

NORTH CAROLINA REGISTER

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Human Resources
Insurance
Medical Examiners
Substance Abuse Professionals Certification Board
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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This issue contains documents officially
filed through November 22, 1995.

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volume and issue number	issue date	last day for filing	end of com- ment period	earliest reg- ister issue for publica- tion of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact					
						end of re- quired com- ment period	deadline to submit to RRC for review at next RRC meeting	first legisla- tive day of the next regular ses- sion	end of re- quired com- ment period	deadline to submit to RRC for review at next RRC meeting	first legisla- tive day of the next regular ses- sion			
10:17	12/01/95	11/07/95	01/30/96	02/01/96										
10:18	12/15/95	11/22/95	02/13/96	02/15/96										
10:19	01/02/96	12/07/95	03/04/96	03/15/96										
10:20	01/16/96	12/20/95	03/18/96	04/01/96										
10:21	02/01/96	01/10/96	04/01/96	04/15/96	02/16/96	03/04/96	03/20/96	05/13/96	04/01/96	04/22/96	01/30/97			
10:22	02/15/96	01/25/96	04/15/96	05/01/96	03/01/96	03/18/96	03/20/96	05/13/96	04/15/96	04/22/96	01/30/97			
10:23	03/01/96	02/09/96	04/30/96	05/01/96	03/18/96	04/01/96	04/22/96	01/30/97	04/30/96	05/20/96	01/30/97			
10:24	03/15/96	02/23/96	05/14/96	05/15/96	04/01/96	04/15/96	04/22/96	01/30/97	05/14/96	05/20/96	01/30/97			
11:01	04/01/96	03/11/96	05/31/96	06/03/96	04/16/96	05/01/96	05/20/96	01/30/97	05/31/96	06/20/96	01/30/97			
11:02	04/15/96	03/22/96	06/14/96	07/01/96	04/30/96	05/15/96	05/20/96	01/30/97	06/14/96	06/20/96	01/30/97			
11:03	05/01/96	04/10/96	07/01/96	07/15/96	05/16/96	05/31/96	06/20/96	01/30/97	07/01/96	07/22/96	01/30/97			
11:04	05/15/96	04/24/96	07/15/96	08/01/96	05/30/96	06/14/96	06/20/96	01/30/97	07/15/96	07/22/96	01/30/97			
11:05	06/03/96	05/10/96	08/02/96	08/15/96	06/18/96	07/03/96	07/22/96	01/30/97	08/01/96	08/20/96	01/30/97			
11:06	06/14/96	05/23/96	08/13/96	08/15/96	07/01/96	07/15/96	07/22/96	01/30/97	08/13/96	08/20/96	01/30/97			
11:07	07/01/96	06/10/96	08/30/96	09/03/96	07/16/96	07/31/96	08/20/96	01/30/97	08/30/96	09/20/96	01/30/97			
11:08	07/15/96	06/21/96	09/13/96	09/16/96	07/30/96	08/14/96	08/20/96	01/30/97	09/13/96	09/20/96	01/30/97			
11:09	08/01/96	07/11/96	09/30/96	10/01/96	08/16/96	09/03/96	09/20/96	01/30/97	09/30/96	10/21/96	01/30/97			
11:10	08/15/96	07/25/96	10/14/96	10/15/96	08/30/96	09/16/96	09/20/96	01/30/97	10/14/96	10/21/96	01/30/97			
11:11	09/03/96	08/12/96	11/04/96	11/15/96	09/18/96	10/03/96	10/21/96	01/30/97	11/04/96	11/20/96	01/30/97			
11:12	09/16/96	08/23/96	11/15/96	12/02/96	10/01/96	10/16/96	10/21/96	01/30/97	11/15/96	11/20/96	01/30/97			

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 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> (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. 	<p>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.</p> <p>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.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: 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.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <p>(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.</p> <p>(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.</p>
<p>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.</p>			<p>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.</p>
			<p>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.</p>

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.

DLP:GS:TGL:jdp
DJ 166-012-3
95-2665

U.S. Department of Justice

Civil Rights Division

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

October 20, 1995

Robert C. Cogswell, Jr., Esq.
City Attorney
P.O. Box 1513
Fayetteville, North Carolina 28302-1513

Dear Mr. Cogswell:

This refers to four annexations (Ordinance Nos. 95-1-402 to 405) and their designation to districts of the City of Fayetteville in Cumberland 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 submission on August 28, 1995.

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. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section

**STATE OF NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
PUBLIC NOTICE OF AVAILABILITY OF 303(d) LIST**

Announcement is hereby given of the availability of North Carolina's 303(d) list. Section 303(d) of the Clean Water Act requires states to develop a list of waters not meeting water quality standards or which have use impairment and where existing control strategies for point and nonpoint source pollution will not achieve the standards or uses designated for that waterbody. North Carolina has developed its 1996 303(d) list, and the list is available for review and comment.

INFORMATION: A copy of the 303(d) list is available by writing or calling:

Ruth C. Swanek, Supervisor
Instream Assessment Unit
Water Quality Section
N.C. Division of Environmental Management
P.O. Box 29535
Raleigh, North Carolina 27626-0535

Telephone (919)733-5083, ext. 503

Persons wishing to comment on the list are invited to submit their comments in writing to the above address no later than January 31, 1996. All comments received prior to that date will be considered when revising the list.

The 303(d) list and supporting information are on file at the Division of Environmental Management, 512 N. Salisbury Street, Archdale Building, Raleigh, North Carolina. They may be inspected during normal office hours. Copies of the information on file are available upon request and payment of costs or reproduction.

Date: November 15, 1995

s/Steve W. Tedder, Chief
Water Quality Section
Division of Environmental Management

TITLE 15A
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from December 15, 1995 through February 13, 1996:

Department of Environment, Health, and Natural Resources - to rules codified in 15A NCAC 1;
Environmental Management Commission - to rules codified in 15A NCAC 2;
Marine Fisheries Commission - to rules codified in 15A NCAC 3;
Coastal Resources Commission - to rules codified in 15A NCAC 7;
Division of Radiation Protection Commission - to rules codified in 15A NCAC 11;
Parks and Recreation - to rules codified in 15A NCAC 12;
Commission for Health Services - to rules codified in 15A NCAC 13, 16, 18, 19, 20, 21, 23, 24 & 25;

This agenda does include references to rules that have been previously published in the North Carolina Register.

ADULT HEALTH PROMOTION

APA #	SUBJECT	RULE CITATION #
H5669	HIV Medications Program	15A NCAC 16A .1001, .1002-.1006

COASTAL MANAGEMENT

APA #	SUBJECT	RULE CITATION #
E1155a	Permits for Private Moorings	15A NCAC 7H .2201-.2205
E1553	CRC Guidelines for Preparation of Local Land Use Plans	15A NCAC 7B .0101, .0201-.0216, .0401-.0406, .0501-.0507
E1554	Free Standing Moorings	15A NCAC 7H .0208
E1594	CRC rule amendments to more clearly state the type of structures that can be permitted	15A NCAC 7H .0309 & .0310
E1595	CRC definition of "threatened structure"	15A NCAC 7H .0308, .1705; 7K . 0103
E1757	CAMA General permit for Replacing Bridges and Culverts in the Coastal Zone	15A NCAC 7H .2301-.2305
E1758	The rule will allow permits to be issued for the filling of canals, basins & ditches	15A NCAC 7H .0208
E1759	Vegetation line identification after beach nourishment projects	15A NCAC 7H .0305
E1760	New definition of the term "structure" as used in CRC rules.	15A NCAC 7H .0106
E1761	Revised priorities for awarding local planning and management grants to local governments in the coastal area.	15A NCAC 7L
E1762	Revisions to the general policy guidelines for shorefront access in the coastal area	15A NCAC 7M .0300
E1770	Beach Nourishment/Spoil Disposal: Vegetation line identification	15A NCAC 7H .0308
E1786	Coastal Energy Policies	15A NCAC 7M .0400

ENVIRONMENTAL HEALTH/ENVIRONMENTAL HEALTH SERVICES

APA #	SUBJECT	RULE CITATION #
H5601	Changes to 15A NCAC 18A .2600 "Rules Governing the Sanitation of Restaurants and other food"	15A NCAC 18A .2600

	handling establishments"	
H5602	Amendments to Local Health Standards Rules	15A NCAC 25 .0213
H5603	Distribution of Funds to Counties	15A NCAC 18A .2900
H5604	Update of "Rules Governing the Sanitation of Lodging Places"	15A NCAC 18A .1801, -.1808, .1810-.1814, .1818
H5605	Sanitation of Public, Private and Religious Schools	15A NCAC 18A .2400
H5980	Sanitation of Restaurants and Toilet Facilities	15A NCAC 18A .2601, .2618, .2624, .2632, .2635 & .2636
H5981	Update of "Rules Governing the Sanitation of Lodging Places"	15A NCAC 18A .1801-.1808, .1810-.1814, .1818
H6025	Lead Poisoning Prevention in Children	15A NCAC 18A .3101 - .3106
H6046	Frequency of Establishment	15A NCAC 25 .0213
H6052	Transitional Permits	15A NCAC 18A .2702

ENVIRONMENTAL HEALTH/ONSITE WASTEWATER INSPECTIONS

APA #	SUBJECT	RULE CITATION #
H5606	Separate the Existing On-site Subsurface Disposal Rules Into Large (> .3000gpd) and Small System Rules	15A NCAC 18A .1900 ET. SEQ.
H5607	Subsurface Disposal of Industrial Process Wastewater	15A NCAC 18A .1900 ET. SEQ
H5608	to Make Technical and Clarity Changes to Existing On-sitesubsurface Rules	15A NCAC 18A .1900 ET.SEQ
H6026	Definitions, Grades of Certification, Revocation of Certificate, Continuing Education, Reciprocal Certificates, Operators in Responsible Charge	15A NCAC 18D .0105, .0201, .0307, .0308, .0405, .0701

ENVIRONMENTAL HEALTH/PUBLIC WATER SUPPLY

APA #	SUBJECT	RULE CITATION #
H6045	Public Water Supply	15A NCAC 18A .1720, .1722, .1723, .1725 - .1727
H6047	Backflow Prevention/Cross Connection Control	15A NCAC 18C .0102, .0406, .0709

ENVIRONMENTAL MANAGEMENT/AIR QUALITY

APA #	SUBJECT	RULE CITATION #
E1273	Interim Standards	15A NCAC 2D .0950
E1297	Title V permitting rules	15A NCAC 2Q .0500
E1298	Emissions Standards for Rendering Plants	15A NCAC 2D .0539
E1299	American Society for Testing Materials (ASTM) References	15A NCAC 2D .0104
E1301	Control of Particulate Emissions from Woodworking and Spray Paint/Finish Booths	15A NCAC 2D .0512 and .0515
E1302	Control of fugitive dust from roads and sandblasting	15A NCAC 2D .0506, .0509, .0510, .0511 and other applicable rules
E1303	Case-by-case Maximum Achievable Control Technology Requirements	15A NCAC 2D .1109 & 2Q .0503, .0526
E1304	Permit Exemptions	15A NCAC 2Q .0102
E1305	Capture efficiency test procedures for Volatile Organic Compounds	15A NCAC 2D

E1306	Control of Emissions from Open Burning	15A NCAC 2D .0520; .1901 - .1905
E1314	Recordkeeping and reporting requirements for incinerators	15A NCAC 2D .1204
E1315 .0533, .0610;	Permit Procedures for Toxic Air Pollutants	15A NCAC 2D .1110 - .1111, .0501, .0516, .0518, .0521, .0524, .0535, .0537, .0601, .0604, .0608, .0902, .1202, .1204-.1206; 2H 2Q .0102-.0103, .0109, .0302, .0502, .0508; 2D .0525
E1316	Case-by-case Maximum Achievable Control Technology Requirements	15A NCAC 2D .1109
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E1357	Stage I & II gasoline vapor recovery	15A NCAC 2D .0928, .0953, .0954
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E1360	Acceptable ambient levels for toxic air pollutants	15A NCAC 2D .1104, 2H .0610 (or 2Q .0711)
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E1406	112(J) of the Federal Clean Air Act	N/A
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E1408	AAL for Chlorine and Chlorine Dioxide	15A NCAC 2D .1104, 2H .0610
E1409	AAL for Formaldehyde	15A NCAC 2D .1104, 2H .0610
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E1411	Acrylonitrile and Perchloroethylene	15A NCAC 2H .0610, 2D .1104
E1412	Addition of New Source Performance Standards and National Emission Standards for	
E1413	Additional Reasonably Available Control Technologies for Volatile Organic Compounds	
E1414	Air Toxic Compliance Schedules	15A NCAC 2D .1112
E1415	Asbestos: Open Burning	15A NCAC 2D .0520
E1416	Astm References in General Rule	15A NCAC 2D .0104
E1417	Bubble, banking, netting, offsets	15A NCAC 2D .0501 and other new rules
E1418	Chromium(VI) Test Method	15A NCAC 2D .1203
E1419	Clarification of 5TPY potential Emission Permit Exemption and of HAP Emission P	15A NCAC 2Q .0102
E1420	Clarification of Air Toxic Rules	15A NCAC 2D .1104
E1421	Clarification of Pounds of Emissions per Gallon of Solids in Voc Rules	N/A
E1422	Clarification of Reasonably Available Control Technology Rules for Coating Operation	
E1423	Clarification of Stage II Requirements	15A NCAC 2D .0953,.0954
E1424	Corrections of Deficiencies in Sulfur Dioxide Standards Not Elsewhere Covered	15A NCAC 2D .0600
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	Non-photochemically Reactive Compound in Rule on	
E1427	Enhanced Monitoring	15A NCAC 2D .0600
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E1432	Gasoline Emergency Generator Permit Exemption	15A NCAC 2Q .0102
E1434	HCFC-22 Correction and Cross-Reference Correction	15A NCAC 2D .0531,.0901,.0926
E1435	Hosiery Knitting Permit Exemption	15A NCAC 2Q .0102
E1437	Malfunction Notification and Clarifications	15A NCAC 2D .0535
E1438	Miscellaneous Volatile Organic Compounds	15A NCAC 2D .0518
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E1440	Open Burning and Prohibitions and Permits	15A NCAC 2D..0520
E1441	Open Burning of Transported	15A NCAC 2D .0520
E1442	Open Burning Regulation	15A NCAC 2D .0520
E1443	Other Acid Rain Requirements	15A NCAC 2D or 2Q
E1444	Particulate Emission Standard for Air Curtain Burners	15A NCAC 2D .1904
E1445	Particulate Spray/finish Booth	15A NCAC 2D .0515
E1446	Particulate Woodworking and Coating Operations	15A NCAC 2D .0512
E1447	Perchloroethylene Dry Cleaner Permit Exemption	15A NCAC 2Q .0102
E1448	Pet Crematories Temperature Measurement Exemption	15A NCAC 2D .1204
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E1450	Recodification of 2H .0610 to 2Q .0700	15A NCAC 2H .0610
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E1454	Small Motor Repair Bake-off Oven Incinerator Permit Exemption	15A NCAC 2Q .0102
E1455	Stack Testing and Reporting and Recordkeeping	15A NCAC 2D .0501,.0900(SECTION)
E1456	Voc Capture Efficiency Test Procedures	15A NCAC 2D .0900
E1457	Voc Emission Standards (Modeling Results)	
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E1572	On-site Distillation for Recycled Solvents	15A NCAC 2D .0518
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RULE-MAKING AGENDA

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E1718	Municipal Waste Combusters	15A NCAC 2D .1200
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E1774	Updating stack testing and reporting and recordkeeping	15A NCAC 2D .0501, 15A NCAC 2D .0900 section, 15A NCAC 2D .0600
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ENVIRONMENTAL MANAGEMENT/CONSTRUCTION GRANTS

APA #	SUBJECT	RULE CITATION #
E1387	1994-1996 Triennial Water Quality Standard Review	15A NCAC 2B .0101, .0104, .0106, .0201-02, .0208, .0211-.0212, .0214-.0216, .0218, .0219-.0222, .0223-.0225, .0228-.0229 and .0301

ENVIRONMENTAL MANAGEMENT/GROUNDWATER

APA #	SUBJECT	RULE CITATION #
✓E1459	Criteria and Standards Applicable to Underground Storage Tanks (UST rules)	15A NCAC 2N .0102, .0104, .0203, .0301-.0303, .0405, .0501-.0506, .0703, .0706, .0707, .0801-.0803
E1460	Capacity Use Area Water Withdrawal(capacity Use Groundwater Rules)	15A NCAC 2E
E1461	Cape Fear/northeast Cape Fear Peninsula Area Rs Designation	15A NCAC 2L .0104
✓E1462	Requests for Variances Pursuant to 15A NCAC 2L	15A NCAC 2L .0113
E1463	Well Contruction Standards; Underground Injection Wells	15A NCAC 2C .0201-.0214 (AMEND), .0215(ADOPTION) (VARIANCE), .0216(ADOPTION)
✓E1476	Classifications and Groundwater Quality Standards (Chloroethane	15A NCAC 2L .0202

E1546	and Diphenyl) Well Construction Standards: Underground Injection Wells	15A NCAC 2C .0201, .0204-.0216
E1692	Classifications and Groundwater Quality Standards (18 chemicals)	15A NCAC 2L .0202
E1790	Corrective Action (Requirements for Risk Determination and Cleanup Costs)	15A NCAC 2L .0106; 2P .0402(a)

ENVIRONMENTAL MANAGEMENT/WATER QUALITY

APA #	SUBJECT	RULE CITATION #
E1184	Allen Creek Watershed Reclassification	15A NCAC 2B .0304
E1242	Clarification of Wetlands rules	15A NCAC 2B .0101,.0103,.0109,.0201,.0202, .0220; 2H .0501-.0504, .0506
E1376	Proposed reclassification of a former drinking water supply source for Washington	15A NCAC 2B .0316
E1378	Proposed reclassification of a stream that is not used as a drinking water supply	15A NCAC 2B .0304
E1458	Wastewater Re-use	15A NCAC 2H .0100 AND .0200
E1464	Epa Permitting Rules Update And/or Technical Modifications	NA
E1465	Triennial Review of Water Quality Standards	NA
E1466	Use Restoration Waters (Urw)	NA
E1467	Water Supply Protection Rules Modification	NA
E1489	Assignment of Surface Water Classifications for several river basins	15A NCAC 2B .0303, .0308, .0309, .0310, .0315 and .0316
E1691	Proposed future water supply reclassification for Town Fork Creek (Forsyth & Stokes)	15A NCAC 2B .0313 Roanoke River Basin
E1703	Use Restoration Waters (URW) Supplemental W. Q. Classification	15A NCAC 2B .0202 and 2B .0229
E1735	Reuse of Reclaimed Wastewater	15A NCAC 2H .0219
E1738	Proposed Reclassification of former water supply watershed. (Austin Creek)	15A NCAC 2B .0315
E1741	Proposed reclassification of French Broad River (lower-Class C, upper Class WS-IV) and Mills River as Class WS-III os WS-II	15A NCAC 2B .0304 (French Broad River Basin)
E1787	To delete duplicative and conflicting stormwater management requirements (ORW & HQW) areas).	15A NCAC 2B .0224, .0225
E1788	Proposed management strategy for Thorpe Reservoir (Little Tenn. River Basin	15A NCAC 2B .0303; .0224; .0227
E1789	Amendment of Water Quality Standards Rule	15A NCAC 2B .0216

EPIDEMIOLOGY/ENVIRONMENTAL EPIDEMIOLOGY

APA #	SUBJECT	RULE CITATION #
H5979	Asbestos Hazard Management	15A NCAC 19C .0602-.0609

Program

EPIDEMIOLOGY/OCCUPATIONAL HEALTH

APA #	SUBJECT	RULE CITATION #
H5783	Increase fee for x-rays in Dusty Trades Program	15A NCAC 19C .0206

EPIDEMIOLOGY/VITAL RECORDS

APA #	SUBJECT	RULE CITATION #
H5833	Research Requests	15A NCAC 19H .0702

LABORATORY SERVICES

APA #	SUBJECT	RULE CITATION #
H5972	Laboratory Certification for laboratories analyzing drinking water	15A NCAC 20D .0233, .0234, .0236, .0241, .0242, .0243, .0247-.0252

LEGISLATIVE AFFAIRS

APA #	SUBJECT	RULE CITATION #
A3828	Minimum Criteria Thresholds for Non-major Activities Under the NCEPA	15A NCAC 1C .0101, .0503 and . 0504

MARINE FISHERIES

APA #	SUBJECT	RULE CITATION #
N1564 .0301, .0204, .0003-.0005,	Marine Fisheries Commission Rules	15A NCAC 3I .0001, .0005, .0018; 3J .0103-.0104, .0107, .0202, .0401-.0402; 3K .0104-.0105, .0201-.0202; 3L .0301-.0302; 3M .0202, .0301, .0401, .0501, .0503-.0504, .0506-.0508, .0510-.0511; 3R .0007
N1573	Marine Fisheries Commission Rules	15A NCAC 3J .0403

MATERNAL-CHILD HEALTH

APA #	SUBJECT	RULE CITATION #
H5779	North Carolina Hemophilia Assistance Plan	15A NCAC 21F .1102 (a)(5); .1103 (3); .1105 (b)
H5968	Children's Special Health Services Adoption Provision	15A NCAC 21F .0800
H6007	North Carolina Hemophilia Assistance Plan	15A NCAC 21F .1101, .1102, .1103, .1105

PARKS AND RECREATION

APA #	SUBJECT	RULE CITATION #
N1315	Comprehensive Overhaul of Rules Within 15A Chapter 12, Subchapter A,B,C, and J	15A NCAC 12 SUBCHAPTER A,B,C,J

POST MORTEM MEDICOLEGAL EXAMINATION

APA #	SUBJECT	RULE CITATION #
H5612	Medical Examiner Hospital Fee	15A NCAC 23 .0204
H5613	Medical Examiner Investigation Fee	15A NCAC 23 .0201
H5614	Medical Examiner Radiology Fee	15A NCAC 23 .0203

PURCHASE OF MEDICAL CARE SERVICES

APA #	SUBJECT	RULE CITATION #
A3809	Annual Net Family Income	15A NCAC 24A .0203

A3823	Determination of Financial Eligibility	15A NCAC 24A .0202
A3824	Income Documentation	15A NCAC 24A .0301
A3825	Determination of Family Size	15A NCAC 24A .0204
A3826	Definitions	15A NCAC 24A .0102

RADIATION PROTECTION

APA #	SUBJECT	RULE CITATION #
E1704	Exemption of certain on-site waste management and disposal from certain G. S. 104E paragraphs	15A NCAC 11 .0349

SOLID WASTE MANAGEMENT

APA #	SUBJECT	RULE CITATION #
E1154	Permitting for Municipal Solid Waste landfill facilities	15A NCAC 13B .1603
E1319	Local Government Comprehensive Solid Waste Management Plans	15A NCAC 13B .1801-.1812
E1373	Municipal Solid Waste (MSW) Compost Facilities	15A NCAC 13B Section .1401 - .1409, .0901 - .0905
E1473	Permit by Rule for Small Tire Collection Sites	15A NCAC 13B .1100
E1475	Solid Waste Management Facility Operator Training	15A NCAC 13B
E1558	SEPTAGE MANAGEMENT	15A NCAC 13B .0802 THROUGH .0829
E1567	Rules for Privatizing State Oversight Role at Voluntary Cleanup Sites	15A NCAC 13C. 0300 (New Section)
E1579	Municipal Solid Waste Landfills	15A NCAC 15A NCAC 13B .0103, .0101, and .0503
E1724	Corporate Financial Assurance	15A NCAC 13B .1628

SOLID WASTE/HAZARDOUS WASTE

APA #	SUBJECT	RULE CITATION #
E1712	Amendment of Universal Waste Rules	15A NCAC 13A .0006 and .0019

SOLID WASTE/INACTIVE SITES

APA #	SUBJECT	RULE CITATION #
E1468	Rules Dealing with House Bill 1961 Entitled "Encourage Voluntary Remediation"	
E1469	Rules Dealing with House Bill 1961 "Encourage Voluntary Remediation"	
E1470	Rules Dealing with House Bill 1961 Entitled "Encourage Voluntary Remediation "	
E1471	Rules Dealing with House Bill 1961 Entitled "Encourage Voluntary Remediation"	

APA #: A3809

SUBJECT: Annual Net Family Income

RULE CITATION #: 15A NCAC 24A .0203

STATUTORY AUTHORITY: G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205

DIVISION/SECTION: PURCHASE OF MEDICAL CARE SERVICES

DIVISION CONTACT: Susan C. Anderson

DIVISION CONTACT TEL#: (919)733-6305

DATE INITIATED: 4/21/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: Amendments(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: State

REASON FOR ACTION :

The current rule lists Supplemental Security Income (SSI) benefits as a resource that is not included in gross family income. Social Security benefits, Public Assistance money, Unemployment compensation, and other similar sources of income are counted in gross family income. We find no justifiable reason to exempt SSI from consideration of gross family income, therefore, we are seeking to amend this rule accordingly.

SCOPE/NATURE/SUMMARY :

Defines what income must be counted in computing gross family income and what expenses may be deducted to arrive at annual net family income for the purpose of determining financial eligibility.

APA #: A3823

SUBJECT: Determination of Financial Eligibility

RULE CITATION #: 15A NCAC 24A .0202

STATUTORY AUTHORITY: G.S. 130A-4.2; 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205

DIVISION/SECTION: PURCHASE OF MEDICAL CARE SERVICES

DIVISION CONTACT: Richard Moore

DIVISION CONTACT TEL#: (919)715-3811

DATE INITIATED: 9/7/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: State

REASON FOR ACTION :

During FY95, the demand for funds in the Purchase of Care component of Children's Special Health Services (CSHS) exceeded the budget. CSHS has chosen to address this problem by changing financial eligibility through the use of Medicaid financial eligibility standards. This will create a uniform public policy with regard to eligibility determination while allowing CSHS to expand coverage of services not now provided by other agencies.

Children who were offered a special CSHS post adoption coverage provision and adult patients with Cystic Fibrosis would be eligible to remain on CSHS without Medicaid coverage if they continue to qualify financially according to the federal poverty level.

SCOPE/NATURE/SUMMARY :

Establishes the requirement for financial eligibility under the Department's payment programs.

Since its inception in 1936, Children's Special Health Services has had a reimbursement component, offering reimbursement for hospitalization, physician fees, pharmaceuticals, medical equipment, etc. provided to medically and financially eligible children. In this regard, CSHS perhaps reached its zenith in the mid-1980s, when approximately 10,000 children annually received approximately \$10 million in CSHS reimbursement services.

In recent years, Medicaid financial eligibility has been expanded remarkably, diminishing the need for CSHS reimbursement component. Indeed, the CSHS caseload dropped to 4,800 children in FY 93-94, and a budget surplus of \$1.4 million was projected for that year.

The 1994 session of the General Assembly reduced the CSHS reimbursement component by \$4.2 million. This included the \$1.4 million projected surplus and a transfer of \$2.8 million to the Medicaid Program to further expand eligibility for children 5 through 18. In theory, these children were to become eligible for Medicaid and no longer need CSHS for most services.

FY 94-95 was a very difficult year for CSHS financially. Primarily because CSHS computes financial eligibility differently from Medicaid, children have not been transferred to Medicaid at the rate expected. As a result, the

reimbursement budget is \$4.4 million, but projected expenditures will exceed \$7 million. Indeed, CSHS is "making it through the year" only because of the fortuitous availability of refunds and one-time federal block grant funds. Neither of these resources can be relied upon in future years. Therefore, a change in the CSHS reimbursement rules is required to make the program "fit" the available resources.

Changes can be made in just three areas - services, medical eligibility, and financial eligibility. This matter was taken to various constituent groups - the CSHS Medical Advisory Committee, the NC Pediatric Society, the Children and Youth Parent Advisory Committee, and the Interagency Coordinating Council on Young Children with Special Needs. There is consensus that financial eligibility should be changed to match Medicaid financial eligibility.

This change will probably reduce access to care for 1,000 children (primarily older children) now covered by CSHS who will no longer be eligible for CSHS. However, this change will establish a uniform public policy with regard to children with special needs, eliminating the current requirements regarding financial eligibility. More importantly, it will allow all current CSHS resources to be focused on services not covered by Medicaid (some medical supplies, special therapy, medical equipment, and other services particularly relevant for children with special needs).

APA #: A3824

SUBJECT: Income Documentation

RULE CITATION #: 15A NCAC 24A .0301

STATUTORY AUTHORITY: G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205

DIVISION/SECTION: PURCHASE OF MEDICAL CARE SERVICES

DIVISION CONTACT: Richard Moore

DIVISION CONTACT TEL#: (919)715-3811

DATE INITIATED: 9/7/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This rule is proposed for amendment in order to clarify that documentation of income is not required for the Children's Special Health Services program since financial eligibility will be based on Medicaid eligibility pursuant to the proposed change to 15A NCAC 24A .0202.

SCOPE/NATURE/SUMMARY :

Establishes the circumstances under which family income must be documented.

APA #: A3825

SUBJECT: Determination of Family Size

RULE CITATION #: 15A NCAC 24A .0204

STATUTORY AUTHORITY: G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-177; 130A-205

DIVISION/SECTION: PURCHASE OF MEDICAL CARE SERVICES

DIVISION CONTACT: Richard Moore

DIVISION CONTACT TEL#: (919)733-6305

DATE INITIATED: 9/7/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This rule is proposed for amendment to clarify that it only pertains to adopted children who were approved for Children's Special Health Services (CSHS) post-adoption coverage prior to January 1, 1996. Effective with that date, the special post-adoption coverage will be eliminated, except for those already approved, by the deletion of 15A NCAC 21F .0800.

SCOPE/NATURE/SUMMARY :

Defines which individuals must be counted in the family unit for the purpose of determining financial eligibility.

APA #: A3826

SUBJECT: Definitions

RULE CITATION #: 15A NCAC 24A .0102

STATUTORY AUTHORITY: G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-177; 130A-205

DIVISION/SECTION: PURCHASE OF MEDICAL CARE SERVICES

DIVISION CONTACT: Susan Anderson

DIVISION CONTACT TEL#: (919)733-6305

DATE INITIATED: 9/7/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This amendment is proposed in order to delete the Tuberculosis Program from the list of payment programs and to add the HIV Medications Program and the Adult Cystic Fibrosis Program to the list of payment programs.

SCOPE/NATURE/SUMMARY :

Provides general information about the payment programs of the Department of Environment, Health and Natural Resources.

APA #: A3828

SUBJECT: Minimum Criteria Thresholds for Non-major Activities Under the NCEPA

RULE CITATION #: 15A NCAC 1C .0101, .0503 and .0504

STATUTORY AUTHORITY: G.S. 113A-2; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10

DIVISION/SECTION: LEGISLATIVE AFFAIRS

DIVISION CONTACT: Bill Flourney

DIVISION CONTACT TEL#: (919)715-4191

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment (3)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The proposed rulemaking is needed to update, clarify, and improve the identification of thresholds of activity/impact below which an environmental document will not be required under the NC Environmental Policy Act (NCEPA).

SCOPE/NATURE/SUMMARY :

Amended language is proposed to be substituted for the entire 15A NCAC 1C .0504, Non-Major Activity. The amended language accomplishes several objectives concurrently. Thresholds are deleted for programs no longer in the department and added for new programs.

New thresholds are added to clarify when NCEPA review is not required for certain activities, thus avoiding unnecessary documentation.

Several pre-existing thresholds have been adjusted upward or downward as a result of prior experience with the NCEPA. Thresholds have also been reordered to clarify and to improve their ease of use. The proposed rulemaking also adds a new definition and retitles a second one at 15A NCAC 1C .0101(d) to support these procedures. A technical correction is proposed in 15A NCAC 1C .0503(3) to correspond to the retitled definition.

APA #: E1154

SUBJECT: Permitting for Municipal Solid Waste landfill facilities

RULE CITATION #: 15A NCAC 13B .1603

STATUTORY AUTHORITY: G.S. 130A-294

DIVISION/SECTION: SOLID WASTE MANAGEMENT

DIVISION CONTACT: Brad Rutledge

DIVISION CONTACT TEL#: (919)733-0692

DATE INITIATED: 4/18/94

DURATION OF RULE: Permanent 10/1/94

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION:

This amendment is necessary to further delineate circumstances requiring owners and operators of municipal solid waste landfill facilities (MSWLFs) to submit a permit application.

APA #: E1155a

SUBJECT: Permits for Private Moorings

RULE CITATION #: 15A NCAC 7H .2201-.2205

STATUTORY AUTHORITY: G.S. 113A-107; 113A-118.1

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Terry Moore

DIVISION CONTACT TEL#: (919) 946-6481

DATE INITIATED: 4/7/94

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: Adoptions(5)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: State

REASON FOR ACTION :

These rules will establish a procedure for authorizing the installation of private moorings in response to an increasing demand for such facilities over the past 24 months. This is a new permit requirement for a type of development that has not previously required permits.

APA #: E1184

SUBJECT: Allen Creek Watershed Reclassification

RULE CITATION #: 15A NCAC 2B .0304

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083, ext 566

DATE INITIATED: 10/16/95

DURATION OF RULE: Permanent 2/1/97

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local

REASON FOR ACTION :

This rule amendment is being made to reclassify the Allen Creek watershed in Haywood County from Class WS-I to Class WS-II. The WS-I classification which is currently in place is intended for application to water supply watersheds that are undeveloped and will remain that way because they are in public ownership. The majority of the Allen Creek watershed is in public ownership, but it has been brought to the Division of Environmental Management's attention that there is privately owned land within the watershed boundary. Therefore, it is necessary to revise the surface water classification to WS-II, or a combination of WS-I and WS-II.

APA #: E1242

SUBJECT: Clarification of Wetlands rules

RULE CITATION #: 15A NCAC 2B .0101,.0103,.0109,.0201, .0202,.0220, 15A NCAC 2H .0501 - .0504, .0506

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-213; 143-215.3; 150B-21.6; 143-214.1; 143-215.1; 143-215.3(a)(1); 143-215.3(c)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Tedder

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 6/30/94

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: ADOPTIONS(3) Amendments(8) Repeals(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

The proposed rules amendments addressed in this document are associated with the following rules: 15A NCAC 2B .0200 and 15A NCAC 2H .0500. The purpose of these rules and amendments is to clarify that wetlands are waters of the state, define wetlands, designate uses for wetlands, establish narrative criteria to protect the designated uses of wetlands, apply the antidegradation policy to wetlands and to codify the existing 401 Water Quality Certification review procedures. These rules were approved to proceed to Public Hearings by the EMC during the April 1994 meeting. Public Hearings have been held. No action has been taken by the EMC.

APA #: E1297

SUBJECT: Title V permitting rules

RULE CITATION #: 15A NCAC 2Q .0500

STATUTORY AUTHORITY: G.S. 143-212; 143-213; 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.65; 143-215.66

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/94

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

EPA has recently proposed amendments to 40 CFR Part 70, which contain the Title V permitting requirements.

SCOPE/NATURE/SUMMARY :

If the proposed amendments are adopted, revision of the NC Title V permitting rules may be necessary. Several definitions may have to be amended; at least two definitions may need to be deleted, and at least one new definition may have to be added. (EPA is proposing to change "permit modification" to "permit revision.")

APA #: E1298

SUBJECT: Emissions Standards for Rendering Plants

RULE CITATION #: 15A NCAC 2D .0539

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/94

DURATION OF RULE: Permanent

TYPE OF RULE: Adoption (1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To adopt a rule for the control of odorous emissions from rendering plants.

SCOPE/NATURE/SUMMARY :

Rendering plants are a principal source of odorous emissions. A regulation would be developed to specifically control emissions from rendering plants above the already adopted odorous emission rule. (15A NCAC 2D .0522)

APA #: E1301

SUBJECT: Control of Particulate Emissions from Woodworking and Spray Paint/Finish Booths

RULE CITATION #: 15A NCAC 2D .0512 and .0515

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/94

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To amend 2D .0512, Particulates from Work Products Finishing Plants, to make it less vague.

SCOPE/NATURE/SUMMARY :

The amendments to this rule would take the form of a control efficiency or emission rate for the process equipment in all woodworking processes such as sawing or sanding. To control Particulates from coating operations, filters meeting a specified efficiency would be required, which is what is done in practice.

APA #: E1302

SUBJECT: Control of fugitive dust from roads and sandblasting

RULE CITATION #: 15A NCAC 2D .0506, .0509, .0510, .0511 and other applicable rules

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/94

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To amend 2D .0506, Asphalt Plants, .0509, Mica and Feldspar, .0510, Sand, Gravel, and Crushed Stone, and .0511, Lightweight Aggregates, for the control of fugitive dust.

SCOPE/NATURE/SUMMARY:

In light of a case brought against the State by Indusmin Co. in which the court ruled that a company did not know when it had done enough to comply with the rule, consideration is being given to revising the requirement to control fugitive dust emissions from roads and other controlled areas.

More detailed language may be added describing what needs to be done, such as specifying watering schedules, and a visible emissions limit may be established. The owner or operator may be required to develop and submit for approval dust control plans. This amendment would also delete the use of oil treatment as a suitable dust control method because its use is now prohibited. Fugitive dust requirements may be placed in a new rule and may be expanded to cover other industries.

APA #: E1303

SUBJECT: Case-by-case Maximum Achievable Control Technology Requirements

RULE CITATION #: 15A NCAC 2D .1109 & 2Q .0503, .0526

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10); 143-212; 143-213

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/94

DURATION OF RULE: Permanent

TYPE OF RULE: Adoption (1) Amendment (2)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The AQ Section is proposing to develop rules to implement Section 112(j) of the Federal Clean Air Act. This requirement is included as part of NC's permitting procedures under Section 15A NCAC 2Q .0500, however, changes must be incorporated to reflect the requirements of the federal rule which was promulgated on May 20, 1994.

SCOPE/NATURE/SUMMARY :

Implementation of Section 112(j) of the Federal Clean Air Act by NC will require the development of new rules as well as the amendment of existing rules. Amendments will also be required for minor changes including corrections of cross references.

APA #: E1304

SUBJECT: Permit Exemptions
RULE CITATION #: 15A NCAC 2Q .0102
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/11/94
DURATION OF RULE: Permanent
TYPE OF RULE: Amendment
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To add and clarify air permit exemptions.

SCOPE/NATURE/SUMMARY :

The exemption would be added to 2Q .0102, Activities Exempted from Permit Requirements an exemption for dry cleaners. This exemption is expected to eliminate the need to permit about 95 to 98 percent of the dry cleaners.

APA #: E1305

SUBJECT: Capture efficiency test procedures for Volatile Organic Compounds
RULE CITATION #: 15A NCAC 2D
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/11/94
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To satisfy EPA requirements.

SCOPE/NATURE/SUMMARY :

One of the deficiencies that EPA has identified in NC Reasonable Available Control Technology (RACT) rules for Volatile Organic Compounds (VOC) is a lack of details on test procedures for determining capture efficiency. EPA has delayed requiring the State to correct this deficiency until it has completed evaluating its recommended procedures. After this evaluation is completed, rules will have to be amended or developed to implement these test procedures.

APA #: E1306

SUBJECT: Control of Emissions from Open Burning
RULE CITATION #: 15A NCAC 2D .0520, .1901 - .1905
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/11/94
DURATION OF RULE: Permanent
TYPE OF RULE: Repeal (1), Adoption (5)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To clarify permissible and non-permissible burning.

SCOPE/NATURE/SUMMARY :

To prohibit open burning except for those categories specifically allowed by the rule or except for open burning that is covered by a permit.

APA #: E1314

SUBJECT: Record keeping and reporting requirements for incinerators
RULE CITATION #: 15A NCAC 2D .1204
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4), (5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/23/94
DURATION OF RULE: Permanent
TYPE OF RULE: Amendment (1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To remove requirement for continuous temperature pet crematories.

SCOPE/NATURE/SUMMARY :

The incinerator rules exempt pet crematories from operational standards (minimum temperature and retention time). The rules do not exempt pet crematories from the Record keeping and reporting requirements. One of these requirements is a continuous temperature monitoring and recording device installed on both the primary and secondary chambers of the crematories. Because there are no temperature standards for these incinerators, the requirement to continuously measure and record temperature is questionable. Consideration is being given to remove this requirement for pet crematories by amending 15A NCAC 2D .1204, Reporting and Record keeping.

APA #: E1315

SUBJECT: Permit Procedures for Toxic Air Pollutants

RULE CITATION #: 15A NCAC 2D .1110-.1111; .0501; .0516; .0518; .0521; .0524; .0533; .0535; .0537; .0601; .0604; .0608; .0902; .1202; .1204-.1206; 2H .0610; 2Q .0102 - .0103; .0109; .0302; .0502; .0508; 2D .0525

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/23/94
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To recodify current rule 15A NCAC 2H .0610, Permit Requirements for Toxic Air Permits, into a new Section and to make a number of clarifications and other changes to these rules at the same time.

APA #: E1316

SUBJECT: Case-by-case Maximum Achievable Control Technology Requirements

RULE CITATION #: 15A NCAC 2D .1109 & others unknown
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/24/94
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The AQ section is proposing to develop rules to implement Section 112(g) of the Federal Clean Air Act. Section 112(g) of the Federal Clean Air Act requires new sources and modifications of existing sources to apply Maximum Achievable Control Technology (MACT) if the emissions of hazardous air pollutants are above a de minimis level. This requirement is included as part of NC's permitting procedures under Section 15A NCAC 2Q .0500, however, changes will need to be incorporated to reflect the requirements of the federal rule after it is promulgated.

SCOPE/NATURE/SUMMARY :

Implementation of Section 112(g) of the Federal Clean Air Act by NC will require the development of new rules as well as the amendment of existing rules. Rule 2D .1109 "Case-by-Case Maximum Achievable Control Technology" will require amendment. Additional new rules and amendments will likely be required in Section 2D .1100 "Control of Toxic Air Pollutants" and 2Q .0500 "Title V Procedures." Amendments will also be required for minor changes including corrections of cross references.

APA #: E1319

SUBJECT: Local Government Comprehensive Solid Waste Management Plans

RULE CITATION #: 15A NCAC 13B .1801-.1812

STATUTORY AUTHORITY:

DIVISION/SECTION: SOLID WASTE MANAGEMENT

DIVISION CONTACT: Paul Grissman

DIVISION CONTACT TEL#: (919)733-0692

DATE INITIATED: 8/30/94

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Withdrawn

GOV LEVELS AFFECTED: Local

REASON FOR ACTION :

The purpose of these rules is to enable local governments to comply with the laws cited above, which requires local government to submit comprehensive solid waste management plans to the Division of Solid Waste Management for approval. These rules will also provide the criteria for measuring local government compliance with the law.

SCOPE/NATURE/SUMMARY :

The rules set forth the requirements for local governments to follow in developing and implementing comprehensive solid waste management plans. The purpose of requiring the plans is to enable North Carolina to achieve the state's 40 percent solid waste reduction goal and to encourage an integrated approach to solid waste management planning. The requirements will apply to counties, municipalities, owners and operators of private permitted industrial landfills and monofills, and owners and operators of privately permitted municipal solid waste facilities. The rules establish performance, format, submittal and update requirements for comprehensive solid waste management plans to be submitted by local government; establish reporting requirements for owners and operators of privately permitted solid waste management facilities; reporting requirements for generators and haulers of municipal solid waste, and separate waste reduction plans for industrial monofills.

APA #: E1356

SUBJECT: VOC Controls for Gasoline bulk plants and terminals

RULE CITATION #: 15A NCAC 2D .0926, .0927

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 10/7/94

DURATION OF RULE: Permanent

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To prohibit the owner or operator of a bulk gasoline terminal or bulk plant from loading a gasoline truck tank or trailer that is not certified as complying with the vacuum-pressure requirement.

SCOPE/NATURE/SUMMARY :

This rule change would make both the owner or operator of the terminal or bulk plant liable if a non-certified truck tank or trailer is loaded. In practice a number of terminals are already refusing to load truck tanks and trailers that are not certified in compliance.

APA #: E1357

SUBJECT: Stage I & II gasoline vapor recovery

RULE CITATION #: 15A NCAC 2D .0928, .0953, .0954

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/7/94
DURATION OF RULE: Permanent
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To clarify and make minor revisions to Stage I and II rules.

SCOPE/NATURE/SUMMARY :

2D .0928, Gasoline Service Stations Stage I contains several exemptions based on tank size. In order to qualify for the exemption, these tanks must be equipped with submerged fill pipes. The rule would be amended clearly to allow either permanently installed submerge fill pipes or portable submerge fill pipes for all exempted tanks. Currently, the use of portable submerge fill pipes is only allowed for tanks below 550 gallons installed after June 30, 1979, and for tanks below 2000 gallons used to store gasoline for farm or residential use. The rule would be changed to allow portable submerge fill pipes for tanks below 2000 gallons installed before July 1, 1979.

2D .0953, Vapor Return Piping for Stage II Vapor Recovery, would be changed to clarify that the recovery risers referred to in the rule are recovery dispenser risers. It would also be revised to clarify that only with a vacuum assisted system would the vapor return piping or manifolded piping be required to enter a separated opening to the tank from that connected to the vent pipe or the Stage I piping. For non-vacuum assisted systems, the vapor return piping could be connected to the tank where the vent pipe or Stage I piping enters the tank.

2D .0954, Stage II Vapor Recovery, would be revised to change the wording of the throughput exemptions to be the same as those in 15A NCAC 2D .0953. These exemptions are the same in both rules and, therefore, should be worded the same.

APA #: E1358

SUBJECT: RACT Clarifications
RULE CITATION #: 15A NCAC 2D .0917-.0924, .0934, .0935, .0937, .0951
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1), 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/7/94
DURATION OF RULE: Permanent
TYPE OF RULE: Amendments(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To clarify rule.

SCOPE/NATURE/SUMMARY :

There are several regulations limiting emissions of volatile organic compounds (VOC) from coating operations. The emission standards are typically written as follows: "emissions of VOC from [name of process] shall not exceed X.X pounds per gallon of solids delivered to the applicator. "Some people have interpreted this phrase to limit solids instead of VOC. The wording of the phrase should be changed to read; "emissions of VOC from [name of process] shall not exceed X.X pounds of VOC per gallon of solids delivered to the applicator." This wording change should clarify that VOC are being limited, not solids.

APA #: E1359

SUBJECT: Cross reference corrections
RULE CITATION #: 15A NCAC 2D .0538, .0531, .0901, .0926
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5); 143-215.108(b),(g); 150B-21.6;
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/7/94
DURATION OF RULE: Permanent
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To correct errors.

SCOPE/NATURE/SUMMARY :

2D. 0538, Control of Ethylene Oxide Emissions, needs to be amended to correct a reference to a general statute. Paragraph (e) references G.S. 143-215.108(c). It should reference G.S. 143-215.108(g), which contains the waste reduction plan requirements.

2D .0531, Sources in Non-attainment Areas, and .0901, Definitions, refer to chlorodifluoromethane as CFC-22. The correct reference in HCFC-22. This correction should be made in these two rules.

Paragraph (c) of 2D .0926, Bulk Gasoline Plants, contains an incorrect reference. It references Paragraph (g); the correct reference is Paragraph (I).

APA #: E1360

SUBJECT: Acceptable ambient levels for toxic air pollutants
RULE CITATION #: 15A NCAC 2D .1104, 2H .0610 (or 2Q .0711)
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282; 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 10/7/94
DURATION OF RULE: Permanent
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

To change the acceptable ambient levels and concomitant permit exemption levels for acrylonitrile, perchloroethylene, chlorine, and formaldehyde and to add chlorine dioxide.

SCOPE/NATURE/SUMMARY :

To adopt the SAB's recommendation would require amending 2D .1104, Toxic Air Pollutant Guidelines. 2H .0610, Permit Requirements for Toxic Air Pollutants, (or 15A NCAC 2Q .0711, Emission Rates Requiring a Permit, if this Rule is recodified in the meantime) would also need to be amended to change the permit exemption levels for these compounds.

