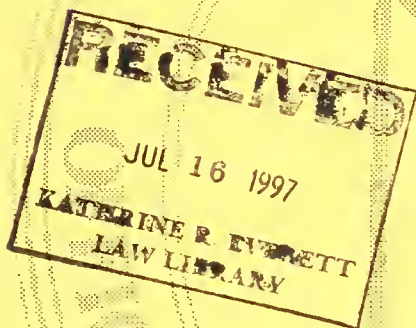


NORTH CAROLINA REGISTER

**VOLUME 12 • ISSUE 2 • Pages 46 - 109
July 15, 1997**



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Environment, Health, and Natural Resources
Human Resources
Labor
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*

NORTH CAROLINA REGISTER



Volume 12, Issue 2
Pages 46 - 109

July 15, 1997

This issue contains documents officially filed
through June 23, 1997.

Office of Administrative Hearings
Rules Division
424 North Blount Street (27601)
PO Drawer 27447
Raleigh, NC 27611-7447
(919) 733-2678
FAX (919) 733-3462

Julian Mann III, Director
James R. Scarcella Sr., Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Jean Shirley, Editorial Assistant
Linda Richardson, Editorial Assistant

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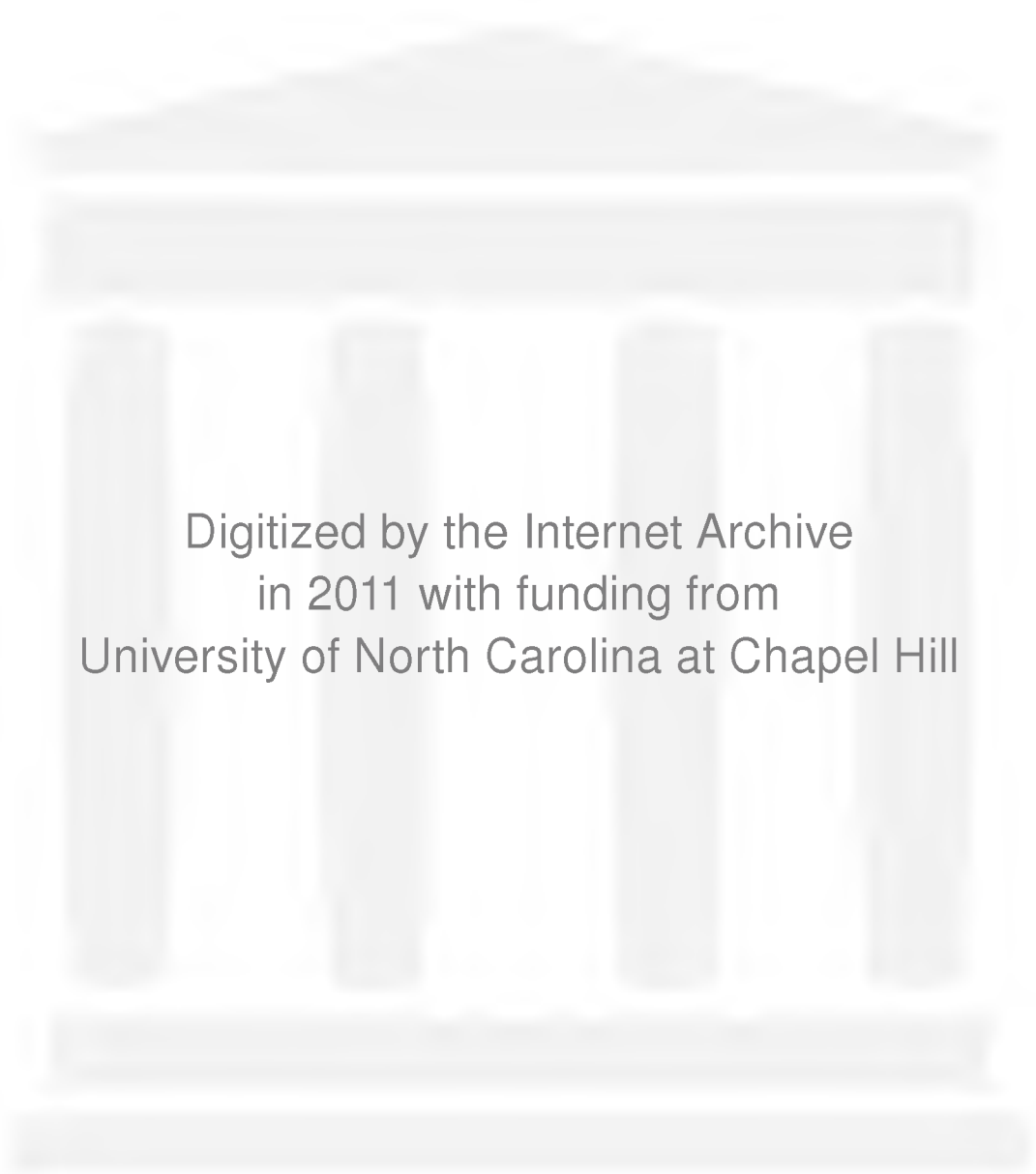
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NORTH CAROLINA REGISTER

Publication Schedule

(August 1997 - May 1998)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						
volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session
12-03	08/01/97	07/11/97	09/30/97	10/01/97	08/18/97	09/02/97	09/22/97	05/11/98	09/30/97	10/20/97	05/11/98
12-04	08/15/97	07/25/97	10/14/97	10/15/97	09/02/97	09/15/97	09/22/97	05/11/98	10/14/97	10/20/97	05/11/98
12-05	09/02/97	08/12/97	11/03/97	11/14/97	09/17/97	10/02/97	10/20/97	05/11/98	11/03/97	11/20/97	05/11/98
12-06	09/15/97	08/22/97	11/14/97	12/01/97	09/30/97	10/15/97	10/20/97	05/11/98	11/14/97	11/20/97	05/11/98
12-07	10/01/97	09/10/97	12/01/97	12/15/97	10/16/97	10/31/97	11/20/97	05/11/98	12/01/97	12/22/97	05/11/98
12-08	10/15/97	09/24/97	12/15/97	01/02/98	10/30/97	11/14/97	11/20/97	05/11/98	12/15/97	12/22/97	05/11/98
12-09	11/03/97	10/13/97	01/02/98	01/15/98	11/18/97	12/03/97	12/22/97	05/11/98	01/02/98	01/20/98	05/11/98
12-10	11/14/97	10/23/97	01/13/98	01/15/98	12/01/97	12/15/97	12/22/97	05/11/98	01/13/98	01/20/98	05/11/98
12-11	12/01/97	11/05/97	01/30/98	02/02/98	12/16/97	12/31/97	01/20/98	05/11/98	01/30/98	02/20/98	05/11/98
12-12	12/15/97	11/20/97	02/13/98	02/16/98	12/30/97	01/14/98	01/20/98	05/11/98	02/13/98	02/20/98	05/11/98
12-13	01/02/98	12/08/97	03/03/98	03/16/98	01/20/98	02/02/98	02/20/98	05/11/98	03/03/98	03/20/98	05/11/98
12-14	01/15/98	12/19/97	03/16/98	04/01/98	01/30/98	02/16/98	02/20/98	05/11/98	03/16/98	03/20/98	05/11/98
12-15	02/02/98	01/09/98	04/03/98	04/15/98	02/17/98	03/04/98	03/20/98	05/11/98	04/03/98	04/20/98	01/27/99
12-16	02/16/98	01/26/98	04/17/98	05/01/98	03/03/98	03/18/98	03/20/98	05/11/98	04/17/98	04/20/98	01/27/99
12-17	03/02/98	02/09/98	05/01/98	05/15/98	03/17/98	04/01/98	04/20/98	01/27/99	05/01/98	05/20/98	01/27/99
12-18	03/16/98	02/23/98	05/15/98	06/01/98	03/31/98	04/15/98	04/20/98	01/27/99	05/15/98	05/20/98	01/27/99
12-19	04/01/98	03/11/98	06/01/98	06/16/98	04/16/98	05/01/98	05/20/98	01/27/99	06/01/98	06/22/98	01/27/99
12-20	04/15/98	03/24/98	06/15/98	07/01/98	04/30/98	05/15/98	05/20/98	01/27/99	06/15/98	06/22/98	01/27/99
12-21	05/01/98	04/09/98	06/30/98	07/01/98	05/18/98	06/01/98	06/22/98	01/27/99	06/30/98	07/20/98	01/27/99
12-22	05/15/98	04/24/98	07/14/98	07/15/98	06/01/98	06/15/98	06/22/98	01/27/99	07/14/98	07/20/98	01/27/99

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL	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> <ul style="list-style-type: none"> (1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer. (2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer. <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>
<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>			

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.

