 NCR 547	S	Approve	11/19/98	*			
10 NCAC 20C .0206	12:24 NCR 2202		13:06 NCR 547	S	Object Approve	11/19/98 12/17/98	 *			
INSURANCE										
11 NCAC 06	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 12 .0840	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*			
11 NCAC 12 .0841	13:01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*			

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					Action	Date				
11 NCAC 12 .0842	13.01 NCR 2	13:03 NCR 323	13:08 NCR 673	*	Approve	12/17/98	*			
11 NCAC 12 .1003	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12 .1025	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 12 .1026	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98			13:16 NCR 1265	
11 NCAC 12 .1212	13:01 NCR 2		13:05 NCR 489	*	Approve	11/19/98	*		13:16 NCR 1265	
11 NCAC 13	12:09 NCR 744									
11 NCAC 14	12:09 NCR 744									
11 NCAC 15	12:09 NCR 744									
11 NCAC 16	12.09 NCR 744									
11 NCAC 17	12.09 NCR 744									
11 NCAC 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
North Carolina Manufactured Housing Board										
11 NCAC 08 .0912	13:01 NCR 2		13:05 NCR 488	*	Object	11/19/98				
					Approve	12/17/98	*			
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0204	12.12 NCR 993		12:20 NCR 1823	*	Approve	11/19/98	*		13:16 NCR 1265	
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*	Approve	11/19/98			13:16 NCR 1265	
12 NCAC 11 .0501	11.30 NCR 2300		12:20 NCR 1823	*	**Object**	**09/17/98**				
					Agcy withdrew	10/22/98				
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
					Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
					Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
					Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
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12 NCAC 09A .0101	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0107	13:14 NCR 1110									
12 NCAC 09B .0109	13:14 NCR 1110									
12 NCAC 09B .0110	13:14 NCR 1110									
12 NCAC 09B .0112	13:14 NCR 1110									
12 NCAC 09B .0113	13:14 NCR 1110									
12 NCAC 09B .0115	13:14 NCR 1110									
12 NCAC 09B .0201	13:14 NCR 1110									
12 NCAC 09B .0202	13:14 NCR 1110									
12 NCAC 09B .0203	13:14 NCR 1110									
12 NCAC 09B .0204	13:14 NCR 1110									
12 NCAC 09B .0205	13:14 NCR 1110									
12 NCAC 09B .0205	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0206	13:14 NCR 1110									
12 NCAC 09B .0207	13:14 NCR 1110									
12 NCAC 09B .0208	13:14 NCR 1110									
12 NCAC 09B .0209	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0210	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0211	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0212	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0213	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0214	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	

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					Action	Date				
12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0226	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0226	13:14 NCR 1110									
12 NCAC 09B .0227	13:14 NCR 1110									
12 NCAC 09B .0227	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0228	13:14 NCR 1110									
12 NCAC 09B .0232	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0232	13:14 NCR 1110									
12 NCAC 09B .0233	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0233	13:14 NCR 1110									
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*	Object Object Approve	10/22/98 11/19/98 12/17/98	 *			
12 NCAC 09B .0302	13:14 NCR 1110									
12 NCAC 09B .0303	13:14 NCR 1110									
12 NCAC 09B .0304	13:14 NCR 1110									
12 NCAC 09B .0305	13:14 NCR 1110									
12 NCAC 09B .0309	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0312	13:14 NCR 1110									
12 NCAC 09B .0403	13:14 NCR 1110									
12 NCAC 09B .0404	13:14 NCR 1110									
12 NCAC 09B .0404	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0405	13:14 NCR 1110									