APA #: E1373

SUBJECT: Municipal Solid Waste (MSW) Compost Facilities
RULE CITATION #: 15A NCAC 13B Section .1401 - .1409, .0901 - .0905
STATUTORY AUTHORITY: 130A-294; 130A-309.10; 130A-309.11
DIVISION/SECTION: SOLID WASTE MANAGEMENT
DIVISION CONTACT: Ted Lyon
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED: 10/13/94
DURATION OF RULE: Permanent 1/1/95
TYPE OF RULE: Amendments(9), Repeals(5)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Amendment and adoption of new rules for Section .1400 - Municipal Solid Waste (MSW) Compost Facilities is needed to meet new requirements of 40 CFR 501 and 503 when MSW is cocomposted with sludge. The existing compost rules need amendment to include standards for composting source separated organics and to exempt educational projects.

SCOPE/NATURE/SUMMARY :

The existing MSW Compost Facilities rules allow cocomposting sludge with MSW. However, all the federal requirements of 40 CFR 501 and 503 are not satisfied by the existing compost rules. The amendments would primarily address federal permit application and record keeping requirements. Existing solid waste rules contain standards for composting yard waste and mixed municipal solid wastes, but not for source separated organics. New rules can allow some alternative standards for certain source separated organics without threatening public health or the environment and may consequently promote composting. Current compost rules if strictly interpreted, require a state permit or demonstration approval for any MSW composting other than backyard composting. New rules would include exemption for school sponsored small education projects.

APA #: E1376

SUBJECT: Proposed reclassification of a former drinking water supply source for Washington.

RULE CITATION #: 15A NCAC 2B .0316

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083, ext 566

DATE INITIATED: 10/18/94

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

The City of Washington requested the reclassification of Tranters Creek from its current water supply classifications of WS-IV CA (Critical Area) and WS-IV. The City has notified the DEM staff that as of February 1994 they have switched from using Tranters Creek as their drinking water supply source to an underground water supply source (wells). The affected watershed area is approximately 83,582 acres in size and currently affects Beaufort, Martin and Pitt Counties along with the City of Washington. The proposal would remove the WS-IV classification and consider the watershed for a WS-V or C classification. In either case the local governments having land use jurisdiction within the watershed would not be required to adopt and implement land use restrictions for drinking water supply protection. The current WS-IV classification does not prohibit new wastewater dischargers nor would either of the proposed classifications. The proposed reclassification would have no effect on local or state expenditures. There are no municipal wastewater dischargers within the affected watershed.

APA #: E1378

SUBJECT: Proposed reclassification of a stream that is not used as a drinking water supply

RULE CITATION #: 15A NCAC 2B .0304

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083, ext 566

DATE INITIATED: 10/18/94

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

Stokely Hollow is a small stream that is located in Madison County. The stream is currently classified as WS-II since it was believed that this was a drinking water for the town of Hot Springs. The proposal would remove the current drinking water supply WS-II classification and apply a C classification. This action would remove the requirement that Madison County adopt and implement drinking water supply ordinances for Stokely Hollow. In addition, the prohibition for new wastewater dischargers would not be applicable as implemented by the Division of Environmental Management. There are no permitted wastewater dischargers in the watershed.

APA #: E1387

SUBJECT: 1994-1996 Triennial Water Quality Standard Review

RULE CITATION #: 15A NCAC 2B .0101, .0104, .0106, .0201-02, .0208, .0211-12, .0214-16, .0218, .0219-22,

.0223-.0225, .0228-.0229 and .0301

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-213; 143-214.1; 143-215.1; 143-215.8A

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/CONSTRUCTION GRANTS

DIVISION CONTACT: Dianne Reid

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 10/25/94

DURATION OF RULE: Permanent 9/25/96

TYPE OF Rule: Adoptions(1) Amendments(21)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

Section 303(c)(1) of the Clean Water Act and 40 CFR 131.20 Subpart C - Procedures for Review and Revision of the Water Quality Standards require that the state review applicable water quality standards and modify or adopt standards, as needed, through the rule-making process at least every three years. The next review of the state's water quality standards is to be completed by September 1, 1996 and submitted to the Environmental Protection Agency.

SCOPE/NATURE/SUMMARY :

Every three years, the US EPA requires that the state review and revise, as necessary, the surface water quality standards and classification rules which are designed to protect human health and aquatic life. This review process is mandated by the Clean Water Act and is termed the Triennial Review. The major issues in this Triennial Review consist of corrections, definitions and clarifications.

APA #: E1404

SUBJECT: 1,1,2,2, TETRACHLOROETHANE

RULE CITATION #: 15A NCAC 2D .1104, .0610

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

15A NCAC 2D .1104, Toxic Air Pollutant guidelines, and .0610, Permit Requirements for Toxic Air Pollutants, list acceptable ambient level and a permit exemption level for 1,1,1,2 tetrachloroethane. This should be changed to 1,1,2,2 tetrachloroethane.

APA #: E1405

SUBJECT: 112(G) of the Federal Clean Air Act

RULE CITATION #: 15A NCAC 2D .1109

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

APA #: E1406

SUBJECT: 112(J) of the Federal Clean Air Act

RULE CITATION #: 15A NCAC 2D .1109, 2Q .0526

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: ADOPTIONS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Section 112(l) allows states to develop and enforce emission standards and other requirements for hazardous air pollutants.

SCOPE/NATURE/SUMMARY :

The air quality section is evaluating the desirability and feasibility of making the state air toxic rules and state permit limits on emission rates or capacity required to comply with the state air toxic rules federally enforceable.

APA #: E1407

SUBJECT: 112(L) OF THE FEDERAL CLEAN AIR ACT
RULE CITATION #: 15A NCAC 2D .1109
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5), (10)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The states new permit rules concerning compliance with section 112 (j) of the Clean Air Act which concerns permit applications for MACT, need to be revised to include more detail included in federal rules concerning the MACT permitting issue.

SCOPE/NATURE/SUMMARY :

When EPA promulgates its rules implementing section 112(j) the states rules will be revised to include more detail language. 112(j) requires permit applications to apply MACT within 18 months if EPA does not promulgate MACT as scheduled.

APA #: E1408

SUBJECT: AAL FOR CHLORINE AND CHLORINE DIOXIDE
RULE CITATION #: 15A NCAC 2D .1104, 2H .0610
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282; 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The scientific advisory board has recommended the lowering of the 24 hour and 15 minute acceptable ambient level for chlorine, as well as adding new pollutant, chlorine dioxide with a 24 hour and 15 minute AAL.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .1104 will be amended to change the AAL for chlorine and to add the AAL for chlorine dioxide. .0610, Permit Requirements for toxic air pollutants needs to be amended to add the corresponding permit exemption levels.

APA #: E1409

SUBJECT: AAL FOR FORMALDEHYDE

RULE CITATION #: 15A NCAC 2D .1104, 2H .0610
STATUTORY AUTHORITY: G. S. 143-215.3(a)(1), (4), (5); 143B-282, 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The scientific advisory board has recommended changing the acceptable ambient level for formaldehyde.

SCOPE/NATURE/SUMMARY :

To make this change 15A NCAC 2D .1104, toxic air pollutant guidelines will be amended, as will .0610, permit requirements for toxic air pollutants, to change the corresponding permit exemption level from .010 pounds per 15 minutes to .0094.

APA #: E1410

SUBJECT: ACID RAIN MONITORING(SOME, IF NOT ALL , INCLUDE ENHANCED MONITORING)
RULE CITATION #: 15A NCAC 2D
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4),(8),(10); 143-215.65; 143-215.66
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To adopt monitoring requirements that may be necessary to assure compliance with the acid rain program

APA #: E1411

SUBJECT: ACRYLONITRILE AND PERCHLOROETHYLENE
RULE CITATION #: 15A NCAC 2H .0610, 2D .1104
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282; 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: Amendments (1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON:

The Scientific Advisory Board has recommended changing the acceptable ambient level for acrylonitrile and perchloroethylene. This will require permitting changes as well under .0610.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .1104 would be amended to change the AAL for acrylonitrile and perchloroethylene. .0610, permitting requirements for toxic pollutants guidelines, would be amended as well to change the permit de minimus level for acrylonitrile.

APA #: E1414

SUBJECT: Air Toxic Compliance Schedules
RULE CITATION #: 15A NCAC 2D .1112
STATUTORY AUTHORITY: G.S. 143-215.107(a)(5); 143B-282
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919) 733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: Amendments (1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION:

In order to facilitate compliance with changes in the acceptable ambient level as well as to allow facilities that need to add on control devices or modify existing control devices or processes to comply with new AAL standards.

SCOPE/NATURE/SUMMARY:

A generic compliance schedule will be added to the air toxic rules. This would replace the current stipulation that says that compliance is to be achieved on the effective date of the AAL change.

APA #: E1415

SUBJECT: ASBESTOS: OPEN BURNING
RULE CITATION #: 15A NCAC 2D .0520
STATUTORY AUTHORITY: G.S. 143-215.3(a); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919) 733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENT
STAGE OF DEVELOPMENT: DRAFT RULE STAGE
GOV LEVELS AFFECTED:
REASON FOR ACTION:

15A NCAC 2D .0520, Control and Prohibition of open burning will be amended to include a provision mandating the removal of asbestos containing material must take place before a structure is intentionally burned.

SCOPE/NATURE/SUMMARY:

15A NCAC 2D .0520, Control and Prohibition of open burning will be amended to include a provision mandating the removal of asbestos containing material must take place before a structure is intentionally burned.

APA #: E1416

SUBJECT: ASTM REFERENCES IN GENERAL RULE
RULE CITATION #: 15A NCAC 2D .0104
STATUTORY AUTHORITY: G.S. 150B-21.6
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

In order that a paragraph explaining where to obtain a copy of ASTM methods does not have to be published on every rule in 2D concerning ASTM methods.

SCOPE/NATURE/SUMMARY :

The amendment would state that anywhere there is a reference to ASTM methods, those methods are incorporated by reference. The ASTM methods incorporated automatically include any later amendments there to unless a specific rule specifies.

APA #: E1417

SUBJECT: BUBBLE, BANKING, NETTING, OFFSETS
RULE CITATION #: 15A NCAC 2D .0501 and other new rules
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To establish procedures for emissions trading.

APA #: E1419

SUBJECT: Hazardous Air Pollutant Permit Exemption

RULE CITATION #: 15A NCAC 2Q .0102

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

RULE 15A NCAC 2Q .0102, ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS, needs to contain several exemptions for hazardous air pollutants sources that require clarification.

APA #: E1420

SUBJECT: CLARIFICATION OF AIR TOXIC RULES

RULE CITATION #: 15A NCAC 2D .1104

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Several clarifications including definitions of compounds, clarification of what is and is not included when evaluating metal compounds, and to keep acceptable ambient levels for nickel sulfides.

SCOPE/NATURE/SUMMARY :

The two lists of AAL in 15A NCAC 2D .1104, toxic air pollutant guidelines will be combined because there is no need to keep the two lists separate as the one year delay for the second list is long past.

APA #: E1421

SUBJECT: CLARIFICATION OF POUNDS OF EMISSIONS PER GALLON OF SOLIDS IN VOC RULES

RULE CITATION #: 15A NCAC 2

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

A wording change is needed to clarify regulations limiting emissions of volatile organic compounds from coating operations. The wording change should clarify that VOC are being limited, not solids.

SCOPE/NATURE/SUMMARY :

The wording of emissions standards will be changed to clear up any Misinterpretation that solids are being limited. VOC are being limited.

APA #: E1422

SUBJECT: CLARIFICATION OF REASONABLY AVAILABLE CONTROL TECHNOLOGY RULES F O R COATING OPERATION

RULE CITATION #: 15A NCAC 2D .0917 - .0924, .0935

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

APA #: E1423

SUBJECT: CLARIFICATION OF STAGE II REQUIREMENTS

RULE CITATION #: 15A NCAC 2D .0953, .0954

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a); 150B-21.6

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To make minor clarifications in Stage II rules.

APA #: E1424

SUBJECT: Corrections of Deficiencies in Sulfur Dioxide Standards Not Elsewhere Covered

RULE CITATION #: 15A NCAC 2D .0600

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.66

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To define averaging time for sulfur dioxide monitor readings.

APA #: E1425

SUBJECT: CROSS-REFERENCE CORRECTIONS

RULE CITATION #: 15A NCAC 2D .0538

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4), (5); 143-215.108(c)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: Amendments(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

.0538, CONTROL OF ETHYLENE OXIDE EMISSIONS, PARAGRAPH (E) SHOULD REFERENCE G.S. 143-215.108 (g), WHICH CONTAINS WASTE REDUCTION PLAN REQUIREMENTS, INSTEAD OF (c).

SCOPE/NATURE/SUMMARY :

.0538, CONTROL OF ETHYLENE OXIDE EMISSIONS, PARAGRAPH (E) SHOULD REFERENCE G.S. 143-215.108 (g), WHICH CONTAINS WASTE REDUCTION PLAN REQUIREMENTS, INSTEAD OF (c).

APA #: E1427

SUBJECT: ENHANCED MONITORING
RULE CITATION #: 15A NCAC 2D .0600
STATUTORY AUTHORITY: G.S. 143-215(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4),(10)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

WHEN EPA FINISHES DEVELOPING MONITORING REQUIREMENTS FOR SOURCES SUBJECT TO TITLE V PERMIT REQUIREMENTS AND SOME NON-TITLE V SOURCES, AQ WILL BEGIN TO DEVELOP ITS ENHANCED MONITORING RULES.

SCOPE/NATURE/SUMMARY :

AQ ENHANCED MONITORING RULES WILL INCLUDE MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS.

APA #: E1430

SUBJECT: FINANCIAL QUALIFICATIONS AND SUBSTANTIAL COMPLIANCE
RULE CITATION #: 15A NCAC 2D or 2Q
STATUTORY AUTHORITY: 143-215.3(a)(1); 143-215.108(c)(5a)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To establish procedures, guidelines, and reports required to determine financial qualifications and substantial compliance.

APA #: E1431

SUBJECT: FUGITIVE DUST FROM ROADS
RULE CITATION #: 15A NCAC 2D .0506,.0509,.0510,.0511
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

In light of the Indusmin case, this is intended to revise the requirement.

SCOPE/NATURE/SUMMARY :

Revision of .0506, asphalt plants, .0509, mica and feldspar, .0510, sand, to control fugitive dust emissions from roads. Also to delete oil treatment as a suitable control measure because it is now prohibited. Gravel, and crushed stone, and .0511, lightweight aggregates.

APA #: E1432

SUBJECT: GASOLINE EMERGENCY GENERATOR PERMIT EXEMPTION

RULE CITATION #: 15A NCAC 2Q .0102

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919) 733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

An exemption for such generators would be added to 15A NCAC 2Q .0102, activities exempted from permit requirements. The size cutoff exemption would be the same as for diesel and natural gas fired engines.

APA #: E1434

SUBJECT: HCFC-22 CORRECTION AND CROSS-REFERENCE CORRECTION

RULE CITATION #: 15A NCAC 2D .0531, .0901

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.108(b); 150B-21.6

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

15A NCAC 2D .0531, SOURCES IN NON-ATTAINMENT AREAS, AND .0901, DEFINITIONS, REFER TO CHLORODIFLOUROMETHANE AS CFC-22. THE CORRECT REFERENCE IS HCFC-22.

APA #: E1435

SUBJECT: HOSIERY KNITTING PERMIT EXEMPTION

RULE CITATION #: 15A NCAC 2Q .0102

STATUTORY AUTHORITY: G.S. 143-215.2(a)(1); 143-215.107(a)(4); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

AQ is in the process of determining if the lint collected by screens in knitting processors and driers at hosiery

knitting mills are suspended particulate. Either way an exemption one way or the other must be added to .0102 for these machines.

SCOPE/NATURE/SUMMARY :

If found to be particulate an exemption could be added defining the screens as part of the process without requiring a permit. If it is not found to be a suspended particulate then an exemption will be added insuring that a permit is not needed.

APA #: E1437

SUBJECT: MALFUNCTION NOTIFICATION AND CLARIFICATIONS

RULE CITATION #: 15A NCAC 2D .0535

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Clarify definition of "excess emissions" to address above normal emissions for sources for which there are no emission standards. May also be amended to require reporting of above normal emissions that do not exceed any applicable emission limit.

APA #: E1438

SUBJECT: MISCELLANEOUS VOLATILE ORGANIC COMPOUNDS

RULE CITATION #: 15A NCAC 2D .0518

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Should this rule be retained or repealed?

APA #: E1439

SUBJECT: ODOR RULE/WHAT TO DO WITH THIS RULE

RULE CITATION #: 15A NCAC 2D .0522

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Should this rule be retained? If so, how should compliance with odor be determined.

APA #: E1440

SUBJECT: OPEN BURNING AND PROHIBITIONS AND PERMITS

RULE CITATION #: 15A NCAC 2D .0520

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To clarify what type of open burning is permissible, as well as clarifying the permitting requirements of this regulation.

SCOPE/NATURE/SUMMARY :

The regulation should be amended to prohibit open burning except for those categories of open burning specifically allowed by the regulation or except for open burning that is covered by permit.

APA #: E1441

SUBJECT: OPEN BURNING OF TRANSPORTED MATERIAL
RULE CITATION #: 15A NCAC 2D .0520
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Because of complaints that have arisen the regulation needs to be amended to clearly prohibit open burning of land clearing debris off the site where the debris is created without a permit.

SCOPE/NATURE/SUMMARY :

0520, control and prohibition open burning will be amended to prohibit open burning of land clearing debris off the site. The cost for transporting the debris offsite would be the cost of obtaining a permit to burn it off site.

APA #: E1442

SUBJECT: OPEN BURNING REGULATION
RULE CITATION #: 15A NCAC 2D .0520
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The regulation which has not been revised since its formulation in 1970 is in great need of revision especially in the area of open burning.

SCOPE/NATURE/SUMMARY :

The regulation 15A NCAC 2D .0520, control and prohibition of open burning will be revised in response to complaints about open burning and the subsequent air pollution it causes.

APA #: E1443

SUBJECT: OTHER ACID RAIN REQUIREMENTS
RULE CITATION #: 15A NCAC 2D or 2Q

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(8)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT:
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To adopt acid rain requirements (excluding monitoring and permitting) as may be required by EPA.

APA #: E1444

SUBJECT: Particulate Emission Standard for Air Curtain Burners
RULE CITATION #: 15A NCAC 2D .1904
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.07(a)(5); 143-215.66; 143-215.108
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To specify operational parameters for air curtain burners.

APA #: E1445

SUBJECT: PARTICULATE SPRAY/FINISH BOOTH
RULE CITATION #: 15A NCAC 2D .0515
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To significantly lower allowable particulate emission rates for nearly all, if not all, spray paint/finish booths.

SCOPE/NATURE/SUMMARY :

Will change the process weight rate used to determine compliance with 15 NCAC 2D .0515 to a process adding only the weight of the non-volatile portion of the paint as the process weight in determining compliance, excluding the material being coated.

APA #: E1446

SUBJECT: PARTICULATE WOODWORKING AND COATING OPERATIONS
RULE CITATION #: 15A NCAC 2D .0512
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

APA #: E1447

SUBJECT: PERCHLOROETHYLENE DRY CLEANER PERMIT EXEMPTION

RULE CITATION #: 15A NCAC 2Q .0102

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

44.4 POUNDS PER DAY IS THE RATE ABOVE WHICH A PERMIT TO EMIT PERCHLOROETHYLENE IS NEEDED UNDER THE PERMITTING RULES FOR TOXIC AIR POLLUTANTS. THE EXEMPTION IS EXPECTED TO ELIMINATE THE NEED TO PERMIT ABOUT 95 TO 98 PERCENT OF DRY CLEANERS IN THE STATE.

SCOPE/NATURE/SUMMARY :

THE AMENDMENT WOULD EXEMPT PERCHLOROETHYLENE DRY CLEANERS WITH A MAXIMUM DAILY PERCHLOROETHYLENE CONSUMPTION RATE OF NO MORE THAN 44.4 POUNDS.

APA #: E1448

SUBJECT: PET CREMATORIES TEMPERATURE MEASUREMENT EXEMPTION

RULE CITATION #: 15A NCAC 2D .1204

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4), (5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: Amendments(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The incinerator rules exempt pet crematories from operational standards of minimum temperature and time. However they do not exempt them from the subsequent record keeping and reporting.

SCOPE/NATURE/SUMMARY :

The amendment would exempt pet crematory incinerators from the reporting and record keeping requirements that accompany the temperature and retention time standards from which they are already exempt.

APA #: E1449

SUBJECT: QUALITY ASSURANCE PLANS

RULE CITATION #: 15A NCAC 2D .0600

STATUTORY AUTHORITY: SEE EXACT RULE

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: Amendments(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

2D .0600, requires a number of sources to install and operate continuous monitoring equipment for visible emissions and other air pollutants and to report excess emissions. There is no requirement for affected sources to assure

quality of data.

SCOPE/NATURE/SUMMARY :

2D, .0600, and possibly .0500, emission control standards, and .0900, volatile organic compounds, for sources using continuous monitoring, will be amended to add a requirement that sources develop quality assurance plans.

APA #: E1450

SUBJECT: RECODIFICATION OF 2H .0610 TO 2Q .0700

RULE CITATION #: 15A NCAC 2H .0610

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108; 143B-282

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

RULE 15A NCAC 2H .0610, Permit Requirement for Toxic Air Pollutants, needs to be recodified into a new section in subchapter 2Q, air quality permit procedures, once the EMC has adopted this new subchapter.

SCOPE/NATURE/SUMMARY :

.0610 would be divided into several new rules, which would be placed in 2Q .0700, Air Quality Permit Procedures.

Also several other rules in 15A NCAC 2D AND 2Q would have to be amended to change cross-references to the new section.

APA #: E1451

SUBJECT: Rendering plant controls

RULE CITATION #: 15A NCAC 2D .0539

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To adopt specific odor control requirements for rendering plants.

APA #: E1452

SUBJECT: RULES CONTAINING EPA'S MACT AND GACT

RULE CITATION #: 15A NCAC 2D .1111

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: Adoptions(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

EPA has recently promulgated maximum achievable control technology and generally available control technology for perchloroethylene dry cleaning facilities and coke oven batteries so a new rule needs to be made in reference to this.

SCOPE/NATURE/SUMMARY :

A new rule would be modeled after 15A NCAC 2D .0524, new source facilities and coke oven batteries so a new rule needs to be made in reference to this. Performance standards and the rule would adopt EPA GACT and MACT by reference in a list. If the state develops a 112(l) plan, this rule will be part of it.

APA #: E1453

SUBJECT: SANDBLASTING

RULE CITATION #: 15A NCAC 2D .0540

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: ADOPTIONS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

A new regulation is being considered to control particulates and lead from sandblasting. Most likely the regulation would be based on visible emissions or source-conducted ambient monitoring.

APA #: E1454

SUBJECT: SMALL MOTOR REPAIR BAKE-OFF OVEN INCINERATOR PERMIT EXEMPTION

RULE CITATION #: 15A NCAC 2Q .0102

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

These bake off ovens contain an incinerator considered an air pollution control device, therefore they are technically required to be permitted. An exemption added to the rule could however exclude these ovens from the permit requirement.

SCOPE/NATURE/SUMMARY :

Technically these bakeoff ovens could be treated as paint spray booths with filters and water washes are treated. This rule, .0102, could be amended to define incinerators on this type of oven as an integral part of the oven, not air pollution.

APA #: E1455

SUBJECT: STACK TESTING AND REPORTING AND RECORD KEEPING

RULE CITATION #: 15A NCAC 2D .0501, possible rules 2D .0600, .0900

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919) 733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT:

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To update stack testing rules and to write some of the oral policies into the rules. It will clarify some rules containing record keeping and reporting requirements so that industries know the types of records necessary to keep and report.

SCOPE/NATURE/SUMMARY :

A new section may be developed to contain all the stack testing procedures. Currently most testing provisions are contained in 2D .0501 with emissions standards while some are in .0900, volatile organic compounds.

APA #: E1456

SUBJECT: VOC CAPTURE EFFICIENCY TEST PROCEDURES

RULE CITATION #: 15A NCAC 2D .0900

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED:

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT:

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The EPA has identified in N.C. Reasonably Available Control Technology rules a deficiency of details on test procedures for determining capture efficiency.

SCOPE/NATURE/SUMMARY :

After EPA has completed evaluating its recommended procedures, rules will have to be amended or developed to implement these test procedures.

APA #: E1459

SUBJECT: Criteria and Standards Applicable to Underground Storage Tanks (UST rules)

RULE CITATION #: 15A NCAC 2N .0102, .0104, .0203, .0301-.0303, .0405, .0501-.0506, .0703, .0706, .0707, .0801-.0803

STATUTORY AUTHORITY: G.S. 12-3.1(c); 143-215.3(a)(15); 143B-282(2)(h); 150B-14(c)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER

DIVISION CONTACT: Arthur Mouberry/Dr. Burrie Boshoff

DIVISION CONTACT TEL#: (919)733-3221

DATE INITIATED:

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

To clarify rules, upgrade technical requirements that underground storage tank owners and operators, meet new statutory requirements of Senate Bill 1012 ratified on July 5, 1995, and improve compliance with information requirements to protect the groundwaters of the State.

SCOPE/NATURE/SUMMARY :

Will be made available to Division approval.

APA #: E1460

SUBJECT: Capacity Use Area Water Withdrawal (Capacity Use Groundwater Rules)

RULE CITATION #: 15A NCAC 2E

STATUTORY AUTHORITY:

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER

DIVISION CONTACT: David Hance/Ted Bush

DIVISION CONTACT TEL#: (919)715-6189/733-3221

DATE INITIATED:

DURATION OF RULE: Permanent

TYPE OF RULE: ADOPTIONS(1) Amendments(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

To reflect changes to the North Carolina general statutes for the protection of the groundwaters of the state.

APA #: E1461

SUBJECT: Cape Fear/northeast Cape Fear Peninsula Area RS Designation
RULE CITATION #: 15A NCAC 2L .0104
STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.3(a)(1); 143B-282(2)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER
DIVISION CONTACT: David Hance
DIVISION CONTACT TEL#: (919)715-6189
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None

APA #: E1462

SUBJECT: REQUESTS FOR VARIANCES PURSUANT TO 15A NCAC 2L
RULE CITATION #: 15A NCAC 2L .0113
STATUTORY AUTHORITY: 143-215.3(a)(1); 143-215.3(a)(3); 143-215.3(a)(4); 143-215.3(e); 143-215.4
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER
DIVISION CONTACT: DAVID HANCE
DIVISION CONTACT TEL#: (919)715-6189
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None

APA #: E1463

SUBJECT: Well Construction Standards; Underground Injection Wells
RULE CITATION #: 15A NCAC 2C .0201-.0214(AMEND),.0215(ADOPTION) (VARIANCE),
.0216(ADOPTION)
STATUTORY AUTHORITY: G.S. 87-84; 87-85; 87-86; 87-87; 87-87(4); 87-88; 87-90; 87-94; 87-95; 87-96;
143-211; 143-213; 143-214.2; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(a)(4); 143-215.3(c); 143-215.6(c);
150B-23; 40 CFR Part 144.52(7); 40 CFR Part 145.11(a)(20)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER
DIVISION CONTACT: David Hance/Linda Roderick
DIVISION CONTACT TEL#: (919)715-6189/733-7015
DATE INITIATED: 2/24/95
DURATION OF RULE: Permanent 5/1/96
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Amendments to 15A NCAC 2C .0200 reflect the adoption of NCGS 143-215.1A providing for "closed loop groundwater remediation systems". New "area of review" criteria, permitting, classification, and well construction requirements are specified for Class V injection wells. Amendments clarify corrective action requirements for improperly constructed injection wells. Amends rules to require that well owners notify the State of any change-of-status of an injection well. Proposes the adoption of new requirements for variances and delegation of regulatory authority.

SCOPE/NATURE/SUMMARY :

15A NCAC 2C .0200 specifies the criteria and standards to allow the lawful injection of fluids into wells, ground waters, waters, and lands consistent with requirements of NCGS 143-214.2(b) and NCGS 143-215.1A. Also specifies that injected substances will not create a threat to human health or render waters unsuitable for their intended best usage.

APA #: E1464

SUBJECT: EPA PERMITTING RULES UPDATE AND/OR TECHNICAL MODIFICATIONS
RULE CITATION #: 15A NCAC 2

STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY
DIVISION CONTACT: BOYD DEVANE
DIVISION CONTACT TEL#: (919)733-5083
DATE INITIATED:
DURATION OF RULE: Permanent
TYPE OF RULE: ADOPTIONS(1) Amendments(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Federal regulations require states to modify their rules to assure consistency with all federal regulations. A recent EPA review has found several federal regulations that need either adoption in state rules in permit issuance & ADM requirements.

SCOPE/NATURE/SUMMARY :

Although the requirements are all being applied at this time through permit conditions, EPA requires codification in rule form, so rulemaking in permitting issuance and administrative requirements will need to take place.

APA #: E1473

SUBJECT: PERMIT BY RULE FOR SMALL TIRE COLLECTION SITES
RULE CITATION #: 15A NCAC 13B .1100
STATUTORY AUTHORITY:
DIVISION/SECTION: SOLID WASTE MANAGEMENT
DIVISION CONTACT: ERNEST LAWRENCE
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

AMEND THE RULES TO ALLOW "PERMIT BY RULE" FOR SMALL TIRE COLLECTION SITES. AMEND THE RULES TO MODIFY FINANCIAL ASSURANCE REQUIREMENTS FOR PERMITTED TIRE COLLECTION.

APA #: E1475

SUBJECT: SOLID WASTE MANAGEMENT FACILITY OPERATOR TRAINING
RULE CITATION #: 15A NCAC 13B
STATUTORY AUTHORITY:
DIVISION/SECTION: SOLID WASTE MANAGEMENT
DIVISION CONTACT: ERNEST LAWRENCE
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED:
DURATION OF RULE:
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

TO BETTER PROTECT THE ENVIRONMENT AND THE PUBLIC HEALTH BY REQUIRING TRAINED CERTIFIED PERSONNEL TO OPERATE SOLID WASTE MANAGEMENT FACILITIES

SCOPE/NATURE/SUMMARY :

THIS RULE WILL ESTABLISH QUALIFICATIONS FOR OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES. ALL OPERATORS MUST BE CERTIFIED THROUGH A STATE-APPROVED TRAINING COURSE.

APA #: E1476

SUBJECT: Classifications and Groundwater Quality Standards (Chloroethane and Diphenyl)
RULE CITATION #: 15A NCAC 2L .0202

STATUTORY AUTHORITY: G.S. 143-214.1; 143B-282(a)(2)
 DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER
 DIVISION CONTACT: David Hance
 DIVISION CONTACT TEL#: (919)733-3221
 DATE INITIATED: 12/1/94
 DURATION OF RULE: Permanent 11/1/95
 TYPE OF RULE: AMENDMENTS(1)
 STAGE OF DEVELOPMENT: Draft Rule Stage
 GOV LEVELS AFFECTED: None
 REASON FOR ACTION :

The amendment to 2L .0202, Groundwater Quality Standards, will establish groundwater standards Chloroethane and Dephenyl (1,1-diphenyl). Action to consider adoption of concentration levels for these two substances as groundwater standards is necessary to satisfy requirements of 15A NCAC 2L.0202(c).

SCOPE/NATURE/SUMMARY :

Specifies the maximum allowable concentration of substances in Class GA, GSA and GC groundwaters and procedures to establish standards for substances.

APA #: E1489

SUBJECT: Assignment of Surface Water Classifications for several river basins
 RULE CITATION #: 15A NCAC 2B .0303, .0308, .0309, .0310, .0315 and .0316
 STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)
 DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY
 DIVISION CONTACT: Suzanne Hoover
 DIVISION CONTACT TEL#: (919)733-5083
 DATE INITIATED: 12/13/94
 DURATION OF RULE: Permanent 10/1/95
 TYPE OF RULE: AMENDMENTS(8)
 STAGE OF DEVELOPMENT: Draft Rule Stage
 GOV LEVELS AFFECTED: None
 REASON FOR ACTION :

The purpose of these proposed actions is to reclassify portions of eight streams and rivers across the state. Seven of the eight surface waters are proposed for classification for primary recreational activities (Classes B and SB). One of the areas is currently an unnamed tributary and is proposed for identification and classification in the schedule of classifications. In the case of the primary recreational areas, water quality analyses conducted by the Division of Environmental Management indicate that these areas meet the criteria for the B and SB classifications. Fecal coliform concentrations are within the standard of 200 MFOCC/100 ml as characterized by the geometric mean of five samples within 30 days. A copy of the applicable portion of the rule is attached for reference. All waters have been identified by regional staff or local staff or local citizens as being used for recreational activities. The specific waters and the county that they are in are listed below.

<u>Surface Water</u>	<u>Segment Proposed for Reclassification</u>	<u>County</u>
Justice Reynolds River	from Butner Mill pond to the Yadkin River	Yadkin
Tuckaseegee River	from West Fork Tuckaseegee River to Savannah Creek and from Macks Town Branch to Cochran Branch	Jackson
Deep Creek	from Indian Creek to the Tuckaseegee River	Swain
Tuckers Lake	entire associated tributary; from source to Hannah Creek	Johnston
Neuse River	from Streets Ferry bridge to a line across the river from Johnston Point to McCotter Point	Craven
Lumber River	from highway 401 to highway 711/72	Robeson
Huddles Cut	from source to Pamlico River	Beaufort
Lake Hickory (Catawba River)	from Rhodhiss Dam to highway 321	Caldwell
North Fork Catawba River	from Laurel Branch to Armstrong Creek	McDowell

SCOPE/NATURE/SUMMARY :

The purpose of these rule changes is to protect the waters' primary recreational uses. Wastewater discharges to waters classified for primary recreational activities must comply with reliability standards set forth in 15A NCAC 2H .0124. Reliability standards require facilities to have dual drain systems or backup power supplies to prevent

the discharge of untreated sewage during instances of power failure. There are no existing public facilities discharging to the affected waters that are not currently in compliance with the reliability standards. Therefore, these reclassifications will not result in the expenditure of state or local government funds in order to bring discharges into compliance. Because of this, no fiscal note is necessary.

APA #: E1546

SUBJECT: WELL CONSTRUCTION STANDARDS: UNDERGROUND INJECTION WELLS

RULE CITATION #: 15A NCAC 2C .0201, .0204-.0216

STATUTORY AUTHORITY: G.S. 87-84; 87-85; 87-87; 87-88; 87-90; 87-94; 87-95; 143-211; 143-213; 143-214.2; 143-214.2(b); 143-215.3(a)(1), (c); 143-215.3(c); 143-215.6(c); 40 CFR Part 144.52(7); 40 CFR Part 145.11(a)(20)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER

DIVISION CONTACT: DAVID HANCE

DIVISION CONTACT TEL#: (919)733-3221

DATE INITIATED: 2/24/95

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: ADOPTIONS(2) Amendments(12)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Amendments to 15A NCAC 2C .0200 reflect the adoption of North Carolina General Statute 143-215.1A providing for "closed loop groundwater remediation systems". New "area of review" criteria, permitting, classification, and well construction requirements are specified for Class V injection wells. Amendments clarify corrective action requirements for improperly constructed injection wells. Amends rules to require that well owners notify the State of any change-of-status of an injection well. Proposes the adoption of new requirements for variances and delegation of regulatory authority.

SCOPE/NATURE/SUMMARY :

15A NCAC 2C .0200 specifies the criteria and standards to allow the lawful injection of fluids into wells, ground waters, waters, and lands consistent with requirements of NCGS 143-214.2(b) and NCGS 143-215.1A. Also specifies that injected substances will not create a threat to human health or render waters unsuitable for their intended best usage.

APA #: E1553

SUBJECT: CRC Guidelines for Preparation of Local Land Use Plans

RULE CITATION #: 15A NCAC 7B .0101, .0201-.0216, .0401-.0406, .0501-.0507

STATUTORY AUTHORITY: G.S. 113A-110; 113A-124; 113A-107(a)

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Rich Shaw

DIVISION CONTACT TEL#: (919)733-2293

DATE INITIATED: 3/2/95

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: ADOPTIONS(4) Amendments(23) Repeals(3)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

Rule clarification and response to recommendations from the CRC, CRAC and Coastal Futures Commission

SCOPE/NATURE/SUMMARY :

The subject guidelines are used by local governments for the preparation of local land use plans and the required five year update of existing plans. The guidelines provide a basic format for the plans as well as general standards for use by the CRC in reviewing the plans for certification. The changes include editorial improvements, administrative changes, greater attention to public participation, the use of "sketch" plans, preparation of an executive summary, and planning on a regional or watershed basis.

APA #: E1554

SUBJECT: Free Standing Moorings

RULE CITATION #: 15A NCAC 7H .0208

STATUTORY AUTHORITY: G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Terry Moore
DIVISION CONTACT TEL#: (919)946-6481
DATE INITIATED: 3/2/95
DURATION OF RULE: Permanent 12/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Develop specific guidelines for mooring installation to control proliferation of this type of development that heretofore has not been closely regulated.

SCOPE/NATURE/SUMMARY :

These rules will be applied to applications for CAMA major development permits for installation of mooring buoys that cannot be approved by general permits.

APA #: E1558

SUBJECT: SEPTAGE MANAGEMENT
RULE CITATION #: 15A NCAC 13B .0802 THROUGH .0829
STATUTORY AUTHORITY: G.S. 130A-291.1
DIVISION/SECTION: SOLID WASTE MANAGEMENT
DIVISION CONTACT: TED LYON
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED: 3/16/95
DURATION OF RULE: Permanent 10/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Repeal of existing septage rules and adoption of new rules is necessary to accommodate recent changes in minimum standards for septage disposal specified by U. S. EPA 40 CFR 503. Additionally, the 1992 and 1993 N. C. Legislative Sessions require the Division to regulate portable toilet waste, certain sludges, grease trap pumpings and commercial and industrial septage. Flexibility on certain siting requirements is included in these rules. Permitting requirements for treatment and detention facilities have been added.

SCOPE/NATURE/SUMMARY :

The proposed rule making action will repeal all existing Section .0800 Septage Management Rules and adopt new rules utilizing old text as well as new to satisfy new federal and state mandates for rule change. Specifically, new text would be adopted to accommodate changes in minimum standards for septage disposal required within U.S. EPA 40 CFR 503.

Additionally, the 1992 and 1993 N. C. Legislative Sessions required the Department to regulate portable toilet waste, certain sludge, grease trap pumping and commercial/industrial septage. Flexibility on certain siting requirements is included in these rules.

As proposed, the new rules generally strike a balance between more restrictive language such as no septage sites in water quality critical areas and less restrictive rule text involving Soil Group Texture Classifications and distance requirements from septage application sites to upslope wells and springs. Due to the new federal and state requirements, many of the following areas are being specifically addressed for the first time:

- A. Septage land application and site permit application requirements are expanded (.0819)
- B. Automatic penalty for late payment of fees (.0818)
- C. Permit requirements for detention and treatment facilities (.0820)
- D. Septage application rates specified (.0822)
- E. Additional septage site management requirements (.0822)
- F. Record keeping requirements for septage management firms (.0823)
- G. Sampling and analysis requirements (.0824)
- H. Standards for detention and treatment facilities are expanded (.0825)

APA #: E1561

SUBJECT: Proposed reclassification of the North Toe River water supply watershed (Avery county)

RULE CITATION #: 15A NCAC 2B .0304 (FRENCH BROAD RIVER BASIN)

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 3/27/95

DURATION OF RULE: Permanent 11/1/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The North Toe River in Avery County (French Broad River Basin) is currently classified as WS-III. This watershed has been in litigation due to a proposal to locate the water supply intake for the Town of Spruce Pine (Mitchell County) in Avery County. This is a proposal to reclassify the North Toe River watershed as a WS-IV and allow Avery County to implement its subdivision ordinance which is similar to the development requirements for a WS-IV classification.

SCOPE/NATURE/SUMMARY :

The North Toe River in Avery and Mitchell Counties (French Broad River Basin) was initially classified for water supply use in 1989 at the request of the Town of Spruce Pine (Mitchell County). The North Toe River watershed is currently classified as WS-III with the Critical Area located immediately upstream of the Town of Spruce Pine. The Critical Area location was based on the Town's preference for the water supply intake. However, subsequently, the Division of Environmental Health recommended that the intake be located further upstream (in Avery County) so as to minimize the risk of potential contamination at the water supply intake.

Under the current WS-III classification, with the proposed intake located just upstream of the Town of Spruce Pine, the affected local governments are Avery and Mitchell Counties, along with the Towns of Newland and Sugar Mountain (both are in Avery County). If the water supply intake is located in Avery County near Highway 19E the result would be that less of Mitchell County would be affected but, the same local governments would still have jurisdiction within the watershed. However, Avery County does not wish to be responsible for implementing the requirements of the Water Supply Watershed Protection Act (Act), North Carolina General Statute 143-214.5, and the State's minimum rules for drinking water supply watershed protection. A proposal has been presented to Avery County in order to address their concern. The proposal under consideration is to reclassify a portion of the North Toe River watershed as a WS-IV, incorporating a Protected Area that would extend ten miles upstream of a water supply intake to be located in Avery County near Highway 19 East. This proposal would exclude the Town of Newland (Avery County seat) and Sugar Mountain from the designated Protected Area and reduce the affected area size from 70,956 acres to 35,490 acres. In addition to the proposed reclassification, Avery County would be allowed to implement their subdivision ordinance rather than the State's minimum criteria. The Act states that the Environmental Management Commission may approve a local government water supply watershed protection program if it determines that the requirements of the program equal or exceed the minimum statewide requirements. If the Commission approves the proposed reclassification and the alternative management strategy for the North Toe River watershed then the affected local governments will have the option of modifying their drinking water supply watershed protection ordinance.

Summary:

- * To move intake location from Mitchell County to Avery County;
- * To reclassify portion of North Toe River from WS-III to WS-IV;
- * To utilize Avery and Mitchell Counties' subdivision ordinances; and
- * To require buffer along perennial waters.

This proposal is conceptual and subject to change. The local governments, in particular Avery County, will need to decide what course of action they wish to take and it is expected that they will convey their wish to the Division of Environmental Management in the very near future. It is expected that if Avery County does request a water supply reclassification and an alternative water supply watershed protection management strategy then the rule-making process will be on a very fast track and will need to be expedited.

APA #: E1567

SUBJECT: Rules for Privatizing State Oversight Role at Voluntary Cleanup Sites

RULE CITATION #: 15A NCAC 13C. 0300 (New Section) November 7, 1995

STATUTORY AUTHORITY: G.S. 130A-310.12(b), 130A-310.1(c), 130A-310.3(c), 130A-310.5(a), 130A-310.6, 130A-310.9(b), 130A-310.3(d) and G.S. 132

DIVISION/SECTION: SOLID WASTE MANAGEMENT

DIVISION CONTACT: CHARLOTTE V. JESNECK

DIVISION CONTACT TEL#: (919)733-2801

DATE INITIATED: 4/4/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Amendments to the Inactive Hazardous Sites Response Act in 1994 (HB 1961) and 1995 (HB 708) direct the Commission for Health Services to adopt rules governing the selection and use of consulting firms to implement and oversee voluntary site cleanup actions.

SCOPE/NATURE/SUMMARY :

House Bill 708 states that the rules shall specify:

- (1) Standards applicable to private environmental consulting and engineering firms.
- (2) Criteria and procedures for approval of firms by the Department.
- (3) Requirements and procedures under which the Department monitors and audits a voluntary remedial action complies with applicable federal and state law, regulation, and under which the owner, operator, or other responsible party reimburses the Department for the cost of monitoring and auditing the voluntary remedial action.
- (4) Any financial assurances that may be required of an owner, operator, or other responsible party that chooses to implement a voluntary remedial action under G.S. 130A-310.9(c).
- (5) Requirements for the preparation, maintenance, and public availability of work plans and records, reports of data collection including sampling, sample analysis, and other site testing, and other records and reports that are consistent with the requirements applicable to remedial actions generally.

APA #: E1572

SUBJECT: On-site Distillation for Recycled Solvents

RULE CITATION #: 15A NCAC 2D .0518

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a), (5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To facilitate the use of on-site recycling of solvents.

SCOPE/NATURE/SUMMARY :

Concern has been expressed about the impact of 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, on on-site recycled solvents. This Rule defines a photochemically reactive material on the basis of the fraction of compounds making up the solvent mix. If a material is defined as photochemically reactive, its use is restricted or controls are required. For example, xylene is defined as a photochemically reactive compound. Any mixture of xylene with non-photochemically reactive solvents that contain less than eight percent xylene is considered non-photochemically reactive. If xylene exceeds eight percent of the mixture, the material is considered photochemically reactive. A solvent may begin as a non-photochemically reactive solvent, but through using, capturing, and recycling it may become a photochemically reactive solvent because the non-photochemically reactive compounds may evaporate at a faster rate than the photochemically reactive compounds. As a result of this phenomena, potential users of on-site recycling hesitate to use on-site recycling because of the cost of analyzing the recycled material each time to ensure that it is still defined as non-chemically reactive.

To overcome this problem and to encourage the use of on-site recycling, 15A NCAC 2D .0518 would have to be amended to address on-site recycling. The amendment would allow the use of recycled material without analysis

if (1) the material is recycled on-site, (2) the original material is non-photochemically reactive and (3) all make up material is non-photochemically reactive. Also a permit exemption may be added to 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, to exempt portable recycling distillation units that are at a facility for no more than, say, seven consecutive days. Permanent recycling distillation units would be considered for permitting although most of them would qualify for exemption from permitting under one of the current exemptions from permitting.

APA #: E1573

SUBJECT: Permit Fees

RULE CITATION #: 15A NCAC 2Q .0109, .0201 - .0204, .0207

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1), (1a), (1b), (1d); 143-215.106A; 150B-21.6; 143-215.108; 143-215.109; 143-215.65; 143-215.107

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-3340

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment (6)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify permit fee rules and reporting requirements.

SCOPE/NATURE/SUMMARY :

15A NCAC 2Q .0201, Applicability, is proposed to be revised to clarify the requirements for facilities subject to Title V requirements that have a general permit will have fees adjusted for inflation and be subject to same requirements as a regular Title V permit. The way the Rule is currently worded, it is not clear whether fees for Title V general permits will be adjusted for inflation or remain constant.

The definition of "Title V facility" in 15A NCAC 2Q .0202, Definitions, is proposed to be amended to clarify that any pollutant regulated solely because it is subject to Section 112(r) of the federal Clean Air Act is not to be used to determine whether or not a facility is subject to the Title V permit fees. (Section 112(r) regulates accidental releases.) The way the definition is currently worded, pollutants subject solely to Section 112(r) requirements could be used to require a facility to pay Title V permit fees. The intent of the fees rules is not to require facilities that would otherwise be major only because of a pollutant regulated solely under Section 112(r) to pay Title V fees.

15A NCAC 2Q .0203, Permit and Application Fees, is proposed to be amended to clarify the payment of fees for a permit revision when a facility modification or for a permit for a new facility is made under a permit issued following the procedures in Section 15A NCAC 2Q .0300 and then later placed in the permit following the provisions under Section 15A NCAC 2Q .0500. (Section 15A NCAC 2Q .0300 contains the permitting procedures for non-Title V facilities. Section 15A NCAC 2Q .0500 contains the permitting procedures for Title V facilities.) The amendment would clarify that the applicant need only pay the Title V modification fee. The applicant would not be required to pay both the fee for a modification for Section .0300 and the fee for a Title V modification. This rule is also proposed to be amended to clarify that when a revision is made in the State-only enforceable section of a Title V facility's permit, the fee will be the same as the fee for a minor modification. Currently, the fee that should be paid for such permit revision is unclear.