This is a listing of each hospital qualifying for a Medicaid Disproportionate Share payment under the provisions of 10 NCAC 26H .0213, Paragraph (a), and the amount of payment to each hospital. The federal Social Security Act, Section 923, Paragraph (c) requires states to "publish at least annually the name of each hospital qualifying for such a payment adjustment and the amount of such payment adjustment made for each such hospital".

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 26 - MEDICAL ASSISTANCE

N.C. Division of Medical Assistance		
Analysis Disproportionate Share Payments		
STATE FISCAL YEAR 96		
		STATE
Provider Name	Number	FY96
Florida Hospital	1000007	1,935.00
Univ of C Med Center	1400088	0.00
Cabarrus Memorial	3400001	2,011.00
Memorial Mission Hospital	3400002	555,388.23
Northern Hosp of Surry Co	3400003	1,899.00
High Point Mem	3400004	0.00
Hoots Memorial Hospital	3400006	0.00
Annie Penn	3400007	542.00
Scotland Memorial Hospital	3400008	10,291.87
Presbyterian Specialty Hosp	3400009	0.00
Wayne Memorial Hospital	3400010	3,708.81
Blue Ridge Hosp Sys Inc	3400011	160.00
Rutherford Hospital	3400013	1,373.64
Forsyth Memorial Hospital	3400014	995,277.33
Rowan Memorial Hospital	3400015	3,084.59
C J Harris Community Hosp	3400016	1,041.66
Margaret R Pardse Mem Hosp	3400017	0.00
Stokes Reynolds Hospital	3400019	576.00
Cleveland Memorial Hosp	3400021	1,834.00
Bladen County Hospital	3400022	917.02
Park Ridge Hospital	3400023	3,268.00
Sampson County Memorial	3400024	3,784.87
Haywood County Mem	3400025	944.66
Lenoir Memorial Hospital	3400027	3,820.90
Cape Fear Valley Hospital	3400028	62,454.88
Duke Univ Medical Center	3400030	1,022,791.80
Gaston Memorial Hospital	3400032	16,455.67
Richmond Memorial Hospital	3400035	3,505.00
Kings Mountain Hospital	3400037	326.00

Beaufort County Hospital	3400038	0.00
Iredell Memorial Hospital	3400039	0.00
Pitt County Memorial	3400040	6,961,573.62
Caldwell Memorial Hospital	3400041	1,338.97
Onslow Memorial Hospital	3400042	0.00
Alleghany Co Mem Hospital	3400044	306.00
N.C. Baptist Hospital	3400047	1,039,860.07
Southeastern General	3400050	18,116.66
Watauga Memorial Hospital	3400051	0.00
Presbyterian Hospital	3400053	2,960.00
UNC Hospitals	3400061	18,163,526.47
Montgomery Memorial Hospital	3400063	527.00
Wilkes Regional	3400064	298.00
Chowan Hospital	3400065	2,656.00
Columbus County Hospital	3400068	2,143.00
Wake Medical System	3400069	23,638,651.52
Alamance Memorial	3400070	4,657.26
Betsy Johnson Memorial	3400071	1,092.00
Grace Hospital	3400075	0.00
Sloop Memorial Hospital	3400080	0.00
Anson Count Hospital	3400084	344.00
Community General	3400085	2,703.65
McDowell Hospital	3400087	2,251.47
Transylvania Hospital	3400088	2,288.56
Pungo District Hospital	3400089	278.00
Johnston Memorial Hospital	3400090	2,124.00
Moses Cone Memorial	3400091	611,787.21
Pender Memorial	3400093	0.00
Cape Fear Memorial Hospital	3400094	320,602.00
Lexington Memorial Hosp	3400096	543.64
Mercy Hospital Inc	3400098	4,060,000.00
Roanoke Chowan Hospital	3400099	117.00
Heritage Hospital	3400107	989.62
Albemarle Hospital	3400109	1,129.06
Washington County	3400112	0.00
Carolinas Medical	3400113	11,817,617.50
Rex Hospital	3400114	0.00
Moore Regional Hosp	3400115	3,442.00
Frye Regional Med Center	3400116	0.00
Stanly Memorial Hosp	3400119	454.00
Duplin General Hospital	3400120	11,931.47
Dosher Memorial Hospital	3400121	0.00
Randolph Hospital	3400123	0.00
Good Hope Hospital	3400124	957.00

Wilson Memorial Hospital	3400126	7,276.55
Granville Mdcal Center	3400127	1,039.19
Union Memorial	3400130	2,301,607.00
Craven Regional	3400131	9,863.81
Maria Parham Hospital	3400132	3,554.60
Martin General Hospital	3400133	529.12
Cherry Hospital	3400135	17,818,157.00
John Umstead	3400136	13,757,544.00
Broughton	3400137	3,978,836.00
Dorothea Dix	3400138	4,022,209.00
New Hanover Memorial Hosp	3400141	480,771.69
Carteret General	3400142	463.00
Catawba Memorial Hosp	3400143	1,799.00
Lincoln County	3400145	1,179.00
Nash General Hospital	3400147	13,014.61
Halifax Memorial Hospital	3400151	5,746.98
Western Carolina Center	3400154	0.00
Durham County General	3400155	58.00
Brunswick County Hospital	3400158	350.00
Murphy Medical Center	3400160	820.82
University Memorial Hospital	3400166	750,000.00
Amos Cottage Rehab Hospital	3400170	7,417.01
Amos Cottage	3400500	5,701.00
Youth Care Psychiatric	3400501	5,680.00
Charlotte Rehabilitation	3402003	895,724.00
Thoms Rehabilitation	3403025	2,558.00
Dorothea Dix	3404001	34,305,000.00
Broughton	3404002	28,238,877.17
Cherry	3404003	14,531,489.00
John Umstead	3404004	29,411,813.97
Charter Hosp/Winston Salem	3404006	957.00
Cumberland	3404010	1,687.00
Forsyth Stokes	3404013	0.00
Charter Hosp of Greensboro	3404015	3,598.28
HSA Brynn Marr	3404016	1,800.00
Ten Broeck	3404017	246.00
Charter North Ridge	3404018	1,194.00
CPC Cedar Springs	3404020	35.00
J.C.M.C.H. Johnson City Medi	4400063	0.00
Erlanger Medical Center	4400104	0.00
Sentara Norfolk General Hosp	4900007	0.00
Medical College of VA	4900032	0.00
Prince William Hospital	4900045	0.00
Cheapeake General Hospital	4900120	0.00

IN ADDITION

National J Center	9603302	0.00
		0.00
Grand Total		219,943,255.48

U.S. Department of Justice

Civil Rights Division

IKP:GS:RJD:mh
DJ 166-012-3
97-1010

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

May 23, 1997

Michael B. Brough, Esq.
Michael B. Brough & Associates
1829 East Franklin Street, Suite 800-A
Chapel Hill, North Carolina 27514

Dear Mr. Brough:

This refers to the annexation (Ordinance No. 97-2) and its designation to Ward 4 of the Town of Tarboro in Edgecombe 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 March 31, 1997.

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,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:

for Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

Voting Section

P.O. Box 66128

Washington, D.C. 20035-6128

June 9, 1997

Mr. Gary O. Bartlett
Executive Secretary-Director
State Board of Elections
P.O. Box 2169
Raleigh, North Carolina 27602-2169

Dear Mr. Bartlett:

This refers to Chapter 11, section 2 (1997 Session), which provides for the redistricting of congressional districts in the State of 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 April 10, 1997; the most recent supplemental information concerning this submission was received on May 26, 1997.

The Attorney General does not interpose any objection to the specified change. 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 change. See the Procedures for the Administration of section 5 (28 C.F.R. 51.41).