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					Action	Date				
12 NCAC 09B .0406	13:14 NCR 1110									
12 NCAC 09B .0407	13:14 NCR 1110									
12 NCAC 09B .0408	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0409	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0414	13:14 NCR 1110									
12 NCAC 09B .0414	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B .0415	13:14 NCR 1110									
12 NCAC 09B .0416	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B .0603					**Object**	**10/22/98**				
12 NCAC 09B .0603	N/A		N/A	N/A	Approve	11/19/98			13:16 NCR 1265	
12 NCAC 09C .0211	13:14 NCR 1110									
12 NCAC 09C .0212	13:14 NCR 1110									
12 NCAC 09C .0213	13:14 NCR 1110									
12 NCAC 09C .0308	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09C .0403	13:14 NCR 1110									
12 NCAC 09C .0601	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09E .0105	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09E .0106	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09E .0107	13:14 NCR 1110									
12 NCAC 09F .0107	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
Private Protective Services Board										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object Approve	03/20/98 06/18/98	*		13:03 NCR 334	
12 NCAC 07D .0800	13:14 NCR 1110									
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*	Object Approve	03/20/98 06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				

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					Action	Date				
12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1304	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1305	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1306	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
12 NCAC 07D .1307	11:16 NCR 1268		12:14 NCR 1263	*	**Object**	**11/19/98**				
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0103	13:14 NCR 1110									
12 NCAC 10B .0206	12:07 NCR 508	12:18 NCR 1703	12:18 NCR 1703	*	Approve	06/18/98			13:03 NCR 334	
12 NCAC 10B .0502	13:14 NCR 1110									
12 NCAC 10B .0505	13:14 NCR 1110									
12 NCAC 10B .0506	13:14 NCR 1110									
12 NCAC 10B .0507	13:14 NCR 1110									
12 NCAC 10B .0508	13:14 NCR 1110									
12 NCAC 10B .0509	13:14 NCR 1110									
12 NCAC 10B .0601	13:14 NCR 1110									
12 NCAC 10B .0606	13:14 NCR 1110									
12 NCAC 10B .0607	13:14 NCR 1110									
12 NCAC 10B .0703	13:14 NCR 1110									
12 NCAC 10B .0908	13:14 NCR 1110									
12 NCAC 10B .1002	13:14 NCR 1110									
12 NCAC 10B .1103	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
12 NCAC 10B .1104	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
12 NCAC 10B .1400	13:14 NCR 1110									
LABOR										
Boiler and Pressure Vessel Division										
13 NCAC 13 .0406	13:03 NCR 269		13:08 NCR 685	*						
13 NCAC 13 .0409	13:03 NCR 269		13:08 NCR 685	*						
Occupational Safety and Health										
13 NCAC 07A .0900	11:11 NCR 881									

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					Action	Date				
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F	13:02 NCR 176									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0301	11:03 NCR 106									
Retaliatory Employment Discrimination										
13 NCAC 19 .0101	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0102	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0201	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0301	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0302	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0401	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*			
13 NCAC 19 .0402	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*			
13 NCAC 19 .0501	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*			
13 NCAC 19 .0502	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0601	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0602	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0603	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0604	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*			
13 NCAC 19 .0605	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
13 NCAC 19 .0701	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98	*			
13 NCAC 19 .0702	13:03 NCR 268		13:08 NCR 686	*	Approve	12/17/98				
Wage and Hour Division										
13 NCAC 12 .0101	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0104	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0303	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*			
13 NCAC 12 .0304	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0305	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*			
13 NCAC 12 .0306	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0307	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				

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					Action	Date				
13 NCAC 12 .0308	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0309	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0310	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*			
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0502	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0602	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0603	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0604	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*			
13 NCAC 12 .0605	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0701	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0702	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98	*			
13 NCAC 12 .0801	13:03 NCR 268									
13 NCAC 12 .0802	13:03 NCR 268									
13 NCAC 12 .0803	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0804	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0805	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0806	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
13 NCAC 12 .0807	13:03 NCR 268		13:08 NCR 676	*	Approve	12/17/98				
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0104		12:08 NCR 730								
21 NCAC 26 .0105		12:08 NCR 730								
21 NCAC 26 .0302		12:08 NCR 730								
21 NCAC 26 .0506		12:08 NCR 730								
21 NCAC 26 .0507		12:08 NCR 730								
21 NCAC 26 .0508		12:08 NCR 730								
21 NCAC 26 .0509		12:08 NCR 730								
MEDICAL BOARD										
21 NCAC 32	13:06 NCR 538									
21 NCAC 32B	11:18 NCR 1369									