15A NCAC 2Q .0207, Annual Emissions Reporting, requires Title V facilities and facilities in ozone nonattainment areas or maintenance areas with actual emissions of volatile organic compounds (VOC) or nitrogen oxides (NOx) of 25 tons per year or more to report actual and potential emissions of each regulated pollutant, hazardous air pollutant, and toxic air pollutant annually. There is no federal requirement for non-Title V facilities in ozone nonattainment and maintenance areas to report emissions of pollutants other than VOC and NOx. Therefore, this Rule is proposed to be amended to require these facilities to report only their actual emissions of VOC and NOx. Title V facilities would continue to report emissions of most regulated pollutants, hazardous air pollutants, and toxic air pollutants. This Rule currently requires that actual emissions and potential emissions be reported. Removal of the requirement to report potential emissions is also being proposed. Fees are based on actual emissions.

APA #: E1574

SUBJECT: Definition of Volatile Organic Compound

RULE CITATION #: 15A NCAC 2D .0531 and .0901

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.108(b); 150B-21.6

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To revise the definition of volatile organic compound to exclude volatile methyl siloxanes (VMS) and parachlorobenzotrifluoride (PCBTF). Also possibly revise the definition to exclude acetone.

SCOPE/NATURE/SUMMARY :

On October 5, 1994, EPA revised the definition of volatile organic compounds to exclude VMS and PCBTF as volatile organic compounds for the purposes of ozone State implementation plans (SIP) and ozone control. The definition of volatile organic compound in 15A NCAC 2D .0901, Definitions, and the list of exempted pollutants in 15A NCAC 2D .0531, Sources in Nonattainment Areas, are proposed to be revised by adding: "parachlorobenzotrifluoride (PCBTF) and cyclic, branched, or linear completely methylated siloxanes."

On September 30, 1994, EPA proposed to revise the definition of volatile organic compounds to exclude acetone as a volatile organic compound for the purposes of ozone state implementation plans (SIP) and ozone control. The definition of volatile organic compound in 15A NCAC 2D .0901, Definitions, and the list of exempted pollutants in 15A NCAC 2D .0531, Sources in Nonattainment Areas, are proposed to be revised by adding acetone.

These rules may also be amended to add a provision that would automatically include any future compounds that EPA may define as not being volatile organic compounds.

APA #: E1575

SUBJECT: Parking Facility Permitting Thresholds

RULE CITATION #: 15A NCAC 2D .0802, .0805

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.109

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

To change criterium for determining whether adjacent parking facilities are to be considered as one parking facility or separated parking facilities and to add criteria that the Director may use to waive the necessity of a permit for expansions.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0805, Parking Facilities, defines adjacent parking lots, decks, or garages that are connected such that a person may drive from one to another without having to travel on a public street or road as being one lot or deck. The intent of this definition is to define what constitutes a single parking facility for permitting purposes and to prevent circumventing an ambient air quality impact analysis. In order to avoid doing an ambient air quality impact analysis, an owner or developer may construct several small parking facilities that do not require an analysis and then connect these parking facilities with internal roads. If the owner had built one large parking facility, an analysis would have been required. The rule prevents this type of circumvention. This definition has caused some owners and developers of new lots not to connect them to existing lots with an internal road in order to avoid having to obtain a permit and do an analysis. The results of not putting in these internal roads has been an increase in traffic flow and congestion on the external public roads around some parking facilities. Such congestion often leads to a degradation of air quality at the intersections serving the parking facility. These internal connecting roads are

often desirable because they reduce the external traffic flow and ease congestion. To overcome this problem the internal road criterium would be deleted. It would be replaced by the following criterium: "New or modified parking lots, decks, or garages with a parking capacity of 500 or more spaces shall be considered one lot or deck if (1) they are directly adjacent to existing or proposed parking facilities where the combined parking capacities are greater than that which would require a permit and (2) they use the same public roads and traffic network."

15A NCAC 2D .0805 requires a permit if an existing parking lot is expanded by 500 or more. This criterium is generally for urbanized settings. There are large parking lots in rural areas that can be expanded beyond this limit with no potential adverse affect on air quality. Criteria are needed to enable the Director to waive permitting requirements for some parking facility expansions. Among the criteria being considered is that the parking facility is located in any rural area and that there is no evidence that the expansion will cause or contribute to an air quality problem.

Some definitions may have to be added to 15A NCAC 2D .0802, Definitions. Definitions may be needed for "directly adjacent" and "rural".

APA #: E1576

SUBJECT: Air Quality Permitting Rules

RULE CITATION #: 15A NCAC 2Q .0103, .0501, .0503, .0507, 2D .0101

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1), (1a), (1b), (1d); 143-212; 143-213; 143-215.106A; 143-215.107(a)(10); 143-215.108; 150B-21.6

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment (5)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To correct errors that have been found since adoption of permit rules and to make some clarifications.

SCOPE/NATURE/SUMMARY :

15A NCAC 2Q .0103, Definitions, is proposed to be revised to add a definition for "lesser quantity cutoff" and to modify the definition of "facility."

Questions have arisen as to what "lesser quantity cutoff" means in the list of permit exemptions. The following definition is being considered for "lesser quantity cutoff": "'Lesser quantity cutoff' means (1) for a source subject to the requirements of Section 112(d) or (j), the level of emissions of hazardous air pollutants below which a maximum achievable control technology (MACT) or generally available control technology (GACT) requirement promulgated under Section 112(d) of the federal Clean Air Act or a substitute MACT or GACT adopted under Section 112(l) of the federal Clean Air Act or a MACT standard established under Section 112(j) of the federal Clean Air Act; (2) for modification of a source subject to, or may be subject to, the requirements of Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which MACT would not need to be applied under Section 112(g) of the federal Clean Air Act; (3) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per year." The definition is the way that the Air Quality Sections has been interpreting "lesser quantity cutoff."

The definition of "facility" is proposed to be amended to clarify that it does not include transportation facilities. The definition would be changed to read, "'Facility' means all of the potential emitting activities, except transportation facilities as defined under Rule .0602 of this Subchapter, that are located on one or more adjacent properties under common control." The exception clause is the new language. This change would also be made to the definition of "facility" in 15A NCAC 2D .0101, Definitions, to keep the definitions the same. This change is being made to prevent possible permitting problems.

The definition of "insignificant activities" in 15A NCAC 2Q .0503, Definitions, needs to be amended to remove the cross-reference to rule that has been revised. The language in the referenced rule has been revised to remove

the part that was being referenced.

The cross-reference in Paragraph (j) of 15A NCAC 2Q .0507, Application, to the federal Clean Air Act is incorrect. The correct reference is Section 112(i)(5) of the federal Clean Air Act.

15A NCAC 2Q .0501, Purpose of Section and Requirement for a Permit, is proposed to be revised to clarify how permit applications for modifications are to be processed before a facility receives a permit pursuant to the Title V permitting procedures. Such permit applications for modifications should follow the non-Title V permitting procedures until the facility receives a permit following the Title V permitting procedures.

APA #: E1577

SUBJECT: Minor Permit Revisions for non-Title V and Inadvertent Exceedence of Permit Condition

RULE CITATION #: 15A NCAC 2Q .03XX and 2D .05XX

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-3340

DATE INITIATED: 4/3/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

The Chemical Council of North Carolina has requested a rule to allow operational changes that currently require a permit modification but do not increase site air toxic emissions to be made without permit modification and then allow industry to demonstrate compliance with acceptable ambient levels (AAL) after changes are made.

SCOPE/NATURE/SUMMARY :

Under the current rules, industry must obtain a modification to its permit before it makes a change that would normally require a permit. Also if a facility violated its permit inadvertently or deliberately, it would be in violation of its permit and subject to fines. To allow a facility to undertake changes at the plant site prior to receiving a permit and to provide a mechanism for a facility to demonstrate that a violation of its permit was inadvertent and thus avoid a violation would require two rules.

Minor Permit Revisions for Non-Title V Facilities. A rule modeled after the minor permit revision rule for Title V facilities could be adopted for non-Title V facilities. Under this rule a facility could proceed to make a modification after certain period of time (say, 7 days) after filing an application with DEM to make the change. It would not have to wait for DEM to issue the permit before making the change. Certain criteria would have to be met in order to qualify for such a minor permit revision. Among the criteria being considered are no violation of any applicable requirement, no increase of emissions of any air pollutant, no incremental increase in the ambient air concentration of any criteria pollutant, no increase in the ambient air concentration of any toxic air pollutant, and no change in a permit condition assumed to avoid an applicable requirement to which the facility would have otherwise be subject. Also some restrictions may be added on change monitoring, recordkeeping, and reporting requirements.

Inadvertent Exceedence of Permit Conditions. A rule modeled after the malfunction rule could be adopted to provide procedures for a facility to follow to demonstrate that an exceedence of a permit condition is the result of an inadvertent, unanticipated, unexpected, or unforeseen event and, therefore, the facility should not be considered in violation. (Some examples of such events are (1) accidentally knocking down a stack during construction and thereby requiring ducting the exhaust carried from the downed stack to a stack not permitted to carry this exhaust and (2) having a production line to burn up and thus having to increase production on other lines at the facility to compensate for the lost line.) An initial report of such an event would have to be submitted to DEM within a certain amount of time (say within two business days) and would have to be followed by a detailed report within a certain amount of time (say 30 days). Certain criteria would have to be met in order to qualify for an excused exceedence of permit conditions. Among other criteria being considered are no violation of any air pollutant, no incremental increase in the ambient air concentration of any criteria pollutant, no increase in the ambient air concentration of any toxic air pollutant, and no violation of a permit condition assumed to avoid an applicable requirement to which the facility would have otherwise been subject. Furthermore, the facility would have to

demonstrate that the event was inadvertent, unanticipated, unexpected, or unforeseen and could not have been anticipated, expected or foreseen. Also such an event is not part of a reoccurring pattern. If the deviation is expected to last beyond a certain amount of time (say 6 months), the facility should file a permit application to amend the permit to describe the new conditions.

APA #: E1578

SUBJECT: Emergency Exceedance of Permit Condition
RULE CITATION #: 15A NCAC 2D .05XX
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-3340
DATE INITIATED: 4/3/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

Occasionally conditions arise or events happen where a source or facility must violate the terms and conditions of its permit in order to protect the health and safety of the general public. An example of such a situation is the barge damaging a bridge on the Outer Banks and knocking down power lines thereby requiring an electric utility peaking unit to operate above restrictions placed in its permit to avoid prevention of significant deterioration requirements.

SCOPE/NATURE/SUMMARY :

A rule modeled after the malfunction rule could be adopted to provide procedures for a facility to follow to demonstrate that an exceedance of a permit condition was necessary to protect the health and safety of the general public. Certain criteria would have to be met in order to qualify for an excused exceedance. Among the criteria being considered are that no violation of emission standards has occurred or will occur, that the source or facility must exceed a limitation in its permit in order to protect the health and safety of the general public, and that the emergency is not the result of any malfunction or equipment breakdown at the facility, i.e. the problem is not at the facility but elsewhere. As a minimum, an initial report would be required to be submitted to DEM within a certain amount of time (say 24 hours) of the facility becoming aware that a permit condition has been or will likely be exceeded and a follow up report within a certain amount of time (say 7 days) when the emergency event is over and the facility is operating normally that would detail what occurred and identify the permit conditions exceeded and the amount of the exceedances.

APA #: E1579

SUBJECT: MUNICIPAL SOLID WASTE LANDFILLS
RULE CITATION #: 15A NCAC 15A NCAC 13B .0103, .0101, and .0503
STATUTORY AUTHORITY: G.S. 130A-294
DIVISION/SECTION: SOLID WASTE MANAGEMENT
DIVISION CONTACT: JOAN TROY/DEXTER MATTHEWS
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED: 4/3/95
DURATION OF RULE: Permanent 10/1/95
TYPE OF RULE: Amendments(4)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The purpose of the rule amendments is to establish economic incentive for owners and operators of unlined landfills to provide an environmentally sound cap system for unlined landfills at closure; to encourage owner and operator's compliance with closure requirements by providing more than one method by which closure may be accomplished; to ensure compliance with state requirements regulating the discharge of dredged or fill material into waters of the state, including wetlands, and to ensure compliance of industrial solid waste landfills with state groundwater requirements.

SCOPE/NATURE/SUMMARY :

The proposed amendment to Rule .1627 adds language to an existing rule that requires existing municipal solid waste landfills that are not designed and constructed with a base liner system permitted by the Division to cease

receiving waste on or before January 1, 1998. The added language provides flexibility to the rule by providing a performance option for owners and operators of the described facilities. The performance option requires a closure plan (to be approved by the Division) and extends the deadline by which the above mentioned landfills must stop receiving waste.

The proposed amendment to Rule .0503 clarifies discharge standards for pollutants into the waters of the state, establishes standards for an alternative liner design, and provides for compliance by industrial solid waste landfills with groundwater standards established under 15A NCAC 2L.

The proposed amendment to Rule .0101 establishes a definition for industrial solid waste landfills.

The proposed amendment to Rule .0103 incorporates the changes of Rules .1627 and .0503 by adding the phrase "as required in Sections .0500 and .1600 of this Subchapter" to a sentence that describes general requirements for certain sanitary landfills after January 1, 1998.

APA #: E1594

SUBJECT: CRC rule amendments to more clearly state the type of structures that can be permitted

RULE CITATION #: 15A NCAC 7H .0309 & .0310

STATUTORY AUTHORITY: G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b;
113A-113(b)(6)d; 113A-124; 113A-107; 113A-113(b)

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 4/26/95

DURATION OF RULE: Permanent 2/1/96

TYPE OF RULE: Amendments(2)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Clarification necessary after a declaratory ruling by the Coastal Resources Commission for a specific development proposal affected by the subject rules.

SCOPE/NATURE/SUMMARY :

Rule amendment will clarify the intent of the CRC to allow certain types of water dependent structures to be built seaward of the first line of stable, natural vegetation along the ocean and inlets. Also, the limitation to the size of structures that can be built in the inlet areas will be limited to buildings. Construction of bridges across inlets will be limited to state owned bridges.

APA #: E1595

SUBJECT: CRC definition of "threatened structure"

RULE CITATION #: 15A NCAC 7H .0308, .1705; 7K .0103

STATUTORY AUTHORITY: G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a.,b.,d.; 113A-124 &
G.S. 113-229(c1); 113A-107(a),(b); 113A-113(b); 113A-118.1 & G.S. 113A-105(5)(b)(5); 113A-118(a)

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 4/26/95

DURATION OF RULE: Permanent 12/1/95

TYPE OF RULE: AMENDMENTS(3)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Response to Rules Review Commission objection. The Commission requested a definition of "threatened structure".

SCOPE/NATURE/SUMMARY :

Proposed amendment will clarify the circumstances under which a structure on the ocean front will be considered as being threatened by erosion.

APA #: E1618

SUBJECT: Acid Rain Permitting Procedures

RULE CITATION #: 15A NCAC 2Q .0401-.0418

STATUTORY AUTHORITY: G.S.143-215.3(a)(1); 143-215.107(a)(8); 143-215.108; 143-215.65;
143-215.66

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thom Allen

DIVISION CONTACT TEL#: (919)733-7015

DATE INITIATED: 5/3/95

DURATION OF RULE: Permanent

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

EPA has reviewed and identified a number of deficiencies in North Carolina's acid rain permitting rules.

SCOPE/NATURE/SUMMARY :

The Environmental Management Commission adopted, effective March 8, 1994, rules to implement the federal acid rain permitting requirements. These rules are contained in Section 15A NCAC 2Q .0400, Acid Rain Procedures. These rules are written such that before they may be implemented, EPA must approve them.

In its review of these rules, EPA has identified a number of deficiencies. Before EPA will approve these rules, the deficiencies need to be corrected. The correction of these deficiencies would require additional cross-references and cross-reference changes and corrections, additional definitions, a number of minor word changes, incorporation of clarifications, and deletion of some language. These corrections are minor in nature, but they are numerous.

Instead of amending these rules, the preferred action would be to repeal them and adopt a rule that would incorporate by reference the federal permitting requirements. Thus, this Section would be reduced to an applicability rule and a rule incorporating by reference the federal permitting requirements.

These rules currently only apply to the two utility companies. They are in agreement with this change.

APA #: E1664

SUBJECT: Nitrogen Dioxide Emission Standards

RULE CITATION #: 15A NCAC 2D .0519

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 6/13/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment (1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To remove the nitrogen dioxide emission standard for boilers.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0519, Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, limits both nitrogen dioxide (NO₂) and nitrogen oxides (NO_x) from boilers. Most standard stack testing procedures measure total nitrogen oxides (NO_x). Nearly all the emissions of nitrogen oxides from a boiler is in the form of nitrogen oxide. Very little of the emissions is in the form of nitrogen dioxide. Thus, there is no real need to retain the nitrogen dioxide standard.

APA #: E1665

SUBJECT: Permits for facilities at multiple temporary sites

RULE CITATION #: 15A NCAC 2Q .0311

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 6/13/95
DURATION OF RULE: Permanent
TYPE OF RULE: Amendment
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To remove the requirement for a facility or source to change location at least once during the permit term in order to be permitted as a facility or source at multiple temporary sites.

SCOPE/NATURE/SUMMARY :

15A NCAC 2Q .0311, Permitting of Facilities at Multiple Temporary Sites, provides requirements for permitting a facility or source, such as an asphalt batch plant or rock crusher, at multiple temporary sites. The advantage of being permitted under this Rule is that only one permit is needed for several different locations. In order to qualify to be covered under this Rule, the facility or source would have to move at least once during the term of the permit. The term of the permit is usually five years. The owner or operator may anticipate moving the source or facility during the term of the permit, but because of a change in market conditions or other reasons it is not moved. By not moving he is technically in violation of his permit. The permit for a facility or source covered under this rule is essentially the same as a permit for a similar permanent facility or source except that the permit would allow the source to be moved to another location.

This Rule should be amended to remove the requirement to move at least once during the term of the permit.

APA #: E1666

SUBJECT: VOC RACT for Petroleum Refineries
RULE CITATION #: 15A NCAC 2D .0929
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 6/16/95
DURATION OF RULE: Permanent
TYPE OF RULE: Repeal (1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To repeal 15A NCAC 2D .0929, Petroleum Refinery Sources, because it is an unnecessary rule.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0929, Petroleum Refinery Sources, should be repealed because it is an unnecessary rule. This Rule contains the reasonably available control technology (RACT) requirements for various types of sources at petroleum refineries. This Rule was adopted in 1979 as part of the RACT rules for sources of volatile organic compounds in ozone nonattainment areas. There are no sources subject to the requirements of this Rule. Furthermore, there are no petroleum refineries currently in any of the ozone maintenance areas or even in the rest of North Carolina that could become subject to this Rule. A new refinery would have to comply with new source performance standards and, most likely, the prevention of significant deterioration requirement.

APA #: E1667

SUBJECT: Generic Alternative Control Procedures
RULE CITATION #: New Rule-15A NCAC 2
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 6/13/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To establish procedures for alternative control demonstrations for rules that specify the control technology to use.

SCOPE/NATURE/SUMMARY :

Several rules describe the control technology to be used instead of specifying the design parameters, such as emission rates, concentration, or control efficiency, to be met. Examples of such rules include the storage tank rule that requires double seals, the petroleum terminal rule that requires welded or gasketed deck seams, the bulk plant rule that requires a vapor balance system and the solvent cleaning rule that specifies design criteria for clean operations. These rules would preclude the use of new or different technology that is as effective or more effective than the controls required by these rules.

To overcome this problem a rule needs to be developed to allow a person to demonstrate that an alternative control approach is equivalent to that required by the rule in question. The rule would require the applicant for an alternative control to submit a plan describing the alternative control and describing how he would demonstrate that the alternative control is equivalent. This plan would have to be approved before the demonstration would be acceptable. The rule would specify the components of the plan for the alternative control demonstration.

APA #: E1690

SUBJECT: Exempt Wake and Durham counties from oxygenated fuel requirement

RULE CITATION #: 15A NCAC 2D .1302, .1304, .1301

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (7)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 7/7/95

DURATION OF RULE: Temporary

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The North Carolina Petroleum Council has requested that we consider amending 15A NCAC 2D .132, Applicability, to remove the oxygenated gasoline requirement in the Raleigh/Durham Metropolitan Statistical Area. This request was based on a study which found that oxygenated fuel did not significantly change the CO levels during previous oxygenated seasons. In the mean time, Air Quality utilizing it's most recent estimate of VMT growth has reprojected emissions and concluded that future emissions can stay below the CO baselevel without the need of oxygenated gasoline in the Raleigh/Durham Metropolitan Statistical Area. Oxygenated gasoline should be a requirement in the Raleigh/Durham Metropolitan Statistical Area only as a contingency measure.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .1302, Applicability, should be amended to remove the requirement of oxygenated gasoline in the Raleigh/Durham Metropolitan Statistical Area.

APA #: E1691

SUBJECT: Proposed future water supply reclassification for Town Fork Creek (Forsyth & Stokes)

RULE CITATION #: 15A NCAC 2B .0313 Roanoke River Basin

STATUTORY AUTHORITY: G.S.143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083, ext 566

DATE INITIATED: 7/7/95

DURATION OF RULE: Permanent 2/1/96

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

The Stokes County Soil and Water District (District) and with the Stokes County Board of Commissioners (County) requested the reclassification of Town Fork Creek for water supply use. The initial request was to reclassify the watershed from its current C classification to WS-III. However, the request was withdrawn just prior

to going to public hearing on August 16, 1994. The District and County indicated interest in the proposed Future Water Supply (FWS) supplemental classification. This supplemental classification has recently been approved by the Environmental Management Commission (EMC) and became effective on August 1, 1995. The proposed rule making is to reclassify the Town Fork Creek watershed from Class C to WS-III FWS.

APA #: E1692

SUBJECT: Classifications and Groundwater Quality Standards (18 chemicals)

RULE CITATION #: 15A NCAC 2L .0202

STATUTORY AUTHORITY: G.S. 143-214.1; 143B-282(a)(2)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER

DIVISION CONTACT: David Hance/Linda Roderick

DIVISION CONTACT TEL#: (919)715-6189/733-7015

DATE INITIATED: 7/11/95

DURATION OF RULE: Permanent 7/1/96

TYPE OF RULE: ADOPTIONS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The amendment to 15A NCAC 2L .0202, Groundwater Quality Standards, will establish groundwater standards for Acenaphthene, Acenaphthylene, Anthracene, Atrazine, Benzo(a)anthracene, Benzo(g,h,i)perylene, Bromodichloromethane, Carbon Disulfide, Caprolactam, Chloroethane, Chrysene, 1, 3-Dichloropropene(cis and trans), Diphenyl (1,1-Diphenyl), Fluoranthene, Isopropyl Ether (Diisopropyl Ether), Methyl Alcohol, Pyrene, and Simazine. Action to consider adoption of concentration levels for seventeen of these eighteen substances as groundwater standards is necessary to satisfy requirements of 15A NCAC 2L .0202(c). All proposed Groundwater Quality Standards are the same as those concentrations that are presently in effect as Interim Maximum Allowable Concentrations, with the exception of Isopropyl Ether (Diisopropyl Ether). Due to the lack of chronic and subchronic toxicity data the Division of Epidemiology did not recommend a proposed Groundwater Quality Standard for this substance. The Division of Epidemiology has, however, recommended a level to the Division of Environmental Health that it believes is sufficient to protect consumers of public and private drinking water supplies. That concentration is the systemic threshold dose of 0.07 milligrams per liter and satisfies the requirements of 15A NCAC 2L .0202(d)(1). Therefore, a Groundwater Quality Standard is being proposed for Isopropyl Ether (Diisopropyl Ether) in this rulemaking. A Groundwater Quality Standard is being proposed for Isopropyl Ether (diisopropyl Ether) in this rulemaking.

SCOPE/NATURE/SUMMARY :

Specifies the maximum allowable concentration of substances in Class GA, GSA and GC groundwaters and procedures to establish standards for substances.

APA #: E1703

SUBJECT: Use Restoration Waters (URW) Supplemental WQ Classification

RULE CITATION #: 15A NCAC 2B .0202 and 2B .0229

STATUTORY AUTHORITY: G.S. 143-214.7 and 143-214.1

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Beth McGee

DIVISION CONTACT TEL#: (919)733-5083, ext 575

DATE INITIATED: 7/25/95

DURATION OF RULE: Permanent

TYPE OF RULE: Adoptions(1) Amendments(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

A new supplemental classification entitled Use Restoration Waters (URW) is being proposed. The purpose of this supplemental classification is to be applied to those water bodies that are rated by the Division as not supporting their designated use to the extent that the use has been lost or removed in such a manner that it is more than a temporary condition. For example, a water body may be classified for shellfishing use but long term water quality data indicates that fecal coliform is a persistent problem and shellfish are no longer harvestable. The intent of the URW would be to first determine the persistence of the problem and then develop a site specific management program with the affected and interested stakeholders to address the water quality problem. If adopted, this

supplemental classification would allow the development of enforceable and voluntary watershed management strategies to control point and nonpoint sources.

There is substantial interest in this approach to water quality management. Since May 1995, Water Quality Section staff have been meeting with interested parties, including DEHNR agencies, other state and federal agencies, local government, environmental groups and industry groups, to receive informal comment on the URW concept. To date the concept has been received quite well with several suggestions for improvement. Following the presentations of the concept, it is staff's intent to bring a proposed rule to the Water Quality Committee, for information in October 1995, that would (1) define the supplemental classification, (2) establish a rule that would describe the criteria for URW designation, and (3) note that water bodies that are eventually classified supplementally as URW through future separate rule making procedures and the site specific management strategy for that water body. Following approval by the Environmental Management Commission to proceed to rulemaking with a proposed URW rule, staff would conduct public hearings to receive comment of the proposed rule. It is expected that these hearings would be held in April 1995, with a proposed effective date of February 1997.

APA #: E1704

SUBJECT: Exemption of certain on-site waste management and disposal from certain G. S. 104E paragraphs
RULE CITATION #: 15A NCAC 11 .0349

STATUTORY AUTHORITY: G.S. 104E-7(a)(10)

DIVISION/SECTION: RADIATION PROTECTION

DIVISION CONTACT: Dayne H. Brown

DIVISION CONTACT TEL#: (919)571-4141

DATE INITIATED: 7/26/95

DURATION OF RULE: Temporary 11/22/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This action is intended to grant appropriate additional exemptions from certain provisions of G. S. 104E to allow continued agency approval of alternate on-site management and disposal practices for waste with very low concentrations of radioactive contamination at waste generator facilities.

When this Rule was originally adopted effective June 1, 1989, the Radiation Protection Commission incorrectly thought that Rule 15A NCAC 11 .0349, in conjunction with other rules addressing agency approval for alternate disposal methods, granted adequate relief from certain statutory requirements imposed in the 1987 amendments to G. S. 104E. Such exemptions are authorized by G. S. 104E-7(a)(10).

SCOPE/NATURE/SUMMARY :

This Rule currently grants exemptions from G. S. 104E-6.1 and -10.1 to any agency licensee and certain NRC licensees, and establishes certain criteria, for agency approval of on-site waste management and disposal practices for waste with very low concentrations of radioactive contamination. The proposed amendment may include additional exemptions from provisions of G. S. 104E-10.2, -20(b), -25 and -26.

APA #: E1712

SUBJECT: Amendment of Universal Waste Rules

RULE CITATION #: 15A NCAC 13A .0006 and .0019

STATUTORY AUTHORITY: G.S. 130A-294(c); 150B-21.6

DIVISION/SECTION: SOLID WASTE/HAZARDOUS WASTE

DIVISION CONTACT: Emil Breckling

DIVISION CONTACT TEL#: (919)733-2178

DATE INITIATED: 8/1/95

DURATION OF RULE: Permanent 1/1/96

TYPE OF RULE: AMENDMENTS(2)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The proposed amendments to the rules streamline hazardous waste management regulations governing the collection

and management of certain widely generated wastes, known as "universal wastes." This universal waste rule covers hazardous waste batteries (e.g. nickel cadmium), certain hazardous waste pesticides, and mercury-containing thermostats. By reducing regulatory requirements, this rule will encourage state and local governments and manufacturers to establish environmentally sound collecting programs, and retailers to participate in them. Although households and small businesses produce much of these wastes, retailers were previously reluctant to accept them because of concerns that some of the wastes might be from regulated hazardous waste generators.

SCOPE/NATURE/SUMMARY :

Under the streamlined system, retailers and others who generate or handle these wastes would not have to comply with burdensome paperwork requirements and certain technical standards. Despite this regulatory reduction, however, this rule is actually expected to increase environmental protection by increasing the availability of collection and recycling programs that will subsequently ensure that these wastes go to hazardous waste recycling and disposal facilities.

The State must either incorporate these rules by reference or write and adopt equivalent rules in order to continue to receive program authorization from EPA.

APA #: E1717

SUBJECT: ETO Sterilization

RULE CITATION #: 15A NCAC 2D .0538

STATUTORY AUTHORITY: 143-215.3(a)(1); 143-215.107(a)(4)(5); 143-215.108(c)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To modify the ETO sterilizer rule to incorporate new MACT requirements and substitute it for federal MACT rule.

SCOPE/NATURE/SUMMARY :

On December 6, 1994, EPA promulgated its maximum achievable control technology (MACT) and generally available control technology (GACT) standards for ethylene oxide commercial sterilization and fumigation operations.

In 1992, the Environmental Management Commission adopted 15A NCAC 2D .0538, Control of Ethylene Oxide Emissions, which controls the emissions of ethylene oxide (ETO) resulting from the sterilization of medical devices in production, packaging, and subsequent storage. The control requirements in the North Carolina rule are similar to those in EPA's MACT except that the control requirements in the North Carolina rule for sterilization chamber vents are more restrictive. Compliance with the North Carolina rule exempts these sources at new facilities from the State air toxic rules. (Compliance with this rule was an agreement with a medical device manufacturer that was seeking to avoid the State air toxic rules).

To make this rule compatible with EPA's MACT for these operations, several amendments are needed. 15A NCAC 2D .0538 applies only to processes at facilities for which construction began after August 31, 1992. The rule would be amended to notify owners or operators of older facilities that they need to comply with EPA's MACT. The MACT requirements for performance testing, monitoring, record keeping, and reporting would be incorporated by reference into the State rule. The more restrictive requirements currently in 15A NCAC 2D .0538 would be retained.

Once amended the State rule could be submitted to EPA as a substitute MACT for the production, packaging, and subsequent storage of medical devices. All other sources that use ETO in sterilization or fumigation would continue to be covered under EPA's MACT. (In another rulemaking action we will be adopting EPA's MACT rules by reference. Source using ETO for sterilization or fumigation that are not subject to 15A NCAC 2D .0538, would be subject to the MACT requirements that are incorporated into that rule).

APA #: E1718

SUBJECT: Municipal Waste Combusters
RULE CITATION #: 15A NCAC 2D .1201-.1209
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/11/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To incorporate federal requirements for municipal waste combusters into State incinerator rules.

SCOPE/NATURE/SUMMARY :

On September 30, 1994, EPA proposed standards for new and existing municipal waste combusters larger than 38.5 tons per day. When the new source performance standard for new incinerators is promulgated, it will be incorporated by reference into 15A NCAC 2D .0524, New Source Performance Standard.

Several rules in Section 15A NCAC 2D .1200, Control of Emissions from Incinerators, would need to be amended to incorporate the requirements for existing incinerators. 15A NCAC 2D .1205, Emission Standards, would be amended to add or revise emission standards for these types of incinerators. The emission standards would be lowered for particulates and sulfur dioxide and probably mercury (because the emission rate for mercury is expressed in terms of concentration, ppm, in EPA's rule and in terms of mass rate, pounds per hour, in the current State rule, it is difficult to know for certain at this time whether or not the mercury emission standard for all these incinerators will be lower). The hydrogen chloride standards would be raised. Emission standards would be added for dioxins and furans, lead, and cadmium. 15A NCAC 2D .1206, Operational Standards, would be amended to add or revise operational requirements. The flue gas temperature would be determined for each incinerator by a stack test showing compliance with the dioxin and furan standard instead of a fixed number as contained in the current State rule. A load level requirement would be added; this requirement would be determined for each incinerator and based on the dioxin and furan stack test. 15A NCAC 2D .1203, Test Methods and Procedures, and .1204, Reporting and RECORD KEEPING, would be amended to add new testing, RECORD KEEPING and reporting requirements. 15A NCAC 2D .1209, Compliance Schedule, would be amended to add a schedule by which incinerators are to comply with the new requirements. 15A NCAC 2D .1201, Purpose and Scope, and .1202, Definitions, may also need to be amended. A new rule would be written to require operator training and to address fugitive emissions.

APA #: E1719

SUBJECT: Crush Stone Operations
RULE CITATION #: 15A NCAC 2D .0510
STATUTORY AUTHORITY: 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 8/11/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To specify control requirements for particulate emissions from transfer points and screens at sand, gravel, or crushed stone operations.

SCOPE/NATURE/SUMMARY :

The particulate control requirements for sand, gravel, and crushed stone operations are contained in 15A NCAC 2D .0510, Particulates: Sand: Gravel: Crushed Stone Operations. This rule currently requires water spray over the crusher. It vaguely requires control of particulate emissions from other sources in the process. It requires taking measures to reduce to a minimum particulate matter from becoming airborne. The rule does not describe or provide any guidance as to what these measures are to be other than state that the measures shall prevent the ambient air

quality standards from being exceeded.

More definitions need to be added as to what control levels may be suitable. One option would be to require spray bars over screens and transfer points. Another option would be to limit opacity at screens and transfer points, for example, to 10 percent.

APA #: E1720

SUBJECT: Excess Emissions Reporting and Malfunction

RULE CITATION #: 15A NCAC 2D .0535

STATUTORY AUTHORITY: 143-215.3(a)(1); 143-215.107(a)(4); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To add to the definition of "excess emissions" in 15A NCAC 2D .0535 a reference to Section 15A NCAC 2D .1400.

SCOPE/NATURE/SUMMARY :

The definition of "excess emissions" in 15A NCAC 2D .0535, Excess Emissions Reporting and ~~Malfunction~~, needs to be revised to reference Section 15A NCAC 2D .1400, Nitrogen Oxides. This definition defines excess emissions as being an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in the various sections that contain emissions standards. Section 15A NCAC 2D .1400 needs to be added to the list of sections containing emissions standards.

APA #: E1721

SUBJECT: Confidentiality

RULE CITATION #: 15A NCAC 2Q .0107

STATUTORY AUTHORITY: G. S. 143-215.3C

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To correct statutory reference in confidentiality rule.

SCOPE/NATURE/SUMMARY :

15A NCAC 2Q .0107, Confidential Information, describes the procedures to follow when requesting Information be treated as confidential. The statute that pertained to confidentiality when this Rule was adopted was G. S. 143-215.3(a)(2). Since the Rule was adopted, the confidentiality language in this section of the General Statutes has been deleted. Confidentiality requirements are now contained in G. S. 143-215.3C. This Rule needs to be amended to change the old statutory reference to the new statute.

APA #: E1722

SUBJECT: Particulate Emission Standards

RULE CITATION #: 15A NCAC 2D .0506-.0511, .0513-.0515

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify and update the language in the old particulate emission process standards rules.

SCOPE/NATURE/SUMMARY :

The old particulate standards for industrial processes are contained in Rules 15A NCAC 2D .0506, Control of Particulates from Hot Mix Asphalt Plants, .0507, Particulates from Chemical Fertilizer Manufacturing Plants, .0508, Control of Particulates from Pulp and Paper Mills, .0509, Particulates from Mica or Feldspar Processing Plants, .0510, Particulates: Sand, Gravel, Crushed Stone Operations, .0511, Particulates from Lightweight Aggregate Processes, .0513, Control of Particulates from Ferrous Jobbing Foundries, and .0515, Particulates from Miscellaneous Industrial Process. These Rules need to be reviewed and revised as necessary to bring them into line with the Rules Review Commission's current policies on wording of rules. Some of these rules are poorly worded and are vague or misleading. For example, 15A NCAC 2D .0511 restricts the emissions of particulates from kilns and dryers, but it does not inform the reader that the restriction applies only to kilns and dryers at lightweight aggregate plants. If these rules were reviewed by the Rules Review Commission today, most likely it would object to several of them. The revision is not intended to change any of the control requirements, but merely to clarify the rule.

APA #: E1723

SUBJECT: Grain Elevator Permitting

RULE CITATION #: 15A NCAC 2Q .0102,.0805

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.108

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 8/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To revise the exclusionary rule for grain elevators and to add a permit exemption for small grain elevators.

SCOPE/NATURE/SUMMARY :

The current exclusionary rule, 15A NCAC 2Q .0805, Grain Elevators, defines grain elevators that receive or ship less than 21,000 tons of grain per year as small for permitting purposes (that is any grain elevator that ships or receives grain below the quantity set in this Rule is automatically exempted from the Title V permitting procedures). This threshold would be revised upwards based on reevaluation of emission factors. The current threshold was determined based on grain elevators using tunnel belts to remove grain from bins and that utilize headhouses and elevator legs to cyclonic control devices. Thus, the threshold has been recalculated based on these two types of processes no longer existing. The revised exclusionary rule would be written to exclude any grain elevator that uses either of these two types of processes from the rule. (Any grain elevator using tunnel belts or headhouses and elevator legs vented to cyclonic control devices would have to obtain a permit limiting their potential emissions below the Title V thresholds, i.e. become a synthetic minor, or obtain a permit following the Title V permitting procedures.) The revision would define most grain elevators in the State as small facilities, and they would be permitted following the non-Title V permitting procedures.

A permit exemption is being considered for grain elevators. 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, would be amended to add this exemption. Any grain elevators that processed less than the amount specified would be exempted from needing a permit.

APA #: E1724

SUBJECT: Corporate Financial Assurance

RULE CITATION #: 15A NCAC 13B .1628

STATUTORY AUTHORITY:

DIVISION/SECTION: SOLID WASTE MANAGEMENT

DIVISION CONTACT: Joan Troy
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED: 8/11/95
DURATION OF RULE: Temporary 1/1/96
TYPE OF RULE:
STAGE OF DEVELOPMENT: Withdrawn
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The reason for adopting the corporate financial test is to provide owners and operators of privately owned landfills with an alternate mechanism for financial assurance that is less cost prohibitive than the existing third-party instruments. Only corporations who can demonstrate sufficient financial strength will not be required to obtain a third-party financial assurance instrument.

SCOPE/NATURE/SUMMARY :

The current Rule .1628 Financial Assurance provides six allowable mechanisms to demonstrate that financial obligations for closure, post-closure care and corrective action for known releases will be available whenever they are needed. Five of these mechanisms are third-party instruments allowable for privately owned or publicly owned landfills, while the sixth is a financial test for local government use only. The U. S. Environmental Protection Agency has proposed a corporate financial test to allow owners and operators to demonstrate that they can satisfy the goals of financial assurance on their own, and that they do not need to produce a third-party instrument.

APA #: E1735

SUBJECT: Reuse of Reclaimed Wastewater
RULE CITATION #: 15A NCAC 2H .0219
STATUTORY AUTHORITY: G.S. 143-215.1, 143-215.3(a)(1)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY
DIVISION CONTACT: Don Safrit
DIVISION CONTACT TEL#: (919)733-5083, ext 519
DATE INITIATED: 8/28/95
DURATION OF RULE: Permanent 5/1/96
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The existing rules that address reuse of reclaimed wastewater are considered to be inadequate due to several factors. The significant concerns expressed by the regulated community include:

- * Current regulations do not adequately address the broad spectrum of reuse opportunities and therefore, limit or prohibit many reuse projects from being pursued; and
- * Existing design criteria, such as treatment buffer requirements, do not facilitate or encourage wastewater reuse.

The Water Quality Section has been actively discussing rule revisions to specifically address reuse. During these discussions, staff has had numerous opportunities to discuss reuse with the regulated community, interested individuals in the university/research area, interested individuals throughout both the health and environmental aspects of the Department of Environment, Health and Natural Resources, the Water Quality Committee of the Environmental Management Commission and the Water Issues Legislative Research Committee of the General Assembly.

SCOPE/NATURE/SUMMARY :

After taking many of the comments and concerns of the above mentioned parties, the Water Quality Section plans to initiate steps to develop draft rule modifications to address the spectrum of reuse opportunities that appear to be practical in the State of North Carolina. These rule modifications specifically address the following:

- * Treatment and operational considerations for facilities producing reclaimed wastewater for reuse.
- * Clarification of language to allow the use of reclaimed wastewater in combination with other disposal systems, such as surface water discharges (NPDES permits).
- * Identification requirements and design considerations for reclaimed wastewater distribution systems.

* Specific requirements for reuse of reclaimed wastewater for the following activities:

- Areas intended to be accessible to the public such as residential lawns, golf courses, cemeteries, parks, school grounds, industrial or commercial site grounds, landscape areas, highway medians, roadways and other similar areas.

- Reclaimed wastewater for industrial purposes such as process water or cooling water, aesthetic purposes such as decorative ponds or fountains, fire protection, dust control, street cleaning and other similar reuse options.

- Reclaimed wastewater for urinal and toilet flushing or fire protection in sprinkler systems located in commercial or industrial facilities or buildings, apartment buildings, condominiums, hotels, motels or other similar structures provided that unauthorized personnel do not have access to the plumbing system for repairs or modifications.

* Specific language indicating that staff is concerned or cautious at this point in time to develop rules specifically for the use of reclaimed wastewater for either irrigation of food crops for direct human consumption, use of reclaimed wastewater for swimming pools, hottubs or similar uses or as a direct raw water supply for potable water systems.

The Water Quality Section is of the opinion that there is broad based support to move forward with the formal development and adoption of rules that serve to encourage the reuse of reclaimed wastewater.

APA #: E1738

SUBJECT: Proposed Reclassification of former water supply watershed. (Austin Creek)

RULE CITATION #: 15A NCAC 2B .0315

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 8/31/95

DURATION OF RULE: Permanent 4/1/96

TYPE OF RULE: Amendment

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The Town of Wake Forest has requested that the Austin Creek watershed be reclassified from its current WS-III classification. The Town notes that the watershed has not been used as a water supply source and that current studies indicate that it is not of sufficient size to be a feasible drinking water supply source. The watershed is 2,615 acres in size. Three local governments have land use jurisdiction within the watershed. They are: Franklin and Wake Counties and the Town of Wake Forest. The Town currently uses Smith Creek Reservoir and uses water from the City of Raleigh as needed. The water supply plan for the Town of Wake Forest also notes that potential future sources would be either of the following: increase flows from the City of Raleigh; the Neuse River; and expansion of the Wake Forest Reservoir or water from the Franklin Water and Sewer Authority.

The Division has conducted a Use Attainability Study to assess whether the watershed qualified for classification to either Outstanding Resource waters or High Quality Waters. The waters did not meet either qualification, thus staff recommend a Class C. The effect of reclassifying the watershed from WS-III and Class C would mean that the local governments having land use jurisdiction within the watershed would no longer be responsible for implementing drinking water supply protection ordinances for the Austin Creek watershed.

SCOPE/NATURE/SUMMARY :

The Austin Creek watershed is approximately 2,615 acres in size and is located in Franklin and Wake Counties (Neuse River Basin). The watershed is currently classified as WS-III which designates the watershed as a drinking water supply source. The Town of Wake Forest has requested that the Austin Creek watershed be reclassified from its current WS-III classification. The Town notes that the watershed has not been used as a water supply source and that current studies indicate that it is not of sufficient size to be a feasible drinking water supply source. Three local governments have land use authority within the watershed. They are the Town of Wake Forest, and Franklin and Wake Counties. The Town currently uses Smith Creek Reservoir and water from the City of Raleigh, as needed. The water supply plan for the Town of Wake Forest also notes that potential future sources would be one

of the following: increase flows from the City of Raleigh, the Neuse River, an expansion of the Wake Forest Reservoir or water from the Franklin Water and Sewer Authority.

The proposed reclassification to Class C would remove the current drinking water supply WS-III classification and the requirements for the Town of Wake Forest and Franklin and Wake Counties to continue implementing drinking water supply ordinances for the Austin Creek watershed. In addition, the Division of Environmental Management would no longer prohibit new domestic wastewater dischargers within the area previously defined as the Critical Area and new industrial discharges in the Balance of the Watershed.

APA #: E1741

SUBJECT: Proposed reclassification of French Broad River (lower-Class C, upper Class WS-IV) and Mills River as Class WS-III or WS-II

RULE CITATION #: 15A NCAC 2B .0304 (French Broad River Basin)

STATUTORY AUTHORITY: G.S. 143-214.1

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083, ext 566

DATE INITIATED: 9/6/95

DURATION OF RULE: Permanent

TYPE OF RULE: Amendment

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: Local

REASON FOR ACTION :

The Asheville-Buncombe Water Authority (Authority) and Henderson County (County) have requested the Mills River and French Broad River near Hendersonville (subsequently referred to as the "upper French Broad River") be reclassified for water supply purposes. The Authority and County have also requested the reclassification of the French Broad River near Asheville (subsequently referred to as the "lower French Broad River") be reclassified as a non-water supply source.

The Authority and County have reached an agreement to establish a regional approach to providing potable water to the City of Asheville and sections of Buncombe and Henderson Counties. Two water supply intakes are proposed. The initial raw water supply intake is planned for the Mills River located just upstream of its confluence with the French Broad River. The Mills River meets the requirements for a WS-III water supply classification due to three existing wastewater discharges in the watershed. The Mills River is proposed for a WS-III classification; however, the Authority and County have requested a WS-II water supply classification. Public comment will be solicited on two options: WS-II and WS-III. Henderson County has jurisdiction within the area that would be affected by the proposed reclassification. Another intake, for later use, is planned on the upper French Broad River just upstream of the confluence with the Mills River. The upper French Broad River is proposed for a WS-IV water supply classification. Henderson and Transylvania Counties have land use jurisdiction within this proposed water supply watershed. Water quality sampling of the two proposed water supplies by the Division indicates that each source is suitable as a raw water supply source.

The lower French Broad River is currently classified WS-IV; however, no one is using this source as a water supply. The local governments that have land use jurisdiction within this watershed are the Town of Fletcher, and Buncombe and Henderson Counties. Each local government is currently implementing a drinking water supply protection program for this watershed. Since the Authority no longer desires to use the lower French Broad River as a raw water supply source, and the Division of Environmental Health's Public Water Supply Section prefers the use of the upper French Broad and Mills Rivers sites over the lower French Broad River, we are proposing to reclassify the lower French Broad River to Class C (non-water supply).

APA #: E1757

SUBJECT: CAMA General permit for Replacing Bridges and Culverts in the Coastal Zone

RULE CITATION #: 15A 7H .2301-.2305

STATUTORY AUTHORITY: G.S. 113A-107; 113A-118.1; 113A-124

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Doug Huggett

DIVISION CONTACT TEL#: (919)733-2293

DATE INITIATED: 9/29/95
DURATION OF RULE: Permanent
TYPE OF RULE: ADOPTIONS(5)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Need to expedite review and approval of routine projects.

SCOPE/NATURE/SUMMARY :

The new general permit will allow expedited approval of proposals to replace existing bridges and culverts across streams in the coastal zone. The permit will be applied to projects within certain parameters of size, wetland impacts, etc. The parameters have been developed from a review of past permit decisions. It is projected that the new general permit will be used approximately twelve times per year to approve projects proposed by the Department of Transportation. It will also apply to private projects.