We note that we have not reviewed the alternative plan contained in section 3 of Chapter 11, which would replace the plan adopted in section 2 if it were invalidated by a court on one-person, one-vote grounds. You indicate in your submission letter that the plan in section 3 is not submitted for review under section 5.

Since the section 5 status of the 1997 congressional redistricting plan for North Carolina is before the court in Shaw v. Hunt, No. 92-202-CIV-5-BR, we are providing a copy of this letter to the court and counsel of record in that case.

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

cc: The Honorable J. Dickson Phillips, Jr.
The Honorable W. Earl Britt
The Honorable Richard L. Voorhees
Counsel of Record

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

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

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies: Department of Environment, Health, and Natural Resources - to rules codified in 15A NCAC 19G; Environmental Management Commission - to rules codified in 15A NCAC 2; Coastal Resources Commission - to rules codified in 15A NCAC 7; Commission for Health Services - to rules codified in 15A NCAC 13A and 19A; and Parks and Recreation Commission - to rules codified in 15A NCAC 12K - from July 15, 1997 through September 15, 1997:

DEHNR Regulatory Agenda Index - June 18, 1997

AIR QUALITY

<u>APA #</u>	<u>SUBJECT</u>	<u>RULE CITATION #</u>
E1962	Municipal Waste Landfills	15A NCAC 2D .1700
E2227	Permit Fee Applicability	15A NCAC 2Q .0201
E2228	Perchloroethylene Dry Cleaning	15A NCAC 2D .0938
	VOC RACT	
E2275	Air Toxics	15A NCAC 2D .1104 and 2H .0610
E2276	Definitions	15A NCAC 2D .0101
E2277	Exclusionary Rules for VOC	15A NCAC 2Q .0801, .0803
E2278	Activities Exempted from Permit Requirements	15A NCAC 2Q .0102
E2279	Activities Exempted from Permit Requirements	15A NCAC 2Q .0102
E2310	Special Rules for Development along Historic Coastal Urban Waterfronts	15A NCAC 7H .0210
E2313	Amendments to the NC Hazardous Waste Management Rules	15A NCAC 13A .0100

EPIDEMIOLOGY/COMMUNICABLE DISEASES

<u>APA #</u>	<u>SUBJECT</u>	<u>RULE CITATION #</u>
H5055	Fees for Rabies Tags, Links and Rivets	15A NCAC 19G .0102 (Will publish as a temporary rule)
H6730	Reportable Diseases and Conditions	15A NCAC 19A .0101 (Will publish as temporary rule in 7/15/97 register)

PARKS AND RECREATION

<u>APA #</u>	<u>SUBJECT</u>	<u>RULE CITATION #</u>
N1845	Parks and Recreation Trust Fund Grants for Local Government	15A NCAC 12K .0101, .0103, .0104, .0105

WATER QUALITY

<u>APA #</u>	<u>SUBJECT</u>	<u>RULE CITATION #</u>
E2273	Wetlands Restoration Program	15A NCAC 2R .0100 - .0600

DEHNR Regulatory Agenda - June 18, 1997

APA #: E1962
 SUBJECT: Municipal Waste Landfills
 RULE CITATION #: 15A NCAC 2D .1700
 STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)

DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 4/30/96
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: Local
REASON FOR ACTION :

To limit emissions of volatile organic compounds, toxic air pollutants, and malodorous compounds from existing municipal solid waste landfills.

SCOPE/NATURE/SUMMARY :

The rules would apply to municipal solid wastes landfills for which construction began before May 30, 1991. Landfills that emitted landfill gas in excess of 50 megagrams (55 tons) per year would be required to control their emissions. Landfills designed to hold 2.5 million megagrams (2.8 million tons) of waste or more will be required to install gas collection systems or prove that the landfill emits less than 50 megagrams per year of non-methane organic compounds. The control requirements would generally involve drilling collection wells into the landfill and routing the gas to a suitable energy recovery system or combustion device. Emissions may be controlled by flaring or by burning the gases in an internal combustion engine, turbine, or boiler. Details of the requirements can be found in 40 CFR Part 60, Subpart Cc (61 FR 9905) EPA identified 11 potentially affected landfills in North Carolina.

APA #: E2227

SUBJECT: Permit Fee Applicability
RULE CITATION #: 15A NCAC 2Q .0201
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1), (1a), (1b),(1d); 143-215.106A; 150B-21.6
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 4/21/97
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To remove dated paragraphs from 15A NCAC 2Q .0201, Applicability.

SCOPE/NATURE/SUMMARY :

Paragraphs (b) and (c) of 15A NCAC 2Q .0201, Applicability, are now dated. They served to phase in the new permit fees. Now that the new permit fees are fully in effect, these two paragraphs are no longer needed.

APA #: E2228

SUBJECT: Perchloroethylene Dry Cleaning VOC RACT
RULE CITATION #: 15A NCAC 2D .0938
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 4/21/97
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
SCOPE/NATURE/SUMMARY :

The EPA has recently declared that perchloroethylene is not a volatile organic compound (VOC). The purpose of 15A NCAC 2D .0938 is to control perchloroethylene as a VOC. Because perchloroethylene is no longer a VOC, this rule is no longer needed. Therefore, this Rule should be repealed. (Except for one or so dry cleaners

in Mecklenburg County, no dry cleaners are required to comply with this Rule.)

(Perchloroethylene is a hazardous air pollutant. Its emissions from perchloroethylene dry cleaning systems are currently controlled under 15A NCAC 2D .1111, Maximum Achievable Control Technology.)

APA #: E2273

SUBJECT: Wetlands Restoration Program
RULE CITATION #: 15A NCAC 2R .0100 - .0600
STATUTORY AUTHORITY: G.S. 143-214.8 - 214.13
DIVISION/SECTION: WATER QUALITY
DIVISION CONTACT: Ron Ferrell
DIVISION CONTACT TEL#: (919)733-5083 ext. 358
DATE INITIATED: 5/23/97
DURATION OF RULE: Permanent 7/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: State
REASON FOR ACTION :

During the 1996 session of the North Carolina General Assembly, Article 21 of Chapter 143 of the General Statutes was amended by adding sections 143-214.8 through 214.13. These sections established the Wetlands Restoration Program as a non-regulatory statewide program for the acquisition, maintenance, restoration, enhancement, and creation of wetland and riparian resources that contribute to the protection and the improvement of water quality, flood prevention, fisheries, wildlife habitat, and recreational opportunities. The purpose of this rule-making initiative is to establish the procedures that will be used to implement the Wetlands Restoration Program.

SCOPE/NATURE/SUMMARY :

The Environmental Management Commission is proposing to establish Wetlands Restoration Program per NCGS 143-214.8 - 214.13. This package of rules will establish the procedures that will be used to develop the wetlands restoration plans for each of the 17 river basins; provide a mechanism to satisfy compensatory mitigation requirements; establish the Wetlands Restoration Fund to provide a repository for monetary contributions and donations or dedications of interests in real property to promote projects for the restoration, enhancement, preservation, or creation of wetlands and riparian areas; establish procedures to guide the disbursement of funds; and establish procedures to comply with the reporting requirements of the enabling legislation.

APA #: E2275

SUBJECT: Air Toxics
RULE CITATION #: 15A NCAC 2D .1104 and 2H .0610
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143-215.108; 143B-282; S. L. 1989, C. 168, S.45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 5/28/97
DURATION OF RULE: Temporary 6/12/97
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The purpose of this rulemaking is to establish an acceptable ambient level for total diisocyanate, 2, 4- and 2, 6-isomers. 2, 4- and 2, 6-toluene diisocyanate isomers are emitted in North Carolina and have adverse affects on human health. Although 2, 4-toluene diisocyanate is currently regulated under the air toxic rules, 2, 6-toluene diisocyanate is not.

SCOPE/NATURE/SUMMARY :

At least one facility in NC is emitting 2,4- and 2, 6-toluene diisocyanate isomers at levels where adverse health effects have been observed in the surrounding community. The current air toxics rules (15A NCAC 2D .1100 and 2H .0610) contain an acceptable ambient lever for 2, 4-toluene diisocyanate, but they do not contain an acceptable ambient level for 2, 6-toluene diisocyanate. The 2, 6-toluene diisocyanate isomer is contributing to

the observed health problems.