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					Action	Date				
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32F .0103		11:18 NCR 1386 Temp Expired	12:04 NCR 294	*						
21 NCAC 32F .0103		12:14 NCR 1354	12:21 NCR 1881 13:08 NCR 709	* *	Approve	12/17/98	*			
21 NCAC 32H .0402		12:04 NCR 314								
21 NCAC 32M .0101	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0102	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0103	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0104	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0105	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0106	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0107	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0108	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0109	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0110	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0111	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0112	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32M .0115	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32O .0101	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				

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					Action	Date				
21 NCAC 32O .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0114	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98				
21 NCAC 32O .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32R .0102	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32R .0103	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32R .0104	12:19 NCR 1765		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0101	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0102	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0103	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0104	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0105	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0106	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0107	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0108	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0109	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0110	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0111	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0112	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0113	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0114	11:18 NCR 1369		13:08 NCR 709	*	Agcy withdrew	12/17/98				
21 NCAC 32S .0115	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0116	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			

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21 NCAC 32S .0117	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
21 NCAC 32S .0118	11:18 NCR 1369		13:08 NCR 709	*	Approve	12/17/98	*			
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
Town of St James - Brunswick County										13:14 NCR 1101
Town of Rimertown - Cabarrus County										13:14 NCR 1101
Town of Hampstead - Pender County										13:14 NCR 1101
Town of Holiday Island - Perquimans County										13:14 NCR 1101
Town of Bermuda Run - Davie County										13:14 NCR 1101
Town of Mineral Springs - Union County										13:14 NCR 1101
NURSING, BOARD OF										
21 NCAC 36 .0227	12:05 NCR 338		13:08 NCR 725	*	Approve	12/17/98	*			
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12:07 NCR 557								
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98	*			
21 NCAC 46 .1414	12:24 NCR 2203		13:06 NCR 559	*	Approve	12/17/98	*			
21 NCAC 46 .1601	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1606	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98				
21 NCAC 46 .1608	12:24 NCR 2203									
21 NCAC 46 .1609	12:24 NCR 2203									
21 NCAC 46 .1612	12:24 NCR 2203		13:04 NCR 419	*	Object	11/19/98				
					Approve	12/17/98	*			
21 NCAC 46 .1703	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1706	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*	State Budget	03/20/98				
			13:02 NCR 246	SE	**Object**	**12/17/98**				

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21 NCAC 46 .1809	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .1814	13:01 NCR 3		13:06 NCR 559	*	Approve	12/17/98	*			
21 NCAC 46 .1815		13:11 NCR 910								
21 NCAC 46 .2103	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2301	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2304	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98	*		13:16 NCR 1265	
21 NCAC 46 .2306	12:24 NCR 2203		13:04 NCR 419	*	**Object**	**11/19/98**				
21 NCAC 46 .2502	12:24 NCR 2203		13:04 NCR 419	*	Object	11/19/98				
					Approve	12/17/98	*			
21 NCAC 46 .2506	12:24 NCR 2203		13:04 NCR 419	*	**Object**	**12/17/98**				
21 NCAC 46 .2604	12:24 NCR 2203		13:04 NCR 419	*	Approve	11/19/98			13:16 NCR 1265	
21 NCAC 46 .2609	12:24 NCR 2203		13:04 NCR 419	*	Object	11/19/98				
					Approve	12/17/98	*			
21 NCAC 46 .2611	12:24 NCR 2203		13:04 NCR 419	*	Object	11/19/98				
					Approve	12/17/98	*			
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50 .0106	12:07 NCR 509									
21 NCAC 50 .0202	12:07 NCR 509									
21 NCAC 50 .0506	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .1201	12:07 NCR 509									
21 NCAC 50 .1205	12:07 NCR 509									
21 NCAC 50 .1206	12:07 NCR 509									
21 NCAC 50 .1210	12:07 NCR 509									
21 NCAC 50 .1212	12:07 NCR 509									
21 NCAC 50 .1302	12:07 NCR 509									
Narrow Therapeutic Index Drugs										13:14 NCR 1100
PSYCHOLOGY BOARD										
21 NCAC 54 .1611	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .1612	12:05 NCR 338									