APA #: E1758

SUBJECT: The rule will allow permits to be issued for the filling of canals, basins & ditches
RULE CITATION #: 15A 7H .0208
STATUTORY AUTHORITY: G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124
DIVISION/SECTION: COASTAL MANAGEMENT
DIVISION CONTACT: Preston Pate
DIVISION CONTACT TEL#: (919)726-7021
DATE INITIATED: 10/2/95
DURATION OF RULE: Permanent
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

Strict application of current CRC rules would prevent issuing permits for these development proposals. Historically, the permits have been issued in absence of review agency objections. The new rule will correct this inconsistency.

SCOPE/NATURE/SUMMARY :

The new rule will sanction the long standing practice of issuing permits for filling certain human-made features when there have been no resource or land ownership issues raised during permit review.

APA #: E1759

SUBJECT: Vegetation line identification after beach nourishment projects
RULE CITATION #: 15A NCAC 7H .0305
STATUTORY AUTHORITY: G.S. 113A-107; 113A-113(b)(6); 113A-124
DIVISION/SECTION: COASTAL MANAGEMENT
DIVISION CONTACT: Preston Pate
DIVISION CONTACT TEL#: (919)726-7021
DATE INITIATED: 10/2/95
DURATION OF RULE: Permanent
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

See Scope/Nature/Summary.

SCOPE/NATURE/SUMMARY :

The proposed rule is necessary to codify the CRC's position on how to measure the first line of stable natural vegetation (FLNSV) on ocean beaches that have been replenished with sand. The FLSNV is the baseline used for setback of structures on the beaches. Past interpretations of the current definition have been to use the vegetation line that existed prior to the nourishment project. A recent contested case has focused on the need to have the rule amended to reflect the intent of past interpretations.

APA #: E1760

SUBJECT: New definition of the term "structure" as used in CRC rules.
RULE CITATION #: 15A NCAC 7H .0106

STATUTORY AUTHORITY: G.S. 113A-102; 113A-107

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 10/2/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Need for consistent use and understanding of the term in CRC rules.

SCOPE/NATURE/SUMMARY :

The term "structure" is used numerous times in CRC rule but is not defined in such a way as to apply consistently throughout all subchapters of chapter 7H. It is proposed to define buildings, roads, piers, mooring pilings, breakwaters, etc. as structures.

APA #: E1761

SUBJECT: Revised priorities for awarding local planning and management grants to local governments in the coastal area.

RULE CITATION #: 15A NCAC 7L

STATUTORY AUTHORITY: G.S. 113A-112; 113A-124

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Richard Shaw

DIVISION CONTACT TEL#: (919)733-2293

DATE INITIATED: 10/2/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The Governor's Coastal Futures Committee (CFC) and Coastal Resources Commission (CRC) have both recommended amending the funding priorities to reflect current local government planning and management objectives. The rules have not been updated in several years.

SCOPE/NATURE/SUMMARY :

The purpose of these rules is to establish the criteria and procedures for the Department's program of grants for local land use planning and management within North Carolina's coastal area.

APA #: E1762

SUBJECT: Revisions to the general policy guidelines for shorefront access in the coastal area.

RULE CITATION #: 15A NCAC 7M .0300

STATUTORY AUTHORITY: G.S. 113A-124; 113A-134.1; 113A-134.3; 153A-227(a); 160A-314.(a);

16 U.S.C. Sec. 1453

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Richard Shaw

DIVISION CONTACT TEL#: (919)733-2293

DATE INITIATED: 10/2/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To amend the CRC's shorefront access guidelines to reflect recent trends in the demand for shorefront access as well as changes in the enabling legislation (NCGS 113A-134.1 et seq.) enacted by the 1995 Session of the General Assembly.

SCOPE/NATURE/SUMMARY :

The purpose of these rules is to express general policy guidelines for shorefront access in the coastal area as well as the criteria and procedures for local government participation in the Public Beach and Coastal Waterfront Access

Program.

APA #: E1770

SUBJECT: Beach Nourishment/Spoil Disposal: Vegetation line identification
RULE CITATION #: 15A NCAC 7H .0308
STATUTORY AUTHORITY: G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a,b,d; 113A-124
DIVISION/SECTION: COASTAL MANAGEMENT
DIVISION CONTACT: Preston Pate
DIVISION CONTACT TEL#: (919)726-7021
DATE INITIATED: 10/6/95
DURATION OF RULE: Permanent 3/1/96
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The proposed rule is necessary to codify the CRC's position on how to measure the first line of stable natural vegetation (FLSNV) on ocean beaches that have been replenished with sand. The FLSNV is the baseline used for setback of structures on the beaches. Past interpretations of the current definition have been to use the vegetation line that existed prior to the nourishment project. A recent contested case has focused on the need to have the rule amended to reflect the intent of past interpretations.

SCOPE/NATURE/SUMMARY :

See Reason.

APA #: E1772

SUBJECT: Enhanced Monitoring
RULE CITATION #: 15A NCAC 2
STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Linda Roderick/Thomas Allen
DIVISION CONTACT TEL#: (919)733-3340/733-1489
DATE INITIATED: 10/11/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The 1990 Clean Air Act Amendments (CAAA) require an enhanced monitoring program to be **implemented** along with the Title V program. EPA is in the process of developing monitoring requirements for sources subject to Title V permit requirements and perhaps some non-Title V sources. These requirements will contain monitoring, record keeping, and reporting requirements.

SCOPE/NATURE/SUMMARY :

Enhanced monitoring is a way to show continuous compliance with the current Air Quality Rules. An enhanced monitoring Rule or Section will need to be developed to meet the requirements of the CAAA of 1990. Whenever EPA comes out with its enhanced monitoring rules, the Air Quality Section will begin to develop its enhanced monitoring rules.

APA #: E1773

SUBJECT: Sulfur Dioxide SIP Deficiencies
RULE CITATION #: 15A NCAC 2D .0600 Section
STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Linda Roderick/Thomas Allen
DIVISION CONTACT TEL#: (919)733-3340/733-1489
DATE INITIATED: 10/11/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To correct deficiencies related to sulfur dioxide rules as identified by EPA.

SCOPE/NATURE/SUMMARY :

The Rules that need to be amended are in the 15A NCAC 2D .0600 Section. The deficiencies were mainly a failure to specify averaging time and the need to clarify continuous emissions monitoring requirements. A statement needs to be added to allow the Director of DEM to use continuous emissions monitoring data for enforcement purposes.

APA #: E1774

SUBJECT: Updating stack testing and reporting and RECORD KEEPING

RULE CITATION #: 15A NCAC 2D .0501, 15A NCAC 2D .0900 section, 15A NCAC 2D .0600

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The stack testing rules need to be updated including incorporation of agency policy into the rules. The RECORD KEEPING and reporting requirements rules need to be revised to clarify the types of records industry needs to keep and the types of information industry needs to report to the Air Quality Section.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0501, Compliance with Emissions Standards, currently contains most of the stack testing procedures. There are several rules in Section 15A NCAC 2D .0900, Volatile Organic Compounds (VOC), pertaining to testing VOC emissions. Depending on the amount of changes made, a new section maybe developed to contain all stack testing procedures.

APA #: E1775

SUBJECT: PM10 Test Methods

RULE CITATION #: 15A NCAC 2D .0501

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

EPA has recently adopted test methods to measure stack emissions of PM10, particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers. After evaluation by the Air Quality Section, these test methods may be adopted as part of the North Carolina air quality test methods. If they are adopted, they would be added to Rule 15A NCAC 2D .0501, Compliance with Emission Control Standards.

SCOPE/NATURE/SUMMARY :

Adopt EPA test method for PM10.

APA #: E1776

SUBJECT: Off-Permit for Non-Title V Facilities

RULE CITATION #: 15A NCAC 2Q .03XX

STATUTORY AUTHORITY:

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify that changes to insignificant activities and changes not covered under any applicable requirement may be made without permit revision.

SCOPE/NATURE/SUMMARY :

The Title V permitting rules allow certain types of changes to be made without the necessity of having to obtain a permit revision. These types of changes are termed "off-permit changes." There are two types of off-permit changes: (1) a change that affects only insignificant activities (Insignificant activities are activities exempted from needing a permit.) and the activity remains insignificant after the change and (2) a change that is not covered under applicable requirement. This concept should be extended to permits for non-Title V facilities.

APA #: E1777

SUBJECT: Standard for basecoat/clear coat coating metal products

RULE CITATION #: 15A NCAC 2D .0934

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

DuPont has requested that we consider adding a standard to 15A NCAC 2D .0934, Coating of Miscellaneous Metal Parts and Products, to address the emissions from base coat/clear coat operations. This type of coating operation is a new technology that came into being after the guidelines on which this regulation is based was published.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0934, Coating of Miscellaneous Metal Parts and Products, should be amended to incorporate a standard from base coat/clear coat operations.

APA #: E1778

SUBJECT: Clarify Odor Rule

RULE CITATION #: 15A NCAC 2D .0522

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Linda Roderick/Thomas Allen

DIVISION CONTACT TEL#: (919)733-3340/733-1489

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify Rule.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0522, Control and Prohibition of Odorous Emissions, needs to be amended to clarify the intent of the Rule which will make it easier for the Regions to enforce. Air Quality Section will look into using several options of determining odorous emissions such as panels, ambient monitoring and scent-o-meters. Another option to consider is repealing the rule all together.

APA #: E1779

SUBJECT: Malfunction Reporting
RULE CITATION #: 15A NCAC 2D .0535
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.107(a)(5)
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY
DIVISION CONTACT: Linda Roderick/Thomas Allen
DIVISION CONTACT TEL#: (919)733-3340/733-1489
DATE INITIATED: 10/11/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To revise time for reporting malfunctions.

SCOPE/NATURE/SUMMARY :

Currently, 15A NCAC 2D .0535, Excess Emissions Reporting and Malfunction, requires the owner or operator of a source of excess emissions resulting from a malfunction or other abnormal condition to notify the Director or his designee of such excess emission within 24 hours of becoming aware of them. This notification requirement would be changed to require reporting such excess emissions within 24 hours or the next business day. To notify the Director or his designee within 24 hours may be difficult when the day on which the malfunction or abnormal condition occurs and the following day are weekend days or holidays. Allowing notification on the following business day would alleviate this problem. Also this change would make the reporting requirement in this Rule compatible with the reporting requirements in the permitting rules.

APA #: E1786

SUBJECT: Coastal Energy Policies
RULE CITATION #: 15A NCAC 7M .0400
STATUTORY AUTHORITY: G.S. 113A-102(b); 113A-107; 113A-124
DIVISION/SECTION: COASTAL MANAGEMENT
DIVISION CONTACT: Roger Schecter
DIVISION CONTACT TEL#: (919)733-2293
DATE INITIATED: 10/25/95
DURATION OF RULE: Permanent 2/1/97
TYPE OF RULE: Amendment
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The state needs to clarify existing policy statements pertaining to energy production in the coastal region, especially for exploration and production on the Outer Continental Shelf. The proposed amendments will clarify for applicants the criteria necessary for siting energy facilities. These are the policies and the criteria the state will use to review proposed facilities and activities for consistency with the state's coastal management program.

SCOPE/NATURE/SUMMARY:

This is an amendment to coastal energy policies to clarify siting criteria for energy facilities located in the coastal zone. The amendment adds drill ships, drilling platforms and on-shore support structures to the definition of energy facilities.

APA #: E1787

SUBJECT: To delete duplicative and conflicting stormwater management requirements (ORW & HQW areas)
RULE CITATION #: 15A NCAC 2B .0224; .0225
STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY
DIVISION CONTACT: Beth McGee
DIVISION CONTACT TEL#: (919)733-5083
DATE INITIATED: 10/25/95
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Minor administrative rule-making related to deleting duplicative and conflicting stormwater management requirements in ORW and HQW areas (NCAC 2B .0224 and .0225).

SCOPE/NATURE/SUMMARY :

The proposal is to delete duplicative and conflicting portions of the water quality standards rules that deal with stormwater management requirements of ORW and HQW areas. These requirements were moved to 15A NCAC 2H .1000 and became effective September 1 as part of a rule-making process to consolidate stormwater requirements. No additional changes other than deleting the duplicative portions in the 2B .0200 rules are part of this requested action and no new rules, standards or requirements of any type would result. We consider this proposed rule-making a very minor administrative change and the final stage of the proceedings to consolidate the stormwater requirements.

APA #: E1788

SUBJECT: Proposed management strategy for Thorpe Reservoir (Little Tennessee River Basin)

RULE CITATION #: 15A NCAC 2B .0303; .0224; .0227

STATUTORY AUTHORITY: G.S. 143-214.1; 143-214.8A; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Steve Zoufaly

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 10/26/95

DURATION OF RULE: Permanent 5/1/96

TYPE OF RULE: Amendments (3)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The purpose of this proposed action is to classify Thorpe Reservoir (also known as Lake Glenville) as High Quality Waters (HQW). Thorpe Reservoir is located in Jackson County and is in the Little Tennessee River Basin. A thorough analysis of the lake's water quality indicates that it is Excellent. This qualifies these waters for classification as HQW. This classification requires that large, high density development projects use stormwater control practices to manage stormwater runoff and that new or expanded wastewater discharges provide an advanced level of treatment. At their September 9, 1993 meeting, the Environmental Management Commission unanimously approved staff's request to proceed to public hearing on this proposal.

APA #: E1789

SUBJECT: Amendment of Water Quality Standards Rule

RULE CITATION #: 15A NCAC 2B .0216

STATUTORY AUTHORITY:

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/WATER QUALITY

DIVISION CONTACT: Lisa Martin

DIVISION CONTACT TEL#: (919)733-5083

DATE INITIATED: 10/27/95

DURATION OF RULE: Permanent 2/1/96

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Inadvertent deletion of text during rule recodification process.

SCOPE/NATURE/SUMMARY :

See Reason.

APA #: E1790

SUBJECT: Corrective Action (Requirements for Risk Determination and Cleanup Costs)

RULE CITATION #: 15A NCAC 2L .0106; 2P .0402(a)

STATUTORY AUTHORITY:

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/GROUNDWATER

DIVISION CONTACT: David Hance/Arthur Mouberry

DIVISION CONTACT TEL#: (919)715-6189/733-3221

DATE INITIATED: 10/30/95
DURATION OF RULE: Permanent 2/3/98 Temporary 12/1/95
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None

APA #: H5602

SUBJECT: AMENDMENTS TO LOCAL HEALTH STANDARDS RULES
RULE CITATION #: 15A NCAC 25 .0213
STATUTORY AUTHORITY: G.S. 130A-9
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: MALCOLM BLALOCK
DIVISION CONTACT TEL#: (919)715-0929
DATE INITIATED:
DURATION OF RULE: Permanent 4/1/96
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

A new category (limited food service establishments) has been created by the adoption of 15A NCAC 18A .2645. This amendment adds these establishments to the list of required inspections. It also defines what constitutes this kind of inspection.

SCOPE/NATURE/SUMMARY :

This amendment is to clarify the frequencies and nature of inspections for several types of establishments.

APA #: H5603

SUBJECT: DISTRIBUTION OF FUNDS TO COUNTIES
RULE CITATION #: 15A NCAC 18A .2901
STATUTORY AUTHORITY: G.S. 130A-9; 130A-248, 130A-249
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: ELIZABETH FULLER
DIVISION CONTACT TEL#: (919)715-0933
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To encourage all counties to strive and achieve 100% compliance and to not reward counties for failure to comply with statutory and rule requirements.

SCOPE/NATURE/SUMMARY :

To distribute funds collected under G.S. 130A-248(D) to all counties based on the percentage of compliance of inspections for ALL establishments inspected.

APA #: H5605

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: SUSAN GRAYSON
DIVISION CONTACT TEL#: (919)715-0926
DATE INITIATED: 5/15/95
DURATION OF RULE: Permanent
TYPE OF RULE: Adoptions(1) Amendments(1) Repeals(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

These rules have not really been updated or changed to reflect current technology since they were first adopted approximately 20 years ago. In particular, there is a need to make revisions to address indoor air quality issues.
SCOPE/NATURE/SUMMARY :

These rules deal with the sanitation requirements for public, private and religious schools.

APA #: H5606

SUBJECT: SEPARATE THE EXISTING ON-SITE SUBSURFACE DISPOSAL RULES INTO
LARGE (> .3000 GPD) AND SMALL SYSTEM RULES
RULE CITATION #: 15A NCAC 18A .1900 ET. SEQ.
STATUTORY AUTHORITY: Look up exact rule
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ONSITE WASTEWATER INSPECTIONS
DIVISION CONTACT:
DIVISION CONTACT TEL#: (919)733-2895
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: ADOPTIONS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To establish clarity for large and small systems.
SCOPE/NATURE/SUMMARY :
To establish clarity for large and small systems.

APA #: H5607

SUBJECT: SUBSURFACE DISPOSAL OF INDUSTRIAL PROCESS WASTEWATER
RULE CITATION #: 15A NCAC 18A .1900 ET. SEQ
STATUTORY AUTHORITY: Look up exact rule
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ONSITE WASTEWATER INSPECTIONS
DIVISION CONTACT: Steven Berkowitz, Joseph Pearce
DIVISION CONTACT TEL#: (919)733-2895
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: ADOPTIONS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
Compliance with ARTICLE II, Chapter 130A of the G.S.
SCOPE/NATURE/SUMMARY :
More clearly establish existing regulatory requirements for subsurface disposal of industrial process wastewater.

APA #: H5608

SUBJECT: To make technical and clarity changes to existing on-site subsurface rules
RULE CITATION #: 15A NCAC 18A .1900 ET. SEQ
STATUTORY AUTHORITY: Look up exact rule
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ONSITE WASTEWATER INSPECTIONS
DIVISION CONTACT: STEVE STEINBECK
DIVISION CONTACT TEL#: (919)733-2895
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
To make technical and clarify changes to .1900.

APA #: H5612

SUBJECT: MEDICAL EXAMINER HOSPITAL FEE
RULE CITATION #: 15A NCAC 23 .0204

STATUTORY AUTHORITY: G.S. 130A-381; 130A-393
DIVISION/SECTION: POST MORTEM MEDICOLEGAL EXAMINATION
DIVISION CONTACT: MICHAEL A. OLSON
DIVISION CONTACT TEL#: (919)966-2253
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To align the text of the administrative code with General Statute.

APA #: H5613

SUBJECT: MEDICAL EXAMINER INVESTIGATION FEE
RULE CITATION #: 15A NCAC 23 .0201
STATUTORY AUTHORITY: G.S. 130A-381; 130A-387; 130A-393
DIVISION/SECTION: POST MORTEM MEDICOLEGAL EXAMINATION
DIVISION CONTACT: MICHAEL A. OLSON
DIVISION CONTACT TEL#: (919)966-2253
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To align the text of administrative code with General Statute.

APA #: H5614

SUBJECT: MEDICAL EXAMINER RADIOLOGY FEE
RULE CITATION #: 15A NCAC 23 .0203
STATUTORY AUTHORITY: G.S. 130A-381; 130A-393
DIVISION/SECTION: POST MORTEM MEDICOLEGAL EXAMINATION
DIVISION CONTACT: MICHAEL A. OLSON
DIVISION CONTACT TEL#: (919)966-2253
DATE INITIATED:
DURATION OF RULE: Permanent 7/1/95
TYPE OF RULE: AMENDMENTS(1)
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To align the text of the administrative code with General Statute.

APA #: H5669

SUBJECT: HIV Medications Program
RULE CITATION #: 15A NCAC 16A .1001, .1002-.1006
STATUTORY AUTHORITY: G.S. 130A-5(3)
DIVISION/SECTION: ADULT HEALTH PROMOTION
DIVISION CONTACT: Carolyn Harley
DIVISION CONTACT TEL#: (919)715-3118
DATE INITIATED: 1/19/95
DURATION OF RULE: Permanent 1/1/96 Temporary 7/1/95
TYPE OF RULE: ADOPTIONS(5) Amendments(1)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: State
REASON FOR ACTION :

The HIV Medications Program has sufficient funds to expand its formulary to include prophylactic treatments for the prevention of pneumocystis carinii pneumonia to low income patients who are not covered by Medicaid or

Insurance. The proposed rule change also changes the name of the program to reflect current operations with state funds and to identify rules in the Purchase of Care Program which are applicable to this program.

SCOPE/NATURE/SUMMARY :

Covered Medications. Established medications covered under the Department's payment program.

APA #: H5779

SUBJECT: North Carolina Hemophilia Assistance Plan

RULE CITATION #: 15A NCAC 21F .1102 (a)(5); .1103 (3); .1105 (b)

STATUTORY AUTHORITY: G.S. 130A-124

DIVISION/SECTION: MATERNAL-CHILD HEALTH

DIVISION CONTACT: Jo O'Keefe

DIVISION CONTACT TEL#: (919)715-3812

DATE INITIATED: 4/20/95

DURATION OF RULE: Permanent 10/1/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Withdrawn

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Changes are proposed to the rules for the North Carolina Hemophilia Assistance Plan to enable coverage of patients who cannot use home therapy due to the nature of their bleeding disorder and venous status, to raise the per-patient allocation because of increased costs of treatment, and to update the name of one medical

center.

SCOPE/NATURE/SUMMARY :

For several years, hemophilia contractors have requested these changes in order to maximize use of these funds. Some patients have inhibitors which make it necessary for them to receive their blood replacement products at the hospital. Others have poor venous access. These patients cannot self-infuse. They cannot benefit from the Hemophilia Assistance Plan under the current rules because it limits coverage of blood products to patients on home therapy.

Another restriction under the current rules is the per-patient cap of \$3,750. These patients have bills of as much as \$ 100,000 per year, with large out-of-pocket expenses. Many insurers require patients to incur up to \$ 5,000 in out-of-pocket expenses before they will pay maximum benefits. Raising the cap would enable the Plan to provide more relief to patients in meeting that requirement.

APA #: H5783

SUBJECT: Increase fee for x-rays in Dusty Trades Program

RULE CITATION #: 15A NCAC 19C .0206

STATUTORY AUTHORITY: G.S. 97-73(b)

DIVISION/SECTION: EPIDEMIOLOGY/OCCUPATIONAL HEALTH

DIVISION CONTACT: Pat Collins

DIVISION CONTACT TEL#: (919)733-3420

DATE INITIATED: 4/24/95

DURATION OF RULE: Permanent 10/1/95

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Withdrawn

GOV LEVELS AFFECTED: State

REASON FOR ACTION :

The 1995 Legislature eliminated funding for two technicians that provide x-ray service in the Dusty Trades Program but did not eliminate the two positions. The Department proposes an increase in the fee for medical exams in that program to offset the reduction in appropriations.

This rule increases the fee that the Department charges to industry by an amount sufficient to cover the salary and fringe benefits of the two technicians.

SCOPE/NATURE/SUMMARY :

GS 97-73(b) of the North Carolina Workers Compensation Act authorizes the Department to charge a fee to supplement the operation of the Dusty Trades Program. The Department charges two separate fees, one fee to take an x-ray, and another fee to interpret the x-ray. The reading fee is \$ 5.00 which is charged to industry and is in

turn paid out to the chest consultant for reading each film. The fee to take the x-ray is \$ 12.00 per film which covers supplies, phone, electricity, travel, maintenance and insurance. This rule proposes that this \$ 12.00 fee be increased \$ 38.00 per film to \$ 50.00 in order to cover the salary and fringe benefits of the x-ray tech and the environmental tech that operate the mobile unit.

APA #: H5833

SUBJECT: Research Requests
 RULE CITATION #: 15A NCAC 19H .0702
 STATUTORY AUTHORITY: G.S. 130A-92(7); 130A-93
 DIVISION/SECTION: EPIDEMIOLOGY/VITAL RECORDS
 DIVISION CONTACT: Jan Ellington
 DIVISION CONTACT TEL#: (919)715-4402
 DATE INITIATED: 5/22/95
 DURATION OF RULE: Permanent 10/1/95
 TYPE OF RULE: AMENDMENTS(1)
 STAGE OF DEVELOPMENT: Withdrawn
 GOV LEVELS AFFECTED: State
 REASON FOR ACTION :

This amendment is necessary to specify current fees charged for providing vital records data for research purposes. Although the rule provides for fees for research purposes, currently it does not specify those exact fees, as it does in the case of individual searches and for expedited service. This change will address specific fees for research requests involving computer searches of five (5) year periods, requests for data sets including individual names and/or other information, requests requiring computer programming, and replacement costs for the provision of data tapes. In order to ensure that research fees are not prohibitive, this amendment also includes a specific maximum fee of \$5,000.00 charged for data sets.

SCOPE/NATURE/SUMMARY :

Due to proposed legislation (SB 426-Strengthen public Records Law), this amendment is necessary to specify current fees charged for providing vital records data for research purposes. Although the rule currently provides for fees for research purposes, it does not specify those exact fees, as it does in the case of individual searches and for expedited service. Without this change, passage of SB 426 may invalidate these current fees, which enable the department to realize significant receipts for individual-specific vital records data. These fees do not apply to statistical data. This change will address specific fees for research requests involving computer searches of five (5) year periods, requests for data sets including individual names and/or other information, requests requiring computer programming, and replacement costs for the provision of data tapes. In order to ensure that research fees for individual-specific information are not prohibitive, this amendment also includes a specific maximum fee of \$5,000.00 charged for data sets.

APA #: H5968

SUBJECT: Children's Special Health Services Adoption Provision
 RULE CITATION #: 15A NCAC 21F .0800
 STATUTORY AUTHORITY: G. S. 130A-124
 DIVISION/SECTION: MATERNAL-CHILD HEALTH
 DIVISION CONTACT: Richard Moore
 DIVISION CONTACT TEL#: (919)715-3811
 DATE INITIATED: 7/31/95
 DURATION OF RULE: Permanent 1/1/96
 TYPE OF RULE:
 STAGE OF DEVELOPMENT: Draft Rule Stage
 GOV LEVELS AFFECTED: None
 REASON FOR ACTION :

North Carolina Children's Special Health Services will eliminate a special provision which allows adopted Children with special needs to be counted as a families of one for purposes of determining financial eligibility for program services in order to bring the rule into compliance with T15A 24A .0200.

SCOPE/NATURE/SUMMARY :

To simplify the financial eligibility determination process for Children's Special Health Services, Medicaid will determine financial eligibility for Children with special needs. Since CSHS will no longer determine financial eligibility for its patients, special eligibility provisions for adoptive Children under CSHS rules would no longer be

necessary. While this change will prevent some adopted Children with special needs from becoming CSHS eligible in the future if they are not Medicaid eligible, adopted Children already approved for CSHS will not be required to be Medicaid eligible to remain on the program. A proposed provision in T15A 24A .0200 will allow them to apply each year as a family of one under a separate financial eligibility determination process.

The matter of changing CSHS eligibility has been taken to various constituent groups - the CSHS Medical Advisory Committee, the NC Pediatric Society, and the Children and Youth Parent Advisory Committee.

APA #: H5972

SUBJECT: Laboratory Certification for laboratories analyzing drinking water
RULE CITATION #: 15A NCAC 20D .0233, .0234, .0236, .0241, .0242, .0243, .0247-.0252
STATUTORY AUTHORITY: G.S. 130A-315; 130-326
DIVISION/SECTION: LABORATORY SERVICES
DIVISION CONTACT: Debbie Moncol
DIVISION CONTACT TEL#: (919)733-7308
DATE INITIATED: 8/2/95
DURATION OF RULE: Permanent 1/1/96
TYPE OF RULE: AMENDMENTS(12)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

A majority of the proposed Rule changes (15A NCAC 20D .0233, .0243(2)(C), .0243 (2)(D), ~~.0249-.0252~~ are to comply with new federal regulations. The proposed change to Rule .0236 would modify the certification criteria for out-of-state laboratories to allow the Division the ability to certify out-of-state laboratories in states that do not have drinking water certification programs in force. Other proposed Rule changes (15A 20D .0234, .0243(c)(1)(A), .0247) are to modify the criteria to better define some specific quality control requirements in the laboratories. The remaining proposed Rule changes (15A 20D .0241, .0242, .0248) are to simply update adopted references in the Rule so that they are current with the Code of Federal Regulations (Safe Drinking Water Act) and the EPA certification criteria.

SCOPE/NATURE/SUMMARY :

The Rules provide the certification criteria for laboratories analyzing drinking water from public water supplies to comply with the North Carolina Drinking Water Act. The certification criteria are established by the federal regulations under the Safe Drinking Water Act in 40 CFR parts 141-143.

APA #: H5979

SUBJECT: Asbestos Hazard Management Program
RULE CITATION #: 15A NCAC 19C .0602-.0609
STATUTORY AUTHORITY:
DIVISION/SECTION: EPIDEMIOLOGY/ENVIRONMENTAL EPIDEMIOLOGY
DIVISION CONTACT: Lucia Merritt
DIVISION CONTACT TEL#: (919)733-0820
DATE INITIATED: 8/8/95
DURATION OF RULE: Permanent 7/1/96
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The major revisions are needed under 15A NCAC 19C .0602, Accreditation, allowing persons whose removal activities are limited to asbestos-containing roofing products to become accredited in a subcategory. These subcategories will be Roofing Worker and Roofing Supervisor. The training course length for accreditation as a Roofing worker would be one day and the Roofing Supervisor would be three days. Under the current rules the training course length for a general asbestos Worker is four days and for a Supervisor it is five days. These changes would also bring the AHMP Rules in line with the recent changes in the Occupational Safety and Health Act Regulations.

All other revisions are primarily for clarification purposes only.

SCOPE/NATURE/SUMMARY :

- .0601 The addition of definitions for clarifications purposes.
- .0602 The addition of subcategories for persons whose removal activities are limited to asbestos-containing roofing products. These subcategories would be for Roofing Worker and Roofing Supervisor.
- .0603 Add language on the approval of initial and refresher asbestos roofing training courses. Clarifications on the time frame for contingent training course approval and the cancellation of training courses.
- .0605 Addition of the requirement that waste shipment records be submitted to the Branch for review currently required to be completed only.
- .0607 Clarifications to exempt clearance air sampling for certain demolition projects and eliminate the requirement for dual participation in multiple laboratory proficiency programs.
- .0608 Adds instructor qualifications for person teaching asbestos roofing training courses.
- .0611 This new Rule will establish the training course requirements for persons seeking accreditation as Roofing Worker and Roofing Supervisor.

APA #: H5980

SUBJECT: Sanitation of Restaurants and Toilet Facilities
 RULE CITATION #: 15A NCAC 18A .2601, .2618, .2624, .2632, .2635 & .2636
 STATUTORY AUTHORITY: G.S. 130A-248
 DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
 DIVISION CONTACT: Malcolm Blalock
 DIVISION CONTACT TEL#: (919)715-0929
 DATE INITIATED: 8/9/95
 DURATION OF RULE: Permanent
 TYPE OF RULE: AMENDMENTS(6) Repeals(1)
 STAGE OF DEVELOPMENT: Draft Rule Stage
 GOV LEVELS AFFECTED: None
 REASON FOR ACTION :

The agency, several local health departments and representatives of industry have indicated that there is a need for various changes in Restaurant Rules in order to eliminate confusion and differences in interpretation of the rules.

SCOPE/NATURE/SUMMARY :

.2601 (24) and (25) are proposed for revision in order to delete the "temporary restaurant" category and instead create a "temporary food establishment" category.

.2618 (d) and (h) are proposed for revision in response to Industry and Counties that have requested clarification on what is considered approved methods for air drying of utensils. The FDA has recognized and approved alternative methods for the air drying of utensils with equipment such as shelves and racks. Many counties in North Carolina have approved the use of alternative methods for air drying that the FDA uses. These changes are to conform to current industry procedures that are currently used in many states throughout the country. These procedures have shown to be effective for air drying utensils and pose no health or safety issues.

.2624 (a) is proposed for revision to require only one toilet room to serve patrons and employees of both sexes in restaurants. A recent question by a local health department had caused the state office to review this rule and conclude that there was no public health reason for requiring separate toilet rooms for each sex.

.2632 (a) is proposed for revision in order to conform to industry standards concerning design and construction of equipment to be used in storage. Due to the design specification of a large percentage of equipment used for storage, this equipment is not able to comply with the storage height requirement of 15". The state office has reviewed this rule and concludes that lowering the height to 12", if stationary, or 6", if portable, will not be a health or safety issue.

.2635 Rule title, opening statement, (1) and (9) are proposed for revision in order to delete the "temporary restaurant" category and instead create a "temporary food establishment" category.

.2636 The entire rule is proposed for change in order to delete the "temporary restaurant" category and instead create a "temporary food establishment" category.

APA #: H5981

SUBJECT: Update of "Rules Governing the Sanitation of Lodging Places"

RULE CITATION #: 15A NCAC 18A .1801-.1808, .1810-.1814, .1818

STATUTORY AUTHORITY: G.S. 130A-248

DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

DIVISION CONTACT: Malcolm Blalock

DIVISION CONTACT TEL#: (919)715-0929

DATE INITIATED: 8/9/95

DURATION OF RULE: Permanent

TYPE OF RULE: AMENDMENTS(14)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The lodging rules have not been comprehensively reviewed since 1976. In intervening years, industry practice and statutes have changes and health science has advanced. In addition, certain areas were in need of clarification due to confusion that was created by unclear wording. The proposed changes are intended to cause the lodging rules to be clearer and reflect current practice, law and science.

SCOPE/NATURE/SUMMARY :

.1801 Definitions (1) is proposed to be changed to reflect the change in Department and to clarify that local environmental health specialists, acting as agents of the Department, are also included in the term. (2) was amended in accordance with the APA.(3) was rewritten for clarity.(4) was amended to reflect new changes in GS 130A-250.(5) and (6) were added to define new terms being used in the rules.

.1802 Permits (a) and (c) "Place" has been changed to "establishment" to reflect statutory changes in terminology. (b) and (e) this revision will clarify that an evaluation is conducted rather than an inspection prior to the issuance of a permit. The change will help make the practice uniform across the state. (c) references to leases have also been added to reflect statutory changes.

.1803 Public Display of Grade Card "Place" has been changed to "establishment" and "leasee" has been added to reflect statutory changes. The words "readily visible" were added for emphasis and to improve consistency with the statute.

.1804 Inspections (a) clarifies that inspections as well as reinspections may be requested. (b) changes the rule to require the opening visit by the health department to be a formal inspection, rather than just a permit issuance. (c) was rewritten to be clearer.

.1805 Inspection Forms The wording changes were made to conform to the statutes. (6) has been added to require the status code (a code presently in use indicating permit and operational status).

.1806 Grading The wording was changed to conform to the statutes.

.1807 Approved Lodging Establishments The wording was changed to conform to the statutes.

.1808 Lobby, Halls and Stairs (a) the changes quantifies lighting requirements. (b) has been clarified to include ceiling fans, air conditioners and other ventilation equipment. (c) has been expanded to include construction factors of cleanable and durable for the finishes of these areas.

.1810 Water Supply (b) the new sentence clarifies that water samples will not be taken from establishments served by regulated public water supplies. Samples are already taken at greater frequency from these supplies. (c) the changes prohibit cross-connections with sewage systems, a more dangerous situation than a cross-connection with an unapproved water supply. Changes also delete any references to the North Carolina State Building Code as environmental health specialists are not authorized as building inspectors. (d) was changed to clarify that there must be enough water to carry on the intended operations. (e) has been added to establish an upper level temperature to prevent scald accidents.

.1811 Drinking Water Facilities (a) deletes the references to ice cooling of water and common drinking cups at water fountains as these are no longer practices within the industry. (b) was rewritten to include beverage service items already within the room, not just room service items. The term for a room ice container is changed from

older "tub", to the more modern term of "ice bucket". The changes expand the drinking glass protective devices used in rooms to include paper caps. The final sentence allows the use of disposable plastic liners in ice buckets in place of sanitation. (c) the wording change to clarified what a "safe" water supply is. Changes also delete a reference to block ice, an item no longer found in lodging establishments. It expands the rules to cover the maintenance condition of areas around ice machines for guests. Lastly, it would require that all ice machines for guest use installed in the future be dispensing units, avoiding the possibility of guests using their own ice dispensing tools or contacting ice left to be used by someone else. (d) requirements for ice storage bins were expanded to include the cleanliness and condition of these bins to ensure that ice remains uncontaminated by things such as molds and rust. (e) expands the rules to require sanitation of tableware provided by the lodging establishments to guests in hotel efficiencies. In this manner, the opportunity for passage of disease organisms from one person to the next is reduced.

.1812 Guestrooms (a) the changes quantify the amount of light required and clarify that windows qualifying as ventilation, must be operable and screened. (b) deletes discussions of privacy as these are not health issues. (c) is rewritten for clarity. The last sentence expands the rules to require clean bed linens, and item not previously required. (a) and (e) the term "bedrooms" is changed to "guestrooms" to clarify that these are the rooms rented to the public and not areas used staff or long-term boarders.

.1813 Storage (b) the changes are intended to clarify how items were to be arranged in the storage rooms. (d) requires a separate storage area for building and ground maintenance chemicals and supplies such as pesticides, herbicides and equipment commonly containing such chemicals. (e) requires that dirty items on housekeeping carts be maintained in such a manner that they do not contaminate clean items which are also found on these carts.

.1814 Disposal of Garbage and Trash: Premises (a) the change attempts to combine both ideas contained in the two sentences into one sentence. A requirement for maintaining clean garbage containers to reduce insect and rodent attraction is introduced. The requirement to prevent the accumulation of unused items is moved to (b). (c) introduces requirements for garbage and mopping equipment storage and cleaning facilities. Delineates the equipment required in a cleaning facility and a practice that would be accepted in lieu of a dumpster cleaning facility.

.1818 Plan Review (a) deletes the reference to the food service rules as superfluous. Establishes requirements for submission of plans prior to construction or renovation of a lodging establishment. Sets out which agencies are to review which plans. (b) requires construction to be in accordance with the approved plans.

APA #: H6007

SUBJECT: North Carolina Hemophilia Assistance Plan
 RULE CITATION #: 15A NCAC 21F .1101, .1102, .1103, .1105
 STATUTORY AUTHORITY: G.S. 130A-124
 DIVISION/SECTION: MATERNAL-CHILD HEALTH
 DIVISION CONTACT: Jo O'Keefe
 DIVISION CONTACT TEL#: (919)715-3812
 DATE INITIATED: 8/31/95
 DURATION OF RULE: Permanent 1/1/96
 TYPE OF RULE: AMENDMENTS(4)
 STAGE OF DEVELOPMENT: Draft Rule Stage
 GOV LEVELS AFFECTED: None
 REASON FOR ACTION :

This rule is proposed for amendment to ensure that it pertains to all patients with hemophilia and congenital bleeding disorders and to expand the services covered.

SCOPE/NATURE/SUMMARY :

Currently the Hemophilia Assistance Program restricts coverage to patients on home therapy and limits the type of care available. Under the proposed rule change, the program will expand eligibility to include patients who are unable to use home therapy as well as broaden the scope of services for which these funds may be used.

While these changes potentially will increase the number of clients served and the types of services covered, new funds will not be requested. The purpose of the rule change is to ensure that existing funds are equitably distributed among all hemophilia patients and to give hemophilia treatment centers more authority to determine their patients'

service needs. It is anticipated that individual patients served by these funds will receive a smaller share of the funds available than patients have in the past.

APA #: H6025

SUBJECT: Lead Poisoning Prevention in Children
RULE CITATION #: 15A NCAC 18A .3101 - .3106
STATUTORY AUTHORITY: G.S. 130A-131.5
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES
DIVISION CONTACT: Malcolm Blalock
DIVISION CONTACT TEL#: (919)715-0929
DATE INITIATED: 9/21/95
DURATION OF RULE: Permanent 2/1/96
TYPE OF RULE: AMENDMENTS(6)
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

There is a need for various changes in the Childhood Lead Poisoning Prevention rules in order to eliminate confusion and differences in interpretation of the rules.

SCOPE/NATURE/SUMMARY :

.3101 Definitions Revisions are proposed to (1), (2), (4), (5), (6), (8) and (10) for purposes of clarification and to improve consistency with state law. (7),(11), (12) and (13) are proposed to provide greater clarification to (5) and (8). Revisions are also proposed to (5) in order to require expanded laboratory reporting and to clarify the different trigger mechanisms for identification, investigation, notification and abatement of lead poisoning hazards. Revisions are also proposed to (8) in order to add lead poisoning hazard standards for lead-contaminated dust.

.3102 Reports of Elevated Blood Lead Levels in Children Revisions are proposed to provide consistency with state law, to list the specific information that must be reported and to allow for electronic submission of blood lead data.

.3103 Examination and Testing Revisions are proposed in order to provide greater consistency with state law.

.3104 Investigation to Identify Lead Poisoning Hazards Revisions are proposed in order to provide greater consistency with state law.

.3105 Notification Revisions are proposed in order to provide greater consistency with state law.

.3106 Abatement Revisions are proposed in order to clarify requirements for owners and managing agents and to provide greater consistency with state law.

APA #: H6026

SUBJECT: Definitions, Grades of Certification, Revocation of Certificate, Continuing Education, Reciprocal Certificates, Operators in Responsible Charge
RULE CITATION #: 15A NCAC 18D .0105, .0201, .0307, .0308, .0405, .0701
STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL HEALTH/ONSITE WASTEWATER INSPECTIONS
DIVISION CONTACT: Lena Williams
DIVISION CONTACT TEL#: (919)733-0379
DATE INITIATED: 9/21/95
DURATION OF RULE: Permanent 9/1/96
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The board plans to establish continuing education requirements for operator certification renewal. Also, the board would like for a person holding an A-Surface certification to be eligible to take the C-Well examination without being required to have three months of well system experience. The board wants to require an examination before granting certification by reciprocity. In addition, the board wants to change the requirements for the operator in responsible charge to have better control examination without the required three months of well system experience

over the management of water treatment facilities.

SCOPE/NATURE/SUMMARY :

- * Some of the material in Section .0105 regarding the definition of an operator in responsible charge is being moved to Section .0701.
- * The eligibility requirements to take the C-Well examination are being changed to allow a person holding an A-Surface certification to take this since they already have considerable water treatment experience.
- * Section .0307(b) provides for revocation of certification for failure to meet the continuing education requirements, and Section .0308 establishes the initial continuing education requirements. It is important for continuing education requirements to be kept minimal until the Board has sufficient personnel to handle the additional workload that will result. Also, more staff required to perform duties created by new regulations will result in higher certification renewal fees for the operators and utilities to cover the additional resource expense.
- * Section .0405 will be changed to incorporate criteria established by the Board for the issuance of reciprocal certifications.
- * Section .0700 will be established as a new section. Material from the definition of the operator in responsible charge is being reformatted and moved to this section. In addition, the new items follow. The home of the ORC for non-community systems may be more than 50 miles from the system if approved by the Board. An ORC may not be responsible for more than 15 community well water systems. An ORC must have permission from the Board to be responsible for more than 10 non-community well water systems and shall not exceed 30 of these systems in any event.

APA #: H6045

SUBJECT: Public Water Supply

RULE CITATION #: 15A NCAC 18A .1720, .1722, .1723, .1725- .1727

STATUTORY AUTHORITY: G.S. 95-225; 130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248; 130A-257

DIVISION/SECTION: ENVIRONMENTAL HEALTH/PUBLIC WATER SUPPLY

DIVISION CONTACT: Malcolm Blalock

DIVISION CONTACT TEL#: (919)715-0929

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

APA #: H6046

SUBJECT: Frequency of Establishment

RULE CITATION #: 15A NCAC 25 .0213

STATUTORY AUTHORITY: G.S. 130A-9

DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

DIVISION CONTACT: Malcolm Blalock

DIVISION CONTACT TEL#: (919)715-0929

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify inspection frequencies for certain types of establishments inspected by local health departments. Also to make the requirements for inspections of public swimming pools and spas consistent with the requirements in the public swimming pools and spas.

SCOPE/NATURE/SUMMARY :

The proposed amendment clarifies the requirements of inspection of establishments made by local health departments. It also increases from one to two the number of inspections required annually for public swimming

pools and spas operating beyond the usual summer swimming period.

APA #: H6047

SUBJECT: Backflow Prevention/Cross Connection Control

RULE CITATION #: 15A NCAC 18C .0102, .0406, .0709

STATUTORY AUTHORITY:

DIVISION/SECTION: ENVIRONMENTAL HEALTH/PUBLIC WATER SUPPLY

DIVISION CONTACT: Richard J. Durham

DIVISION CONTACT TEL#: (919)715-3232

DATE INITIATED: 10/11/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: Local State

REASON FOR ACTION :

To consider possible amendments to 15A NCAC 18C pertaining to Backflow Prevention/Cross Connection Control.

SCOPE/NATURE/SUMMARY :

The North Carolina Department of Environment, Health and Natural Resources(DEHNR), Division of Environmental Health (DEH), Public Water Supply Section (PWSS) hereby gives notice of intent to review and possibly amend its "Rules Governing Public Water Systems" 15A NCAC 18C Sections .0102(c)(5), .0406(b), and .0709 pertaining to backflow prevention/cross connection control. Department representatives plan to gather and review available information, contact interested groups/organizations, conduct meetings and hold discussions on the need to amend current regulations.

APA #: H6052

SUBJECT: Transitional Permits

RULE CITATION #: 15A NCAC 18A .2702

STATUTORY AUTHORITY: G.S. 130A-228

DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

DIVISION CONTACT: Malcolm Blalock

DIVISION CONTACT TEL#: (919)715-0929

DATE INITIATED: 10/12/95

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This action is being taken to bring the rules into conformance with the new statutory requirements. In this legislative year, meat markets were moved to G.S. 130A-248, which requires a transitional permit. The statute in which meat markets were previously, did not require a transitional permit.

SCOPE/NATURE/SUMMARY :

The promulgation of this rule will allow meat markets to receive a transitional permit when a facility is leased or sold, just as restaurants do. This transitional permit, will, in turn, allow the new owner or leasee 90 days to bring the establishment into compliance with the rules, rather than having to do that immediately.

APA #: N1315

SUBJECT: COMPREHENSIVE OVERHAUL OF RULES WITHIN 15A CHAPTER 12 ,SUBCHAPTER A, B, C, AND J

RULE CITATION #: 15A NCAC 12 SUBCHAPTER A, B, C, J

STATUTORY AUTHORITY:

DIVISION/SECTION: PARKS AND RECREATION

DIVISION CONTACT: PHILIP McKNELLY

DIVISION CONTACT TEL#: (919)733-4181

DATE INITIATED:

DURATION OF RULE: Permanent

TYPE OF RULE: AMENDMENTS(1)

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

SUBCHAPTER 12A: ORGANIZATION AND DUTIES (IN IT'S ENTIRETY), SUBCHAPTER 12B: PARKS AND RECREATION AREAS (IN IT'S ENTIRETY), SUBCHAPTER 12C: STATE LAKES REGULATIONS (IN IT'S ENTIRETY), AND SUBCHAPTER 12J: LAND AND WATER CONSERVATION PROGRAM.

APA #: N1564

SUBJECT: Marine Fisheries Commission Rules

RULE CITATION #: 15A NCAC 3I .0001, .0005, .0018, NCAC 3J .0103-04, .0107, .0202, .0301, .0401-02, NCAC 3K .0104-05, .0201-02, NCAC 3L .0301-02, NCAC 3M .0202, .0204, .0301, .0401, .0501, .0503-04, .0506-08, .0510-11, NCAC 3R .0003-05, .0007

STATUTORY AUTHORITY: G.S. 113-133; 113-134; 113-201; 113-203; 113-221; 113-137; 113-152; 113-154; 113-182; 143B-289.4

DIVISION/SECTION: MARINE FISHERIES

DIVISION CONTACT: Juanita Gaskill

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 9/29/95

DURATION OF RULE: Permanent 3/1/96 Temporary 11/1/95

TYPE OF RULE: Adoptions(3) Amendments(30)

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Amendments:

15A NCAC 3I .0001 Definitions; to revise the definition for aquaculture operations to include activities dealing with eels and to include a definition for pound nets.