Dr. Ronald H. Levine, State Health Director, urges the Environmental Management Commission to adopt a standard for total isomers of toluene diisocyanate. The rule amendment changes the acceptable ambient level for 2, 4-toluene diisocyanate to an acceptable ambient level for total toluene diisocyanate, 2, 4- and 2, 6- isomers.

APA #: E2276

SUBJECT: Definitions

RULE CITATION #: 15A NCAC 2D .0101

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-213

DIVISION/SECTION: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 5/28/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To revise the definition of "control device" to clarify that integral parts of combustion devices or process equipment are not control devices.

SCOPE/NATURE/SUMMARY :

Revision of the definition of "control device" in Rule 15A NCAC 2D .0101, Definitions, is being considered to clarify that integral parts of combustion devices or process equipment are not control devices. The Division of Air Quality does not currently consider integral parts of combustion devices or process equipment control devices. A possible revision of the definition of "control device" is:

"Control Device" means equipment (fume incinerator, adsorber, absorber, scrubber, filter media, cyclone, electrostatic precipitator, or the like) used to destroy or remove air pollutant(s) prior to discharge to the ambient air. Equipment that would otherwise be considered a control device is not considered a control device under this definition if it is an integral part of combustion devices or process equipment.

Accompanying this definitional change would be a definition for integral part. A possible definition of "integral part" is:

"Integral part" means a component of a combustion device or process equipment without which the combustion device or process equipment cannot be manufactured, purchased, or operated. Add-on air cleaning devices, such as fume incinerators or flares, are considered control devices.

APA #: E2277

SUBJECT: Exclusionary Rules for VOC

RULE CITATION #: 15A NCAC 2Q .0801, .0803

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

DIVISION/SECTION: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 5/28/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify that the procedures in Section 15A NCAC 2Q .0800, Exclusionary Rules, may be used to determine potential emissions for applicability of Title III (hazardous air pollutants and maximum achievable control technology) requirements.

SCOPE/NATURE/SUMMARY :

Amendments to Rules 15A NCAC 2Q .0801, Purpose and Scope, and .0803, Coating, Solvent Cleaning, Graphic Arts Operations, are being considered to clarify that potential emissions of hazardous air pollutants (HAP) that are also volatile organic compounds VOC, including perchloroethylene, may be computed using the procedures in 15A NCAC 2D .0803 to determine potential emissions. (Under this Rule potential emissions for coating

operations, solvent cleaning operations, and graphic arts operations are equal to the actual uncontrolled emissions.) Potential emissions of HAP are generally used to determine the applicability of maximum achievable control requirements. The rules imply that the procedure in 15A NCAC 2Q .0803 may be used to compute potential emissions for HAP but do not specifically state such. The amendments would specifically state that this procedure may be used for HAP.

APA #: E2278

SUBJECT: Activities Exempted from Permit Requirements

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: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 5/28/97

DURATION OF RULE:

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: Local

REASON FOR ACTION :

To add permit exemption for landfills not required to be permitted under Title V (15A NCAC 2Q .0500, Title V Procedures).

SCOPE/NATURE/SUMMARY :

Until recently landfills were not required to have an air quality permit because they were exempted under 15A NCAC .0102(b)(1)(K)(xi), Activities Exempted from Permit Requirements, which exempts activities for which there are not applicable requirements. Recently the EPA promulgated requirements for landfills. Because landfills now have certain regulatory requirements to meet, they can no longer qualify for this exemption.

Large landfills are required to have a permit under 15A NCAC 2Q .0500. They have specific monitoring, recordkeeping, and reporting requirements to meet. If their emissions of nonmethane organic compounds exceed 55 tons per year, they will have to install and operate collection and control equipment. Large landfills would not be eligible for the exemption.

Small landfills have only minimal reporting and recordkeeping requirements. Basically their only requirement is to report the size of the landfill and be able to document that it is below the capacity that would make it large, i.e. the capacity is less than 2.75 million tons or 2.5 million cubic meters. The exemption would be for these small landfills. (If a small landfill has a flare, the flare would need a permit because it is a source of emissions, but the landfill itself would not need a permit.)

APA #: E2279

SUBJECT: Activities Exempted from Permit Requirements

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: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 5/28/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To establish a process whereby sources at a facility required to have a permit under 15A NCAC 2Q .0500, Title V Procedures, for which there are no applicable requirements may be exempted from being specifically listed on the permit. Under the current rules such sources may not be exempted from permitting solely because there are no applicable requirements for it.

SCOPE/NATURE/SUMMARY :

Rule 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, currently contains a permit

exemption (15A NCAC 2Q .0102(b)(I)(K)(xi)) for sources for which there are no applicable requirements provided that the facility is not required to be permitted under Section 15A NCAC 2Q .0500. Sources at a facility required to have a permit under Section 15A NCAC 2Q .0500 are not eligible for the exemption even if there are no applicable requirements for it to meet. The proposal is to add a process whereby some sources at a facility required to have a permit under Section 15A NCAC 2Q .0500, but for which there are no applicable requirements could be exempted from being specifically listed in the permit.

APA #:E2310

SUBJECT: Special rules for Development along historic coastal urban waterfronts.

RULE CITATION #: 15A NCAC 7H .0210

STATUTORY AUTHORITY: G.S. 113A-107

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)808-2808

DATE INITIATED: 6/20/97

DURATION OF RULE: Permanent

TYPE OF RULE: Adoption

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Current rules prevent any type of non-water dependent use in public trust areas. The proposed rules will allow such uses to promote economic development and improve public access along municipal waterfronts.

SCOPE/NATURE/SUMMARY :

The proposed rule will allow limited use of public trust areas by non-water dependent structures in areas designated as having historical cultural significance. The designated areas must be within municipalities and meet criteria specified in the rule.

APA #:E2313

SUBJECT: Amendments to the North Carolina Hazardous Waste Management Rules

RULE CITATION #: 15A NCAC 13A .0100

STATUTORY AUTHORITY: G.S. 130A-294

DIVISION/SECTION: HAZARDOUS WASTE SECTION

DIVISION CONTACT: Brenda Rivers

DIVISION CONTACT TEL#: (919)733-4996

DATE INITIATED: 6/20/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The Hazardous Waste Management Rules, 15A NCAC 13A .0100, will be reviewed to identify candidates for elimination, clarification or revision. New federal and State requirements are incorporated in the rules on a regular basis, and a comprehensive rules review is needed to examine effectiveness and clarity. Rules that are unclear, conflicting or unnecessary are burdensome to all and can be a deterrent to compliance and environmental protection.

NOTE: All interested parties are encouraged to submit information and suggestions to the Hazardous Waste Section Chief at PO Box 29603, Raleigh, NC 27611-9603.

APA #:H5055

SUBJECT: Fees for Rabies Tags, Links, and Rivets

RULE CITATION #: 15A NCAC 19G .0102

STATUTORY AUTHORITY: G.S. 130A-190

DIVISION/SECTION: EPIDEMIOLOGY/OEE

DIVISION CONTACT: Steve Martin

DIVISION CONTACT TEL#: (919)733-3421

DATE INITIATED: 6/23/97

DURATION OF RULE: Temporary

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

The 1997 General Assembly ratified House Bill 488 amending G.S. 130A-190, rabies vaccination tags to authorize an increase in the fee charged for rabies tags. The Secretary of the Department may increase the tag fee by an amount not to exceed five cents (\$.05) per tag above the actual cost of the tag.

SCOPE/NATURE/SUMMARY :

The scope is to increase the rabies tag fee up to five cents (\$.05) above the actual cost of the tags. G.S. 130A-190, Rabies Vaccination Tags, requires dogs and cats to be vaccinated against rabies and to wear rabies tags. The Secretary of the Department is authorized to distribute tags to private veterinarians and local health departments and, with the ratification of House Bill 488, is authorized to charge a fee for the tags of up to five cents (\$.05) per tag above the actual cost of the tag.

House Bill 488 was ratified by the General Assembly on May 13, 1997 and signed by the Governor on May 21, 1997. The additional revenue generated from this increase will be used to fund rabies education and prevention programs.