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					Action	Date				
21 NCAC 54 .1613	12:05 NCR 338									
21 NCAC 54 .2006	12:05 NCR 338									
21 NCAC 54 .2010	12:05 NCR 338									
21 NCAC 54 .2104	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2301	12:05 NCR 338									
21 NCAC 54 .2302	12:05 NCR 338									
21 NCAC 54 .2303	12:05 NCR 338									
21 NCAC 54 .2304	12:05 NCR 338									
21 NCAC 54 .2305	12:05 NCR 338									
21 NCAC 54 .2306	12:05 NCR 338									
21 NCAC 54 .2307	12:05 NCR 338									
21 NCAC 54 .2308	12:05 NCR 338									
21 NCAC 54 .2309	12:05 NCR 338									
21 NCAC 54 .2310	12:05 NCR 338									
21 NCAC 54 .2311	12:05 NCR 338									
21 NCAC 54 .2312	12:05 NCR 338									
21 NCAC 54 .2313	12:05 NCR 338									
21 NCAC 54 .2314	12:05 NCR 338									
21 NCAC 54 .2401	12:05 NCR 338									
21 NCAC 54 .2402	12:05 NCR 338									
21 NCAC 54 .2501	12:05 NCR 338									
21 NCAC 54 .2502	12:05 NCR 338									
21 NCAC 54 .2503	12:05 NCR 338									
21 NCAC 54 .2504	12:05 NCR 338									
21 NCAC 54 .2505	12:05 NCR 338									
21 NCAC 54 .2601	12:05 NCR 338									
21 NCAC 54 .2602	12:05 NCR 338									
21 NCAC 54 .2704	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2705	12:05 NCR 338									

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					Action	Date				
21 NCAC 54 .2706	12.05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2801	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2802	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2803	12:05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2804	12.05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2805	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2806	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2807	12.05 NCR 338		13:13 NCR 1050	*						
PUBLIC EDUCATION										
16 NCAC 06B .0108		13.13 NCR 1061								
16 NCAC 06C .0310			12.01 NCR 18	*						
		12.03 NCR 210								Temp Filed over obj
16 NCAC 06C .0502		12:09 NCR 834	12:19 NCR 1773	N/A	Approve	08/20/98			13:10 NCR 817	
16 NCAC 06D .0103		12:22 NCR 2010								
16 NCAC 06E .0105		12.05 NCR 433	12:19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06E .0301		13.05 NCR 523								
16 NCAC 06G .0305			12.19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06G .0310			12 19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06G .0311		12.22 NCR 2010								
16 NCAC 06G .0501		12:12 NCR 1071	12.19 NCR 1773	N/A	Approve	08/20/98			13:10 NCR 817	
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
REVENUE										
17 NCAC 01C .0601	N/A		13 10 NCR 808	N/A	Approve	12/17/98				
17 NCAC 03B .0102	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0103	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0104	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0106	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0108	N/A	N/A	N/A	N/A	Approve	12/17/98				

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					Action	Date				
17 NCAC 03B .0109	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0110	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0111	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0112	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0113	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 03B .0114	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 04B .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0107	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A						
17 NCAC 04D .0204			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0303			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0305			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0401			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0402			13:05 NCR 496	S/SE	Approve	12/17/98				