3I .0005 Leaving Devices Unattended; to clarify when devices are unattended, not in use, and therefore in violation.

3J .0103 Gill Nets, Seines, Identification Restriction; technical correction which deletes a portion of this rule and includes it in 15A NCAC 3J .0202.

3J .0104 Trawling; allows trawling in the channel and a described area adjacent to the channel at Hatteras.

3J .0107 Pound Nets; establishes a \$250 annual license for each pound net set; further defines inspection procedures to assure that sets are being used; and allows for requirement of culling panels year-round.

3J .0202 Atlantic Ocean; technical amendment to include restriction now in 15A NCAC 3J .0103; prohibits use of nets larger than 7" for a specified time period; and prohibits use of flynets south of Hatteras.

3J .0301 Crab, Eel, Fish and Shrimp Pots; further defines escape rings; restricts hours when pots can be fished; and allows pots to be set outside designated areas in Pamlico, Pungo, Bay and Neuse Rivers and adjacent waters during the months of October, May and the first two weeks of June.

3J .0401 Fishing Gear; extends proclamation authority to restrict fishing gear to resolve user conflicts for an additional year.

3K .0104 Permits for Planting Shellfish from Polluted Areas; amends dates for relaying polluted oysters to leases. This amendment will be required if 15A NCAC 3K .0201 and 3K .0202 is amended.

3K .0105 Non-Commercial Harvest of Crabs and Shellfish; amendment clarifies General Statute changes in licensure procedure and restrictions.

3K .0201 Open Season and Possession Limit; extends the allowed oyster season by six weeks, allows for reduction in size limit to 2 1/2 inch in order to harvest oysters which would die from disease.

3K .0202 Size Limit and Culling Tolerance; amendment required by amendment of 15 A NCAC 3K .0201.

3L .0301 Size Limit (Lobster); deletes proclamation authority and establishes restrictions for American (Northern) Lobster.

3L .0302 Activities Prohibited (Lobster); establishes restrictions for spiny lobster.

3M .0202 Season, Size and Harvest Limit: Internal Coastal Waters (Striped Bass); establishes size and creel limits for striped bass taken by hook-and-line in internal coastal waters.

3M .0204 Season, Size and Harvest Limit: Atlantic Ocean (Striped Bass); establishes size and creel limits for striped bass taken by hook-and-line in the Atlantic Ocean.

3M .0301 Spanish and King Mackerel; establishes size and creel limits for Spanish and king mackerel taken by hook-and-line.

3M .0401 Menhaden; adds the Atlantic Ocean beaches off Southern Shores (Dare County) to areas where menhaden

fishing is restricted.

3M .0501 Red Drum; establishes size and creel limits for red drum taken by hook-and-line.

3M .0503 Flounder; requires license to land flounder taken from the Atlantic Ocean; establishes size and creel limits for flounder taken by hook-and-line and by gig; establishes fishing gear specifications for trawls; sets the season for taking flounders by trawls with requirements for closure when quota is reached.

3M .0504 Trout; establishes size and creel limits for spotted seatrout and weakfish.

3M .0506 Snapper-Grouper Complex; establishes size and creel limits for fish in the Snapper-Grouper complex taken by hook-and-line.

3M .0507 Hook-and-line Fishing Restricted; establishes size and creel limits for several species of fish taken by hook-and-line.

3M .0510 Eels; establishes permitting procedures for taking of undersize eels for aquaculture operations.

3M .0511 Bluefish; establishes size and creel limits for bluefish taken by hook-and-line.

3R .0003 Primary Nursery Areas; technical corrections to described areas.

3R .0004 Permanent Secondary Nursery Areas; technical corrections to described areas.

3R .0005 Special Secondary Nursery Areas; technical corrections to described areas.

3R .0007 Designated Pot Areas; amends described areas to allow pots to be set outside designated areas in Pamlico, Pungo, Bay and Neuse Rivers and adjacent waters during the months of October, May and the first two weeks of June; increases designated pot areas in Bogue Sound.

ADOPTIONS:

3J .0018 Disposal of Evidence; to prohibit the practice of throwing illegal products over when an officer is approaching in order to not be cited.

3J .0402 Fishing Gear Restrictions; establishes restrictions for use of fishing gear where conflicts have been identified.

3M .0508 Compliance with Fishery Management Plans; establishes procedures for suspension of rules in order to comply with federal fishery management plans.

APA #: N1573

SUBJECT: Marine Fisheries Commission Rules

RULE CITATION #: 15A NCAC 3J .0403

STATUTORY AUTHORITY: G.S. 113-134; 113-182; 113-221; 143B-289.4

DIVISION/SECTION: MARINE FISHERIES

DIVISION CONTACT: Juanita Gaskill

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 10/18/95

DURATION OF RULE: Permanent 3/1/96 Temporary 10/16/95

TYPE OF RULE: Amendment

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Adoption of this rule will close a portion of the Neuse River to the taking of all marine and estuarine resources by any method. This closure is necessary because of the presence of *Pfiesteria piscimorte*, a toxic dinoflagellate which has caused fish kills and the unknown affects it has on humans.

TITLE 4 - DEPARTMENT OF COMMERCE

CHAPTER 6 - CREDIT UNION DIVISION

SUBCHAPTER 6C - CREDIT UNIONS

SECTION .0200 -ORGANIZATION OF CREDIT UNITS

SECTION .0400 - LOANS

Notice of Rule-making Proceeding is hereby given by the North Carolina Department of Commerce, Credit Union Division in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 4 NCAC 6C .0205, .0407, .0409

Statutory Authority for the rule-making: G.S. 54-109.12 and 54-109.21A(25)

Statement of the Subject Matter:

4 NCAC 6C .0205 - Restricted Activities of Directors, officials and employees, will be proposed as an amendment to clearly define loans to credit union officials, and provide regulations for board of directors review, avoidance of conflicts, and non-preferential treatment.

4 NCAC 6C .0407 - Business Loans, will be proposed with amendments to maintain consistency with Federal Regulation 12 CFR 701.21H, Member Business Loans, which apply to all federally insured credit unions.

4 NCAC 6C .0409 - Loan Limitations, will be proposed for adoption to clearly define loan limitations for any type of credit union loans, and specifically other sections of which additional limitations will apply.

Reason for Proposed Action: 4 NCAC 6C .0205 Restricted Activities of Directors: Officials: Employees have been interpreting and creating inconsistent policies and procedures among state chartered credit unions. The new action will make it easier to interpret and will allow consistency among credit union policies and procedures, and improve compliance. 4 NCAC 6C .0407 Business Loans, will be amended to be consistent with the Federal Regulation 701.21H, Member Business Loans, which is the regulation for all federally insured credit unions. 4 NCAC 6C .0409 Loan Limitations is proposed to make the limitation applicable to all types of loans made in credit unions. The existing rule is hidden in the member business loans regulation.

Comment Procedures: Written comments will be accepted through February 13, 1996. All comments are to be directed to: Mr. Antonio Knox, Credit Union Division, 1110 Navaho Drive, Suite 300, Raleigh, NC 27609. Telephone

(919) 850-2929.

TITLE 7 - DEPARTMENT OF CULTURAL RESOURCES

CHAPTER 5 - U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION

SECTION .0200 - USE REGULATIONS

Notice of Rule-making Proceeding is hereby given by the USS North Carolina Battleship Commission in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 7 NCAC 5 .0200

Statutory Authority for the rule-making: G.S. 143B-73

Statement of the Subject Matter: To amend the relevant North Carolina Administrative Code to delete all reference to the Sound and Light Show, to modify the closing times of the Memorial and to change the number of escorts to accompany groups of students.

Reason for Proposed Action: a. **SOUND AND LIGHT SHOW:** 1995 was the last year of production for the Sound and Light Show, having been retired because of age of the production, unreliability of the equipment and significant decline in patronage. b. **HOURS OF CLOSING:** During the year there are currently six different closing times which are confusing to visitors. The intent is to simplify it to two times, one for summer and one for the remainder of the year. c. **NUMBER OF STUDENT ESCORTS:** Intent is to make the escort to student ratio similar to that used at other local museums.

Comment Procedures: Options concerning this proposed action must be submitted by February 13, 1996 to the Director, USS North Carolina Battleship Memorial, P.O. Box 480, Wilmington, NC 28402-0480.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26B - MEDICAL ASSISTANCE PROVIDED

SECTION .0100 - GENERAL

Notice of Rule-making Proceeding is hereby given by the DHR/Division of Medical Assistance in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 10 NCAC 26B .0105

Statutory Authority for the rule-making: G.S. 108A-25(b); 108A-54; 42 CFR 440.120

Statement of the Subject Matter: *Changes on this proposed rule are: (1) to specify that all visual aids must have prior approval; and (2) that "metal" eyeglass frames will now be shown as a covered option.*

Reason for Proposed Action: *This is a cost containment measure for the Medicaid program. In addition to being a cost containment measure for the Medicaid program, this rule will provide additional selection of eyeglass frames and should encourage participation by providers and recipients alike in our visual aids programs.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by March 4, 1996, to Portia Rochelle, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice of Rule-making Proceeding is hereby given by the North Carolina Medical Care Commission in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Statutory Authority for the rule-making: G.S. 131E-162

Statement of the Subject Matter: *The North Carolina Medical Care Commission proposes to adopt new rules to codify the process of designation for Level I, Level II, and Level III Trauma Centers. This will include the definitions to be used, the criteria by which applications will be evaluated, and the designation process itself.*

Reason for Proposed Action: *G.S. 131E-162 authorizes the Medical Care Commission to establish rules for a comprehensive trauma system in North Carolina. The rules for designation of trauma centers is the first phase of that process. Currently, the designation process is not codified.*

Comment Procedures: *Persons who wish to make comment*

during the development of these Rules should contact: Ms. Sharon Rhyne, Hospital Consultant, NC Office of Emergency Medical Services, P.O. Box 29530, Raleigh, NC 27626-0530, Phone: (919) 733-2285, FAX: (919) 733-7021.

TITLE 11 - DEPARTMENT OF INSURANCE

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .0500 - ACCIDENT AND HEALTH: GENERAL NATURE

Notice of Rule-making Proceeding is hereby given by the NC Department of Insurance in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 11 NCAC 12 .0551

Statutory Authority for the rule-making: G.S. 58-2-40; 58-51-1; 58-51-95

Statement of the Subject Matter: *Establishes minimum benefit standards for issuers of cancer insurance. Cancer insurance is a form of health insurance providing reimbursement for treatment associated with the disease of cancer. Cancer insurance is a limited health insurance plan because diagnosis and medical treatment of the disease of cancer is the scope of covered expenses.*

Reason for Proposed Action: *The current rule includes a two-year waiting period for health conditions previously diagnosed or treated. Pursuant to legislation recently enacted by the General Assembly (HB 230) to reduce the maximum pre-existing waiting period to one year, the rule must be amended to reflect this change. The amended rule sets forth the standard that first diagnosed cancer benefits shall be offered in conjunction with core benefits. When first diagnosed cancer is sold in the form of a single benefit, the policy generally terminates upon payment. The amendment will make first diagnosed benefits an enhancement to core benefits.*

Comment Procedures: *Written comments and questions should be directed to Teresa Shackelford, 430 N. Salisbury Street, Raleigh, NC 27611 (919) 733-5060.*

CHAPTER 16 - ACTUARIAL SERVICES DIVISION

Notice of Rule-making Proceeding is hereby given by the N.C. Department of Insurance in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 11 NCAC 16 .0703

Statutory Authority for the rule-making: G.S. 58-2-40; 58-67-135(b); 58-67-150

Statement of the Subject Matter: *Triennial, rather than annual, claim reserve data filings from HMOs who have been in operation for more than three calendar years.*

Reason for Proposed Action: *Review of HMO claim reserve data to date has shown that these entities are adequately reserved and know how to calculate claim reserves. For these entities the need for annual monitoring can be achieved via the annual statement rather than an annual data filing. An annual claim reserve data filing will still be required for HMOs that demonstrate the inability to set adequate claim reserves and for those HMOs that satisfy certain negative financial conditions that are recited within the code. The time and cost associated with preparing an annual claim reserve data filing will be saved by those HMOs who have been in operation for more than three calendar years.*

Comment Procedures: *Written comments and questions should be directed to Walter James, 430 N. Salisbury Street, Raleigh, NC 27611, (919) 733-3284.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

**SUBCHAPTER 2B - SURFACE WATER
STANDARDS: MONITORING**

**SECTION .0200 - CLASSIFICATIONS AND
WATER QUALITY STANDARDS APPLICABLE
TO SURFACE WATERS OF NORTH CAROLINA**

**SECTION .0300 - ASSIGNMENT OF STREAM
CLASSIFICATIONS**

Notice of Rule-making Proceeding is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceeding and any comments received on this notice.

Rule Citation: 15A NCAC 2B .0224, .0227, .0303

Statutory Authority for the rule-making: G.S. 143-214.1(d)

Statement of the Subject Matter: *The N.C. Department of Environment, Health and Natural Resources on behalf of the Environmental Management Commission (EMC) is seeking public comment on two management option proposals for the Thorpe Reservoir watershed. Option number one proposes to reclassify Thorpe Reservoir and Hurricane Creek as HQW (High Quality Waters). The HQW management requirements (15A NCAC 2B .0224) associated with wastewater discharges would apply to the entire watershed, but the sediment/erosion control requirements implemented by the Division of Land Resources for HQW would only apply to one mile and draining to the HQW designated waters (Thorpe Reservoir and Hurricane Creek). Option number two would not apply the HQW supplemental classification to Thorpe Reservoir and its tributaries, nor would it apply the sediment/erosion control requirements associated with HQW. Wastewater discharge requirements in Option number two would be identical to those in option number one. For both options, stormwater management requirements would be implemented by the local government through their existing drinking water supply watershed protection program.*

Reason for Proposed Action: *To apply appropriate water quality management strategy to Thorpe Reservoir watershed in Jackson County (Little Tennessee River Basin).*

Comment Procedures: *Public comment is being sought with this pre-notice on the proposal. Following this comment period the Department intends to notice a public hearing to be conducted on this proposal. The purpose of this announcement is to encourage those interested in this proposal to provide comments. Written comments, data or other relevant information relevant to this proposal must be submitted by February 13, 1996 to: Steve Zoufaly, DEHNR/Division of Environmental Management, P.O. Box 29535, Raleigh, NC 27626-0535, (919) 733-5083, extension 566.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 32 - BOARD OF MEDICAL EXAMINERS

**SUBCHAPTER 32H - EMERGENCY MEDICAL
SERVICES ADVANCED LIFE SUPPORT**

Notice of Rule-making Proceeding is hereby given by the North Carolina Medical Board in accordance with G.S. 150B-21.2(b). 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 proceeding and any

comments received on this notice.

Rule Citation: 21 NCAC 32H

Statutory Authority for the rule-making: G.S. 143-514

Statement of the Subject Matter: *The North Carolina Medical Board proposes to amend appropriate sections of the Rules for Advanced Life Support (ALS) Programs (21 NCAC 32H) to add several medications to the approved list for use by ALS Professionals. The rules will also be amended to allow Physician Assistants (PA) and Nurse Practitioners (NP) to function in the same medical direction role as Mobile Intensive Care Nurses (MICN).*

Reason for Proposed Action: *Medications will be added to the list of available medications for use by ALS Professionals to bring the list up to current medical practice. PA's and NP's will be allowed to give on-line medical direction to ALS Professionals in the out-of-hospital setting to allow sponsor hospitals to more effectively handle the volume of calls.*

Comment Procedures: *Persons who wish to make comment during the development of these rules should contact: Mr. Ed Browning, Assistant Chief - Education, NC Office of Emergency Medical Services, PO Box 29530, Raleigh, North Carolina 27626-0530, Tele: (919) 733-2285, FAX: (919) 733-7021.*

Reason for Proposed Action: *The Board as certifying authority for Substance Abuse Professionals needs rules to inform the public concerning its purpose, organization, powers and duties. Furthermore it needs to make public its rules regarding all aspects of the certification process, standards of practice and discipline.*

Comment Procedures: *Comments regarding this notice must be received by 5:00 p.m. on February 13, 1996. Written comments will be mailed to: Mr. Jim Scarborough, North Carolina Substance Abuse Professionals, Certification Board, P.O. Box 10126, Raleigh, NC 27605.*

NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

Notice of Rule-making Proceeding is hereby given by the North Carolina Substance Abuse Professionals Certification Board in accordance with G.S. 150B-21.2(b). 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 proceeding and any comments received on this notice.

Rule Citation: 21 NCAC 68

Statutory Authority for the rule-making: G.S. 90, Article 5C

Statement of the Subject Matter: *The rules that will be submitted will include a definitions section while covering the areas of Board purpose, composition, powers and duties; the certification process which will include standards, fees, examinations, general requirements and exemptions; rules governing practice, procedures, and grounds for discipline, including the penalties imposed upon those engaged in illegal practice; and rules further refining the Board's ethical guidelines.*

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 for a permanent rule that does not differ substantially from the published temporary rule.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: *Social Services Commission*

Rule Citation: *10 NCAC 49C .0107*

Effective Date: *December 1, 1995*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 108A-39.1; 143B-153; 45 CFR 233.120*

Reason for Proposed Action: *The proposed rule in Subchapter 49C is needed in order to provide necessary flexibility to adjust reimbursements for covered EA services to achieve the necessary reduction of expenditures to stay within anticipated federal funding while protecting covered services to the maximum extent possible. This requires adoption of 10 NCAC 49C .0107.*

Comment Procedures: *Anyone wishing to comment on this Rule contact: Sharnese Ransome, Special Assistant to the Director, Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, (919) 733-3055.*

CHAPTER 49 - AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

SUBCHAPTER 49C - EMERGENCY ASSISTANCE

SECTION .0100 - COVERAGE

.0107 LIMITATIONS

(a) Reimbursements for covered emergencies may be limited in the event that the Director of the Budget finds that Federal and state funds are insufficient to continue current service levels.

(b) In applying such limitations, priority for reimbursements shall be set by the Secretary of the Department of Human Resources together with the Social Services Commission.

*History Note: Authority G.S. 108A-39.1; 143B-153; 45 C.F.R. 233.120;
Temporary Adoption Eff. December 1, 1995.*

This Section contains a listing of the rules to be reviewed by the Rules Review Commission (RRC) at the next meeting date as noted, and rules that RRC has objected to in accordance with G.S. 150B-21.9(a). State agencies are required to respond to RRC objections as provided in G.S. 150B-21.12(a).

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Marvea D. Francis
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Vernice B. Howard
 Jennie J. Hayman - Chairman
 Brent E. Wood
 Laurence Colbert

LOG OF FILINGS
MEETING DATE: DECEMBER 21, 1995

RULES SUBMITTED: OCTOBER 20, 1995 THROUGH NOVEMBER 20, 1995

AGENCY/DIVISION	RULE NAME	ACTION	RULE CITATION
DHR/MENTAL HEALTH			
	Effect of This Section	Amend	10 NCAC 14C .1001
	Memorandum of Agreement	Amend	10 NCAC 14C .1002
	Budget Form	Repeal	10 NCAC 14C .1003
	Reports Required	Amend	10 NCAC 14C .1004
	Annual Audit Report	Amend	10 NCAC 14C .1005
	Budget Revisions	Amend	10 NCAC 14C .1006
	Invoices	Repeal	10 NCAC 14C .1008
	Contract Requirements	Amend	10 NCAC 14C .1010
	Fund Reporting	Amend	10 NCAC 14C .1011
	Denial, Delay	Amend	10 NCAC 14C .1012
	Recovery of Division Funds	Amend	10 NCAC 14C .1013
	Expenditure of Division Funds	Amend	10 NCAC 14C .1014
	Fund Balance	Amend	10 NCAC 14C .1015
	Disposition	Adopt	10 NCAC 14C .1016
	Start Up Funding	Adopt	10 NCAC 14C .1017
	Area Authority	Adopt	10 NCAC 14C .1018
	Method of Payment	Amend	10 NCAC 14C .1101
	Request for Funds	Amend	10 NCAC 14C .1102
	Area Matching Funds	Repeal	10 NCAC 14C .1103
	Funding Group Homes	Repeal	10 NCAC 14C .1104
	Funding Early Intervention	Repeal	10 NCAC 14C .1105
	Community Substance Abuse Funds	Repeal	10 NCAC 14C .1107
	South Central Regional Alcoholism	Repeal	10 NCAC 14C .1110
	Fund Reporting	Repeal	10 NCAC 14C .1111
	Early Intervention	Amend	10 NCAC 14C .1114
	Funding Group Homes	Repeal	10 NCAC 14C .1115
	Funds for Mental Retardation	Repeal	10 NCAC 14C .1116
	Grant-in-Aid	Repeal	10 NCAC 14C .1117
	Specialized Community Res. Care	Repeal	10 NCAC 14C .1118
	Mental Retardation Community	Repeal	10 NCAC 14C .1119
	Community Demonstration Project Funds	Repeal	10 NCAC 14C .1120
	Social Service Block Grant Funds	Repeal	10 NCAC 14C .1121
	Division Funds	Amend	10 NCAC 14C .1123

Fund Balance	Repeal	10 NCAC 14C .1125
Funding Group Homes	Repeal	10 NCAC 14C .1126
Group Homes	Repeal	10 NCAC 14C .1127
Apartment Living	Repeal	10 NCAC 14C .1128
Substitute Family Care	Repeal	10 NCAC 14C .1129
Respite Care	Repeal	10 NCAC 14C .1130
Funds for Community Alcohol	Repeal	10 NCAC 14C .1131
Funding Alcohol Schools	Amend	10 NCAC 14C .1133
Funds for Multidisciplinary	Amend	10 NCAC 14C .1134
Funds for Forensic Screening	Amend	10 NCAC 14C .1135
Funds for Assaultive Children	Amend	10 NCAC 14C .1136
Funding Drug Education Schools	Amend	10 NCAC 14C .1137
Community Support Services	Repeal	10 NCAC 14C .1138
Funds for Treatment	Repeal	10 NCAC 14C .1139
Community Mental Health Services	Amend	10 NCAC 14C .1140
Continuity of Care	Repeal	10 NCAC 14C .1141
Allocation of Outpatient Commitment	Repeal	10 NCAC 14C .1142
South Central Deinstitutional	Repeal	10 NCAC 14C .1143
Replacement of Block Grant	Repeal	10 NCAC 14C .1144
Developmental Day Care	Repeal	10 NCAC 14C .1145
Residential Facilities	Repeal	10 NCAC 14C .1146
Early Intervention	Repeal	10 NCAC 14C .1147
Thomas S. Community Services	Amend	10 NCAC 14C .1148
Path Homeless Grant	Adopt	10 NCAC 14C .1149
Governor's Substance Abuse	Adopt	10 NCAC 14C .1150
Carolina Alternatives	Adopt	10 NCAC 14C .1151
Clozapine	Adopt	10 NCAC 14C .1152
Communicable Disease	Adopt	10 NCAC 14C .1153
Treatment Alternatives for Women	Adopt	10 NCAC 14C .1154
Unit Cost Reimbursement	Adopt	10 NCAC 14C .1155
Substance Abuse Prevention	Adopt	10 NCAC 14C .1156
Non Unit Cost	Adopt	10 NCAC 14C .1157
Traumatic Brain Injury	Adopt	10 NCAC 14C .1158
Revolving Loan	Adopt	10 NCAC 14C .1159
Domiciliary Care	Adopt	10 NCAC 14C .1160
Use of Division Funds	Amend	10 NCAC 14D .0006
Persons Who May Sign Consent	Amend	10 NCAC 18D .0209
Scope	Amend	10 NCAC 18F .0115
Definitions	Amend	10 NCAC 18F .0116
Eligibility for Training	Amend	10 NCAC 18F .0117

DHR/COMMISSION FOR THE BLIND

Benefits	Amend	10 NCAC 19G .0501
Economic Needs Policies	Amend	10 NCAC 19G .0502
Order of Selection	Amend	10 NCAC 19G .0603
Implementation of Order	Adopt	10 NCAC 19G .0606
Determination of Order	Adopt	10 NCAC 19G .0607
Priority Categories	Adopt	10 NCAC 19G .0608
Procedures	Adopt	10 NCAC 19G .0609
Post Employment Services	Adopt	10 NCAC 19G .0610
Case Finding	Adopt	10 NCAC 19G .0611
Third-Party Funding	Adopt	10 NCAC 19G .0612
Request for Adm. Review	Amend	10 NCAC 19G .0803
Appointment of Hearing Officer	Amend	10 NCAC 19G .0806
Disqualification of Hearing Officer	Amend	10 NCAC 19G .0817
Division Director's Review	Amend	10 NCAC 19G .0823

DHR/DIVISION OF MEDICAL ASSISTANCE

Exceptions to DRG Reimbursement	Amend	10 NCAC 26H .0212
Disproportionate Share Hospitals	Amend	10 NCAC 26H .0213
Income	Amend	10 NCAC 50B .0313

DEPARTMENT OF LABOR

Introduction	Adopt	13 NCAC 18 .0101
Definitions	Adopt	13 NCAC 18 .0102
Licensing Procedures	Adopt	13 NCAC 18 .0103
Surety Bonds	Adopt	13 NCAC 18 .0104
Contracts	Adopt	13 NCAC 18 .0105
Records	Adopt	13 NCAC 18 .0106
Advertising	Adopt	13 NCAC 18 .0107
Prohibited Acts	Adopt	13 NCAC 18 .0108
Review of Job Listing	Adopt	13 NCAC 18 .0109
Penalty	Adopt	13 NCAC 18 .0110

DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION

Fresh Surface Water Quality	Amend	15A NCAC 2B .0214
Fresh Surface Water Quality	Amend	15A NCAC 2B .0215
Outstanding Resource Waters	Amend	15A NCAC 2B .0225
Water Quality Mgmt. Plans	Amend	15A NCAC 2B .0227
Effluent Channels	Amend	15A NCAC 2B .0228

DEHNR/COASTAL RESOURCES COMMISSION

Purpose	Amend	15A NCAC 7B .0101
Contents of Land Use Plan	Amend	15A NCAC 7B .0201
Executive Summary	Adopt	15A NCAC 7B .0202
Introduction	Adopt	15A NCAC 7B .0203
Goals and Objectives	Adopt	15A NCAC 7B .0204
Relationship of Policies	Repeal	15A NCAC 7B .0205
Data Collection	Amend	15A NCAC 7B .0206
Present Conditions	Adopt	15A NCAC 7B .0207
Contents of Land Use Plan	Repeal	15A NCAC 7B .0208
Contents of Executive Summary	Repeal	15A NCAC 7B .0209
Constraints	Adopt	15A NCAC 7B .0210
Estimated Demands	Adopt	15A NCAC 7B .0211
Policy Statements	Amend	15A NCAC 7B .0212
Land Classification	Amend	15A NCAC 7B .0213
Intergovernmental Coordination	Amend	15A NCAC 7B .0214
Public Participation	Amend	15A NCAC 7B .0215
Plan Review	Amend	15A NCAC 7B .0216
Land Use Plan Amendment	Amend	15A NCAC 7B .0401
Public Hearing Required	Amend	15A NCAC 7B .0402
Notice	Amend	15A NCAC 7B .0403
Waiver of Formal Review	Amend	15A NCAC 7B .0404
Consistency and Adoption	Amend	15A NCAC 7B .0405
Standards for Waiver	Amend	15A NCAC 7B .0406
Update Required	Amend	15A NCAC 7B .0501
Purpose of Update	Amend	15A NCAC 7B .0502
Data Collection	Amend	15A NCAC 7B .0503
Amendment to Maps	Amend	15A NCAC 7B .0504
Format of Plan Update	Amend	15A NCAC 7B .0505
Review and Approval	Adopt	15A NCAC 7B .0506
Official Copy of Plan	Amend	15A NCAC 7B .0507

DEHNR/WILDLIFE RESOURCES COMMISSION

License Required	Repeal	15A NCAC 10H .0701
Type of Facility	Repeal	15A NCAC 10H .0703
Display of License	Repeal	15A NCAC 10H .0704
Acquisition of Fish	Repeal	15A NCAC 10H .0705
Inspection of Facilities	Repeal	15A NCAC 10H .0706
Sale of Fish	Repeal	15A NCAC 10H .0707
Records	Repeal	15A NCAC 10H .0708

DEHNR/COMMISSION FOR HEALTH SERVICES

Identification	Amend	15A NCAC 13A .0006
Standards	Adopt	15A NCAC 13A .0019
General	Amend	15A NCAC 16A .1001
Covered Medications	Adopt	15A NCAC 16A .1002
Medical Eligibility	Adopt	15A NCAC 16A .1003
Financial Eligibility	Adopt	15A NCAC 16A .1004
Application Process	Adopt	15A NCAC 16A .1005
Definitions	Amend	15A NCAC 18A .1801
Permits	Amend	15A NCAC 18A .1802
Public Display	Amend	15A NCAC 18A .1803
Inspections	Amend	15A NCAC 18A .1804
Inspection Forms	Amend	15A NCAC 18A .1805
Grading	Amend	15A NCAC 18A .1806
Approved Lodging	Amend	15A NCAC 18A .1807
Lobby: Halls	Amend	15A NCAC 18A .1808
Lavatories and Baths	Amend	15A NCAC 18A .1809
Water Supply	Amend	15A NCAC 18A .1810
Drinking Water Facilities	Amend	15A NCAC 18A .1811
Guest Rooms	Amend	15A NCAC 18A .1812
Storage and Laundry Facilities	Amend	15A NCAC 18A .1813
Disposal of Garbage	Amend	15A NCAC 18A .1814
Plan Review	Amend	15A NCAC 18A .1818
Definitions	Amend	15A NCAC 18A .2601
Permits	Amend	15A NCAC 18A .2602
Cleaning of Equipment	Amend	15A NCAC 18A .2618
Toilet Facilities	Amend	15A NCAC 18A .2624
Storage Spaces	Amend	15A NCAC 18A .2632
Requirements for Temp. Food	Amend	15A NCAC 18A .2635
Requirements for Temp. Restaurants	Repeal	15A NCAC 18A .2636
Certification	Amend	15A NCAC 20D .0233
Criteria and Procedures	Amend	15A NCAC 20D .0234
Certification	Amend	15A NCAC 20D .0236
Chemistry Methodology	Amend	15A NCAC 20D .0241
Chemistry Sample Collection	Amend	15A NCAC 20D .0242
Chemistry Quality Assurance	Amend	15A NCAC 20D .0243
Microbiological Equipment	Amend	15A NCAC 20D .0247
Microbiology General Lab	Amend	15A NCAC 20D .0248
Microbiology Methodology	Amend	15A NCAC 20D .0249
Microbiology Sample Collection	Amend	15A NCAC 20D .0250
Microbiology Quality Assurance	Amend	15A NCAC 20D .0251
Microbiology Data	Amend	15A NCAC 20D .0252
General	Amend	15A NCAC 21F .1101
Allocation of Funds	Amend	15A NCAC 21F .1102
Eligibility	Amend	15A NCAC 21F .1103
Services	Amend	15A NCAC 21F .1105
Definitions	Amend	15A NCAC 24A .0102
Determination	Amend	15A NCAC 24A .0202
Annual Net Family Income	Amend	15A NCAC 24A .0203

Income Documentation	Amend	15A NCAC 24A .0301
DEPARTMENT OF TRANSPORTATION		
General Regulations	Amend	19A NCAC 2D .0415
NC STATE BOARD OF COSMETIC ART EXAMINERS		
Approval of Credit	Amend	21 NCAC 14J .0502
Applicants Licensed as Teachers	Repeal	21 NCAC 14L .0301
Requirements	Repeal	21 NCAC 14L .0302
Use of an Interpreter	Repeal	21 NCAC 14N .0106
Special Arrangements	Amend	21 NCAC 14N .0107
Failure to Appear	Amend	21 NCAC 14N .0108
Review of Exam	Amend	21 NCAC 14N .0112
NC BOARD OF DIETETICS/NUTRITION		
Suspension	Amend	21 NCAC 17 .0112
Violations	Amend	21 NCAC 17 .0116
Definitions	Amend	21 NCAC 17 .0201
NC MEDICAL BOARD		
Emergency Medical Services	Adopt	21 NCAC 32H .0506
Scope of Practice	Amend	21 NCAC 32M .0002
Nurse Practitioner Approval	Amend	21 NCAC 32M .0003
Requirements	Amend	21 NCAC 32M .0004
Inactive Status	Amend	21 NCAC 32M .0007
Prescribing Authority	Amend	21 NCAC 32M .0008
Physician Supervision	Amend	21 NCAC 32M .0009
Method of Identification	Amend	21 NCAC 32M .0010
Disciplinary Action	Amend	21 NCAC 32M .0011
Fees	Amend	21 NCAC 32M .0012
NC BOARD OF MORTUARY SCIENCE		
Establishment of Courses	Amend	21 NCAC 34B .0401
Preneed Sales License	Amend	21 NCAC 34D .0202
Record and Bookkeeping Req.	Amend	21 NCAC 34D .0301
NC BOARD OF NURSING		
Selection and Qualifications	Amend	21 NCAC 36 .0109
Inactive Status	Amend	21 NCAC 36 .0202
Reinstatement of Lapsed License	Amend	21 NCAC 36 .0203
Duplicate Certificate	Amend	21 NCAC 36 .0209
Licensure by Exam	Amend	21 NCAC 36 .0211
Census of Nursing Personnel	Amend	21 NCAC 36 .0216
Revocation	Amend	21 NCAC 36 .0217
Licensure Without Exam	Amend	21 NCAC 36 .0218
Temporary License	Amend	21 NCAC 36 .0219
License Required	Amend	21 NCAC 36 .0221
Components of Nursing Practice	Amend	21 NCAC 36 .0225
Approval and Practice Parameters	Adopt	21 NCAC 36 .0227
Faculty	Amend	21 NCAC 36 .0318
Students	Amend	21 NCAC 36 .0320
Facilities	Amend	21 NCAC 36 .0322
NC PSYCHOLOGY BOARD		
Information Required	Amend	21 NCAC 54 .1701
Senior Psychologist	Adopt	21 NCAC 54 .1707
HSP-P Requirements	Amend	21 NCAC 54 .2704

HSP-PP Requirements	Amend	21 NCAC 54 .2705
HSP-PA Requirements	Amend	21 NCAC 54 .2706

NC STATE BOARD OF COMMUNITY COLLEGES

Local College Personnel Policies	Amend	23 NCAC 2C .0210
Admission to Colleges	Amend	23 NCAC 2C .0301
Instructions	Amend	23 NCAC 2E .0403

RULES REVIEW OBJECTIONS

AGRICULTURE

Structural Pest Control Division

2 NCAC 34 .0904 - <i>Prohibited Acts</i>	RRC Objection	10/18/95
Agency Revised Rule	Obj. Removed	10/18/95

HUMAN RESOURCES

Facility Services

10 NCAC 3C .3001 - <i>Definitions</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3108 - <i>Suspension of Admissions</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3205 - <i>Discharge of Minor or Incompetent</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3302 - <i>Minimum Provisions of Patient's Bill of Rights</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3502 - <i>Bylaws</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3602 - <i>Responsibilities</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3603 - <i>Personnel Policies and Practices</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3607 - <i>Personnel Health Requirements</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3608 - <i>Insurance</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3704 - <i>Status</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3902 - <i>Manager</i>	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95

<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .3904 - Patient Access	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4003 - Policies and Procedures	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4102 - Classification of Optional Emergency Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4104 - Medical Director	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4203 - Nursing Staff	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4303 - Nursing Services Maternal Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4307 - Nursing Staff of Neonatal Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4401 - Organization	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4502 - Pharmacist	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4508 - Space		
<i>RRC Rescinded its July Approval</i>		10/18/95
<i>Rule Withdrawn by Agency</i>		10/18/95
10 NCAC 3C .4512 - Medications Dispensed	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4702 - Organization	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4703 - Sanitation and Safety	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4704 - Distribution of Food	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4705 - Nutritional Support	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4801 - Organization	RRC Objection	07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4905 - Tissue Removal and Disposal	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5002 - Delivery of Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .5201 - Psychiatric/Substance Abuse Svcs.: Applicability of Rules	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5202 - Definitions Applicable/Psychiatric/Substance Abuse Svcs.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .5205 - Seclusion	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5302 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5309 - Nursing/Health Care Administration and Supervision	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5315 - Dental Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5318 - Activities and Recreation	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5319 - Social Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5322 - Brain Injury Extended Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5323 - Brain Injury Extended Care Program Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5324 - Special Nursing Req. Brain Injury Long Term Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5325 - Ventilator Dependence	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5326 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5403 - HIV Designated Unit Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5405 - Physician Services in a HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5407 - Use of Investigational Drugs on the HIV Designated Unit	RRC Objection	07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5501 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5502 - Physician Reg. for Inpatient Rehab. Facilities or Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5507 - Comprehensive Rehabilitation Personnel Administration	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5508 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5512 - Additional Req. for Traumatic Brain Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5513 - Additional Req. for Spinal Cord Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .6102 - List of Referenced Codes and Standards	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .6208 - Obstetrical Department Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2001 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2201 - Administrator	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2202 - Admissions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2203 - Patients Not to be Admitted	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2206 - Medical Director	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2209 - Infection Control	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2212 - Quality Assurance Committee	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2301 - Patient Assessment and Care Planning	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96

10 NCAC 3H .2302 - Nursing Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2308 - Domiciliary Home Personnel Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2401 - Maintenance of Medical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2501 - Availability of Physician's Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2505 - Brain Injury Long-Term Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2506 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2601 - Availability of Pharmaceutical Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2604 - Drug Procurement	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2605 - Drug Storage and Disposition	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2606 - Pharmaceutical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2607 - Emergency Drugs	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2701 - Provision of Nutrition and Dietetic Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2801 - Activity Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2802 - Social Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3002 - Quality of Specialized Rehabilitation Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95

<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3003 - Ventilator Dependence	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3004 - Brain Injury Long-Term Care	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Agency Revised Rule</i>	Obj. Cont'd 10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3005 - Special Nursing Req. for Brain Injury Long-Term Care	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Agency Revised Rule</i>	Obj. Cont'd 10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3011 - HIV Designated Unit Policies and Procedures	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3012 - Physician Services in an HIV Designated Unit	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3013 - Special Nursing Requirements for an HIV Designated Unit	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3015 - Use of Investigational Drugs for HIV Designated Units	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3016 - Additional Social Work Req. for HIV Designated Units	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3021- Physician Req. for Inpatient Rehab. Facilities or Units	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3027 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3031 - Additional Req. for Spinal Cord Injury Patients	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Rule Returned to Agency</i>	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3103 - Site	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Agency Revised Rule</i>	Obj. Removed 10/18/95
10 NCAC 3H .3201 - Required Spaces	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Agency Revised Rule</i>	Obj. Removed 10/18/95
10 NCAC 3H .3401 - Heating and Air Conditioning	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95
<i>Agency Revised Rule</i>	Obj. Removed 10/18/95
10 NCAC 3H .3404 - Other	RRC Objection 07/13/95
<i>No Response from Agency</i>	Obj. Cont'd 09/21/95

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
<i>RRC has Objected on 07/13/95 to the Following Repeals in 10 NCAC 3C and 10 NCAC 3H:</i>		
<i>10 NCAC 3C .0101 - .0102, .0104 - .0110, .0201 - .0203, .0301 - .0307, .0401 - .0407, .0501 - .0505, .0601 - .0604, .0701 - .0708, .0801 - .0805, .0807, .0901 - .0917, .1001 - .1006, .1101 - .1102, .1201 - .1204, .1301 - .1303, .1401 - .1405, .1501 - .1508, .1510, .1601 - .1606, .1701 - .1717, .1801 - .1805, .2101 - .2105.</i>		
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
	<i>Obj. Removed</i>	<i>10/18/95</i>
<i>10 NCAC 3C .1901 - .1912, .1915 - .1932, .2001 - .2008, .2020 - .2033</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rules Returned to Agency</i>		<i>10/18/95</i>
<i>10 NCAC 3H .0108 - .0109, .0206 - .0220, .0306 - .0318, .0407 - .0409, .0505 - .0507, .0510 - .0517, .0605 - .0609, .0705 - .0712, .0810 - .0812, .0903 - .0911, .1003 - .1008, .1105 - .1109, .1130 - .1136, .1150 - .1163, .1204 - .1208, .1210, .1306 - .1308, .1405 - .1406, .1408 - .1410, .1501 - .1503, .1612 - .1613, .1703 - .1704, .1804 - .1807.</i>		
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
	<i>Obj. Removed</i>	<i>10/18/95</i>
<i>10 NCAC 3L .0901 - Definitions</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1004 - Evaluation</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1102 - Nursing Services and Duties</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1103 - Physical Therapy Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1105 - Occupational Therapy Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1106 - Medical Social Work Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1108 - Infusion Nursing Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1109 - Clinical Respiratory Svcs, Including Pulmonary, or Ventilation Svcs</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1110 - Supvn/Competency/In-Home Aides/Other In-Home Care Providers</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1202 - Case Review and Plan of Care</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>10 NCAC 3L .1402 - Content of Record</i>	<i>RRC Objection</i>	<i>11/16/95</i>
Medical Assistance		
<i>10 NCAC 26I .0101 - Purpose and Scope</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>10 NCAC 26I .0102 - Requests for Formal and Informal Appeals</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>10 NCAC 26I .0103 - Time Limits on Requests for Recipient/Applicant Informal Appeals</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>10 NCAC 26I .0106 - Payment Pending Appeals</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>10 NCAC 26I .0107 - Dismissal of Appeal</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
JUSTICE		
N.C. Sheriffs' Education and Training Standards Commission		
<i>12 NCAC 10B .0102 - Purpose</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0503 - Time Req/Completion/Basic Law Enforcement Training Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0602 - Time Req/Completion//Jailer Cert Training Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0605 - Completion of Jailer Certification Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0704 - Responsibilities: School Directors</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
LICENSING BOARDS AND COMMISSIONS		

Acupuncture Licensing Board

21 NCAC 1 .0501 - <i>Qualifications for Establishing a School for Acupuncture in N.C.</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95

Board of Architecture

21 NCAC 2 .0302 - <i>Written Examination</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95

Board of Medical Examiners

21 NCAC 32M .0006 - <i>Prescribing Privileges</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
21 NCAC 32N .0002 - <i>Continuances</i>	RRC Objection	08/10/95
Agency Responded - Agency Will Not Revise Rule	Obj. Cont'd	09/21/95

Board of Nursing

21 NCAC 36 .0403 - <i>Qualifications</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
21 NCAC 36 .0404 - <i>Registration</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
21 NCAC 36 .0405 - <i>Approval of Nurse Aide Education Programs</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95

PUBLIC EDUCATION

Elementary and Secondary Education

16 NCAC 6D .0106 - <i>Limited English Proficiency Programs</i>	
Rule Withdrawn by Agency	10/18/95

SECRETARY OF STATE

Securities Division

18 NCAC 6 .1209 - <i>Nonprofit Securities</i>	RRC Objection	08/10/95
Agency Revised Rule	Obj. Cont'd	08/10/95
Rule Returned to Agency		09/21/95
18 NCAC 6 .1314 - <i>Escrow Agreements</i>	RRC Objection	08/10/95
Rule Returned to Agency		09/21/95
18 NCAC 6 .1401 - <i>Application for Registration of Dealers</i>	RRC Objection	08/10/95
Agency Revised Rule	Obj. Cont'd	08/10/95
Rule Returned to Agency		09/21/95
18 NCAC 6 .1702 - <i>Application for Investment Adviser Registration</i>	RRC Objection	08/10/95
Agency Revised Rule	Obj. Cont'd	08/10/95
Rule Returned to Agency		09/21/95

STATE PERSONNEL

Office of State Personnel

25 NCAC 1J .0505 - <i>Leave to Prepare Grievance</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1J .0509 - <i>Agency Grievance Reports</i>	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95

RULES REVIEW COMMISSION

25 NCAC 1J .0802 - Awards Committee	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1K .0318 - Tax Status	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1K .0705 - Program Participation	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1L .0104 - Program Implementation: Department and University Level	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1L .0106 - Compliance Information	RRC Objection	11/16/95
Agency Repealed Rule	Obj. Removed	11/16/95

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.

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<i>Division of Purchase and Contract</i>				
Senter-Sanders Tractor Corp. v. Admin., Div of Purchase & Contract	94 DOA 0803	Nesnow	03/06/95	
CMC Maintenance Co., a Div. of RDS Corp. v. Dept. of Administration, Div. of Purchase & Contract, et al.	95 DOA 0194	Phipps	06/13/95	
<i>State Construction Office</i>				
W. M. Piatt & Company v. State Construction Office, DOA	94 DOA 0738	Nesnow	04/11/95	10:03 NCR 221
Holland Group, Inc. v. Dept. of Administration, St. Construction Office	94 DOA 1565	Nesnow	06/01/95	10:07 NCR 619
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Ali Alsaras v. Alcoholic Beverage Control Commission	94 ABC 0526	Chess	05/16/95	
Norman D. Forbes v. Alcoholic Beverage Control Commission	94 ABC 0787	Gray	03/17/95	
Ben Sproul and Steve Pauls v. Alcoholic Beverage Control Comm.	94 ABC 1046	Chess	08/17/95	
Albert Stanley Tomanec v. Alcoholic Beverage Control Commission	94 ABC 1168	Becton	03/07/95	
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Stinking Mercury, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1682	Chess	05/03/95	
Alcoholic Beverage Control Comm. v. Depot Stop N Go, Inc.	94 ABC 1694	Mann	03/29/95	
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Clara and Carson Young v. Alcoholic Beverage Control Commission	94 ABC 1729	Chess	05/11/95	
Vladimir Walter Kozlik Jr. v. Alcoholic Beverage Control Commission	94 ABC 1754*12	Mann	08/02/95	10:11 NCR 960
Bryan Lynn Whitaker, Susan Ansley Whitaker v. ABC Commission	94 ABC 1784	Mann	04/19/95	
Diamond Club, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1803	Mann	04/07/95	
Alcoholic Beverage Control Commission v. Weisner, Inc.	95 ABC 0068	West	06/07/95	
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Alcoholic Beverage Control Comm. v. Janice Mae Miles	95 ABC 0434	West	07/20/95	
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Alcoholic Beverage Control Comm. v. Goldstar Food, Inc.	95 ABC 0678	Gray	10/30/95	
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Alcoholic Bev Cont Comm. v. Partnership, T/A Royal Knights Soc Club	95 ABC 0711	Phipps	09/14/95	
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Alcoholic Beverage Control Comm. v. Nancy Wheeler Wolfe	95 ABC 0713	Phipps	09/14/95	
Mustafa Yacoub Salameh v. Alcoholic Beverage Control Commission	95 ABC 0763	Gray	12/01/95	
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Sadiq Deeb Ali, Patricia Billings v. Alcoholic Beverage Control Comm.	95 ABC 0830	Becton	11/29/95	
BOARD OF CHIROPRACTIC EXAMINERS				
Robert J. Manna, D.C. v. Board of Chiropractic Examiners	95 BOC 1105	West	10/20/95	
CRIME CONTROL AND PUBLIC SAFETY				
Patrick O. Hawkins v. Office of Administrative Hearings	95 CPS 0361	Phipps	08/01/95	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Crime Victims Compensation Commission</i>				
John Pavlikianidis v. Victims Compensation Commission	94 CPS 0237	Morrison	03/21/95	10:02 NCR 176
Fay, Cynthia, S. Dalton v. Crime Victims Compensation Commission	94 CPS 0445*	West	05/30/95	
Phyllis H. Steinmetz v. Crime Victims Compensation Commission	94 CPS 0542	West	05/16/95	
Hubert Johnson, Edna J. Carter v. Crime Victims Compensation Comm.	94 CPS 1177	Mann	06/12/95	
Wayne L. Utley v. Crime Victims Compensation Commission	94 CPS 1180	Becton	03/07/95	
Sandra H. Hughes v. Victims Compensation Commission	94 CPS 1600	Morrison	06/09/95	
Kristine S. Ray v. Crime Victims Compensation Commission	94 CPS 1673	Chess	04/20/95	
Shirley Moody Myers v. Crime Victims Compensation Commission	94 CPS 1674	Chess	04/20/95	
Thomasine Inman v. Crime Victims Compensation Commission	94 CPS 1731	Nesnow	03/09/95	
Irmgard Gordos v. Crime Victims Compensation Commission	94 CPS 1782	Gray	03/09/95	
Fay, Cynthia, S. Dalton v. Crime Victims Compensation Commission	95 CPS 0010*	West	05/30/95	
Ellen Sherwin v. Crime Vic Comp James Byrum Emp/ Baptist Hosp	95 CPS 0012	West	03/22/95	
Anthony Harold Stone v. Crime Victims Compensation Commission	95 CPS 0115	Chess	08/22/95	
Howard B. Peterson v. Crime Victims Compensation Commission	95 CPS 0163	Reilly	07/06/95	
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Lynn H. Henderson v. CPS, Victims Compensation Commission	95 CPS 0212	Morrison	05/08/95	
Larusha Bey v. Crime Victims Compensation Commission	95 CPS 0245	Reilly	06/02/95	
Percible Gaston v. Crime Victims Compensation Commission	95 CPS 0270	Gray	06/13/95	
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David Leo Rice v. CPS, Crime Victims Compensation Commission	95 CPS 0335	Morrison	09/15/95	
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Michael A. Herd v. Crime Victims Compensation Commission	95 CPS 0349	Chess	08/15/95	
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John W. VanHoy, Jr. & Adjacent Land Owners v. EHNR	95 EHR 0016	Phipps	11/03/95	10:17 NCR 2279
and Shugart Enterprises, Inc.				
Browning-Ferris Ind. of S. Atlantic, Inc. and Sampson Cty. Disposal, Inc.	95 EHR 0506	West	06/13/95	
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United Screen Printers, Inc. v. EHNHR, Div. of Environmental Mgmt.	93 EHR 0273* ⁵	West	05/30/95	
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<i>Wayne County Department of Health</i>					
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and Pine Manor Rest Home, Inc., d/b/a Pine Manor Health Care					
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and Pine Manor Rest Home, Inc., d/b/a Pine Manor Health Care					
Retirement Villages, Inc. (Lessor), and Liberty Healthcare Ltd. Partnership (Lessee) D/B/A Countryside Villa of Duplin v. DHR, Division of Facility Services, Certificate of Need Section	94 DHR 0403	Chess	12/14/94		
and Beaver Properties/Wallace, Inc., and Brian Center Health & Retirement/Wallace, Inc.					