APA #: H6730

SUBJECT: Reportable Diseases and Conditions

RULE CITATION #: 15A NCAC 19A .0101

STATUTORY AUTHORITY: G.S. 130A-134; 130A-135; 130A-141

DIVISION/SECTION: EPIDEMIOLOGY/COMMUNICABLE DISEASES

DIVISION CONTACT: Newt Maccormack

DIVISION CONTACT TEL#: (919)715-7394

DATE INITIATED: 6/16/97

DURATION OF RULE: Temporary 7/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

This proposed temporary rule change would add *Vibrio spp.* infections other than cholera (which is already a reportable disease) to the list of diseases and conditions reportable by physicians in North Carolina. Of particular importance in this group of infections are those caused by *Vibrio vulnificus*, a naturally occurring bacteria that lives in salt or brackish water and which can cause serious wound infections and disseminated infections throughout the body. It is important to document whether the incidence of these infections is increasing as soon as possible because of increasing concern about water quality in coastal North Carolina's natural waters. Disease from *V. vulnificus* occurs predominately during the summer months. A more extensive permanent rewrite of the communicable disease/condition reporting rule, including this proposed change, is slated for consideration by the Commission for Health Services at its meeting on August 20, 1997; however, if these changes are adopted, they will not become effective until August 1, 1998.

SCOPE/NATURE/SUMMARY :

This rule change would add *Vibrio spp.* infections to the list of communicable diseases required to be reported by physicians in North Carolina.

APA #: N1845

SUBJECT: Parks and Recreation Trust Fund Grants for Local Government

RULE CITATION #: 15A NCAC 12K .0101, .0103, .0104, .0105

STATUTORY AUTHORITY: G.S. 143B-313.1; 143B-313.2; 113-44.15; 105-228.30

DIVISION/SECTION: PARKS AND RECREATION

DIVISION CONTACT: Gina Rutherford

DIVISION CONTACT TEL#: (919)715-8710

DATE INITIATED: 3/31/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: State

REASON FOR ACTION :

Administrative rules for the local government share of the Parks and Recreation Trust Fund (PARTF) need to be amended to reflect legislation passed by the 1995 General Assembly, G.S. 143B-313.1 and 313.2; G.S. 113-44.15, and to make the rules more suitable for local government application submission.

SCOPE/NATURE/SUMMARY :

Existing administrative rules define the purpose and policy, eligible applicants, funding cycle, application schedule, evaluation of application, grant agreement, matching requirements, project eligibility, site control and dedication, inspection, and program acknowledgment for the local government share of PARTF. These rules were based on staff quickly developing a shortened funding cycle in order to complete it within the fiscal year the legislation was passed. Many existing rules are not applicable with the creation of the Parks and Recreation Authority in 1995 to oversee and allocate the trust fund. Also, the same year the General Assembly established a dedicated and stable funding source for PARTF.

The Authority has reviewed the existing rules and is recommending amendments to make the rules more compatible and user friendly for local governments to apply for and comply with if funded.

Administrative rule amendments would:

1. Define the selection and responsibilities of the Parks and Recreation Authority in allocating funds to local government projects.
2. Revise the application and funding cycle dates to coincide with local government's budget calendars; and
3. Implement administrative changes recommended by the Authority to improve oversight of the program.

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

TITLE 13 - DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Department of Labor, Division of Occupational Safety and Health intends to amend rule cited as 13 NCAC 7F .0201. Notice of Rule-making Proceedings was published in the Register on March 14, 1997.

Proposed Effective Date: July 1, 1998

A **Public Hearing** will be conducted at 10:00 a.m. on August 4, 1997 at the NCDOL - Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Conference Room A, Raleigh, NC.

Reason for Proposed Action: Currently, 13 NCAC 7F .0201 incorporates by reference 29 CFR 1926 with certain exceptions.

Pursuant to the authorities granted in G.S. 95-131(a), this amendment will revise the wording of 29 CFR 1926.950(c)(1)(i) which addresses protective measures to be taken by employees when they are working on or near electrically energized parts. The wording change is intended to ensure that protective measures--beyond just gloves and sleeves if appropriate--are taken when any portion of an employee's body is within the specified minimum approach distance. The objective of the amendment is to protect the employee(s) from electrocution due to inadvertent contact with other energized or conductive objects while the employee(s) are working on an energized part.

OSHNC has concluded that the language contained in the related General Industry standards [29 CFR 1910.269(l)(2)(i)] has been thoroughly reviewed for feasibility and is as effective as the federal construction standard. Therefore, OSHNC is pursuing rule-making to amend the verbatim adoption of 29 CFR 1926.950(c)(1)(i) to incorporate the 29 CFR 1910.269(l)(2)(i) language.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Safety and Health (OSH) whether in favor of or opposed to any and all provisions of the noticed amendment. Written comments, data, or other information relevant to this proposal must be submitted within 30 days (August 15, 1997). Such written materials may be submitted to: Peggy D. Morris, Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432, Phone (919) 662-4581, FAX (919) 662-4582.

Fiscal Note: This Rule does not affect the expenditures or

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

CHAPTER 7 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

SUBCHAPTER 7F - STANDARDS

SECTION .0200 - CONSTRUCTION STANDARDS

.0201 CONSTRUCTION

(a) The provisions for the Occupational Safety and Health Standards for Construction, Title 29 of the Code of Federal Regulations Part 1926 promulgated as of February 28, 1997 and exclusive of subsequent amendments, are incorporated by reference except as follows:

- (1) Subpart C -- General Safety and Health Provisions -- Personal protective equipment, §1926.28(a) is amended to read as follows: "(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees."
- (2) Subpart D -- Occupational Health and Environmental Controls:
 - (A) Addition to 29 CFR 1926.54, Nonionizing radiation, after subpart (a) to read:

"(a1) This standard shall apply to all direct or reflected laser equipment except properly maintained unmodified Class I equipment. Class I equipment is defined as intrinsically safe lasers having less than 0.001 milliwatt power and lasers which cannot create eye damage if viewed accidentally or which present no direct ocular hazard, diffuse ocular hazard or fire hazards."
 - (B) Incorporation by reference of modified final rule for 29 CFR 1926.59, Hazard Communication, including Appendices A through E, published in 59 FR (February 9, 1994) pages 6170 - 6184 except that 1926.59(b)(6)(ii) is amended to read:

"(ii) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq.*), when regulated as a hazardous waste under that Act

by the Environmental Protection Agency;"

- (3) Subpart E -- Personal Protective and Life Saving Equipment -- addition of (g) to 1926.104 *Safety belts, lifelines, and lanyards*, as follows:

"(g) Snaphooks shall be a locking type designed and used to prevent disengagement of the snaphook keeper by the connected member. Locking type snaphooks have self-closing, self-locking keepers which remain closed and locked until unlocked and pressed open for connection or disconnection."

- (4) Subpart V -- Power Transmission and Distribution -- 1926.950(c)(1)(i) is rewritten to read as follows:

"(i) The employee is insulated or guarded from the energized part (gloves or gloves with sleeves rated for the voltage involved shall be considered insulation of the employee only with regard to the energized part upon which work is being performed), or"

- (4)(5) Subpart Z -- Toxic and Hazardous Substances -- incorporation of the existing standard for Bloodborne Pathogens, 29 CFR 1910.1030, excluding subparagraph (e) HIV and HBV Research Laboratories and Production Facilities, into the Safety & Health Regulations for Construction at 29 CFR 1926.1130. Final rule as published in 56 FR (December 6, 1991) pages 64175 - 64182, including Appendix A -- Hepatitis B Vaccine Declination (Mandatory) -- with corrections as published in 57 FR (July 1, 1992) page 29206, and with the following revision to the definition of Occupational Exposure under subsection (b) Definitions:

"Occupational Exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of collateral first aid duties by an employee in the areas of construction, alteration, or repair, including painting and decorating."

(b) Copies of the applicable Code of Federal Regulations sections referred to in this Subchapter are available for public inspection at the North Carolina Department of Labor, Division of Occupational Safety and Health. A single copy may be obtained from the Division at a cost of ten dollars and sixty cents (\$10.60) (inclusive of tax); each additional copy will be the same price.