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17 NCAC 04D .0501			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0505			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0506			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0508			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0610			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0901			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0902			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0903			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0907			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .0908			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .1001			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04D .1003			13:05 NCR 496	S/SE	Approve	12/17/98				
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13:08 NCR 690	N/A						
17 NCAC 05B .0107	N/A		13:09 NCR 760	N/A	Approve	12/17/98				
17 NCAC 05B .1105	N/A		13:09 NCR 760	N/A	Approve	12/17/98				
17 NCAC 05B .1304	N/A	N/A	N/A	N/A	Approve	09/17/98			13:11 NCR 912	
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 05C .0703	N/A		13:09 NCR 760	N/A	Approve	12/17/98				
17 NCAC 05C .2004	N/A		13:09 NCR 760	N/A	Approve	12/17/98				
17 NCAC 05C .2101	N/A		13:09 NCR 760	N/A	Approve	12/17/98				
17 NCAC 05C .2102	N/A		13:09 NCR 760	N/A	Approve	12/17/98				

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					Action	Date				
17 NCAC 06B .0104	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .0105	N/A		13:08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .0118	N/A		13:09 NCR 762	N/A	**Object**	**12/17/98**				
17 NCAC 06B .0606	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .3203	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .3204			12:17 NCR 1610	*	Approve	06/18/98			13.03 NCR 334	
17 NCAC 06B .3206	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .3207	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 06B .3719	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 06B .3901	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .3904	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06B .4004	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 06C .0124	N/A		13:09 NCR 762	N/A	Approve	12/17/98				
17 NCAC 07B .0104	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13:08 NCR 695	N/A						
17 NCAC 07B .0206	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .1301	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .1303	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .1602	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .1704	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 07B .1801	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 07B .1905	N/A		13:09 NCR 767	N/A	Approve	12/17/98				
17 NCAC 07B .2101	N/A		13:09 NCR 767	N/A						
17 NCAC 07B .2201	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 07B .2212	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 07B .2802	N/A		13:10 NCR 809	N/A	Approve	12/17/98				
17 NCAC 07B .3201	N/A	N/A	N/A	N/A	Approve	12/17/98				

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17 NCAC 07B .3301	N/A		13:10 NCR 809	N/A	Approve	12/17/98				
17 NCAC 07B .3302	N/A		13:10 NCR 809	N/A	Approve	12/17/98				
17 NCAC 07B .3702	N/A		13.10 NCR 809	N/A	Approve	12/17/98				
17 NCAC 07B .5401	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5402	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5403	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5404	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5405	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5406	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5408	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5409	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5410	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5411	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5412	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5414	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5415	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5416	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5417	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5418	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5419	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5420	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5421	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5422	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5423	N/A		13 06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5424	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5428	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5429	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5430	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5431	N/A		13:06 NCR 552	N/A	Approve	12/17/98				

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17 NCAC 07B .5432	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5433	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5434	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5435	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5438	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5440	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5442	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5443	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5444	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5447	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5448	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5449	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5450	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5451	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5452	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5453	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5454	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5455	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5456	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5457	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5458	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5459	N/A		13.06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5460	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5461	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 07B .5463	N/A		13:06 NCR 552	N/A	Approve	12/17/98				
17 NCAC 09I .0301	N/A	N/A	N/A	N/A	Approve	12/17/98				
17 NCAC 09K .0601	N/A		13:08 NCR 695	N/A						
17 NCAC 09L .0302			12.17 NCR 1610	*	Approve	06/18/98			13:03 NCR 334	
Tax Review Board										13:03 NCR 262

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					Action	Date				
Tax Review Board										13:14 NCR 1102
SECRETARY OF STATE										
18 NCAC 06 .1212		13:14 NCR 1151								
18 NCAC 06 .1304		13:14 NCR 1151								
18 NCAC 06 .1502		13:14 NCR 1151								
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 10 .0101	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0201	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0301	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0302	13:09 NCR 759	13:14 NCR 1153								
18 NCAC 10 .0303	13:09 NCR 759	13:14 NCR 1153								
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