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Robert Lee Bullock v. Department of Human Resources	95 CSE 0559	Phipps	07/31/95	
Augusta Hepburn v. Department of Human Resources	95 CSE 0573	Gray	08/28/95	
Kenneth Walter Dudley v. Department of Human Resources	95 CSE 0575	Morrison	09/12/95	
Michael Watts Sr. v. Department of Human Resources	95 CSE 0628	Nesnow	09/26/95	
Chris Brown v. Department of Human Resources	95 CSE 0695	Phipps	08/25/95	
Kenneth Collins v. Department of Human Resources	95 CSE 0709	Chess	10/27/95	
Walter Richardson, Jr. v. Department of Human Resources	95 CSE 0710	Chess	09/26/95	
James M. Melvin v. Department of Human Resources	95 CSE 0719	Phipps	10/10/95	
Alvin L. Martin v. Department of Human Resources	95 CSE 0733	Gray	10/05/95	
Kirk Shannon Baker v. Department of Human Resources	95 CSE 0734	Morrison	10/06/95	
Reginald L. Woods v. Department of Human Resources	95 CSE 0759	Reilly	11/08/95	
Willie Gadson v. Department of Human Resources	95 CSE 0783	Nesnow	10/26/95	
Eddie Harris Jr. v. Department of Human Resources	95 CSE 0814	Becton	09/28/95	
Cerulean Fetherson v. Department of Human Resources	95 CSE 0900	Phipps	11/07/95	
Willie M. Herring v. Department of Human Resources	95 CSE 0913	Gray	09/25/95	
<i>Distribution Child Support</i>				
Lisa J. Hill v. DHR, Div. of Social Svcs., Child Support Enf. Section	95 DCS 0239	Phipps	05/02/95	
<i>Hoke County Social Services</i>				
Mr. and Mrs. William Jefferson v. Hoke Cty Soc Svcs, Linda Cromartie	95 DHR 0857	Gray	08/17/95	
<i>Rockingham County Department of Social Services</i>				
Crystean Fields v. Rockingham County DSS	95 DHR 0316	Reilly	06/01/95	
<i>Wake County Social Services</i>				
Grace A. Wright v. Wake County Social Services., Suzanne Woodell and Craig Glenn	94 DHR 1618	Chess	05/03/95	
<i>Division of Vocational Rehabilitation Service</i>				
Marcus Bryan Sloan, III v. Division of Vocational Rehabilitation Service	95 DHR 1000	Chess	11/15/95	
INSURANCE				
Grace F. Watkins v. Teachers' & St. Emp. Comp. Major Med. Plan	94 INS 1639	Chess	05/24/95	
Billy Gene Campbell v. Department of Insurance	95 INS 0143	Reilly	04/20/95	
Karen Wingert Bunch v. Teachers' & St. Emp. Comp. Major Med. Plan	95 INS 0243	Morrison	07/21/95	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
JUSTICE				
<i>Alarm Systems Licensing Board</i>				
Patrick P. Sassman v. Alarm Systems Licensing Board	94 DOJ 1825	Reilly	03/09/95	
Chad R. Fuller v. Alarm Systems Licensing Board	95 DOJ 0716	West	08/18/95	
Malcolm K. Teague v. Alarm Systems Licensing Board	95 DOJ 0765	Nesnow	10/19/95	
<i>Education and Training Standards Division</i>				
Richard Terry Locklear v. Criminal Justice Ed. & Training Stds. Comm. and Sheriffs' Education and Training Standards Commission	94 DOJ 1006*14	West	10/30/95	10:17 NCR 2255
Ricky Dale McDevitt v. Sheriff's Ed. & Training Stds. Comm.	94 DOJ 1710	Nesnow	05/04/95	10:05 NCR 324
Reginald Keith Goffington v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0028	Becton	06/08/95	
Nervin Joseph DeDeaux v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0029	Reilly	05/16/95	
Tony Lamont Blackmon v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0043	Reilly	06/02/95	
Constance F. Lawrence v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0076	Morrison	04/06/95	
Alexander Douglas Jones v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0101	Morrison	06/13/95	10:07 NCR 627
Marilyn Jean Britt v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0172	Gray	08/03/95	
Antonio Tremont Davis v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0298	Phipps	08/08/95	
Amy Rebecca Batcheler v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0364	West	08/16/95	
Richard Terry Locklear v. Criminal Justice Ed. & Training Stds. Comm. and Sheriffs' Education and Training Standards Commission	95 DOJ 0365*14	West	10/30/95	10:17 NCR 2255
Richard Dan Wuchte v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0401	Nesnow	06/07/95	
Henry Roger Judd v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0431	Nesnow	08/02/95	
Daryl Tyrone Beard v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0566	Gray	10/11/95	
Jewel T. Braswell v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0730	Phipps	09/11/95	
George H. Powell Jr. v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0784	Phipps	09/08/95	
Mark Jason Smith v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0795	Gray	08/14/95	
Bryan Keith Bradley v. Sheriff's Ed. & Training Standards Commission	95 DOJ 0796	Reilly	11/28/95	
Ernie Lowery v. Criminal Justice Ed. & Training Standards Commission	95 DOJ 0898	Nesnow	11/17/95	
Jeffrey Andre Jenkins v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1408	Phipps	07/31/95	
<i>Private Protective Services Board</i>				
Lewis Austin Saintsing v. Private Protective Services Board	94 DOJ 1000	Chess	03/03/95	
Marcus T. Williams v. Private Protective Services Board	94 DOJ 1064	Chess	02/24/95	
Melvin Ray Cooper v. Private Protective Services Board	94 DOJ 1635	Reilly	03/09/95	
Donnell E. Morrow, Jr. v. Private Protective Services Board	94 DOJ 1823	Reilly	03/09/95	
Private Protective Services Board v. James C. Purvis	95 DOJ 0018	Chess	05/15/95	
Private Protective Services Board v. Samuel O. Smith	95 DOJ 0133	Chess	05/09/95	
Jann Mitchell Stanley v. Private Protective Services Board	95 DOJ 0420	Morrison	05/24/95	
Donald Wayne Clark v. Private Protective Services Board	95 DOJ 0444	Phipps	07/14/95	10:09 NCR 805
Richard Frank v. Private Protective Services Board	95 DOJ 0610	Phipps	08/10/95	
Marvin E. Shackelford v. Private Protective Services Board	95 DOJ 0611	Phipps	07/18/95	
Julius T. Fairley v. Private Protective Services Board	95 DOJ 0612	Phipps	07/20/95	
James L. McLeary, Jr. v. Private Protective Services Board	95 DOJ 0613	Phipps	07/18/95	
Bohby E. Smithey v. Private Protective Services Board	95 DOJ 0717	West	08/23/95	10:12 NCR 1039
Frederick B. Moore, Jr. v. Private Protective Services Board	95 DOJ 0766	Morrison	09/01/95	
Daniel C. Ingles v. Private Protective Services Board	95 DOJ 0767	Morrison	08/30/95	
Walter Lee Watson v. Private Protective Services Board	95 DOJ 0768	West	10/09/95	
Charles Ray Gable v. Private Protective Services Board	95 DOJ 0975	Gray	10/17/95	
Robert Baxter McGuire, Sr. v. Private Protective Services Board	95 DOJ 0977	Gray	10/17/95	
Raymond Douglas Boggs v. Private Protective Services Board	95 DOJ 1138	Reilly	11/30/95	
LABOR				
<i>Occupational Safety & Health Division</i>				
Lenoir County Public Schools v. Department of Labor, OSHA	95 DOL 0218	Nesnow	05/01/95	
<i>Private Personnel Service Division</i>				
Employment Consultants, Inc. v. Private Personnel Service Division	95 DOL 0209	Morrison	07/07/95	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Wage and Hour Division</i>				
R.J. Scott, Pres. Pirate Enterprises, Inc. v. Labor, Wage & Hour Div.	94 DOL 1524	West	03/23/95	
PRACTICING PSYCHOLOGISTS				
John E. Miller v. Psychology Board	95 BPP 0629	Nesnow	09/12/95	
PUBLIC INSTRUCTION				
Glenn II, on behalf of Glenn II, and Glenn II, Individually v. Charlotte-Mecklenburg County Schools	93 EDC 0549	Chesa	03/16/95	
Donna Marie Snyder v. Department of Public Instruction	93 EDC 0731	Chess	10/11/95	
S.M. on Behalf of J.A.M., and S.M., Individually, and J.M. v. Davie County Board of Education	93 EDC 0742	Phipps	05/30/95	
William Hewett v. State Board of Education	94 EDC 0533	Gray	03/31/95	10:02 NCR 179
James Midgette v. State Board of Education	94 EDC 1401	Reilly	05/02/95	
Deborah R. Crouae v. State Board of Education	95 EDC 0003	Chess	04/10/95	
Haydn Stewart Hasty v. State Board of Education	95 EDC 0027	Reilly	10/09/95	10:15 NCR 1632
Bobby G. Little v. Department of Public Instruction	95 EDC 0168	Phipps	03/20/95	
Tonya Marie Snipes and Robert Leon Snipes v. Orange County Schools	95 EDC 0225	Mann	05/15/95	
Vance County Schools v. Haywood Yarbrough	95 EDC 0235	Mann	08/04/95	
Laverne K. Suggs v. Department of Public Instruction	95 EDC 0384	Nesnow	07/12/95	
Lavern K. Suggs v. Guilford County Schools	95 EDC 0385	Nesnow	06/02/95	
Kenneth G.H. Leftwich v. State Board of Education	95 EDC 0405	Nesnow	05/25/95	
Madeline J. Taylor v. Department of Public Instruction	95 EDC 0525	Phipps	10/25/95	
William Andrew McCullough v. Public Instruction, Licensure Section	95 EDC 0915	Gray	10/30/95	
STATE BAR				
Phillip S. Banks, III v. North Carolina State Bar	95 BAR 0861	Morrison	08/18/95	
STATE PERSONNEL				
<i>Caswell County Health Department</i>				
Della Brown v. Caswell County Health Department	94 OSP 0834	Nesnow	06/12/95	
Julie R. Johnson v. Caswell County Health Department	94 OSP 0865	Reilly	03/15/95	
<i>N.C. Central University</i>				
Peter A. Fore v. N.C. Central University	93 OSP 0189	Nesnow	06/13/95	
<i>Department of Commerce</i>				
T. Sherwood Jernigan v. Dept. of Commerce, Savings Institution Div.	94 OSP 0775	West	05/25/95	
<i>Department of Community Colleges</i>				
Sheila M. Thompson v. Department of Community Colleges	94 OSP 1530	Chesa	11/01/95	10:17 NCR 2272
<i>Department of Correction</i>				
Nancy Gilchrist v. Department of Correction	94 OSP 0121	West	03/09/95	
Howard Gray Sadler v. Correction, Div. of Adult Probation/Parole	94 OSP 0332	West	05/15/95	
Thomas Wayne Smathers v. Department of Correction	94 OSP 0590	West	03/23/95	
George J. McCleese, Jr. v. Department of Correction	94 OSP 0644	Gray	04/19/95	
Gaius Wells v. Department of Correction	94 OSP 0684	West	10/12/95	10:15 NCR 1610
Nancy C. Walker v. Department of Correction	94 OSP 1206	Gray	08/18/95	
Jeffrey Leonard Jenkins v. Dept of Correction/Piedmont Correctional Inst	94 OSP 1802	West	11/29/95	
Ruth Kearney v. Department of Correction	94 OSP 1807	Becton	03/13/95	
Ann R. Fletcher v. Department of Correction	95 OSP 0123	Chess	08/21/95	
Odell Davis v. Department of Correction	95 OSP 0244	Gray	09/21/95	
James W. Hughes v. Department of Correction, Blue Ridge Unit Avery	95 OSP 0334	Becton	07/25/95	
Dennis Harrell v. Department of Correction	95 OSP 0440	Phipps	09/05/95	10:13 NCR 1209
William E. Norwood, Jr. v. Department of Correction	95 OSP 0500	Gray	08/16/95	
Shelby Gorham-Teel v. Department of Correction	95 OSP 0536	Reilly	10/23/95	
Larry Riddle v. Department of Correction	95 OSP 0570	West	10/18/95	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Eric Little v. Department of Correction, Morrison Youth Institution	95 OSP 0658	Phipps	10/18/95	
Cynthia R. Steven v. N.C. Women's Prison	95 OSP 0829	Chess	10/24/95	
Mark R. Murphy v. Department of Correction	95 OSP 1047	Nesnow	10/26/95	
<i>Department of Crime Control and Public Safety</i>				
Betty Sue Whitley v. National Guard Dept. Crime Control & Public Safety	94 OSP 1399	Chess	06/13/95	
Robert W. Beasley v. Crime Control & Public Safety, St. Highway Patrol	94 OSP 1821	Morrison	08/10/95	10:11 NCR 965
<i>Office of the District Attorney</i>				
Shannon Caudill v. Office of the District Attorney for Judicial District 17-B, and Administrative Office of the Courts	95 OSP 0188	Nesnow	03/20/95	
<i>Dorothea Dix Hospital</i>				
Paul E. Hunter v. Dorothea Dix Hospital	95 OSP 0504	Gray	07/12/95	
<i>Durham County Health Department</i>				
Laurie A. Gerhard v. Durham County Health Department	95 OSP 0220	Phipps	08/17/95	10:12 NCR 1043
<i>East Carolina University</i>				
Helen E. Wolfe v. East Carolina University, Dept. of Biology	94 OSP 1558	Reilly	09/07/95	
Lillie Mercer Atkinson v. ECU, Dept. of Comparative Medicine, et al.	95 OSP 0038*7	Becton	06/08/95	
Lillie Mercer Atkinson v. ECU, Dept. of Comparative Medicine, et al.	95 OSP 0057*7	Becton	06/08/95	
<i>Edgecombe County Health Department</i>				
Ronald E. Wooten v. Edgecombe County Health Department	94 OSP 1209	Gray	07/10/95	
<i>Department of Environment, Health, and Natural Resources</i>				
Babette K. McKemie v. EHNHR, Div. of Environmental Management	94 OSP 0358	Chess	05/31/95	
James M. Kelly v. Dept of Environment, Health, & Natural Resources	95 OSP 0777	Becton	11/27/95	10:18 NCR 2449
<i>Fayetteville State University</i>				
George Benstead v. Fayetteville State University	94 OSP 1597	Nesnow	04/04/95	
Lt. Bobby McEachern v. FSU Police Department	95 OSP 0042*9	Reilly	07/05/95	
Officer Gregor A. Miles v. FSU Police Department	95 OSP 0058*9	Reilly	07/05/95	
<i>Forsyth Stokes Mental Health Center</i>				
Michael Howell v. Forsyth Stokes Mental Health Center	94 OSP 0499	Chess	03/24/95	
<i>Guilford County Mental Health</i>				
Darrell Edwin Fricke v. Guilford County Mental Health (Thomas S. Div.)	95 OSP 0942	West	09/22/95	
<i>Department of Human Resources</i>				
April Benfield v. Department of Human Resources and Western Carolina Center	94 OSP 1758	Nesnow	06/07/95	
Geraldine Blackston v. DHR, NC Special Care Center	94 OSP 1773	Becton	11/17/95	10:18 NCR 2433
Eugene Hightower, Jr. v. Department of Human Resources, EEO	94 OSP 1811	West	05/04/95	
Rebecca Johnson v. Human Resources, Special Care Center	95 OSP 0138	West	03/31/95	
Edward E. Williams v. NC Special Care Center, Def./Emp, DHR	95 OSP 0483	Reilly	10/03/95	
<i>Black Mountain Center</i>				
James Harrison v. Black Mountain Center, Dept. of Human Resources	94 OSP 0994*11	Gray	07/31/95	
James Harrison v. Black Mountain Center, Dept. of Human Resources	95 OSP 0190*11	Gray	07/31/95	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Caswell Center</i>				
David A. Kilpatrick v. DHR, Caswell Center	95 OSP 0267	Nesnow	10/25/95	
<i>Cherry Hospital</i>				
William H. Cooke v. DHR, Cherry Hospital	93 OSP 1547	Gray	03/16/95	
Sandra Chase Butts v. Department of Human Resources, Cherry Hospital	95 OSP 0047	West	11/29/95	10:18 NCR 2442
Deloris L. Johnson v. Cherry Hospital, DHR	95 OSP 0409	Gray	08/25/95	
<i>Durham County Department of Social Services</i>				
Delores H. Jeffers v. Durham County Department of Social Services	94 OSP 0939	Morrison	06/12/95	
Jacquenetta Blackwell v. Durham County Department of Social Services	95 OSP 0692	Reilly	11/28/95	
<i>Gaston County Department of Social Services</i>				
Bobbie J. Gilliam v. Gaston County Department of Social Services	94 OSP 0770	West	05/24/95	
<i>Halifax County Department of Social Services</i>				
Robert E. Sykes v. Halifax County Department of Social Services	94 OSP 0826	Gray	11/15/95	
<i>Iredell County Department of Social Services</i>				
Vernon E. Grosse v. Iredell County Department of Social Services	94 OSP 0282	Becton	03/09/95	
Bonnie N. Bellamy v. Iredell County Department of Social Services	94 OSP 0739	Chess	03/01/95	10:01 NCR 48
<i>Division of Medical Assistance</i>				
George F. Knight v. Division of Medical Assistance, DHR	95 OSP 0700	Reilly	11/28/95	
<i>Richmond County Department of Social Services</i>				
Emma Jane Bradley v. Richmond County Dept. of Social Services	95 OSP 0055	Reilly	07/18/95	10:09 NCR 809
<i>Wake County Department of Health</i>				
Regina K. Crowder v. Wake County/Health Dept., Caroline E. Lee, Dir.	94 OSP 1032**	Nesnow	06/12/95	
Sabrina R. Crowder v. Wake County/Health Dept., Richard Stevens	94 OSP 1072**	Nesnow	06/12/95	
Thomasine D. Avery v. Wake County/Health Department	94 OSP 1074**	Nesnow	06/12/95	
<i>Wake County Department of Social Services</i>				
Olivia L. Jordan v. Wake County/Department of Social Services	94 OSP 1179**	Nesnow	06/12/95	
<i>Department of Labor</i>				
Michael Robert Smith v. Department of Labor	94 OSP 0610	Nesnow	06/09/95	
<i>Lee-Harnett Area Mental Health, Developmental Disabilities, and Substance Abuse Authority</i>				
Julie Dyer v. Lee-Harnett Area MH/DD/SA Authority	94 OSP 0750	Gray	03/20/95	
<i>North Carolina Special Care Center</i>				
Lynn Banasiak Bass v. North Carolina Special Care Center	95 OSP 0419	Phipps	08/01/95	
<i>North Carolina State University</i>				
Artelia S. Clark v. N.C. State University	89 OSP 0612	Nesnow	07/07/95	
Wesley Brown v. N.C. State University	94 OSP 1173	Reilly	06/30/95	10:08 NCR 700
David L. Bauer v. North Carolina State University	95 OSP 0044	Morrison	04/25/95	
Billy Ray Kelly v. NCSU Physical Plant	95 OSP 0130	West	03/22/95	
Heather Ann Waskiewicz v. NCSU, Dept. of Public Safety	95 OSP 0213	Phipps	07/06/95	
Antoinette Chavis-Scott v. N.C.S.U. Accounts Payable	95 OSP 0800	Chess	10/31/95	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Orange-Person-Chatham Mental Health</i>				
Patricia A. Harris v. Orange-Person-Chatham Mental Health	95 OSP 0162	West	04/11/95	
<i>Department of Revenue</i>				
Wayne Davenport v. Department of Revenue, Motor Fuels Tax Division	95 OSP 0902	Becton	11/03/95	
<i>Richmond Community College</i>				
Willie J. Breeden v. Richmond Community College	95 OSP 0846	Gray	09/13/95	
<i>Department of Transportation</i>				
Michael E. Kornegay v. Department of Transportation	93 OSP 1700	Gray	03/24/95	
Robert F. Goins v. Department of Transportation	94 OSP 0281	Chess	05/30/95	
Esther Doe Murphy v. Department of Transportation	95 OSP 0114	Gray	07/10/95	
Debra R. Embden v. DOT, Division of Motor Vehicles	95 OSP 0411	Morrison	11/01/95	10:17 NCR 2286
Mary Matthews Finnerty v. Department of Transportation	95 OSP 0412	Nesnow	11/02/95	
Lonnie Joseph Cole v. NC DOT (TTI's Boone NC) Div. of Hwys	95 OSP 0606	West	10/24/95	
Judy H. Arnold v. Department of Transportation, Div. of Motor Vehicles	95 OSP 1075	Becton	07/31/95	
<i>Union County Schools</i>				
Carolyn H. Elkins v. Union County Schools	95 OSP 0948	Reilly	11/03/95	
<i>University of North Carolina</i>				
Beth Ann Miller v. UNC Student Health	94 OSP 0800	Nesnow	05/25/95	
Roberta Jones v. University of North Carolina-Chapel Hill	94 OSP 1718	Chess	10/31/95	10:17 NCR 2276
<i>UNC Hospitals</i>				
David Patrick Malone v. Univ. of NC Hospital at Chapel Hill	94 OSP 0771	Becton	03/14/95	
Lillian C. Daniels v. UNC Hospital	95 OSP 0056	Morrison	05/11/95	
<i>Wake County</i>				
Mark Morgan v. Wake County	94 OSP 0937	Nesnow	04/28/95	10:04 NCR 287
STATE TREASURER				
John W. Parris v. Bd. of Trustees//NC Local Gov. Emp. Retirement Sys.	91 DST 1093	Nesnow	05/04/95	
Channie S. Chapman v. Bd./Trustees//NC Local Gov. Emp. Ret Sys.	94 DST 0443	Morrison	05/15/95	
Bryan L. Basden v. Retirement Systems Division	95 OSP 0171	Chess	06/21/95	
Wayne La Broad v. Bd./Trustees//Teachers/St. Emp. Retirement Sys.	95 DST 0219	Morrison	07/14/95	
Tammy Evonne Ashcroft Brown v. Bd./Tr./NC Local Gov. Emp. Ret Sys.	95 DST 0404	Phipps	07/27/95	10:10 NCR 872
UNIVERSITY OF NORTH CAROLINA				
Jerry B. Potter, Sr. v. UNC Hospitals at Chapel Hill	95 UNC 0502	Gray	09/12/95	
Judy Blacknell v. University of NC Hospitals at Chapel Hill	95 UNC 0865	Chess	11/15/95	

The following exhibits offered by the Respondent were received in evidence:

- R1. Conference record dated 10/9/92.
- R1a. Conference record dated 11/14/92.
- R2. Work Schedule for January 1993 to August 1994.
- R3. Partial floor plan of fourth floor, N.C. Special Care Center.
- R4. Daily sign in sheets for dates absent or tardy.
- R5. Steno notebook kept on ward showing calls made to ward with excuses and dates absent from 1993 to August 1994.
- R6. 9/4/93 note from Wilson Hospital nurse.
- R6a. 2/26/94 note from Chapel Hill nurse.
- R6b. 5/6/94 note from Dr. Stone.
- R7. Oral warning dated 8/28/93.
- R8. Written warning to the Petitioner dated 2/12/94.
- R9. Final Written Warning dated 6/17/94.
- R10. August in-service calendar.
- R10a. Scott Conference Room poster with classes through 8/22/94.
- R10b. Scott Conference Room poster with scheduled classes through end of August 1994.
- R11. PMS dated ending June 1991.
- R11a. PMS dated ending June 1992.
- R11b. PMS dated ending 6/30/93.
- R11c. Partial PMS dated ending June 1994.
- R11d. Complete PMS dated ending June 1994.
- R12. Carol Roberson note to Renee documenting August 112, 1994 encounter with Ms. Blackston.
- R13. Letter to C. Robin Britt from the Petitioner, dated August 8, 1994.
- R14. August 30, 1994 letter from Seth Hunt to the Petitioner.
- R15. September 14, 1994 letter from Seth Hunt to Renee Batts.
- R16. November 2, 1992 letter from Renee Batts to the Petitioner.
- R17. N.C. Office of State Personnel, Personnel Manual policy on sick leave.
- R17a. N.C. Office of State Personnel, Personnel Manual policy on child involvement leave.
- R17b. N.C. Office of State Personnel, Personnel Manual policy on family and medical leave.
- R18. N.C. Special Care Center Nursing Manual policy on Absenteeism/Unapproved leave.
- R18a. N.C. Special Care Center Nursing Manual policy on Tardiness.
- R19. N.C. Special Care Center Administrative Manual policy on sick leave.
- R19a. N.C. Special Care Center Administrative Manual policy on vacation leave.
- R19b. N.C. Special Care Center Administrative Manual policy on compensatory leave.
- R20. N.C. Special Care Center policy on changes to policy.
- R20a. Interoffice Memo dated 3/16/92.
- R20b. Minutes of February 1992 staff meeting.
- R20c. Minutes of June 2, 1992 staff meeting and sign in sheets.
- R21. June 24, 1994 letter from the Petitioner to Ms. Batts.
- R22. July 14, 1994 letter from Ms. Batts to the Petitioner.
- R23. August 19, 1994 dismissal letter.
- R24. Petitioner's 1994 1040 federal tax return.
- R25. Petitioner's ESC work search records.
- R26. Petitioner's marriage license dated March 3, 1993.

Based upon the official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, the undersigned makes the following:

FINDINGS OF FACT

- 1. The Petitioner is a resident of Wilson, North Carolina, and was a resident of Wilson on August 19, 1994.
- 2. From August 11, 1979 to August 19, 1994, the Petitioner was a career state employee, employed as a Health Care Technician at the N.C. Special Care Center (the Center). On August 19, 1994, the Petitioner was a permanent, part-time employee.
- 3. The Petitioner was employed full time at the Center until January, 1993. At that time, she was switched to half-time

status (20 hours per week) at her own request. The Petitioner requested the change because she was experiencing absences from work, due mainly to illness of herself and family members, and she hoped that the change to half-time status would help improve her attendance. (T. Vol. I. pp. 105-106; 185-186; R16).

4. As a Health Care Technician (HCT), the Petitioner's duties involved providing direct care to residents of the Center, including bathing, feeding, and dressing. (T. Vol. I. p.184). She was also required to complete continuing education courses in order to maintain her certification. (T. Vol. I. p.7).
5. The Petitioner was directly supervised by Annie Mae Boykin, R.N., from some time in 1993 until the Petitioner's dismissal. Ms. Boykin was the second shift supervisor (3:00 p.m. until 11:00 p.m.). (T. Vol. I. p. 5).
6. Ms. Boykin was under the supervision of Carol Roberson, Assistant Director of Nursing. (T. Vol. I. p. 19).
7. Ms. Roberson in turn was supervised by Renee Batts, the Director of Nursing. (T. Vol. I. p. 104).
8. Ms. Batts reported to Mr. Seth Hunt, Director of the Center. (T. Vol. I. p. 174).
9. The Petitioner was dismissed from her position effective August 19, 1994, due to alleged inadequate job performance, specifically for violations of the Center's policies on attendance. (T. Vol. I. p. 139; R23).
10. The Center implemented a policy regarding "Absenteeism/ Unapproved Leave," effective July, 1989. That policy provided, inter alia, that each absence of an employee would be classified by the supervisor as either approved or unapproved, depending upon the reason for the absence, proper notification, proper verification, etc. The supervisor was to note the type of leave allowed, and to immediately "conference" the employee for any unapproved absence. Two unapproved absences within a six month period justified a warning or step in the progressive disciplinary process. (T. Vol. I. pp. 39, 88, 115, 140; R18).
11. At a later date, probably in early 1992 but prior to June, 1992, the attendance policy was verbally modified by the Center's management. (T. Vol. I. pp. 40, 42, 67-69, 88-89, 108).
12. Under the modifications, the terminology "scheduled" and "unscheduled" absence was substituted for the former terms "approved" and "unapproved". Unscheduled absence was defined as any absence which occurred on a scheduled work day. All absences were to be classified as unscheduled unless an employee notified management of an impending absence prior to the posting of the monthly schedule. Disciplinary action was to be triggered not by a specific number of absences but whenever the management felt absences had become "excessive". (T. Vol. I. pp. 37-40, 67, 70, 88-91, 108-110, 116-120).
13. The modifications to the policy on Absenteeism/Unapproved Leave also affected the Center's policies on tardiness, sick leave, vacation leave, and compensatory time, to the extent that any unscheduled absence would be coded as unscheduled vacation leave, unscheduled sick leave, etc. (T. Vol. I. pp. 122-123).
14. The Absenteeism/Unapproved Leave policy was never modified in writing, and remained in its original 1989 form in the Center's Nursing Manual policy book through the date of the hearing in this matter. (T. Vol. I. pp. 151-152).
15. No written memo or other written material regarding the modifications to the attendance policies was ever posted at the Center or distributed to the employees. (T. Vol. I. pp. 92, 151-152).
16. The modifications were discussed, at least in part, at various monthly staff meetings for the various floors of the Center. However, the modifications were never discussed at any such staff meeting attended by the Petitioner. The Petitioner's understanding of the modified policies was based solely on what she heard from other employees and from conversations with management after the disciplinary process had begun in August, 1993. (T. Vol. I. pp. 92-95, 223-226).
17. Ms. Boykin, Ms. Roberson and Ms. Batts all had different understandings of whether the reason for an absence could or should have any bearing under the modified policy. Ms. Boykin stated that the policy did not provide for different weight to be given to different reasons for absence, yet also stated that she did consider the reason for the

absences. Ms. Roberson denied that different reasons should be given different weight but then stated that some circumstances might be mitigating. Ms. Batts stated simply that any unscheduled absence was a violation of policy. (T. Vol. I. pp. 40, 53, 89-90, 149-150).

18. The Family and Medical Leave Act of 1993 (FMLA) went into effect on August 5, 1993. Every FMLA covered employer is "required to post and keep posted on its premises, in conspicuous places where employees are employed, whether or not it has any 'eligible' employees, a notice explaining the Act's provisions." 29 C.F.R. §825.300(a).
19. The North Carolina Office of State Personnel issued rules in the North Carolina Administrative Code ("Code") to implement the Family and Medical Leave Act of 1993 as it pertains to state employees, effective August 2, 1993. Those rules are codified at 25 N.C.A.C. 1E .1400 et seq.
20. The Office of State Personnel issued regulations regarding implementation of the FMLA in the State Personnel Manual ("Manual") , effective December 1, 1993. (Manual, Sec. 8, pp. 19.2 to 19.7; R17b).
21. The rules and regulations regarding the FMLA, as promulgated in the Code and the Manual, apply to permanent employees who worked at least 1040 hours (half time) during the previous 12 months. (Manual, Sec. 8 p. 19.2; 25 N.C.A.C. 1E.1401).
22. The rules and regulations provide that a covered employee is entitled to take leave of up to 12 weeks total, consecutively or intermittently, due to a serious health condition of the employee or certain family members. The rules and regulations also state that it is unlawful to interfere with, restrain, or deny any rights provided by the policy. (Manual, Sec. 8 pp. 19.2-19.7; 25 N.C.A.C. 1E .1402, .1403, .1405, .1409).
23. Prior to the dismissal of the Petitioner on August 19, 1994, the management of the Center had not received any training regarding the FMLA. Therefore, Ms. Batts, Ms. Roberson, and Ms. Boykin knew little or nothing about the Act, or the state rules and regulations issued pursuant to the Act, prior to the Petitioner's dismissal. (T. Vol. I. pp. 96-97, 161-164).
24. The Family and Medical Leave Act, and the state rules and regulations issued pursuant to the Act, were not considered by management at any point during the disciplinary process involving the Petitioner which ultimately led to her discharge. (T. Vol. I. pp. 96-97, 165).
25. On or about August 28, 1993, the Petitioner received an oral warning from her supervisor, Ann Boykin, based upon alleged excessive unscheduled absences and tardiness. (T. Vol. I. p. 20; R7).
26. The oral warning dated August 28, 1993 listed a total of 11 unscheduled incidents over seven months (January 1, 1993 through July 31, 1993) . Of these, three involved absence for the Petitioner's entire shift. Two were due to tardiness. The Petitioner had bona fide reasons to be absent or to leave early in most instances, including one instance when her son was hurt, one when her daughter was in the hospital, one when the Petitioner was ill, one when the Petitioner was out of town on a bus that broke down, and one during a tornado warning. However, one of the incidents, the July 23, 1993 violation, was a no call, no show, where the Petitioner neither called in or showed up for work as scheduled. No verification of illness was presented for that absence. (T. Vol. II. pp. 15-30, 112-114; R7).
27. On or about February 12, 1994, the Petitioner received a written warning from her supervisor, Ann Boykin, based upon alleged excessive unscheduled absences and tardiness. (T. Vol. I. p. 21; R8).
28. The written warning dated February 12, 1994 listed a total of 14 unscheduled incidents over seven months. The Petitioner had bona fide reasons to be absent, late or leave early in most instances. However, three incidents were no call, no show, where the Petitioner neither called in nor showed up for work as scheduled. Five of the unscheduled absences involved going to the hospital with her mother, who was being treated for chronic heart disease. In two instances, she was out of town when her car broke down, and once she went to the airport to meet her husband's flight from overseas. The Petitioner missed an in-service training class and work on December 9, 1993 and again on February 7, 1994. (T. Vol. II. pp. 31-40, 112-119; R8).
29. On or about June 17, 1994, the Petitioner received a final written warning from her supervisor, Ann Boykin, based

upon alleged excessive unscheduled absences and tardiness. (T. Vol. I. p. 22; R. Ex. 9).

30. The final written warning dated June 17, 1994 lists 10 unscheduled incidents over four months, February 11, 1994 to May 18, 1994. Four involved the Petitioner's own illness, two involved her sister's emergency brain surgery in Chapel Hill, one involved her mother's return to the hospital, and two times she was tardy (by less than 15 minutes), according to the wall clock at the Center. The Petitioner missed three days due to strep throat, but she called as required by the call-in policy and informed the Center that she would miss all three of her scheduled weekend days. The Petitioner also missed one in-service class and work on April 21, 1994 (a Thursday) because she forgot to check her monthly work schedule and was not aware that she was scheduled to attend the class and work on that date. Of the 10 incidents listed, three (3) were no call, no show, where the Petitioner failed to call in or report to work as scheduled. The Final Written Warning also set out the call-in policy and notified the Petitioner that "[f]ailure to correct attendance will result in your dismissal from employment at NCSCC." (T. Vol. I. pp. 200-204; T. Vol. II. pp. 41-51; R9).
31. Each of the three warnings was initiated by Ann Boykin based upon her opinion that the Petitioner's absences during the time periods in question had been excessive. She conferred with Ms. Roberson and Ms. Batts on all three warnings, and they concurred with her actions. (T. Vol. I. pp. 20-21, 24, 34-35, 69, 84, 155).
32. After the Petitioner's change to half-time status, effective January 1, 1993, her regular hours were: Friday 3:00 p.m. to 9:00 p.m.; Saturdays 3:00 to 11:30 p.m.; Sundays 3:00 to 11:30 p.m. She worked other hours only when she was scheduled for an in-service class, or a class combined with a partial shift.
33. The Petitioner was notified of scheduled classes by notations on her monthly work schedule, which was posted in the nurses station on the floor where she worked, and often also by verbal reminders from Ms. Boykin.
34. The Petitioner forgot to check her monthly work schedule prior to December 9, 1993 (a Thursday) and February 7, 1994 (a Monday) and thus was not aware that she was scheduled to attend class and work on those dates. (T. Vol. I. pp. 9, 184-185, 196, 198).
35. On August 5, 1994, the Petitioner saw a notice at the Center for an upcoming in-service class entitled "Dealing with Difficult People." She asked her supervisor, Ms. Boykin, if that class was intended for HCTs like herself. The Petitioner was told that the class was for management only and that as far as Ms. Boykin knew, there were no classes for HCTs scheduled that month. The Petitioner repeated this understanding to several of her co-workers that day, including Mr. Preston Warren. (T. Vol. I. pp. 33, 205-209; P3).
36. The Petitioner did not check her monthly work schedule for August, 1994, on August 5, August 6, or August 7. She worked on a different floor than usual on August 5 and her schedule was not posted on that floor. On August 6 and August 7, her floor was short-staffed and the Petitioner had to care for many more patients than usual (20 or more). The Petitioner did not check her work schedule because of her understanding from Ms. Boykin that there was no upcoming class for HCTs and because her work shifts were so hectic that she did not remember to check. Therefore, she was not aware that she was scheduled to attend the class and to work on August 10, 1994. (T. Vol. I. pp. 210-212).
37. On August 10, 1994, Petitioner was scheduled to work from 4:00 p.m. to 8:00 p.m., and to attend a class that was scheduled from 4:00 p.m. to 5:00 p.m. The work schedule was posted inside the Nurse's station no later than July 26, 1995. (T. Vol. I. p.9). The class schedule was also posted outside the nurse's station, and showed the classes which were scheduled, and who the class was for. (T. Vol. I. pp. 29, 198; R10). The class scheduled for August 10 was a class about dealing with difficult people, and was posted as being for all employees. (T. Vol. I. p. 30). Petitioner's work schedule showed that she was scheduled to attend this class. (T. Vol. I. p. 30).
38. The Petitioner was in fact scheduled to attend class and to work on August 10, 1994. The Petitioner did not report to the Center as scheduled, and she did not call in. (T. Vol. I. pp. 18, 77, 205, 212).
39. The Respondent's written absenteeism policy states in part that:

All employees are required to report to work as scheduled. . . . It is the responsibility of the employee to notify the Nursing Supervisor on duty or the Nursing Office Secretary

when illness or other circumstances prevent the employee from reporting to work as scheduled. . . . The employee shall be responsible for contacting the Supervisor/Secretary as soon as possible of the intended absence. Notification shall be made at least one hour prior to the scheduled work time. In emergency situations notification is required no later than one hour following the scheduled reporting time. (R18; T. Vol. I. pp. 116-117).

40. The Respondent's written absenteeism policy further states that:

Employees having two (2) unapproved absences (either separate or consecutive) within a six (6) month period shall receive a warning in the disciplinary action process.

If within a six (6) months of such a warning the employee again has two unapproved absences, the Supervisor shall issue a subsequent warning. Continuation of the same sequence will ultimately lead to dismissal for failure in the performance of duties. (R18, ¶¶18 & 19).

41. The Petitioner reported to work for what would have been her normal work schedule on Friday, August 12, 1994, but was sent home by Ms. Roberson because the Petitioner was not scheduled to work on that date and Ms. Roberson felt that the Petitioner was inappropriately dressed for work. Ms. Roberson informed the Petitioner that she had missed a scheduled class and work on August 10, 1994. (T. Vol. I. pp. 73, 213).
42. Petitioner worked her regular hours on August 13 and August 14, 1994. (T. Vol. I. p. 215).
43. On or about August 10, 1994, either Ms. Roberson or Ms. Boykin informed Ms. Batts of the Petitioner's absence of August 10, 1994. Ms. Batts in turn informed Mr. Hunt of the Petitioner's absence. (T. Vol. I. pp. 130-131).
44. Ms. Batts decided that the absence of August 10, 1994 warranted possible dismissal of the Petitioner, so she scheduled a predissmissal conference with the Petitioner on August 17, 1994. (T. Vol. I. pp. 75-77, 131-132).
45. The predissmissal conference was attended by the Petitioner, Ms. Batts and Ms. Roberson. Ms. Batts asked the Petitioner about her failure to report to work on August 10, 1994. The Petitioner explained that she thought the class was for management only, and gave names of coworkers that she had spoken to about the class on August 5, 1994. The Petitioner also explained that she had not checked the monthly work schedule because of the misunderstanding about the class and because her shift has been so hectic on the previous weekend. (T. Vol. I. pp. 77-79, 132-134, 216-217).
46. Ms. Batts later spoke to some or all of the people mentioned by the Petitioner, but felt that they did not corroborate the Petitioner's misunderstanding. Ms. Batts did not feel that the Petitioner's absence was excusable. (T. Vol. I. p. 133).
47. Ms. Batts conferred with Mr. Hunt again on or about August 19, and decided to dismiss the Petitioner by letter written that day. (T. Vol. I. p.136; R23).
48. The Center's policy on call-ins did not change and was in effect as written on August 10, 1994. (T. Vol. I. pp. 116-117). The call-in policy was reviewed at a staff meeting at which the Petitioner was present on June 2, 1992. (T. Vol. I. pp. 65-66; R20c).
49. Since October 1, 1992, four of approximately 165 employees in the Nursing Department under Renee Batts' direct and indirect supervision, including the Petitioner have been discharged for excessive absenteeism. About 97 percent of all employees abide by the Center's policy on absenteeism and leave. (T. Vol. I. pp. 104, 125).
50. For many years prior to her dismissal, the Petitioner had many concerns about staff morale at the center and the level of patient care at the Center. (T. Vol. I. p. 230).
51. Under a previous Director, the Petitioner had served on a committee designed to address those concerns. (T. Vol. I. pp. 232-234; P5).

52. The Petitioner met several times in 1994 with Ms. Batts, with Ms. Gardner from the personnel department, and with Mr. Hunt, regarding her concerns. She let them know that if they did not attempt to address her concerns she would take the matter to the Department of Human Resources in Raleigh. (T. Vol. I. pp. 143-144, 237-238; P6; P7).
53. The Petitioner received a letter from Mr. Hunt dated June 30, 1994, in which he said he would consider the Petitioner's suggestion of a meeting between staff and top management. When no such meeting was held by August 8, 1994, the Petitioner decided to send a letter to the Secretary of the Department of Human Resources in Raleigh, along with a petition she had initiated, signed by 46 employees of the Center. The petition had been circulated among staff a couple of months earlier. (T. Vol. I. pp. 140-146, 176, 178-181, 237-240; P8, R13).
54. Ms. Batts and Mr. Hunt had heard about the petition before it was sent to Raleigh. Mr. Hunt learned on August 16, 1994 that it had been sent to Raleigh, while he and Ms. Batts were deliberating as to whether or not the Petitioner should be dismissed. (T. Vol. I. pp. 140, 176).
55. The Petitioner presented no evidence as to what her salary was as a Health Care Technician at the Center. As of August 19, 1995 her reported income to the Federal Internal Revenue Service was \$6,933.00. (R24). After her termination from employment at the Center, the Petitioner received unemployment compensation in the amount of \$2,142.00 (T. Vol. II. p. 98). The Petitioner became self employed in April, 1995. (T. Vol. II. p. 100). The Petitioner denied a profit, but admitted to making sales. (T. Vol. II. p. 101). After her termination, the Petitioner engaged in a work search, but did not seek employment as a Health Care Technician. (R25).

Based on the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and subject matter pursuant to Chapters 126 and 150B of the North Carolina General Statutes and has the authority to issue a recommended decision to the State Personnel Commission which shall make the final decision.
2. North Carolina General Statutes §126-35 states that "[n]o career State employee subject to the State Personnel Act shall be discharged, suspended, or demoted for disciplinary reasons, except for just cause." "Just cause" dismissals are defined in the North Carolina Administrative Code, Title 25, r. 1J.0604. That section states:

There are two bases for the discipline or dismissal of employees under the statutory standard of "just cause" as set out in G.S. 126-35. These two are:

(1) Discipline or dismissal imposed on the basis of unacceptable job performance;

(2) Discipline or dismissal imposed on the basis of unacceptable personal conduct.
3. Unacceptable personal conduct is defined in relevant part as "the willful violation of known or written work rules." 25 N.C.A.C. 1J .0604(d)(4), (Effective March 1, 1994). Unacceptable job performance is defined as "the failure to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by management." 25 N.C.A.C. 1J Section 0604 (c). (Effective March 1, 1994). In a dismissal based upon unsatisfactory job performance, the employee must receive a minimum number of warnings prior to dismissal. (State Personnel Manual, Sec. 8).
4. The unwritten modification of the attendance policies in early 1992 made a profound change, converting the attendance policies to essentially a no-fault system where any "unscheduled" absence was considered a violation. Yet this major change was never put in writing and never adequately explained to the Petitioner or the rest of the staff. Even the supervisors who were charged with enforcing the policy through their discretion seemed uncertain as to whether the reason for absences should ever be considered. If the reason for absence was a valid consideration, the modified policy did not so state, and did not provide any reliable means by which the supervisor would be informed of the reason for the absence.
5. In a dismissal based upon unsatisfactory job performance, the job performance policy in question must, in fairness, be clear, reasonable, and known to the employees.