Authority G.S. 95-131; 150B-21.6.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Commission for Health Services intends to amend rules cited as 15A NCAC 18A .1937, .1938, .1958, .1961; 19A .0101 - .0102, .0201, .0203 .0205 and 24A .0202. Notice of Rule-making Proceedings for 15A NCAC 18A .1937,

.1938, .1958, .1961 were published in the Register on January 15, 1997. Notice of Rule-making Proceedings for 15A NCAC 19A .0101 - .0102, .0201, .0205 were published in the Register on April 15, 1997. Notice of Rule-making Proceedings for 15A NCAC 19A .0203 was published in the Register on February 3, 1997. Notice of Rule-making Proceedings for 15A NCAC 24A .0202 was published in the Register on March 14, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:00 p.m. on July 30, 1997 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action:

15A NCAC 18A .1937, .1938, .1958, .1961 - The proposed permanent rules are necessary because of amendments to N.C.G.S. 130-333 et seq., Wastewater Systems, enacted by the Legislature during the Short Sessions of 1996.

The principal amendments are: (1) the addition of an Improvement Permit that is valid for five (5) years [130A-335(f)]; (2) definitions of a plat and a site plan [130A-334(7b) and (13a) respectively]; (3) the redefinition of the period of validity for an authorization for wastewater system construction to be up to five (5) years [130A-336(b)], and (4) the addition of a subsection to allow for the withholding of funds to local health departments under certain conditions [130A-336(f)].

The damage caused by Hurricane Bertha and Fran during the summer of 1996 revealed the need to allow the use of holding tanks as a component of a system while repairs are affected [Rule .1958(b) and .1961(d)] and the proper abandonment of systems or components that are not repairable [Rule .1961(c)]. 15A NCAC 19A .0101-.0102 - The current list of reportable diseases are being modified to reflect emerging areas of public health significance as well as to provide accurate information which will assist in the development of control measures to restrict the transmission of disease, will provide direction for efforts to combat potential drug resistant organisms, and will expand the base of knowledge used to facilitate epidemiologic monitoring and program development. The method of reporting for public and private laboratories will be expanded to include important communicable disease information and to increase efficiency and timeliness of implementing control measures.

15A NCAC 19A .0201 - The proposed changes are technical changes and do not make substantive changes in the provisions of this rule. The name of the reference publication heretofore known as "Control of Communicable Diseases in Man" has been changed by the publisher to "Control of Communicable Diseases Manual" and this amended rule reflects this new name. Also, certain addresses and how to obtain the reference information have been modified in these proposed changes.

15A NCAC 19A .0203 - The rules setting forth the control measures for Hepatitis B need to be changed to incorporate a procedure for the management of infected children in school or day care settings. Such a procedure already exists for the management of children infected with HIV, the virus that causes

Aids.

15A NCAC 19A .0205 - The proposed changes are both technical and substantive. The changing patterns of TB prevalence and incidence and better understanding of how to detect and control the disease have led to new recommendations for control measures from national and state authorities. At times in the past, the requirements of certain control measures were not clear because the references cited in this rule as the source of control measures made recommendations rather than outlining the specific measures that needed to be taken to detect and control tuberculosis. This proposed rule requires that recommendations in the reference documents be considered control measures, except as otherwise provided in the rule. The other proposed changes to the rule are designed to clarify, to make technical changes, or to incorporate recent recommendations from the Centers for Disease Control and Prevention for detection and control of tuberculosis.

15A NCAC 24A .0202 - For paragraph (d) - the purpose of this rulemaking is to increase the income eligibility for the HIV Medications Program to 125 percent of the poverty level and thereby make federal funding for HIV related care available to more North Carolina clients.

For paragraph (f) - This rulemaking will also decrease the income eligibility for the Cancer Control Program to 115 percent of the federal poverty level and subsequently decrease the number of eligible clients. This action is necessary to prevent over-obligation of state funds during the fiscal year.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Written comments may be presented at the public hearing or submitted to Jill Weese, Department of Justice, PO Box 629, Raleigh, NC 27602-0629. All written comments must be received by August 14, 1997. Persons who wish to speak at the hearing should contact Ms. Weese at (919) 716-6864. Persons who call in advance of the hearing will be given priority on the speaker's list. Oral presentation lengths may be limited depending on the number of people that wish to speak at the public hearing. Only persons who have made comments at a public hearing or who have submitted written comments will be allowed to speak at the Commission meeting. Comments made at the Commission meeting must either clarify previous comments or proposed changes from staff pursuant to comments made during the public hearing process.

IT IS VERY IMPORTANT THAT ALL INTERESTED AND POTENTIALLY AFFECTED PERSONS, GROUPS, BUSINESSES, ASSOCIATIONS, INSTITUTIONS OR AGENCIES MAKE THEIR VIEWS AND OPINIONS KNOWN TO THE COMMISSION FOR HEALTH SERVICES THROUGH THE PUBLIC HEARING AND COMMENT PROCESS, WHETHER THEY SUPPORT OR OPPOSE ANY OR ALL PROVISIONS OF THE PROPOSED RULES. THE COMMISSION MAY MAKE CHANGES TO THE RULES AT THE COMMISSION MEETING IF THE CHANGES COMPLY WITH G.S. 150B-21.2(f).

Fiscal Note: These Rules do not have a substantial economic

impact of at least five million dollars (\$5,000,000) in a 12-month period. **15A NCAC 18A .1937 - .1938, .1958, .1961; 19A .0201, .0203, .0205** - These Rules do not affect the expenditures or revenues of state or local government funds. **15A NCAC 19A .0101 - .0102** - These Rules affect the expenditures or revenues of state and local government funds. **15A NCAC 24A .0202** - This Rule affects the expenditures or revenues of state government funds. This Rule does not affect the expenditures or revenues of local government funds.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

.1937 PERMITS

(a) Any person owning or controlling a residence, place of business, or place of public assembly containing water-using fixtures connected to a water supply source shall discharge all wastewater directly to an approved wastewater system permitted for that specific use.

(a)(b) An Improvement Permit, Permit, Authorization for Wastewater System Construction (Construction Authorization) and Operation Permit, shall be required in accordance with G.S. 130A-336, 130A-336, G.S. 130A-337 and G.S. 130A-338. Rule .1949 of this Section shall be used to determine whether subsequent additions or modifications or additions, modifications, or change in the type of facility increase sewage flow, wastewater flow or alter wastewater characteristics.

(b) The local health department shall issue an Improvement Permit only after it has determined that the system is designed and can be installed so as to meet the provisions of these Rules. An Improvement Permit shall be valid for 60 months from the date of issue. If the installation has not been completed during that time period, the information submitted in the application for an Improvement Permit is falsified or changed, or the site is altered, the permit shall become invalid. When an Improvement Permit has become invalid, the installation shall not be commenced or completed until a new Improvement Permit has been obtained.

(c) An application for an Improvement Permit or Construction Authorization, as applicable, shall be submitted to the local health department for each site prior to the construction, location, or relocation of a residence, place of business, or place of public assembly. Applications for systems required to be designed by a professional engineer and applications for industrial process wastewater systems shall meet the provisions of Rule .1938 of this Section.

(1) The application for an Improvement Permit shall contain at least the following information: owner's name, mailing address, and phone number, location of property, plat of property or site plan, description of existing and proposed facilities or structures, number of bedrooms, or number of persons served, or other factors required to determine wastewater

system design flow or wastewater characteristics, type of water supply, and signature of owner or owner's legal representative. The applicant shall be responsible for identifying property lines and fixed reference points in the field. The applicant shall make the site accessible for an evaluation as required in Rule .1939 of this Section. The applicant shall be responsible for notifying the local health department on the application of the following:

- (A) the property contains previously identified jurisdictional wetlands;
 - (B) wastewater other than sewage will be generated; or
 - (C) the site is subject to approval by other public agencies.
- (2) The application for a Construction Authorization shall contain:
- (A) the information required in Subparagraph (1) of this Paragraph; however, plat or site plan shall not be required with the application for a Construction Authorization to repair a previously permitted system when the repairs will be accomplished on property owned and controlled by the applicant and for which the property lines are readily identifiable in the field;
 - (B) the locations of the proposed facility, appurtenances, and the site for the system showing setbacks to property line(s) or other fixed reference point(s); and
 - (C) the proposed system type as specified by the owner or owner's legal representative and that meets the conditions of the Improvement Permit, the provisions of these Rules, and G.S. 130A, Article 11.

~~(c) Application for an Improvement Permit shall be submitted to the local health department. The application shall contain at least the following information: name of owner, mailing address, location of property, plat of property (if not readily available to local health department), type of facility, estimated sewage flow based on number of bedrooms or number of persons served, type of water supply, and signature of owner or authorized agent. The applicant shall be responsible for notifying the local health department of any designated wetland.~~

~~(d) An authorized agent of DEHNR shall issue an Improvement Permit after determining that the site is suitable or provisionally suitable and that a system can be installed so as to meet the provisions of these Rules. The Improvement Permit shall include those items required in G.S. 130A-336(a). An Improvement Permit for which a plat is provided shall be valid without expiration and an Improvement Permit for which a site plan is provided shall be valid for 60 months from the date of issue as provided in G.S. 130A-335(f) and G.S. 130A-336(a). The Improvement Permit is transferable to subsequent owners except as provided in G.S. 130A-335(f) and G.S. 130A-336(a).~~

~~(e) The Construction Authorization as provided in G.S. 130A-335(f) and G.S. 130A-336(b) shall be valid for a period equal to the period of validity of the Improvement Permit, not to exceed 60 months. Site modifications required as conditions of an Improvement Permit shall be completed prior to the issuance of a Construction Authorization. The Construction Authorization shall be issued by an authorized agent for the installation of a wastewater system when it is found that the Improvement Permit conditions and rules in this Section are met. The Construction Authorization shall contain conditions regarding system type, system layout, location, and installation requirements. It shall be the responsibility of the property owner to ensure that a Construction Authorization is obtained and is valid prior to the construction or repair of a system and prior to the construction, location, or relocation of a residence, place of business, or place of public assembly. If the installation has not been completed during the period of validity of the Construction Authorization, the information submitted in the application for a Permit or Construction Authorization is found to have been incorrect, falsified or changed, or the site is altered, the Permit or Construction Authorization shall become invalid and may be suspended or revoked. When a Permit or Construction Authorization has become invalid, suspended, or revoked, the installation shall not be commenced or completed until a new Permit or Construction Authorization has been obtained. Revised Construction Authorizations shall be issued for sites where Improvement Permits are valid without expiration in compliance with G.S. 130A-335(f1).~~

~~(f) Prior to the issuance of an Improvement Permit a Construction Authorization for a sanitary-sewage wastewater system to serve a condominium or other multiple-ownership development where the system will be under common or joint control, a draft agreement (tri-party) among the local health department, developer, and a proposed non-profit, incorporated owners association shall be submitted to the local health department for approval. Prior to the issuance of an Operation Permit for a system requiring a tri-party agreement, the agreement shall be properly executed among the local health department, developer, and a non-profit, incorporated owners association and filed with the local register of deeds. The tri-party agreement shall address ownership transfer of ownership, maintenance, repairs, operation, and the necessary funds for the continued satisfactory performance of the sanitary sewage wastewater system, including collection, treatment, disposal, and other appurtenances.~~

~~(e) No residence, place of business, or place of public assembly shall be occupied nor shall any sanitary sewage system be covered or placed into use until the local health department finds that the system is in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions prescribed by the Improvement Permit, and issues a Certificate of Completion or an Operation Permit. At the review frequency specified in Rule .1961, Table V(a) of this Section, the local health department shall determine whether a system with an Operation Permit is operating properly and complies with the conditions of the Operation Permit. The local health department may suspend or revoke the Operation Permit if it is~~

determined that the system is not operating properly or is not in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions imposed by the Operation Permit:

(f) Upon determining that an existing sanitary sewage system has a valid Operation Permit or a valid Certificate of Completion and is operating satisfactorily in a mobile home park, the local health department shall issue a written authorization for a mobile home to be connected to the existing system and to be occupied:

(g) No residence, place of business, or place of public assembly shall be occupied nor shall any wastewater system be covered or placed into use until an authorized agent issues an Operation Permit. The Operation Permit shall not be issued until the authorized agent finds that the system is in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions prescribed by the Improvement Permit, and Construction Authorization. The Operation Permit shall specify the system type in accordance with Table V(a) of Rule .1961 of this Section, and shall include conditions for system performance, operation, maintenance, monitoring and reporting. At the review frequency specified in Rule .1961, Table V(a) of this Section, an authorized agent shall determine whether a system in compliance with the conditions of the Operation Permit, these Rules, and Article 11 of G.S. Chapter 130A. An authorized agent may modify, suspend or revoke the Operation Permit or seek other remedies under Article 2, Chapter 130A, if the system or is not in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions imposed by the Operation Permit.

(h) For a Type V or VI system as specified in Rule .1961, Table V(a) of Paragraph (b)(9) of this Section, the Operation Permit shall expire either:

- (1) 60 months after the Operation Permit is issued for any system installed after the effective date of these Rules, or
- (2) 60 months after the effective date of these Rules for any system with a valid Operation Permit issued on or prior to the effective date of these Rules.

(h) Systems which exceed 3,000 gallons per day and other systems which are required to be designed by a professional engineer shall be reinspected annually:

(i) Upon determining that an existing wastewater system in a manufactured home park has a valid Operation Permit and is in compliance with Article 11 of G.S. Chapter 130A, these Rules, and permit conditions, the local health department shall issue a written authorization for a manufactured home to be connected to the existing system.

(j)(g) Any person other than the owner or controller of a residence, place of business, or place of public assembly, who engages in the business of constructing, installing, or repairing wastewater sanitary sewage systems shall register with the local health department in each county where he operates before constructing, installing, or repairing wastewater sanitary sewage systems.

(k) The local health department An authorized agent shall prepare a written report with reference to the site and soil conditions required to be evaluated pursuant to this Section.

When a permit is denied, the report shall be provided to the applicant. If modifications or alternatives are available, information shall be provided to the applicant. The report shall be signed and dated by the local (authorized) sanitarian. an authorized agent of the State.

Authority G.S. 130A-335(e) and (f).

.1938 RESPONSIBILITIES

(a) The design, construction, operation, and maintenance of sewage treatment and disposal systems, whether septic tank systems, privies or alternative systems, shall be the responsibility of the designer, owner, developer, installer, or user of the system as applicable. The permitting of wastewater system shall be the responsibility of agents authorized by the State and registered with the State of North Carolina Board of Sanitarian Examiners.

(b) The person owning the system shall be responsible for assuring compliance with the laws, rules, and permit conditions regarding system location, installation, operation, maintenance, monitoring, reporting, and repair.

(b)(c) Actions of representatives of local health departments or the State engaged in the evaluation and determination of measures required to effect compliance with the provisions of this Section shall in no way be taken as a guarantee or warranty that sewage treatment and disposal systems approved and permitted will function in a satisfactory manner for any given period of time. Due to the development of clogging mats which adversely impact the life expectancy of normally functioning ground absorption sewage treatment and disposal systems and variables influencing system function which are beyond the scope of these Rules, no guarantee or warranty is implied or given that a sewage treatment and disposal system will function in a satisfactory manner for any specific period of time.

(c)(d) Prior to the issuance of an Improvement Permit or Construction Authorization, plans and specifications prepared by a person with a demonstrated knowledge of sanitary sewage collection, treatment, and disposal wastewater systems, soil science, and rock characteristics, ground-water hydrology, and drainage systems may be required for review and approval by the local health department when there is an unsuitable soil or unsuitable characteristic and shall be required for:

- (1) alternative and innovative systems not specifically described in this Section, and
- (2) drainage systems serving two or more lots.

(d)(e) Any sanitary sewage wastewater system which meets one or more of the following conditions shall be designed by a registered professional engineer:

- (1) The system is designed to handle over 3,000 gallons per day, as determined in Rule .1949(a) or (b) of this Section, except where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual dwelling unit.
- (2) The system requires pretreatment, pretreatment before disposal, other than by a conventional septic

~~tank, before disposal, or other system approved under Rules .1957 or .1969 of this Section.~~

(3) The system requires use of sewage pumps prior to the septic tank or other pretreatment system, except for systems subject to the North Carolina Plumbing Code: ~~code or which consist of grinder pumps and associated pump basins that are approved and listed in accordance with standards adapted by the National Sanitation Foundation.~~

(4) The ~~individual~~ system ~~requires~~ is requiring this Section to use of more than one pump or siphon: ~~siphon in a single pump tank.~~

(5) The system includes a collection sewer, prior to the septic tank or other pretreatment system, which serves two or more buildings, except for systems subject to the North Carolina Plumbing Code.