6. The unwritten policy lacked an objective standard as to when discipline will be imposed. The subjective standard of "excessive" unscheduled absences was prone to inconsistent applications and personal bias, either conscious or unconscious. Further, it failed to provide the employee with an adequate understanding of when he or she may be subject to the next step in the disciplinary process.
7. The unwritten policy failed to take into consideration the Family and Medical Leave Act, or the state rules and regulations issued pursuant to the Act. The unwritten attendance policy violated the Act, the Code and the Manual insofar as it classified covered absences as violations of the attendance policy, and insofar as it failed to provide for a proper means to determine whether or not any absence was covered by the Act. Some of the Petitioner's absences were covered by the Act, the Code and the Manual. The Respondent has not shown that the Petitioner's total absences would have met the "excessive" threshold, so as to warrant warnings and dismissal, if absences covered by the Act are discounted. The Respondent's failure to comply with the Act is not excused by the Petitioner's failure to specifically request that her absences be covered by the Act, because such a request is required only for planned birth or adoption, or planned medical treatment, not for a medical emergency. (Manual, Sec. 8, p. 19.5). Moreover, the employer has the responsibility to designate leave as FMLA leave, based upon information provided by the employee. An employee is not required to expressly assert FMLA rights or even mention the FMLA to meet her obligation to provide notice under the Act. (Manual, Sec. 8 p.19.4; 25 N.C.A.C. 1E .1404; 29 C.F.R. §825.302(c)). In any event, the Petitioner could not be expected to request her rights under the Act when her rights had never been explained to her by her employer.
8. The Respondent's failure to provide the Petitioner with notice of her rights under the FMLA prevents the Respondent from taking any adverse action against the Petitioner, including denying her leave. (29 C.F.R. §825.300(a)).
9. The written attendance policy requires two unapproved absences within a six month period in order to move to the next disciplinary step. After the Petitioner's final written warning, the Respondent charged her with only a single additional violation (the missed class and work of August 10, 1994) before dismissing her. Even if the absence of August 10, 1994, was entirely the Petitioner's fault, a single violation is not sufficient to justify the dismissal under the written policy or under the unwritten policy, according to how it was described and how it had been applied up to that point. Even though the Petitioner was at the next-to-last step of the disciplinary process, there is nothing in the policy to indicate that the final step of dismissal would result from the very next and only violation. Under the written policy, two violations within a six month period were required for the imposition of disciplinary action. Under the unwritten policy, an excessive number of unscheduled absences had to have occurred within a six month period. One unscheduled absence following the Final Written Warning could not be considered excessive.
10. Petitioner had a history of attendance problems, many of which were beyond her control, and some of which were within her control and were due to her own carelessness. Chronic excessive absenteeism from the workplace is a legitimate employer concern. However, the Respondent has not met its burden of proof to show that there was just cause to dismiss petitioner based upon violation of its unwritten attendance policy, or its written policy.

RECOMMENDED DECISION

It is recommended that the State Personnel Commission order the Respondent to reinstate the Petitioner to her position with full back benefits, and to award her reasonable attorney's fees.

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 Statutes section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes section 150B-36(a) 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.

The agency is required by North Carolina General Statutes section 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.

This the 17th day of November, 1995.

Brenda B. Becton
Administrative Law Judge

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**NORTH CAROLINA DEPARTMENT OF
HUMAN RESOURCES (CHERRY HOSPITAL)**
Respondent.

RECOMMENDED DECISION

APPEARANCES

Petitioner was represented by W. Timothy Haithcock of Barnes, Braswell & Haithcock, P.A., Goldsboro, North Carolina.

Respondent was represented by Assistant Attorney General Diane Martin Pomper.

PROTECTIVE ORDER

On July 7, 1995, Respondent moved for a Protective Order, pursuant to G.S. 126-22, 23 and 24 requiring the parties, counsel and the witnesses not to divulge outside the scope of this hearing, any information derived from personnel records discussed as part of the evidence in this case. The Administrative Law Judge granted the motion on the record at the beginning of the hearing of this contested case.

PROCEDURAL HISTORY

The parties entered into a Pre-Trial Order which is incorporated herein by reference as if fully set out, wherein the Administrative Law Judge determined that the Office of Administrative Hearings had jurisdiction of the parties and of the subject matter. The Petitioner presented evidence on July 11, 1995. During a recess, the parties, through counsel, negotiated a settlement of all matters in dispute and announced on the record the terms of that agreement. The hearing was recessed to allow the executory portions of the settlement to be put into effect. The Respondent thereafter refused to participate in the executory portions of the agreement. Petitioner moved to complete the case on the merits and to preserve her exception to Respondent's refusal to participate in the agreement which had been announced on the record and which Petitioner felt to be binding on the parties. The motion is included in the documentary record of this case. The Administrative Law Judge considered the motion on the record on September 14, 1995. The undersigned:

1. Granted Petitioner's motion that the case proceed on for completion of the evidence;
2. Preserved for determination by the Personnel Commission and the Superior Court the issue of whether the settlement agreement announced during the hearing on July 11, 1995 is enforceable; and
3. Declined to rule on the validity of the Settlement Agreement for the reasons that if it is valid it is a matter of contract enforceable in a court of law, and given the impasse reached as a result of the parties' respective positions, it is the responsibility of the Administrative Law Judge to complete the record of this case and recommend a decision to the Personnel Commission.

The parties consented to the Administrative Law Judge hearing the remainder of the case and Respondent presented its evidence.

ISSUE

Whether Petitioner was denied a promotion to Laundry Manager I due to race, sex or political discrimination.

WITNESSES

The following people testified for Petitioner:

Bertha Pate	-	Laundry Manager III, Cherry Hospital
Vernon Capps	-	Retired Laundry Manager III, Cherry Hospital
Harvey Casey	-	Laundry Manager at Cherry Hospital from 1965-1977.
Della Jones	-	Distribution Supervisor, Cherry Hospital Laundry
LaVerne Waters	-	Flatwork Ironing Supervisor, Cherry Hospital Laundry
Alton Thompson	-	Soiled Linen Supervisor, Cherry Hospital Laundry
James Whitfield	-	Washers and Dryers Supervisor, Cherry Hospital Laundry
Sandra Butts	-	Petitioner

The following people testified for Respondent:

Shirley Edwards	-	Personnel Director, Cherry Hospital
Les Martin	-	Chief of Support Services at Cherry Hospital at all times relevant to this case
Howard Len Henderson	-	EEOC officer, Cherry Hospital, April 4, 1994-June 30, 1995; Administrative Assistant to Director since July 1, 1995
John Montgomery	-	Director, Cherry Hospital

EXHIBITS

The following exhibits were introduced by Petitioner in her *prima facie* case:

P1	P5	R4	R10
P2	P6	R5	
P3	P7	R6	
P4	R3	R8	

The following exhibits were introduced during Respondent's case:

R1	R7
R2	R11
R9	R12
R10	R13
R14	

Based upon all the competent evidence introduced at the hearing the undersigned finds the following:

FINDINGS OF FACT

1. Sandra Chase Butts is a white female with a birth date of January 2, 1947 and a completed age of 48. She has been employed with Cherry Hospital since June 15, 1970 and employed in the Cherry Hospital Laundry since December 1, 1977 as a secretary. At the time she made her application for the Laundry Manager I position, she had had 24 years with Cherry Hospital and 16 years 6 months as a secretary at the laundry. Her annual salary was \$26,000.00.

2. On September 9, 1994, Respondent posted a vacancy in the position of Laundry Manager I at Cherry Hospital. Petitioner and one other person, Edwin Earl Artis, applied.

3. Edwin Earl Artis, the successful applicant, has a birth date of January 8, 1951 and at the time of his appli-

cation had a completed age of 43 and he is a black male.

4. At the time of his application his current salary was \$17,200.00 as a Laundry Supervisor II and he had been with Cherry Hospital since September of 1984. He had been a soiled linen working supervisor for 3 years 10 months. According to his application for the job at issue his major duties in order of importance were as follows:

To supervise two employees and eight inmates in properly separating soiled laundry, to maintain a reasonable work flow in order to meet production and delivery schedules of the seven areas served. To make sure laundry is separated in the proper categories. Chutes are loaded with proper amount of laundry and correct wash formulas are used.

5. Butts' major duties as a secretary, per her application for the job at issue, are as follows:

Provide general office management & secretarial support service to Ldy. Mgr. & Ass't. Ldy. Mgr., provide clerical/secretarial support service for Ldy. Dept. Receive all incoming calls, visitors, sales reps., machinery reps, hospital/agency personnel, post and maintain time records for 50 employees, compile & prepare statistical data/reports for Budget Dept. Relieve Ldy. Mgr. & Ass't. Ldy. Mgr. in their absence. (See Respondent's Exhibit 5). [Emphasis added]

6. The posting for the Laundry Manager I job required the following:

"MINIMUM EDUCATION & EXPERIENCE:
GRADUATION FROM HIGH SCHOOL AND FOUR YEARS OF
EXPERIENCE IN A COMMERCIAL OR INSTITUTIONAL
LAUNDRY INCLUDING ONE YEAR OF SUPERVISORY EXPERI-
ENCE; OR AN EQUIVALENT COMBINATION OF TRAINING
AND EXPERIENCE."
(See Respondent's Exhibit 2)

7. The purpose of the Laundry Manager I position is to coordinate and monitor the production of the five departments within the Laundry. Operational responsibilities comprise 80% of the job. "The operational responsibilities of this position are both administrative and technical. To the greatest degree, supervisory responsibilities are administrative: . . . " (See Respondent's Exhibit 8).

8. At the time of her application, Sandra Chase Butts was a pay grade 59, Secretary IV. When she initially became a secretary some 17 years earlier, it was at a pay grade 56. It was then upgraded to a 57 in the later eighties due to a personnel study. During Butts' employment at Cherry Hospital, she received ratings of "outstanding" or "exceeds expectations" on her work performance reviews during her entire working period.

9. After applying and being interviewed for the job by Bertha Pate, the Laundry Manager III, and Les Martin, Chief of Support Services, Butts was told by them she had been selected for the job. Pate and Martin are white. Pate had previously filled the Laundry Manager I position until she was promoted to Laundry Manager III. Exhibit RI accurately reflects the organizational chart for the Laundry.

10. According to Petitioner's Exhibit 4, Bertha Pate and L. M. Martin approved Mrs. Butts over Edwin Artis because she had a knowledge of all the laundry and had the necessary "people" skills to perform the duties and had on numerous occasions assumed all the management duties of the total laundry operation in the absence of the Laundry Manager I since 1977. It was stated that Mr. Artis had limited knowledge and limited "people" skills. (See Petitioner's Exhibit 4).

11. Mrs. Butts was subsequently notified by Mr. Martin that the EEOC Officer, Mr. Len Henderson, disagreed with their recommendation and that he had no choice but to change his decision and recommend Mr. Artis. Mr. Artis was selected.

12. The five departments at the Laundry are soiled linen, washer/dryers, press and finish, flat work ironers, and distribution.

13. Prior to his selection for the Laundry Manager I position, Edwin Artis had worked as a washer operator

for six years and as the Supervisor of the soiled linen department for 3 years and 10 months. He had no supervisory, administrative or other management responsibilities in any of the other four departments. Mrs. Butts is familiar with all of the workings of the laundry. Butts is familiar with personnel policies and procedures. Butts routinely meets the public, works with vendors and routinely orders parts, equipment and supplies. Butts routinely handles administrative issues. For a number of years, Butts has routinely made decisions affecting the laundry that come up on a daily basis in the absence of the Laundry Manager I.

14. On three occasions, Cherry Hospital has promoted secretaries to management positions. Those positions include purchasing officer, head of the reimbursements department and the assistant personnel manager.

15. Bertha Pate, the current Laundry Manager III, knows both applicants and strongly recommended that Sandra Butts be selected for the position. Butts served as Pate's secretary when Pate was the Laundry Manager I. Pate stated that Mrs. Butts had acquired, through 17 years of working experience, knowledge and understanding of the total laundry operation; that she had a thorough knowledge of personnel policies and procedures and could interpret those policies as related to time keeping, new policies, disciplinary process, purchasing and budget. Pate testified that Butts gets along well with laundry and hospital staff and has a very good working relationship with vendors and sales representatives. Pate testified that Butts has excellent "people" skills. (See Petitioner's Exhibit 5).

16. Harvey Casey, the first laundry manager, knows both applicants and highly recommended Sandra Butts as the party to be selected. Casey is a white male.

17. Vernon Capps, a previous laundry manager before Bertha Pate, stated that he highly recommended Sandra Butts and that he knew and had worked with both applicants. He stated that Mrs. Butts helped set up the laundry, was familiar with personnel policies, with purchasing and that she exercised full supervisory responsibilities in his absence. Capps testified that Butts never made poor decisions. Capps retired in January 1994. (See Respondent's Exhibit 4). Capps is a white male.

18. Four of the five working supervisors testified.

19. Della Jones, supervisor of distribution for six years, and over nine workers, stated that Mrs. Butts was more qualified than Mr. Artis and that she did not even consider herself as being as qualified as Mrs. Butts and that is why she had not applied for the job. Jones is a white female.

20. LaVerne Waters, a supervisor for flat work ironers, and over 15 workers, stated that Mrs. Butts was more qualified for the job, and that Mrs. Butts was a resource for answers. Waters is a white female.

21. Alton Thompson, current supervisor of soiled linens, stated that he had had communication problems with Edwin Artis. Thompson is a black male.

22. James Whitfield, supervisor of washers/dryers, and over five employees, stated that he would have applied for the Laundry Manager I job but he considered Sandra Butts more qualified than himself. Whitfield is a white male.

23. Shirley Smith Edwards, the Personnel Director, stated categorically that she had no input into the selection process and that she had not made a recommendation as to which applicant to select. Edwards is a black female.

24. Les Martin, Chief of Support Services at Cherry Hospital for 3 years and 10 months, stated that after the interviews were conducted by himself and Mrs. Pate and the applications reviewed, he felt that Sandra Butts should be selected and made that recommendation. He stated that Len Henderson, then the EEOC Officer, objected to that selection and recommended Mr. Artis. A conference was held by Mr. Martin, Mr. Henderson and Mr. Field Montgomery, Director of Cherry Hospital. As a result of that conference, Mr. Henderson changed Martin's selection from Mrs. Butts to Mr. Artis.

25. Mr. Henderson was the EEOC Officer from April 4, 1994 to June 30, 1995, when that position was terminated by the Legislature. He stated that his job was to ensure that the Affirmative Action Program was carried out in all personnel decisions. Henderson is a black male.

26. Mr. Henderson stated that he disagreed with the selection of Mrs. Butts and pointed to a State Personnel Specification dated February 1956 as requiring one year of supervisory experience in a commercial or institution laundry

(see Petitioner's Exhibit 1). He concluded that Mrs. Butts did not have the one year supervisory skill that he considered necessary and concluded that Mr. Artis had experience in several areas of the laundry and was qualified.

27. Mr. Henderson testified that the selection had nothing to do with diversity in the work force and had nothing to do with Affirmative Action. Henderson testified that the reasons for his conclusions are stated in his writing on Petitioner's Exhibit 4, and relate to his determination that Butts lacked the minimum qualifications.

28. Henderson also testified that the Laundry Manager I job was included in the "Skilled Crafts" category in the Laundry's Affirmative Action plan and that there was an underutilization of five women in that category. There is no underutilization in the category for black males.

29. Field Montgomery, Director of Cherry Hospital, testified that he met with Mr. Henderson and Mr. Martin and concluded that Mrs. Butts was not qualified because she did not have the necessary supervisory experience.

30. Montgomery concluded that Artis met the minimum qualifications and that the application of Mr. Artis permitted the selection of an African-American for a management position. Neither he nor Mr. Henderson interviewed either candidate. Montgomery is a white male.

31. The EEOC program Mr. Len Henderson was charged with overseeing states that it is the policy of Cherry Hospital to provide applicants for employment equal opportunities, training, compensation, promotion, and other attributes of employment without regard to race, religion, national origin, sex, age or physical handicap. (See Respondent's Exhibit 13).

32. The reason given by Henderson, in writing, for selecting Mr. Artis over Mrs. Butts has nothing to do with any published EEOC goals. Mr. Montgomery admitted the same was true.

33. 25 NCAC 1H .0607(a), Minimum Qualifications provides, as a matter of law, that, "The Employee or applicant must possess at least the minimum education and experience requirements, or their equivalent, set forth in the specification of the vacancy being filled." ". . . Qualifications necessary to perform successfully may be attained in a variety of combinations. In evaluating qualifications, reasonable substitutions of formal education and job-related experience, one for the other, will be made." 25 NCAC 1H .0607(b) [Emphasis added]

34. Both Artis and Butts were supported for the Laundry Manager I position by Democratic legislators.

35. Prior to being promoted to the position of Laundry Manager I, Mr. Artis had never provided supervisory coverage over the laundry in the absence of the laundry managers.

36. Prior to being promoted to the position of Laundry Manager I, Mr. Artis was not aware of the administrative procedures for which the Laundry Manager I is responsible.

Based upon the foregoing, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The 1956 Job Description (Exhibit R7) is an incomplete statement of the minimum qualifications. The job description makes no mention of " . . . an equivalent combination of training and experience." Duly promulgated administrative rules, with the force of law, provide that job related experience is a reasonable substitute for formal education.

2. The difference between the Job Description (Exhibit R7) and the Job Posting (Exhibit R2) is immaterial in this case. No issue is raised that Butts lacks the formal education required. The relevant issue is whether she meets the minimum qualification of one year of supervisory experience. There can be no substitution for this requirement.

3. Butts meets the minimum qualifications for the Laundry Manager I position. Butts has more than one year of experience in supervising the Cherry Hospital Laundry.

4. Butts is more qualified than Artis to fill the position of Laundry Manager I.

5. Petitioner has met the initial burden of establishing a prima facie case of gender discrimination:

- a. She applied for the Laundry Manager I position and meets the minimum qualifications;
- b. She was rejected;
- c. Respondent filled the position with a male;
- d. There is some evidence of discrimination:

- i. Mrs. Butts had been performing the duties of the Laundry Manager I position on a routine basis for years in her role as secretary to the manager. Yet, when the opportunity for promotion arose, Butts was not hired, and a less qualified male was hired;

- ii. The Affirmative Action Goals for the Cherry Hospital Laundry show an underutilization of females in "Skilled Crafts." The EEOC Officer testified that the Laundry Manager I position was included in the "Skilled Crafts" category;

- iii. A male EEOC Officer determined that a female should not be hired for a position for which she was more qualified than the male who was hired.

6. Butts has met the initial burden of establishing a *prima facie* case of racial discrimination:

- a. She applied for the Laundry Manager I position and meets the minimum qualifications;
- b. She was rejected;
- c. Respondent filled the position with a member of another race;
- d. There is some evidence of discrimination:

- i. A black male EEOC Officer determined that a white female lacked the minimum qualifications when in fact she did and recommended that a black male with fewer qualifications be hired.

7. Despite the fact that the EEOC Officer testified that the Affirmative Action plan included the Laundry Manager I position in the "Skilled Crafts," it is hard to imagine how a supervisory position can be characterized as a craft, skilled or otherwise. The result is that the Affirmative Action plan does not address any goals for the Laundry Manager I position. This conclusion by the Administrative Law Judge is consistent with other testimony by Mr. Henderson and Mr. Montgomery that the affirmative action plan had no impact on the selection.

8. Respondent failed to introduce evidence of legitimate, nondiscriminatory reasons for the selection of Mr. Artis. Quite simply, Mr. Henderson's participation in the hiring process was inappropriate. No hiring goals related to race were at issue. Although the evidence is conflicting, the undersigned concludes that no hiring goals related to gender were at issue.

9. Respondent discriminated against Petitioner on the basis of race when it followed the conclusion of the EEOC Officer that Petitioner was not qualified for the position. No race related hiring goals were at issue. Respondent ignored the opinion of Petitioner's supervisor that she was the better qualified applicant. In fact, Petitioner is the better qualified applicant.

10. Respondent discriminated against Petitioner on the basis of gender. No affirmative action goals were at issue in the decision of who to hire. Yet, the EEOC Officer inserted himself into the process and contradicted the opinion of the two supervisors. Butts does in fact meet the minimum qualifications for the position, and, in fact, is more qualified than Artis.

The EEOC Officer stressed in his analysis the maintenance of equipment. No mention was made in his analysis that the position determines matters of policy and that the work includes responsibility for requisitioning, keeping clerical records, developing work schedules, work assignments, administering discipline, keeping employees abreast of procedural policies, monitoring productivity, and employee counseling. The EEOC Officer's myopic view of the Laundry

Manager I position guaranteed that Petitioner, who held a job traditionally held by women, and that is not labeled "supervisory," but which is responsible for performing all of the most important job duties at issue, would not be considered minimally qualified.

12. Petitioner failed to make a *prima facie* case of political discrimination.

Based on the foregoing, the undersigned issues the following:

RECOMMENDED DECISION

1. Petitioner be deemed to be qualified for the Laundry Manager I position;
2. Petitioner be compensated as if she had been promoted into the Laundry Manager I position effective October 19, 1994;
3. Respondent be ordered to place Petitioner in the Laundry Manager I position should a vacancy occur;
4. Respondent be ordered to pay Petitioner's attorney's fees in a reasonable amount.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, PO 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' 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 Personnel Commission.

This the 29th day of November, 1995.

Thomas R. West
Administrative Law Judge

4. Pursuant to the provisions of the APA the Petitioner can bring a contested case if he is an aggrieved party whose privileges, rights, etc. have been affected by agency action. As a public employee, the only property rights regarding employment that the Petitioner has are those provided in Chapter 126 of the North Carolina General Statutes. Chapter 126 grants an employee a right to challenge a number of employment decisions, including alleged discrimination on an unlawful basis such as political affiliation. However, a state employee who brings an action based upon unlawful discrimination is limited by Chapter 126 to those areas specified in Section 126-36: employment, promotion, training, transfer, demotion, layoff, or termination.

5. In order to resolve the ripeness issue, one must determine whether the Petitioner has been denied employment or promotion on account of his political affiliation as a result of the Respondent's Promotion Procedures. The Respondent's promotion policy does not, of course, specifically state that only Democrats will be considered for promotions. Therefore, it is the application or implementation of the policy in a discriminatory fashion which is the crux of the Petitioner's complaint. Until the policy has been applied, the Petitioner has suffered no deprivation as a result of any agency action. Although, the Petitioner argues that "the practices of the agency as it relates to promotion opportunities are not being equally applied," he fails to allege any facts demonstrating how the policy is being applied in an unequal manner. Even though the Petitioner believes the promotional policy is discriminatory, it is possible that the Respondent may apply the policy in such a way that the discrimination the Petitioner anticipates does not occur. The mere existence of a facially neutral policy does not deprive the Petitioner of any property right until it is applied in a discriminatory manner.

6. North Carolina General Statutes §143-422.2 pronounces the State's public policy regarding employment discrimination. Even under that statute, which does not mention discrimination based upon political affiliation, the allegations in the Petitioner's Petition fail to set forth any facts that support his claim of discrimination on the basis of political affiliation. The Petitioner has not alleged that it clear on the face of the policy and procedures that they discriminate against persons who are not Democrats. Again, the Petitioner anticipates that what he concedes in his brief is a facially neutral procedure will be applied in a discriminatory manner. A claim based upon anticipated discrimination is not ripe for adjudication.

FINAL DECISION

For the above reasons, the undersigned determines that the Office of Administrative Hearings does not have jurisdiction over this matter and the Petitioner's Petition for a Contested Case Hearing must be, and is, hereby, **DISMISSED**.

NOTICE

In order to appeal a Final Decision, the person seeking review must file a Petition in the Superior Court of Wake County or in the superior court of the county where the person resides. The Petition for Judicial Review must be filed within thirty (30) days after the person is served with a copy of the Final Decision. North Carolina General Statutes section 150B-46 describes the contents of the Petition and requires service of the Petition on all parties.

This the 27th day of November, 1995.

Brenda B. Becton
Administrative Law Judge

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

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
		Mortuary Science	34
*21	Occupational Licensing Boards	Nursing	36
22	Administrative Procedures	Nursing Home Administrators	37
23	Community Colleges	Occupational Therapists	38
24	Independent Agencies	Opticians	40
25	State Personnel	Optometry	42
26	Administrative Hearings	Osteopathic Examination & Reg. (Repealed)	44
27	NC State Bar	Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
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		Real Estate Appraisal Board	57
		Real Estate Commission	58
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		Social Work Certification	63
		Speech & Language Pathologists & Audiologists	64
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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.0501	10:07 NCR 585	10/01/95			12/01/95	
.0701	10:07 NCR 585	10/01/95			12/01/95	
.0702 - .0704	10:16 NCR 2027	02/01/96				
.0705	10:17 NCR 2228					Rule-Making Proceeding
.0706 - .0707	10:16 NCR 2027	02/01/96				
.0709	10:17 NCR 2228					Rule-Making Proceeding
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	.1005	10:16 NCR 1675	06/01/96			
	.1008	10:16 NCR 1675	06/01/96			
	.1011	10:16 NCR 1675	06/01/96			
	.1021	10:16 NCR 1675	06/01/96			
02T	.0101 - .0102	10:16 NCR 1675	06/01/96			
	.0201 - .0202	10:16 NCR 1675	06/01/96			
	.0206	10:16 NCR 1675	06/01/96			
	.0301 - .0305	10:16 NCR 1675	06/01/96			
	.0308 - .0309	10:16 NCR 1675	06/01/96			
	.0409 - .0411	10:16 NCR 1675	06/01/96			
	.0502	10:16 NCR 1675	06/01/96			
	.0601 - .0602	10:16 NCR 1675	06/01/96			
	.0604	10:16 NCR 1675	06/01/96			
	.0606	10:16 NCR 1675	06/01/96			
	.0707 - .0709	10:16 NCR 1675	06/01/96			
	.0711	10:16 NCR 1675	06/01/96			
	.1104 - .1108	10:16 NCR 1675	06/01/96			
06C	.0203	10:05 NCR 300	09/01/95			
	.0205	10:18 NCR 2398				Rule-Making Proceeding
	.0407	10:18 NCR 2398				Rule-Making Proceeding
	.0409	10:18 NCR 2398				Rule-Making Proceeding
10		10:15 NCR 1428				Public Notice
19L	.0401	10:16 NCR 1698	02/01/96			
	.0403	10:16 NCR 1698	02/01/96			
	.0407	10:16 NCR 1698	02/01/96			
	.0501 - .0502	10:16 NCR 1698	02/01/96			
	.0505	10:16 NCR 1698	02/01/96			
	.0802	10:16 NCR 1698	02/01/96			

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.0805	10:16 NCR 1698	02/01/96				
.0901	10:16 NCR 1698	02/01/96				
.0906 - .0907	10:16 NCR 1698	02/01/96				
.0911	10:16 NCR 1698	02/01/96				
.1002	10:16 NCR 1698	02/01/96				
.1004	10:16 NCR 1698	02/01/96				
.1009	10:16 NCR 1698	02/01/96				
.1301 - .1303	10:16 NCR 1698	02/01/96				
.1701 - .1703	10:16 NCR 1698	02/01/96				
.1801 - .1803	10:16 NCR 1698	02/01/96				
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23 NCAC 02C .0108	10:03 NCR 208	09/01/95			12/01/95	
.0210	10:07 NCR 587	01/01/96				
.0211	10:03 NCR 208	09/01/95			12/01/95	
.0301	10:07 NCR 587	01/01/96				
.0306	10:03 NCR 208	09/01/95			12/01/95	
02E .0403	10:07 NCR 587	01/01/96				
CORRECTION						
5 NCAC 05 .0001	10:01 NCR 12	07/01/95			07/01/95	
COSMETIC ART EXAMINERS						
21 NCAC 14B .0604	10:12 NCR 985	12/01/95				
14J .0502	10:14 NCR 1380	01/01/96				
14L .0301 - .0302	10:14 NCR 1380	01/01/96				
14N .0106 - .0108	10:14 NCR 1380	01/01/96				
.0112	10:14 NCR 1380	01/01/96				
CULTURAL RESOURCES						
7 NCAC 02F .0002	10:01 NCR 12	07/01/95			08/01/95	
05 .0200	10:18 NCR 2398					Rule-Making Proceeding
DIETETICS/NUTRITION						
21 NCAC 17 .0101 - .0102	10:16 NCR 2046	02/01/96				
.0104	10:16 NCR 2046	02/01/96				
.0107	10:16 NCR 2046	02/01/96				
.0113 - .0114	10:16 NCR 2046	02/01/96				
.0301 - .0304	10:16 NCR 2046	02/01/96				
.0401 - .0402	10:16 NCR 2046	02/01/96				
DENTAL EXAMINERS						
21 NCAC 16	10:16 NCR 2043	05/01/96				Notice on Subject Matter
21 NCAC 16H .0104	10:16 NCR 2043	05/01/96				
.0202 - .0203	10:16 NCR 2043	05/01/96				
16T .0001 - .0002	10:16 NCR 2043	05/01/96				
16U .0101 - .0102	10:16 NCR 2043	05/01/96				
.0201 - .0204	10:16 NCR 2043	05/01/96				
ELECTRICAL CONTRACTORS						
21 NCAC 18B .0103	10:15 NCR 1579	02/01/96				
.0207	10:15 NCR 1579	02/01/96				
.0303	10:15 NCR 1579	02/01/96				
.0402	10:15 NCR 1579	02/01/96				
.0601	10:15 NCR 1579	02/01/96				
.0902 - .0903	10:15 NCR 1579	02/01/96				
.0905	10:15 NCR 1579	02/01/96				
ELECTROLYSIS EXAMINERS						
21 NCAC 19 .0104	10:11 NCR 907	12/01/95			12/01/95	
.0204	10:11 NCR 907	12/01/95			12/01/95	
.0616	10:11 NCR 907	12/01/95			12/01/95	

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ENVIRONMENT, HEALTH, AND NATURAL RESOURCES						
15A NCAC 01	10:18 NCR 2317					Rule-Making Agenda
01C .0101	10:16 NCR 1828	02/01/96				
.0503 - .0504	10:16 NCR 1828	02/01/96				
02	10:18 NCR 2316					Public Notice/303(d) list
02	10:18 NCR 2317					Rule-Making Agenda
02B .0101	10:01 NCR 13					Correction to Notice
.0104	10:01 NCR 13					Correction to Notice
.0202	10:01 NCR 13					Correction to Notice
.0211	10:01 NCR 13					Correction to Notice
.0216	10:16 NCR 1838	02/01/96				
.0224 - .0225	10:16 NCR 1838	02/01/96				
.0224	10:18 NCR 2400					Rule-Making Proceeding
.0227	10:18 NCR 2400					Rule-Making Proceeding
.0301	10:01 NCR 13					Correction to Notice
.0303	10:08 NCR 661	11/01/95				
.0303	10:18 NCR 2400					Rule-Making Proceeding
.0304	10:04 NCR 246	01/01/96			01/01/96	
.0304	10:05 NCR 301	11/01/95			11/01/95	
.0304	10:15 NCR 1515	04/01/96		x		
.0304	10:16 NCR 1846	05/01/96		x		
.0308 - .0310	10:08 NCR 661	11/01/95				
.0308	10:08 NCR 661	02/01/96				
.0313	10:11 NCR 901	02/01/96				
.0315 - .0316	10:08 NCR 661	11/01/95				
.0315	10:08 NCR 661	02/01/96				
.0315	10:16 NCR 1835	05/01/96				
.0316	10:04 NCR 246	01/01/96			01/01/96	
02C .0201 - .0216	10:16 NCR 1848	05/01/96				
02D .0101	10:16 NCR 1867	05/01/96				
.0501	10:16 NCR 1867	05/01/96				
.0516	10:16 NCR 1867	05/01/96				
.0518 - .0519	10:16 NCR 1867	05/01/96				
.0520	10:01 NCR 13	07/01/95	x	x		
.0520	10:16 NCR 1867	05/01/96				
.0521	10:16 NCR 1867	05/01/96				
.0524 - .0525	10:16 NCR 1867	05/01/96				
.0531	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0531	10:15 NCR 1515	04/01/96				
.0533	10:16 NCR 1867	05/01/96				
.0535	10:16 NCR 1867	05/01/96				
.0537	10:16 NCR 1867	05/01/96				
.0539	10:16 NCR 1867	05/01/96				
.0601	10:16 NCR 1867	05/01/96				
.0604	10:16 NCR 1867	05/01/96				
.0608	10:16 NCR 1867	05/01/96				
.0804 - .0805	10:15 NCR 1515	04/01/96		x		
.0901	10:15 NCR 1515	04/01/96				
.0902	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0902	10:16 NCR 1867	05/01/96				
.0909	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0917 - .0924	10:15 NCR 1515	04/01/96				
.0926 - .0928	10:15 NCR 1515	04/01/96				
.0929	10:16 NCR 1867	05/01/96				
.0934 - .0935	10:15 NCR 1515	04/01/96				
.0937	10:15 NCR 1515	04/01/96				
.0951	10:15 NCR 1515	04/01/96				
.0952	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0953 - .0954	10:15 NCR 1515	04/01/96				
.1109 - .1111	10:16 NCR 1867	05/01/96				
.1202	10:16 NCR 1867	05/01/96				
.1204 - .1206	10:16 NCR 1867	05/01/96				
.1301 - .1302	10:15 NCR 1515	04/01/96				

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.1304	10:15 NCR 1515	04/01/96				
.1402	10:01 NCR 13	07/01/95	x	x	07/01/95	
.1406	10:01 NCR 13	07/01/95	x	x		
.1409	10:01 NCR 13	07/01/95	x	x		
.1701 - .1702	10:01 NCR 13	07/01/95	x	x		
.1801 - .1803	10:01 NCR 13	07/01/95	x	x		
.1901 - .1906	10:16 NCR 1867	05/01/96		x		
02H .0219	10:14 NCR 1325	05/01/96				
.0610	10:16 NCR 1867	05/01/96				
.0106	10:19 NCR 0000				01/02/96	Temporary Amendment Rule
02P .0402	10:19 NCR 0000				01/02/96	Temporary Amendment Rule
02Q .0102	10:16 NCR 1867	05/01/96				
.0103	10:16 NCR 1867	05/01/96	x	x		
.0109	10:16 NCR 1867	05/01/96				
.0201 - .0204	10:16 NCR 1867	05/01/96				
.0207	10:16 NCR 1867	05/01/96				
.0302	10:16 NCR 1867	05/01/96				
.0311	10:16 NCR 1867	05/01/96				
.0401 - .0418	10:15 NCR 1515	04/01/96				
.0501 - .0503	10:16 NCR 1867	05/01/96				
.0507 - .0508	10:16 NCR 1867	05/01/96				
.0526	10:16 NCR 1867	05/01/96				
03	10:15 NCR 1515	03/01/96				Notice on Subject Matter
03	10:18 NCR 2317					Rule-Making Agenda
03J .0001	10:14 NCR 1336	03/01/96				
.0005	10:14 NCR 1336	03/01/96				
.0018	10:14 NCR 1336	03/01/96				
03J .0103 - .0104	10:14 NCR 1336	03/01/96				
.0107	10:14 NCR 1336	03/01/96	x			
.0202	10:14 NCR 1336	03/01/96				
.0301	10:14 NCR 1336	03/01/96				
.0401	10:14 NCR 1336	03/01/96				
.0402	10:14 NCR 1336	03/01/96				
.0403	10:15 NCR 1515	03/01/96				
03K .0104 - .0105	10:14 NCR 1336	03/01/96				
.0201 - .0202	10:14 NCR 1336	03/01/96				
03L .0301 - .0302	10:14 NCR 1336	03/01/96				
03M .0202	10:14 NCR 1336	03/01/96				
.0204	10:14 NCR 1336	03/01/96				
.0301	10:14 NCR 1336	03/01/96				
.0501	10:14 NCR 1336	03/01/96				
.0503 - .0504	10:14 NCR 1336	03/01/96				
.0506 - .0507	10:14 NCR 1336	03/01/96				
.0510 - .0511	10:14 NCR 1336	03/01/96				
.0512	10:14 NCR 1336	03/01/96				
03R .0003 - .0005	10:14 NCR 1336	03/01/96				
.0007	10:14 NCR 1336	03/01/96				
.0011	10:14 NCR 1336	03/01/96				
NPDES Permit	10:02 NCR 56					
04A .0001	10:07 NCR 579	10/01/95			10/01/95	
.0005	10:07 NCR 579	10/01/95			10/01/95	
04B .0016	10:07 NCR 579	10/01/95			10/01/95	
.0020	10:07 NCR 579	10/01/95			10/01/95	
.0028	10:02 NCR 149	07/01/95			08/01/95	
.0029 - .0030	10:07 NCR 579	10/01/95			10/01/95	
04C .0007 - .0008	10:07 NCR 579	10/01/95			10/01/95	
.0010	10:07 NCR 579	10/01/95			10/01/95	
04D .0002 - .0003	10:07 NCR 579	10/01/95			10/01/95	
07	10:18 NCR 2317					Rule-Making Agenda
07B .0101	10:09 NCR 751	12/01/95	x	x		
.0201 - .0216	10:09 NCR 751	12/01/95	x	x		
.0401 - .0406	10:09 NCR 751	12/01/95	x	x		
.0501 - .0507	10:09 NCR 751	12/01/95	x	x		

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.0208	10:03 NCR 197	12/01/95				
.0208	10:15 NCR 1552	03/01/96				
.0305	10:15 NCR 1552	03/01/96				
.0308	10:09 NCR 751	12/01/95				
.0308	10:15 NCR 1921	03/01/96				
.0309 - .0310	10:09 NCR 751	02/01/96				
.1705	10:09 NCR 751	12/01/95				
.2201 - .2202	10:03 NCR 204	12/01/95				
.2203	10:03 NCR 204	12/01/95	x			
.2204 - .2205	10:03 NCR 204	12/01/95				
.2301 - .2305	10:15 NCR 1552	03/01/96				
07K .0103	10:09 NCR 751	12/01/95				
07L	10:16 NCR 1921	04/01/96				
07M .0300	10:16 NCR 1921	04/01/96				Notice of Subject Matter
.0400	10:16 NCR 1921	02/01/97				Notice of Subject Matter
10B .0115	10:06 NCR 338	10/01/95			11/01/95	Notice of Subject Matter
.0115 - .0116	10:16 NCR 1922	07/01/96				
.0201 - .0203	10:16 NCR 1923	07/01/96				
.0202 - .0203	10:01 NCR 26	07/01/95			07/01/95	
.0202	10:04 NCR 249	08/01/95			09/01/95	
.0208 - .0209	10:16 NCR 1923	07/01/96				
.0214	10:01 NCR 26	07/01/95			07/01/95	
.0214	10:16 NCR 1923	07/01/96				
.0220	10:16 NCR 1923	07/01/96				
.0302 - .0303	10:16 NCR 1923	07/01/96				
10C .0205	10:16 NCR 1923	07/01/96				
.0301 - .0302	10:16 NCR 1923	07/01/96				
.0305	10:16 NCR 1923	07/01/96				
.0401	10:16 NCR 1923	07/01/96				
.0404	10:06 NCR 338	12/01/95			12/01/95	
.0404	10:16 NCR 1923	07/01/96				
.0407	10:06 NCR 338	12/01/95			12/01/95	
.0407	10:16 NCR 1923	07/01/96				
10D .0002 - .0003	10:01 NCR 26	07/01/95			07/01/95	
.0002 - .0004	10:16 NCR 1923	07/01/96				
.0003	10:04 NCR 250	08/01/95			09/01/95	
.0003	10:06 NCR 338	09/01/95				
10F .0313	10:06 NCR 338	10/01/95			10/01/95	
.0317	10:01 NCR 26	07/01/95			07/01/95	
.0323 - .0324	10:11 NCR 904	12/01/95			12/01/95	
.0339	10:13 NCR 1159	02/01/96				
.0339	10:15 NCR 1565	02/01/96				
.0360	10:13 NCR 1159	02/01/96				
10K .0003	10:13 NCR 1159	02/01/96				
Wildlife Proclamation/Striped Bass	10:02 NCR 57	04/10/95				
	10:03 NCR 195	04/15/95				
11	10:18 NCR 2317					Rule-Making Agenda
.0349	10:16 NCR 1958	05/01/96				
12	10:18 NCR 2317					Rule-Making Agenda
13	10:18 NCR 2317					Rule-Making Agenda
13A .0006	10:13 NCR 1160	01/01/96				
.0019	10:13 NCR 1160	01/01/96				
13B .0101	10:06 NCR 350	10/01/95			10/01/95	
.0103	10:06 NCR 350	10/01/95			10/01/95	
.0503	10:06 NCR 350	10/01/95			10/01/95	
.0802 - .0829	10:06 NCR 350	10/01/95			10/01/95	
.0901 - .0905	10:16 NCR 1959	04/01/96				
.1401 - .1409	10:16 NCR 1959	04/01/96				
.1627	10:06 NCR 350	10/01/95			N/A	Agency Did Not Adopt Rule-Making Agenda
16	10:18 NCR 2317					
16A .1001	10:07 NCR 582	01/01/96	x			
.1002 - .1006	10:07 NCR 582	01/01/96				

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.1722 - .1723	10:16 NCR 1977	04/01/96				
.1725 - .1727	10:16 NCR 1977	04/01/96				
.1801 - .1814	10:13 NCR 1160	01/01/96				
.1818	10:13 NCR 1160	01/01/96				
.2508	10:06 NCR 350	01/01/96			01/01/96	
.2509	10:06 NCR 350	01/01/96				RRC Obj/Rule Withdrawn
.2510 - .2511	10:06 NCR 350	01/01/96			01/01/96	
.2516 - .2519	10:06 NCR 350	01/01/96			01/01/96	
.2521 - .2524	10:06 NCR 350	01/01/96			01/01/96	
.2526	10:06 NCR 350	01/01/96			01/01/96	
.2528 - .2535	10:06 NCR 350	01/01/96			01/01/96	
.2537	10:06 NCR 350	01/01/96			01/01/96	
.2540 - .2542	10:06 NCR 350	01/01/96			01/01/96	
.2543	10:06 NCR 350	01/01/96			N/A	Agency Did Not Adopt
.2601 - .2602	10:13 NCR 1160	01/01/96				
.2618	10:13 NCR 1160	01/01/96				
.2624	10:13 NCR 1160	01/01/96				
.2632	10:13 NCR 1160	01/01/96				
.2635 - .2636	10:13 NCR 1160	01/01/96				
.2702	10:16 NCR 1977	04/01/96				
.3101 - .3106	10:16 NCR 1977	04/01/96				
19	10:18 NCR 2317					Rule-Making Agenda
19A .0401	10:06 NCR 350	10/01/95			10/01/95	
.0406	10:06 NCR 350	10/01/95			10/01/95	
.0502	10:06 NCR 350	10/01/95			10/01/95	
19C .0206	10:05 NCR 305	10/01/95	x			
.0601 - .0603	10:16 NCR 1977	04/01/96				
.0605 - .0609	10:16 NCR 1977	04/01/96				
.0611	10:16 NCR 1977	04/01/96				
19H .0702	10:07 NCR 582	10/01/95	x		N/A	Withdrawn by Agency
20	10:18 NCR 2317					Rule-Making Agenda
20D .0233 - .0234	10:13 NCR 1160	01/01/96				
.0236	10:13 NCR 1160	01/01/96				
.0241 - .0243	10:13 NCR 1160	01/01/96				
.0247 - .0252	10:13 NCR 1160	01/01/96				
21	10:18 NCR 2317					Rule-Making Agenda
21F .0801 - .0802	10:13 NCR 1160	01/01/96				
.0804	10:13 NCR 1160	01/01/96				
.1101 - .1103	10:13 NCR 1160	01/01/96				
.1105	10:13 NCR 1160	01/01/96				
23	10:18 NCR 2317					Rule-Making Agenda
24	10:18 NCR 2317					Rule-Making Agenda
24A .0102	10:13 NCR 1160	01/01/96				
.0202 - .0204	10:13 NCR 1160	01/01/96				
.0301	10:13 NCR 1160	01/01/95				
.0404	10:06 NCR 350	10/01/95	x		10/01/95	
25	10:18 NCR 2317					Rule-Making Agenda
.0213	10:16 NCR 1996	04/01/96				

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	10:03 NCR 194
	10:05 NCR 298
	10:10 NCR 825
	10:11 NCR 889
	10:13 NCR 1084
	10:15 NCR 1429
	10:17 NCR 2227

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0302	10:11 NCR 906	12/01/95	12/01/95
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			State	Local		
.0410	10:11 NCR 906	12/01/95			12/01/95	
GENERAL STATUTES						
Chapter 150B	10:13 NCR 1062					
GOVERNOR'S EXECUTIVE ORDERS						
Number 72	10:01 NCR 01				03/06/95	
Number 73	10:02 NCR 54				03/15/95	
Number 74	10:02 NCR 54				03/27/95	
Number 75	10:03 NCR 191				03/30/95	
Number 76	10:03 NCR 191				04/03/95	
Number 77	10:05 NCR 297				05/02/95	
Number 78	10:06 NCR 336				05/23/95	
Number 79	10:07 NCR 427				06/07/95	
Number 80	10:07 NCR 427				06/13/95	
Number 81	10:08 NCR 639				06/27/95	
Number 82	10:10 NCR 823				07/27/95	
Number 83	10:10 NCR 823				08/03/95	
Number 84	10:12 NCR 981				08/24/95	
Number 85	10:13 NCR 1061				09/12/95	
Number 86	10:13 NCR 1061				09/12/95	
Number 87	10:17 NCR 2222				10/27/95	
Number 88	10:17 NCR 2222				10/27/95	
Number 89	10:17 NCR 2222				10/31/95	
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21 NCAC 22A .0203	10:16 NCR 2053	02/01/96				
.0309	10:16 NCR 2053	02/01/96				
22F .0003 - .0004	10:16 NCR 2053	02/01/96				
.0007 - .0008	10:16 NCR 2053	02/01/96				
.0013 - .0014	10:16 NCR 2053	02/01/96				
.0016	10:16 NCR 2053	02/01/96				
.0018	10:16 NCR 2053	02/01/96				
.0020 - .0021	10:16 NCR 2053	02/01/96				
22I .0008 - .0009	10:16 NCR 2053	02/01/96				
22K .0004 - .0005	10:16 NCR 2053	02/01/96				
22L .0001	10:16 NCR 2053	02/01/96				
.0005 - .0006	10:16 NCR 2053	02/01/96				
.0009 - .0011	10:16 NCR 2053	02/01/96				
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.5401 - .5414	10:14 NCR 1232	03/01/96				
03D .0808	10:14 NCR 1238	02/01/96				
.1301 - .1302	10:14 NCR 1238	02/01/96				
.1401	10:08 NCR 641	11/01/95			11/01/95	
.1401 - .1403	10:14 NCR 1238	02/01/96				
.1501 - .1503	10:14 NCR 1238	02/01/96				
03H .0108 - .0109	10:02 NCR 58	09/01/95			01/01/96	
.0206 - .0220	10:02 NCR 58	09/01/95			01/01/96	
.0306 - .0318	10:02 NCR 58	09/01/95			01/01/96	
.0407 - .0409	10:02 NCR 58	09/01/95			01/01/96	
.0505 - .0507	10:02 NCR 58	09/01/95			01/01/96	
.0510 - .0517	10:02 NCR 58	09/01/95			01/01/96	
.0605 - .0609	10:02 NCR 58	09/01/95			01/01/96	
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.0903 - .0911	10:02 NCR 58	09/01/95			01/01/96	
.1003 - .1008	10:02 NCR 58	09/01/95			01/01/96	
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.1210	10:02 NCR 58	09/01/95			01/01/96	
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.1703 - .1704	10:02 NCR 58	09/01/95			01/01/96	
.1804 - .1807	10:02 NCR 58	09/01/95			01/01/96	
.2001	10:02 NCR 58	09/01/95			01/01/96	
.2101 - .2110	10:02 NCR 58	09/01/95			01/01/96	
.2201 - .2203	10:02 NCR 58	09/01/95			01/01/96	
.2204 - .2206	10:02 NCR 58	09/01/95			01/01/96	
.2207 - .2212	10:02 NCR 58	09/01/95			01/01/96	
.2301 - .2302	10:02 NCR 58	09/01/95			01/01/96	
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.2501 - .2506	10:02 NCR 58	09/01/95			01/01/96	
.2601 - .2607	10:02 NCR 58	09/01/95			01/01/96	
.2701	10:02 NCR 58	09/01/95			01/01/96	
.2801 - .2802	10:02 NCR 58	09/01/95			01/01/96	
.2901 - .2902	10:02 NCR 58	09/01/95			01/01/96	
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.3011 - .3016	10:02 NCR 58	09/01/95			01/01/96	
.3021 - .3032	10:02 NCR 58	09/01/95			01/01/96	
.3101 - .3103	10:02 NCR 58	09/01/95			01/01/96	
.3104	10:02 NCR 58	09/01/95			01/01/96	
.3201 - .3202	10:02 NCR 58	09/01/95			01/01/96	
.3301 - .3302	10:02 NCR 58	09/01/95			01/01/96	
.3401 - .3404	10:02 NCR 58	09/01/95			01/01/96	
03L .0901	10:08 NCR 641	02/01/96				
.0902 - .0907	10:08 NCR 641	02/01/96			02/01/96	
.1001 - .1003	10:08 NCR 641	02/01/96			02/01/96	
.1004	10:08 NCR 641	02/01/96				
.1005 - .1007	10:08 NCR 641	02/01/96			02/02/96	
.1101	10:08 NCR 641	02/01/96			02/01/96	
.1102 - .1103	10:08 NCR 641	02/01/96				
.1104	10:08 NCR 641	02/01/96			02/01/96	
.1105 - .1106	10:08 NCR 641	02/01/96				
.1107	10:08 NCR 641	02/01/96			02/01/96	
.1108 - .1110	10:08 NCR 641	02/01/96				
.1111 - .1112	10:08 NCR 641	02/01/96			02/01/96	
.1201	10:08 NCR 641	02/01/96			02/01/96	
.1202	10:08 NCR 641	02/01/96				
.1301 - .1303	10:08 NCR 641	02/01/96			02/01/96	
.1401	10:08 NCR 641	02/01/96			02/01/96	
.1402	10:08 NCR 641	02/01/96				
03M .0202 - .0205	10:08 NCR 641	11/01/95			11/01/95	
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03R .0109 - .0111	10:14 NCR 1243	01/01/96				
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.1413 - .1414	10:14 NCR 1243	01/01/96				
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.2404 - .2412	10:14 NCR 1243	01/01/96				
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.2802 - .2807	10:14 NCR 1243	01/01/96				
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.3103	10:14 NCR 1243	01/01/96				
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.3204	10:14 NCR 1243	01/01/96				
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.3502 - .3503	10:14 NCR 1243	01/01/96				
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.3706 - .3707	10:14 NCR 1243	01/01/96				
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.0301 - .0303	10:14 NCR 1297	02/01/96				
.0401 - .0403	10:14 NCR 1297	02/01/96				
.0501 - .0505	10:14 NCR 1297	02/01/96				
.0601 - .0605	10:14 NCR 1297	02/01/96				
.0701 - .0703	10:14 NCR 1297	02/01/96				
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.1010 - .1018	10:15 NCR 1435	02/01/96				
.1101 - .1105	10:15 NCR 1435	02/01/96				
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.1123	10:15 NCR 1435	02/01/96				
.1125 - .1131	10:15 NCR 1435	02/01/96				
.1133 - .1160	10:15 NCR 1435	02/01/96				
14D .0006	10:15 NCR 1435	02/01/96				
14K .0101 - .0103	10:07 NCR 430	05/01/96				
.0201 - .0219	10:07 NCR 430	05/01/96				
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.0317 - .0324	10:07 NCR 430	05/01/96				
.0326 - .0329	10:07 NCR 430	05/01/96				
.0333 - .0348	10:07 NCR 430	05/01/96				
.0350 - .0365	10:07 NCR 430	05/01/96				
.0401 - .0408	10:07 NCR 430	05/01/96				
14L .0101 - .0106	10:07 NCR 430	05/01/96				
.0201 - .0203	10:07 NCR 430	05/01/96				
.0301 - .0308	10:07 NCR 430	05/01/96				
.0310	10:07 NCR 430	05/01/96				
.0401 - .0407	10:07 NCR 430	05/01/96				
.0601 - .0606	10:07 NCR 430	05/01/96				
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.0611 - .0615	10:07 NCR 430	05/01/96				
.0701 - .0709	10:07 NCR 430	05/01/96				
.0711 - .0712	10:07 NCR 430	05/01/96				
14M .0101 - .0113	10:07 NCR 430	05/01/96				
.0501 - .0511	10:07 NCR 430	05/01/96				
.0601 - .0602	10:07 NCR 430	05/01/96				
.0604	10:07 NCR 430	05/01/96				
.0606	10:07 NCR 430	05/01/96				
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.0614 - .0615	10:07 NCR 430	05/01/96				
.0617 - .0621	10:07 NCR 430	05/01/96				
.0701 - .0716	10:07 NCR 430	05/01/96				
14N .0101 - .0107	10:07 NCR 430	05/01/96				
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.0301 - .0307	10:07 NCR 430	05/01/96				
.0401 - .0406	10:07 NCR 430	05/01/96				
.0501 - .0507	10:07 NCR 430	05/01/96				
.0701	10:07 NCR 430	05/01/96				
.0703 - .0705	10:07 NCR 430	05/01/96				
.0801 - .0811	10:07 NCR 430	05/01/96				
.0901 - .0905	10:08 NCR 656	05/01/96				
14O .0301 - .0314	10:07 NCR 430	05/01/96				
.0401 - .0409	10:07 NCR 430	05/01/96				
.0411 - .0416	10:07 NCR 430	05/01/96				
.0501 - .0505	10:07 NCR 430	05/01/96				
.0601 - .0609	10:07 NCR 430	05/01/96				
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.0701 - .0710	10:07 NCR 430	05/01/96				
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14V .0101 - .0104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0101 - .0104	10:13 NCR 1085	05/01/96				
.0201 - .0208	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0201 - .0208	10:13 NCR 1085	05/01/96				
.0301 - .0304	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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.0501 - .0505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0501 - .0505	10:13 NCR 1085	05/01/96				
.0601 - .0604	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0601 - .0607	10:13 NCR 1085	05/01/96				
.0701 - .0712	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0701 - .0713	10:13 NCR 1085	05/01/96				
.0801 - .0805	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0801 - .0805	10:13 NCR 1085	05/01/96				
.1101 - .1103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1101 - .1103	10:13 NCR 1085	05/01/96				
.1201 - .1203	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1201 - .1203	10:13 NCR 1085	05/01/96				
.1301 - .1303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1301 - .1304	10:13 NCR 1085	05/01/96				
.1401 - .1403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1401 - .1403	10:13 NCR 1085	05/01/96				
.1501 - .1504	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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.2101 - .2104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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.2201 - .2204	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2201 - .2204	10:13 NCR 1085	05/01/96				
.2301 - .2306	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2301 - .2306	10:13 NCR 1085	05/01/96				
.2401 - .2404	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2401 - .2404	10:13 NCR 1085	05/01/96				
.2501 - .2505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2501 - .2505	10:13 NCR 1085	05/01/96				
.3101 - .3103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3101 - .3103	10:13 NCR 1085	05/01/96				
.3201 - .3203	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3201 - .3203	10:13 NCR 1085	05/01/96				
.3301 - .3303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3301 - .3303	10:13 NCR 1085	05/01/96				
.3401 - .3403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3401 - .3403	10:13 NCR 1085	05/01/96				
.3501 - .3503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3501 - .3503	10:13 NCR 1085	05/01/96				
.3601 - .3604	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3601 - .3604	10:13 NCR 1085	05/01/96				
.3701 - .3703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3701 - .3703	10:13 NCR 1085	05/01/96				
.3801 - .3803	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3801 - .3803	10:13 NCR 1085	05/01/96				
.3901 - .3903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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.4001 - .4003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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.4101 - .4104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.4101 - .4104	10:13 NCR 1085	05/01/96				
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.5001 - .5002	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5001 - .5003	10:13 NCR 1085	05/01/96				
.5101 - .5104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5101 - .5104	10:13 NCR 1085	05/01/96				
.5201 - .5204	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5201 - .5204	10:13 NCR 1085	05/01/96				
.5301 - .5303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5301 - .5303	10:13 NCR 1085	05/01/96				
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.5601 - .5603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5601 - .5603	10:13 NCR 1085	05/01/96				
.5701 - .5703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5701 - .5703	10:13 NCR 1085	05/01/96				
.5801 - .5804	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5801 - .5804	10:13 NCR 1085	05/01/96				
.5901 - .5903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5901 - .5903	10:13 NCR 1085	05/01/96				
.6001 - .6003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6001 - .6003	10:13 NCR 1085	05/01/96				
.6101 - .6103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6101 - .6103	10:13 NCR 1085	05/01/96				
.6201 - .6202	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6201 - .6202	10:13 NCR 1085	05/01/96				
.6301 - .6303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6301 - .6303	10:13 NCR 1085	05/01/96				
.6401 - .6403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6401 - .6403	10:13 NCR 1085	05/01/96				
.6501 - .6503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6501 - .6503	10:13 NCR 1085	05/01/96				
.6601 - .6603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6601 - .6603	10:13 NCR 1085	05/01/96				
.6701 - .6702	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6701 - .6702	10:13 NCR 1085	05/01/96				
.6801 - .6802	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6801 - .6802	10:13 NCR 1085	05/01/96				
.6901 - .6903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
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15A .0115 - .0127	10:13 NCR 1085	01/01/96	x			
.0205 - .0228	10:13 NCR 1085	01/01/96	x			
18A .0124 - .0128	10:07 NCR 430	05/01/96				
.0130	10:07 NCR 430	05/01/96				
.0132 - .0133	10:07 NCR 430	05/01/96				
.0135 - .0136	10:07 NCR 430	05/01/96				
18D .0209	10:14 NCR 1311	01/01/96				
18F .0115 - .0117	10:14 NCR 1311	01/01/96				
18I .0114 - .0120	10:07 NCR 430	05/01/96				
18J .0110 - .0119	10:07 NCR 430	05/01/96				
.0212 - .0213	10:07 NCR 430	05/01/96				
.0304 - .0311	10:07 NCR 430	05/01/96				
.0507 - .0511	10:08 NCR 656	05/01/96				
.0601 - .0604	10:07 NCR 430	05/01/96				
.0701 - .0715	10:07 NCR 430	05/01/96				
.0801 - .0805	10:07 NCR 430	05/01/96				
.0803	10:02 NCR 118	07/01/95			07/01/95	
18K .0109 - .0116	10:07 NCR 430	05/01/96				
.0262 - .0263	10:08 NCR 656	05/01/96				
18L .0107 - .0108	10:07 NCR 430	05/01/96				
.0223 - .0224	10:07 NCR 430	05/01/96				
.0331 - .0336	10:07 NCR 430	05/01/96				
.0338 - .0339	10:07 NCR 430	05/01/96				
.0428 - .0434	10:07 NCR 430	05/01/96				
.0504	10:07 NCR 430	05/01/96				
.0511	10:07 NCR 430	05/01/96				
.0513	10:07 NCR 430	05/01/96				
.0601 - .0607	10:08 NCR 656	05/01/96				
.0701 - .0705	10:07 NCR 430	05/01/96				
.0707	10:07 NCR 430	05/01/96				
.0801	10:07 NCR 430	05/01/96				
.0803 - .0809	10:07 NCR 430	05/01/96				
.0901 - .0904	10:07 NCR 430	05/01/96				

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	.1105 - .1107	10:07 NCR 430			05/01/96	
	.1201	10:07 NCR 430			05/01/96	
	.1203 - .1206	10:07 NCR 430			05/01/96	
	.1301 - .1309	10:07 NCR 430			05/01/96	
	.1401 - .1403	10:07 NCR 430			05/01/96	
	.1501 - .1525	10:07 NCR 430			05/01/96	
18M	.0107 - .0110	10:07 NCR 430			05/01/96	
	.0206 - .0213	10:07 NCR 430			05/01/96	
	.0304 - .0307	10:07 NCR 430			05/01/96	
	.0406 - .0409	10:07 NCR 430			05/01/96	
	.0505 - .0506	10:07 NCR 430			05/01/96	
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	.0703 - .0706	10:07 NCR 430			05/01/96	
	.0708 - .0714	10:07 NCR 430			05/01/96	
	.0801 - .0803	10:07 NCR 430			05/01/96	
	.0817 - .0819	10:07 NCR 430			05/01/96	
	.0824 - .0838	10:07 NCR 430			05/01/96	
	.0901 - .0908	10:07 NCR 430			05/01/96	
	.1001 - .1009	10:07 NCR 430			05/01/96	
	.1101 - .1106	10:07 NCR 430			05/01/96	
	.1203 - .1204	10:07 NCR 430			05/01/96	
	.1302 - .1305	10:07 NCR 430			05/01/96	
	.1401 - .1403	10:07 NCR 430			05/01/96	
	.1405 - .1410	10:07 NCR 430			05/01/96	
18N	.0105 - .0110	10:07 NCR 430			05/01/96	
	.0204 - .0212	10:07 NCR 430			05/01/96	
	.0305 - .0306	10:07 NCR 430			05/01/96	
	.0601 - .0605	10:08 NCR 656			05/01/96	
	.0701 - .0709	10:08 NCR 656			05/01/96	
18O	.0517 - .0524	10:08 NCR 656			05/01/96	
18P	.0901 - .0903	10:07 NCR 430			05/01/96	
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18Q	.0284	10:07 NCR 430			05/01/96	
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	.0520 - .0521	10:07 NCR 430			05/01/96	
	.0538 - .0552	10:07 NCR 430			05/01/96	
19C	.0209	10:16 NCR 1708			02/01/96	
	.0408 - .0410	10:16 NCR 1708			02/01/96	
	.0504	10:16 NCR 1708			02/01/96	
	.0509 - .0512	10:16 NCR 1708			02/01/96	
	.0602	10:16 NCR 1708			02/01/96	
	.0604	10:16 NCR 1708			02/01/96	
	.0702 - .0703	10:16 NCR 1708			02/01/96	
19G	.0501 - .0502	10:14 NCR 1312			01/01/96	
	.0603	10:14 NCR 1312			01/01/96	
	.0606 - .0612	10:14 NCR 1312			01/01/96	
	.0803	10:14 NCR 1312			01/01/96	
	.0806	10:14 NCR 1312			01/01/96	
	.0817	10:14 NCR 1312			01/01/96	
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20A	.0102	10:16 NCR 1716			02/01/96	
20B	.0204 - .0206	10:16 NCR 1716			02/01/96	
	.0208 - .0210	10:16 NCR 1716			02/01/96	
	.0218	10:16 NCR 1716			02/01/96	
	.0222	10:16 NCR 1716			02/01/96	
	.0224	10:16 NCR 1716			02/01/96	
	.0226 - .0227	10:16 NCR 1716			02/01/96	
20C	.0205	10:16 NCR 1716		x	02/01/96	
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26B	.0105	10:18 NCR 2398				

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.0112	10:16 NCR 1721	02/01/96				
.0113	10:16 NCR 1721	02/01/96				
.0124	10:02 NCR 118	07/01/95	x		07/01/95	
26G .0703 - .0705	10:12 NCR 982	12/01/95			12/01/95	
26H .0212 - .0213	10:13 NCR 1153	01/01/96	x			
.0213	10:02 NCR 118	07/01/95			07/01/95	
.0213	10:14 NCR 1317	01/01/96	x			
.0302	10:04 NCR 228	08/01/95	x		08/01/95	
.0304 - .0305	10:04 NCR 228	08/01/95	x		08/01/95	
.0308 - .0309	10:04 NCR 228	08/01/95	x		08/01/95	
.0508	10:12 NCR 982	12/01/95			12/01/95	
26I .0101	10:10 NCR 826	11/01/95			12/11/95	Filed over RRC Objection
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.0104 - .0107	10:10 NCR 826	11/01/95			12/01/95	
26K .0006	10:15 NCR 1479	02/01/96				
39D .0302 - .0303	10:09 NCR 722	11/01/95			11/01/95	
.0304	10:15 NCR 1483	02/01/96	x			
41F .0706	10:03 NCR 196	08/01/95			08/01/95	
.0812	10:03 NCR 196	08/01/95			08/01/95	
41I .0100	10:17 NCR 2228					Rule-Making Proceeding
42B .1209	10:13 NCR 1158	01/01/96				
42C .2010	10:13 NCR 1158	01/01/96				
42D .1409	10:13 NCR 1158	01/01/96				
42H .0911	10:09 NCR 722	12/01/95			12/01/95	
42W .0001 - .0002	10:10 NCR 828	11/01/95			11/01/95	
46A .0001	10:16 NCR 1724	02/01/96				
.0005	10:16 NCR 1724	02/01/96				
46C .0107	10:16 NCR 1724	02/01/96				
46D .0101	10:16 NCR 1724	02/01/96				
.0103	10:16 NCR 1724	02/01/96				
.0105 - .0107	10:16 NCR 1724	02/01/96				
.0202	10:16 NCR 1724	02/01/96				
46E .0108 - .0109	10:16 NCR 1724	02/01/96				
.0111	10:16 NCR 1724	02/01/96				
46F .0107 - .0108	10:16 NCR 1724	02/01/96				
.0110	10:16 NCR 1724	02/01/96				
46G .0110	10:16 NCR 1724	02/01/96				
.0113	10:16 NCR 1724	02/01/96				
.0214	10:16 NCR 1724	02/01/96				
46H .0101	10:16 NCR 1724	02/01/96				
.0103 - .0105	10:16 NCR 1724	02/01/96				
.0108	10:16 NCR 1724	02/01/96				
.0110	10:16 NCR 1724	02/01/96				
.0201 - .0203	10:16 NCR 1724	02/01/96				
.0206 - .0207	10:16 NCR 1724	02/01/96				
47B .0404 - .0405	10:15 NCR 1483	02/01/96				
49B .0102	10:15 NCR 1483	02/01/96				
49C .0107	10:16 NCR 1731	02/01/96	x			
50B .0313	10:14 NCR 1321	01/01/96				
50D .0101 - .0103	10:15 NCR 1479	02/01/96				
.0201	10:15 NCR 1479	02/01/96				
.0301 - .0302	10:15 NCR 1479	02/01/96				
.0401 - .0402	10:15 NCR 1479	02/01/96				
.0501 - .0503	10:15 NCR 1479	02/01/96				
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11 NCAC 04 .0120 - .0124	10:15 NCR 1489	02/01/96				
.0421 - .0422	10:15 NCR 1489	02/01/96				
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.0217	10:16 NCR 1738	02/01/96				
.0225 - .0226	10:16 NCR 1738	02/01/96				
.0234 - .0236	10:16 NCR 1738	02/01/96				
.0240	10:16 NCR 1738	02/01/96				
.0301 - .0302	10:16 NCR 1738	02/01/96				
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.0417	10:16 NCR 1738	02/01/96				
.0501	10:16 NCR 1738	02/01/96				
.0701 - .0705	10:16 NCR 1738	02/01/96				
.0808 - .0810	10:16 NCR 1738	02/01/96				
.0812	10:04 NCR 246	08/01/95			08/01/95	
.0813	10:16 NCR 1738	02/01/96				
.0901 - .0904	10:16 NCR 1738	02/01/96				
09 .0101 - .0104	10:15 NCR 1490	02/01/96				
.0201 - .0203	10:15 NCR 1490	02/01/96				
10 .0105	10:15 NCR 1492	02/01/96				
.0605	10:15 NCR 1492	02/01/96				
.1102 - .1103	10:15 NCR 1492	02/01/96				
.1110 - .1111	10:15 NCR 1492	02/01/96				
.1603	10:15 NCR 1492	02/01/96				
11B .0111	10:15 NCR 1503	02/01/96				
.0114	10:15 NCR 1503	02/01/96				
.0140 - .0142	10:15 NCR 1503	02/01/96				
.0146	10:15 NCR 1503	02/01/96				
.0148	10:15 NCR 1503	02/01/96				
.0302 - .0306	10:15 NCR 1503	02/01/96				
.0601 - .0602	10:16 NCR 1751	02/01/96				
.0604	10:16 NCR 1751	02/01/96				
.0607	10:16 NCR 1751	02/01/96				
.0610	10:16 NCR 1751	02/01/96				
.0612	10:16 NCR 1751	02/01/96				
.0616 - .0617	10:16 NCR 1751	02/01/96				
11C .0112 - .0113	10:15 NCR 1503	02/01/96				
.0118	10:15 NCR 1503	02/01/96				
.0132	10:15 NCR 1503	02/01/96				
.0313	10:15 NCR 1503	02/01/96				
.0504 - .0505	10:15 NCR 1503	02/01/96				
11D .0108 - .0109	10:15 NCR 1503	02/01/96				
.0302 - .0305	10:15 NCR 1503	02/01/96				
11F .0401 - .0405	10:16 NCR 1756	02/01/97				
12 .0307	10:16 NCR 1764	02/01/96				
.0326	10:16 NCR 1764	02/01/96				
.0415 - .0416	10:16 NCR 1764	02/01/96				
.0436	10:16 NCR 1764	02/01/96				
.0449	10:16 NCR 1764	02/01/96				
.0460	10:16 NCR 1764	02/01/96				
.0514	10:16 NCR 1762	02/01/96				
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.0562	10:16 NCR 1764	02/01/96				
.0822	10:16 NCR 1764	02/01/96				
.0824 - .0825	10:16 NCR 1764	02/01/96				
.0835	10:16 NCR 1764	02/01/96				
.0837	10:16 NCR 1764	02/01/96				
.0839	10:16 NCR 1764	02/01/96				
.0901	10:16 NCR 1787	03/01/96				
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	.0319	10:15 NCR 1513	02/01/96			
14	.0202	10:15 NCR 1503	02/01/96			
	.0430 - .0432	10:15 NCR 1503	02/01/96			
	.0603	10:15 NCR 1503	02/01/96			
	.0705	10:15 NCR 1503	02/01/96			
16	.0602	10:15 NCR 1514	02/01/96			
	.0703	10:18 NCR 2399				Rule-Making Proceeding
	.0704	10:11 NCR 900	12/01/95		12/01/95	
17	.0003	10:16 NCR 1787	02/01/96			
	.0006	10:16 NCR 1764	02/01/96			
20	.0101	10:16 NCR 1787	03/01/96			
	.0201 - .0205	10:16 NCR 1787	03/01/96			
	.0301 - .0304	10:16 NCR 1787	03/01/96			
	.0401 - .0410	10:16 NCR 1787	03/01/96			
	.0501 - .0511	10:16 NCR 1787	03/01/96			
	.0601 - .0602	10:16 NCR 1787	03/01/96			
	.0701 - .0703	10:16 NCR 1787	06/01/96			
21	.0101 - .0110	10:16 NCR 1787	03/01/96			
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12 NCAC 04E	.0104	10:07 NCR 573	10/01/95		10/01/95	
07D	.0201	10:07 NCR 575	10/01/95		12/01/95	
	.0204	10:11 NCR 900	12/01/95			
	.0301	10:07 NCR 575	10/01/95		12/01/95	
	.0401	10:07 NCR 575	10/01/95		12/01/95	
	.0701	10:07 NCR 575	10/01/95		12/01/95	
	.0706	10:07 NCR 575	10/01/95		12/01/95	
	.0801	10:07 NCR 575	10/01/95		12/01/95	
	.0806	10:07 NCR 575	10/01/95		12/01/95	
	.0808	10:16 NCR 1796	02/01/96			
	.0902	10:07 NCR 575	10/01/95		12/01/95	
	.0904	10:07 NCR 575	10/01/95		12/01/95	
09A	.0204	10:02 NCR 122	08/01/95		08/01/95	
09B	.0113	10:02 NCR 122	08/01/95		08/01/95	
	.0201 - .0202	10:02 NCR 122	08/01/95		01/01/96	
	.0205	10:02 NCR 122	08/01/95		07/01/97	
	.0206	10:02 NCR 122	08/01/95		08/01/95	
	.0210	10:02 NCR 122	08/01/95		08/01/95	
	.0212 - .0214	10:02 NCR 122	08/01/95		08/01/95	
	.0226 - .0228	10:02 NCR 122	08/01/95		08/01/95	
	.0232 - .0233	10:02 NCR 122	08/01/95		08/01/95	
09C	.0401	10:02 NCR 122	08/01/95		08/01/95	
	.0601	10:02 NCR 122	08/01/95		08/01/95	
09D	.0102	10:02 NCR 122	08/01/95		08/01/95	
	.0104 - .0106	10:02 NCR 122	08/01/95		08/01/95	
09F	.0101 - .0107	10:16 NCR 1797	05/01/96			
10B	.0102 - .0103	10:09 NCR 723	01/01/96		01/01/96	
	.0105	10:09 NCR 723	01/01/96		01/01/96	
	.0204	10:09 NCR 723	01/01/96		01/01/96	
	.0301	10:09 NCR 723	01/01/96		01/01/96	
	.0304	10:09 NCR 723	01/01/96		01/01/96	
	.0307	10:09 NCR 723	01/01/96		01/01/96	
	.0401 - .0403	10:09 NCR 723	01/01/96		01/01/96	
	.0405	10:09 NCR 723	01/01/96		01/01/96	
	.0407 - .0409	10:09 NCR 723	01/01/96		01/01/96	
	.0502 - .0503	10:09 NCR 723	01/01/96		01/01/96	
	.0505	10:09 NCR 723	01/01/96		01/01/96	
	.0601 - .0607	10:09 NCR 723	01/01/96		01/01/96	
	.0702 - .0706	10:09 NCR 723	01/01/96		01/01/96	
	.0801 - .0803	10:09 NCR 723	01/01/96		01/01/96	
	.0901	10:09 NCR 723	01/01/96		01/01/96	

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.1004 - .1005	10:09 NCR 723	01/01/96			01/01/96	
.1201 - .1205	10:09 NCR 723	01/01/96			01/01/96	
11 .0210	10:05 NCR 301	09/01/95			10/01/95	
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13 NCAC	10:01 NCR 10	01/01/96				Notice on Subject Matter
	10:01 NCR 12	01/01/96				Notice on Subject Matter
	10:02 NCR 149	10/01/95				Notice on Subject Matter
	10:02 NCR 149	01/01/96				Notice on Subject Matter
	10:02 NCR 149	01/01/96				Notice on Subject Matter
	10:02 NCR 149	02/01/96				Notice on Subject Matter
	10:03 NCR 196	01/01/96				Notice on Subject Matter
	10:03 NCR 197	01/01/96				Notice on Subject Matter
06	10:16 NCR 1799	04/01/96				Notice on Subject Matter
07F .0101	10:16 NCR 1800	04/01/96				
	.0201	10:16 NCR 1823			02/01/96	
12 .0101	10:02 NCR 142	08/01/95				
	.0303 - .0315	10:02 NCR 142			08/01/95	
	.0501 - .0502	10:02 NCR 142			08/01/95	
	.0803 - .0808	10:02 NCR 142			08/01/95	
15	10:16 NCR 1827	04/01/96				Notice on Subject Matter
18 .0101 - .0110	10:14 NCR 1323	01/01/96				
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21 NCAC 26 .0307	10:15 NCR 1583	02/01/96				
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	10:02 NCR 167					Rules Filed 03/95
	10:04 NCR 272					Rules Filed 04/95
	10:06 NCR 392					Rules Filed 05/95
	10:09 NCR 783					Rules Filed 06/95
	10:10 NCR 845					Rules Filed 07/95
	10:12 NCR 1017					Rules Filed 08/95
	10:15 NCR 1585					Rules Filed 09/95
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21 NCAC 31 .0102	10:16 NCR 2062	03/01/96				
	.0104	10:16 NCR 2062			03/01/96	
	.0201 - .0203	10:16 NCR 2062			03/01/96	
	.0301 - .0304	10:16 NCR 2062			03/01/96	
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	.0801	10:16 NCR 2062			03/01/96	
	.0901	10:16 NCR 2062			03/01/96	
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21 NCAC 32B .0901 - .0902	10:10 NCR 831	11/01/95			12/01/95	
32F .0003	10:10 NCR 831	11/01/95			12/01/95	
32H	10:18 NCR 2400					Rule-Making Proceeding
	.0102	10:02 NCR 151			07/01/96	
	.0201	10:02 NCR 151			07/01/96	
	.0203	10:02 NCR 151			07/01/96	
	.0408	10:02 NCR 151			07/01/96	
	.0506	10:02 NCR 151			07/01/96	
	.0601	10:02 NCR 151			07/01/95	
	.0602	10:02 NCR 151			07/01/96	
	.0801	10:02 NCR 151			07/01/96	
	.1001	10:02 NCR 151			07/01/96	
321 .0003 - .0004	10:02 NCR 151	07/01/95			09/01/95	

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.0005 - .0006	10:10 NCR 831	11/01/95			01/01/96	
.0007 - .0012	10:10 NCR 831	11/01/95				
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21 NCAC 34B .0401	10:13 NCR 1182	01/01/96				
34D .0202	10:13 NCR 1182	01/01/96				
.0301	10:13 NCR 1182	01/01/96				
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21 NCAC 36 .0109	10:11 NCR 908	01/01/96				
.0202 - .0203	10:11 NCR 908	01/01/96				
.0209	10:11 NCR 908	01/01/96				
.0211	10:11 NCR 908	01/01/96				
.0216 - .0219	10:11 NCR 908	01/01/96				
.0221	10:11 NCR 908	01/01/96				
.0225	10:11 NCR 908	01/01/96				
.0227	10:11 NCR 908	01/01/96				
.0228	10:16 NCR 2068	02/01/96				
.0318	10:11 NCR 908	01/01/96				
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.0322	10:11 NCR 908	01/01/96				
.0401 - .0405	10:10 NCR 839	12/01/95			12/01/95	
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21 NCAC 37 .0101	10:04 NCR 262	08/01/95			08/01/95	
.0302	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0404	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0502	10:03 NCR 206	08/01/95			08/01/95	
.0603	10:03 NCR 206	08/01/95			08/01/95	
.0904	10:04 NCR 262	08/01/95			N/A	Agency withdrew Rule
.0912	10:03 NCR 206	08/01/95			08/01/95	
.0914	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
37A .0101	10:16 NCR 2069	04/01/96				
.0108	10:16 NCR 2069	04/01/96				
.0110	10:16 NCR 2069	04/01/96				
.0208	10:16 NCR 2069	04/01/96				
.0211	10:16 NCR 2069	04/01/96				
.0306	10:16 NCR 2069	04/01/96				
.0308	10:16 NCR 2069	04/01/96				
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.0702 - .0707	10:16 NCR 2069	04/01/96				
.0805	10:16 NCR 2069	04/01/96				
.0901	10:16 NCR 2069	04/01/96				
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.1203	10:16 NCR 2069	04/01/96				
37B .0101 - .0103	10:16 NCR 2069	04/01/96				
.0201	10:16 NCR 2069	04/01/96				
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37C .0101 - .0103	10:16 NCR 2069	04/01/96				
37D .0101 - .0102	10:16 NCR 2069	04/01/96				
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.0402 - .0406	10:16 NCR 2069	04/01/96				
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.0501 - .0503	10:16 NCR 2069	04/01/96				
.0601 - .0603	10:16 NCR 2069	04/01/96				
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37F .0101 - .0102	10:16 NCR 2069	04/01/96				
37G .0101 - .0102	10:16 NCR 2069	04/01/96				
.0201 - .0202	10:16 NCR 2069	04/01/96				
.0301	10:16 NCR 2069	04/01/96				
.0401	10:16 NCR 2069	04/01/96				
37H .0101 - .0104	10:16 NCR 2069	04/01/96				
37I .0101	10:16 NCR 2069	04/01/96				
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21 NCAC 40 .0314	10:16 NCR 2081	02/01/96				
PASTORAL COUNSELORS, FEE-BASED PRACTICING						
21 NCAC 45 .0101	10:16 NCR 2082	03/01/96				
.0201 - .0203	10:16 NCR 2082	03/01/96				
.0301 - .0303	10:16 NCR 2082	03/01/96				
.0401 - .0402	10:16 NCR 2082	03/01/96				
.0501	10:16 NCR 2082	03/01/96				
.0601	10:16 NCR 2082	03/01/96				
.0701	10:16 NCR 2082	03/01/96				
.0801 - .0802	10:16 NCR 2082	03/01/96				
.0901	10:16 NCR 2082	03/01/96				
.1001	10:16 NCR 2082	03/01/96				
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21 NCAC 46 .1204	10:16 NCR 2085	05/01/96				
.1317	10:16 NCR 2085	05/01/96				
.1401 - .1404	10:16 NCR 2085	05/01/96				
.1406	10:16 NCR 2085	05/01/96				
.1408	10:16 NCR 2085	05/01/96				
.1410 - .1417	10:16 NCR 2085	05/01/96				
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.1601 - .1604	10:16 NCR 2085	05/01/96				
.1607	10:16 NCR 2085	05/01/96				
.1701 - .1705	10:16 NCR 2085	05/01/96				
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.2602	10:16 NCR 2085	05/01/96				
.2609	10:16 NCR 2085	05/01/96				
.2611	10:16 NCR 2085	05/01/96				
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21 NCAC 48A .0001	10:16 NCR 2107	02/01/96				
.0004	10:16 NCR 2107	02/01/96				
48B .0002	10:16 NCR 2107	02/01/96				
48C .0103	10:08 NCR 671	10/01/95			N/A	Agency withdrew Rule
48D .0006	10:08 NCR 671	10/01/95			10/01/95	
.0008	10:08 NCR 671	10/01/95			10/01/95	
.0009 - .0011	10:16 NCR 2107	02/01/96				
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48E .0101	10:16 NCR 2107	02/01/96				
.0104	10:16 NCR 2107	02/01/96				
.0110	10:08 NCR 671	10/01/95			10/01/95	
.0110	10:16 NCR 2107	02/01/96				
48F .0002	10:08 NCR 671	10/01/95			10/01/95	
.0003	10:16 NCR 2107	02/01/96				
48G .0501 - .0516	10:08 NCR 671	10/01/95			10/01/95	
.0504	10:16 NCR 2107	02/01/96				

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.0601	10:16 NCR 2107	02/01/96				
48H .0102	10:16 NCR 2107	02/01/96				
.0104	10:08 NCR 671	10/01/95			10/01/95	
.0701 - .0704	10:08 NCR 671	10/01/95			10/01/95	
.0701	10:16 NCR 2107	02/01/96				
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21 NCAC 50 .0402	10:01 NCR 39	09/01/95			09/01/95	
.0505	10:01 NCR 39	09/01/95			N/A	Agency Did Not Adopt
PROFESSIONAL COUNSELORS						
21 NCAC 53 .0204 - .0211	10:01 NCR 40	07/01/95			07/01/95	
.0301	10:01 NCR 40	07/01/95			07/01/95	
.0305 - .0309	10:01 NCR 40	07/01/95			07/01/95	
.0310	10:01 NCR 40	07/01/95				
.0403 - .0405	10:01 NCR 40	07/01/95			07/01/95	
.0601 - .0604	10:01 NCR 40	07/01/95			07/01/95	
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21 NCAC 56 .0802	10:11 NCR 934	12/01/95				
.0804	10:11 NCR 934	12/01/95				
.0902	10:11 NCR 934	12/01/95				
.1103	10:11 NCR 934	12/01/95				
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.1604	10:11 NCR 934	12/01/95				
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.1707	10:11 NCR 934	12/01/95				
.1712 - .1713	10:11 NCR 934	12/01/95				
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21 NCAC 54 .1604 - .1605	10:16 NCR 2111	03/01/96				
.1608	10:16 NCR 2111	03/01/96				
.1610	10:16 NCR 2111	03/01/96				
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.1901	10:16 NCR 2111	03/01/96				
.1904	10:16 NCR 2111	03/01/96				
.2001 - .2005	10:16 NCR 2111	03/01/96				
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.2101	10:16 NCR 2111	03/01/96				
.2103	10:16 NCR 2111	03/01/96				
.2201 - .2204	10:16 NCR 2111	03/01/96				
.2704 - .2706	10:11 NCR 929	12/01/95				
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16 NCAC 06A .0001 - .0002	10:16 NCR 1997	04/01/96				
06B .0001 - .0002	10:16 NCR 1997	04/01/96				
.0004 - .0006	10:16 NCR 1997	04/01/96				
06C .0101	10:15 NCR 1565	04/01/96				
.0313	10:15 NCR 1565	04/01/96				
.0401	10:17 NCR 2229				11/15/95	Temporary Amendment Rule
06D .0102	10:16 NCR 1997	04/01/96				
.0104	10:16 NCR 1997	04/01/96				
.0106	10:07 NCR 584	11/01/95				
.0301 - .0302	10:16 NCR 1997	04/01/96				
06E .0101 - .0102	10:16 NCR 1997	04/01/96				
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.0006 - .0008	10:16 NCR 1997	04/01/96				
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21 NCAC 58A .0104	10:16 NCR 2124	03/01/96				
.0107	10:16 NCR 2124	03/01/96				
.0110	10:02 NCR 157	07/01/95			07/01/95	
.0113	10:16 NCR 2124	03/01/96				
.0302	10:16 NCR 2124	03/01/96				
.0401 - .0402	10:16 NCR 2124	03/01/96				
.0403	10:04 NCR 263	08/01/95			08/01/95	
.0502	10:16 NCR 2124	01/01/97				
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.0503 - .0506	10:16 NCR 2124	03/01/96				
.0504 - .0506	10:02 NCR 157	07/01/95			07/01/95	
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.0406 - .0407	10:16 NCR 2124	03/01/96				
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.0503	10:16 NCR 2124	03/01/96				
.0506	10:02 NCR 157	07/01/95			07/01/95	
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.0515	10:02 NCR 157	07/01/95			07/01/95	
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21 NCAC 60 .0102	10:04 NCR 264	08/01/95			08/01/95	
.0105	10:09 NCR 781	11/01/95			11/01/95	
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.0314	10:04 NCR 264	08/01/95			08/01/95	
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17 NCAC 09G .0102	10:16 NCR 2006	11/30/96				
.0104 - .0105	10:16 NCR 2006	11/30/96				
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.0516	10:16 NCR 2006	11/30/96				
09H .0102 - .0103	10:16 NCR 2006	11/30/96				
.0105	10:16 NCR 2006	11/30/96				
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.0201	10:15 NCR 1567	02/01/96				
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07 .0302	10:15 NCR 1578	02/01/96				
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21 NCAC 63 .0306	10:13 NCR 1185	01/01/96				
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25 NCAC 01B .0201	10:16 NCR 2155	02/01/96				
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.0437 - .0439	10:16 NCR 2155	02/01/96				
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.0402 - .0408	10:04 NCR 264	08/01/95				
.0412	10:16 NCR 2155	02/01/96				
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.0515	10:12 NCR 986	12/01/95			12/01/95	
.0520	10:16 NCR 2155	02/01/96				
.0808	10:04 NCR 264	08/01/95				
.0910	10:12 NCR 986	12/01/95			12/01/95	
.1001	10:04 NCR 264	08/01/95				
.1001	10:12 NCR 986	12/01/95			12/01/95	
.1005	10:12 NCR 986	12/01/95			12/01/95	
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.1009 - .1010	10:12 NCR 986	12/01/95			12/01/95	
.1201	10:04 NCR 264	08/01/95				
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.0804	10:04 NCR 264	08/01/95				
.1001 - .1002	10:12 NCR 986	12/01/95			12/01/95	
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.0318	10:12 NCR 986	12/01/95			12/01/95	
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01L .0101 - .0106	10:12 NCR 986	12/01/95			12/02/95	

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.0601 - .0610	10:14 NCR 1382	02/01/96			

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21 NCAC 65 .0004	10:16 NCR 2140	02/01/96			
.0006 - .0007	10:16 NCR 2140	02/01/96			

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19A NCAC 02D .0415	10:12 NCR 984	12/31/95			
.0801	10:04 NCR 254	09/01/95			10/01/95
.1101 - .1112	10:16 NCR 2015	03/01/96			
03D .0517	10:16 NCR 2020	02/01/96			
.0549	10:16 NCR 2020	02/01/96			
.0551 - .0553	10:16 NCR 2020	02/01/96			
04A .0004	10:10 NCR 829	12/01/95			12/01/95
06B .0401 - .0417	10:16 NCR 2023	03/01/96	x		

VETERINARY MEDICAL BOARD

21 NCAC 66 .0101	10:16 NCR 2143	04/01/96			
.0105 - .0106	10:16 NCR 2143	04/01/96			
.0108	10:16 NCR 2143	04/01/96			

CUMULATIVE INDEX

Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		
.0201 - .0203	10:16 NCR 2143	04/01/96				
.0205 - .0210	10:16 NCR 2143	04/01/96				
.0301	10:16 NCR 2143	04/01/96				
.0303 - .0308	10:16 NCR 2143	04/01/96				
.0310 - .0311	10:16 NCR 2143	04/01/96				
.0601	10:16 NCR 2143	04/01/96				
.0606	10:16 NCR 2143	04/01/96				
.0703	10:16 NCR 2143	04/01/96				

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1995

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Full Title	201 00 00	\$63.00	\$90.00
Division of Purchase & Contract	201 10 05	\$21.00	\$30.00
Federal Block Grant Funds	201 10 33	\$17.50	\$25.00
Title 2 - Dept. of Agriculture - Full Title	202 00 00	\$98.00	\$140.00
Food & Drug Protection Division	202 15 09	\$28.00	\$40.00
Structural Pest Control Committee	202 15 34	\$21.00	\$30.00
Agricultural Markets	202 15 43	\$21.00	\$30.00
Plant Industry	202 15 48	\$21.00	\$30.00
Animal Industry	202 15 52	\$21.00	\$30.00
Title 3 - Dept. of State Auditor - Full Title	203 00 00	\$7.00	\$10.00
Title 4 - Dept. of Commerce - Full Title	204 00 00	\$87.50	\$125.00
Alcoholic Beverage Control Commission	204 15 02	\$12.00	\$40.00
Banking Commission	204 15 03	\$24.50	\$35.00
Credit Union Division	204 15 06	\$14.00	\$20.00
Savings & Loan Division	204 15 09	\$14.00	\$20.00
Industrial Commission/Workers Compensation	204 15 10	\$14.00	\$20.00
Savings Institutions Division	204 15 16	\$24.50	\$35.00
Title 5 - Dept. of Corrections - Full Title	205 00 00	\$56.00	\$80.00
Division of Prisons	205 15 02	\$24.50	\$35.00
Title 6 - Council of State - Full Title	206 00 00	\$21.00	\$30.00
Title 7 - Dept. of Cultural Resources - Full Title	207 00 00	\$21.00	\$30.00
Title 8 - State Board of Elections - Full Title	208 00 00	\$7.00	\$10.00
Title 9 - Offices of the Governor & Lt. Governor - Full Title	209 00 00	\$31.50	\$45.00
Title 10 - Dept. of Human Resources - Full Title	210 00 00	\$346.50	\$495.00
Licensing of Health Facilities	210 20 10	\$45.50	\$65.00
Detention Facilities	210 20 20	\$31.50	\$45.00
Mental Health & Rehabilitation Services	210 20 30	\$77.00	\$110.00
Social Services	210 20 40	\$119.00	\$170.00
Children Services/Day Care	210 20 41	\$31.50	\$45.00
Services for the Aging	210 20 42	\$31.50	\$45.00
Services for the Blind	210 20 43	\$28.00	\$40.00
Services for the Deaf & Hard of Hearing	210 20 44	\$17.50	\$25.00
Employment Opportunities	210 20 45	\$35.00	\$50.00
Title 11 - Dept. of Insurance - Full Title	211 00 00	\$63.00	\$90.00
Insurance	211 10 01	\$56.00	\$80.00
Consumer Services	211 10 04	\$24.50	\$35.00
Fire & Rescue Services	211 10 05	\$17.50	\$25.00
Agent Services	211 10 08	\$28.00	\$40.00
Engineering & Building Codes	211 10 08	\$21.00	\$30.00
Title 12 - Dept. of Justice - Full Title	212 00 00	\$63.00	\$90.00
Private Protective Services	212 10 07	\$21.00	\$30.00
Police & Sheriff's Education & Training Standards	212 10 09	\$31.50	\$45.00
NC Alarm Systems Licensing Board	212 10 11	\$17.50	\$25.00
Title 13 - Dept. of Labor - Full Title	213 00 00	\$77.00	\$110.00
Mine & Quarry Safety	213 15 06	\$14.00	\$20.00
General Safety/OSHA	213 20 00	\$31.50	\$45.00
Wage & Hour Rules	213 15 12	\$14.00	\$20.00
Boiler & Pressure Vessel Safety	213 15 13	\$14.00	\$20.00
Apprenticeship & Training	213 15 14	\$14.00	\$20.00
Elevator & Amusement Device Safety	213 15 15	\$14.00	\$20.00
Title 14A - Dept. of Crime Control & Public Safety - Full Title	214 00 00	\$31.50	\$45.00
Alcohol Law Enforcement	214 00 08	\$17.50	\$25.00
Victims Compensation Fund	214 00 11	\$14.00	\$20.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Full Title	215 00 00	\$276.50	\$395.00
Environmental Management	215 15 00	\$115.50	\$185.00
Air Quality	215 15 10	\$49.00	\$70.00
Water Quality	215 15 20	\$49.00	\$70.00
Land & Waste Management	215 15 30	\$56.00	\$80.00
Solid Waste Management	215 15 31	\$35.00	\$50.00
Underground Storage Tanks	215 15 32	\$17.50	\$25.00

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Coastal Management	215 15 40	\$31.50	\$45.00
Environmental Health	215 25 00	\$105.00	\$150.00
Radiation/Nuclear Waste	215 25 10	\$42.00	\$60.00
Sanitation	215 25 20	\$35.00	\$50.00
Public Health	215 25 30	\$59.50	\$85.00
Intoxilizer & Breathalyzer	215 25 31	\$17.50	\$25.00
Title 16 - Dept. of Public Instruction - Full Title	216 00 00	\$21.00	\$30.00
Elementary & Secondary Education	216 10 06	\$21.00	\$30.00
Title 17 - Dept. of Revenue - Full Title	217 00 00	\$91.00	\$130.00
Taxes on Individuals	217 15 10	\$31.50	\$45.00
Taxes on Business	217 15 20	\$56.00	\$80.00
Sales & Use Tax Division	217 15 27	\$31.50	\$45.00
Motor Fuels Tax Division	217 15 29	\$21.00	\$30.00
Title 18 - Secretary of State - Full Title	218 00 00	\$21.00	\$30.00
Securities Division	218 10 06	\$21.00	\$30.00
Title 19A - Dept. of Transportation - Full Title	219 00 00	\$63.00	\$90.00
Division of Highways	219 10 02	\$28.00	\$40.00
Division of Motor Vehicles	219 10 03	\$35.00	\$50.00
Title 20 - Dept. of the State Treasurer - Full Title	220 00 00	\$31.50	\$45.00
Title 21 - Occupational Licensing Boards - Full Title	221 00 00	\$143.50	\$205.00
Title 22 - Administrative Procedures Act - Repealed	222 00 00	\$0.00	\$0.00
Title 23 - Dept. of Community Colleges - Full Title	223 00 00	\$7.00	\$10.00
Title 24 - Independent Agencies - Full Title	224 00 00	\$7.00	\$10.00
Title 25 - Office of State Personnel - Full Title	225 00 00	\$42.00	\$60.00
Title 26 - Office of Administrative Hearings - Full Title	226 00 00	\$7.00	\$10.00
Title 27 - North Carolina State Bar - Full Title	227 00 00	\$42.00	\$60.00
North Carolina Administrative Code - Full Code (Add \$85.00 Shipping and Handling)	299 99 98	\$375.00	\$750.00
CD-ROM North Carolina Administrative Code	266 00 00	- -	\$750.00
CD-ROM North Carolina Administrative Code (When purchased with the Full Code in Print)	266 50 00	- -	\$250.00
Master Index	288 50 00	\$295.00	\$475.00
Master Table of Contents	288 80 00	\$40.00	\$75.00
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