(6) The system includes structures which have not been pre-engineered.

(7) The system is designed for the collection, treatment and disposal of industrial process wastewater, except under the following circumstances:

(A) the State has determined that the wastewater generated by the proposed facility has a pollutant strength which is lower than or equal to domestic sewage, and does not require specialized pretreatment or management, or

(B) the State has pre-approved a predesigned pretreatment system or process and management method proposed by the facility owner which shall enable the industrial process wastewater to have a pollutant strength which is lower than or equal to domestic sewage.

~~(7)(8)~~ Any other system serving a business or multi-family dwelling so specified by the local health department.

~~(e)(f)~~ An improvement permit shall not be issued unless the plans and specifications, including methods of operation and maintenance, are approved. The state shall review and approve The State shall review and approve the system layout on a site plan or plat, plans and specifications for all systems serving a design unit with a design flow greater than 3,000 gallons per day, as determined in Rule .1949 (a) or (b) of this Section, except except:

(1) where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual dwelling unit: ~~unit, or~~

(2) where the system consists of individual septic tank systems, each serving an individual facility, and which meets all of the following criteria:

(A) each individual system's design flow does not exceed 1500 gallons per day, as determined in Rule .1949(a) or (b) of this Section.

(B) the site for the nitrification field and repair area for each individual system is at least 50 feet from any other individual system site, and

(C) the design wastewater loading on the lot or

tract of land containing the design unit is less than 1200 gallons per day per acre.

The state shall also review and approve plans and specifications for any industrial process wastewater system required by this Section to be designed by a registered professional engineer and any other system so specified by the local health department. Prior to issuance of the operation permit for a system designed by a registered professional engineer, the owner shall submit to the local health department a statement signed by a registered professional engineer stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Periodic observations of construction and a final inspection for design compliance by the certifying registered professional engineer or his representative shall be required for this statement. The statement shall be affixed with the registered professional engineer's seal.

(g) An improvement permit shall not be issued unless the site plan or plat and system layout, including details for any proposed site modifications, are approved. A Construction Authorization shall not be issued unless plans and specifications, including methods of operation and maintenance, are approved.

(h) Prior to issuance of the operation permit for a system designed by a registered professional engineer, the owner shall submit to the local health department a statement signed by a registered professional engineer stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Periodic observations of construction and a final inspection for design compliance by the certifying registered professional engineer or his representative shall be required for this statement. The statement shall be affixed with the registered professional engineer's seal.

~~(f)(i)~~ Plans and specifications required to be prepared by a registered professional engineer shall contain all necessary information for construction of the system in accordance with applicable rules and laws and shall include at least one or more of the following, as determined to be applicable by the local health department or the State:

(1) the engineer's seal, signature, and signature of the licenced or registered professional and the date on all plans and the first sheet of specifications;

(2) a description of the facilities served and the calculations and basis for the design flow proposed;

(3) a site plan based on a surveyed plat showing all system components, public water supply sources within 500 feet, private water supplies and surface water supplies within 200 feet, water lines serving the project and within ten feet of all components, building foundations, basements, property lines, embankments or cuts of two feet or more in vertical height, swimming pools, storm sewers, interceptor drains, surface drainage ditches, and adjacent nitrification fields;

(4) specifications describing all materials to be used, methods of construction, means for assuring the quality and integrity of the finished product, and

operation and maintenance procedures addressing requirements for the system operator, inspection schedules, residuals management provisions, process and performance monitoring schedules, and provisions for maintaining mechanical components and nitrification field vegetative cover;

- (5) plan and profile drawings for collection sewers, force mains and supply lines, showing pipe diameter, depth of cover, cleanout and manhole locations, invert and ground surface elevations, valves and other appurtenances, lateral connections, proximity to utilities and pertinent features such as wells, water lines, storm drains, surface waters, structures, roads, and other trafficked areas;
- (6) plans for all tanks, showing capacity, invert and ground elevations, access manholes, inlet and outlet details, and plans for built-in-place or nonstate-approved, precast tanks, also showing dimensions, reinforcement details, liquid depth, and other pertinent construction features;
- (7) calculations for pump or siphon sizing, pump curves, and plan and profile drawings for lift stations and effluent dosing tanks, showing anti-buoyancy provisions, pump or siphon locations, discharge piping, valves, vents, pump controls, pump removal system, electrical connection details, and activation levels for pumps or siphons and high-water alarms;
- (8) plan and profile drawings for wastewater treatment plants and other pretreatment systems, including cross-section views of all relevant system components, and data and contact lists from comparable facilities for any non-standard systems;
- (9) plans for nitrification field and repair area area, based on an evaluation and report prepared by a licensed soil scientist, showing the following:
 - (A) field locations with existing and final relative contour lines based on field measurements at intervals not exceeding two feet or spot elevations if field areas are essentially flat or of uniform grade;
 - (B) field layout, pipe sizes, length, spacing, connection and clean out details, invert elevations of flow distribution devices and laterals, valves, and appurtenances;
 - (C) trench plan and profile drawings and flow distribution device details; and
 - (D) location and design of associated surface and groundwater drainage systems; and
- (10) any other information required by the local health department or the State.

~~(g)(i)~~ The entire sanitary wastewater sewage system shall be on property owned or controlled by the person owning or controlling the system. Necessary ~~easements~~ easements, right of ways, or encroachment agreements, as applicable, shall be obtained permitting the use and unlimited access for inspection and maintenance of all portions of the system to which the owner and operator do not hold undisputed title. Easements

~~shall remain valid as long as the system is required and shall be recorded with the county register of deeds: prior to the issuance of a Construction Authorization for the system installation or repair. Terms of the easement, right-of-way or encroachment agreement shall provide that the easement, right-of-way, or encroachment agreement:~~

- (1) is appurtenant to specifically described property and runs with the land and is not affected by change of ownership or control;
- (2) is valid for as long as the wastewater system is required for the facility that it is designed to serve;
- (3) describes and specifies the uses being granted and shall include ingress and egress, system installation, operation, maintenance, monitoring, and repairs;
- (4) specifies by metes and bounds description or attached plat, the area or site required for the wastewater system and appurtenances including a site for any required system replacement; and
- (5) shall be recorded with the register of deeds in the county where the system and facility is located.

Authority G.S. 130A-335(e) and (f).

.1958 NON-GROUND ABSORPTION SEWAGE TREATMENT SYSTEMS

(a) Where an approved privy, an approved septic tank system, or a connection to an approved public or community sewage system is impossible or impractical, this Section shall not prohibit the state or local health department from permitting approved non-ground absorption treatment systems utilizing heat or other approved means for reducing the toilet contents to an inert or stabilized residue or to an otherwise harmless condition, rendering such contents noninfectious or noncontaminating. Alternative systems shall be designed to comply with the purposes and intent of this Section.

(b) Holding tanks shall not be considered as an acceptable sewage treatment and disposal system. An improvement permit shall not be issued for a sewage holding ~~tank~~ tank for any new construction. However, An Authorization to Construct may be issued for a holding tank for pumping and hauling of wastewater effluent to a wastewater system approved under this Section when the owner has provided a showing that a malfunctioning system cannot otherwise be repaired by connection to a system approved under this Section or to a system approved under the rules of the Environmental Management Commission. Pumping and hauling wastewater effluent shall be performed by a septage management firm permitted in accordance with G.S. 130A-291.1

(c) Incinerating, composting, vault privies, and mechanical toilets shall be approved by the state agency or local health department only when all of the sewage will receive adequate treatment and disposal.

(d) Sewage recycling systems which discharge treated waste-water meeting the state drinking water standards may be used only for toilet flushing and recycled sewage shall not be used for body contact or human consumption. Such systems must be specifically approved by the state or local health

department.

(e) Chemical or portable toilets for human waste may be used at mass gatherings, construction sites, and labor work camps. Chemical or portable toilets proposed for use at a labor work camp shall have an operation permit from the local health department upon a showing by the owner or controller that the chemical or portable toilet shall be maintained in a sanitary condition. Chemical or portable toilets shall have a watertight waste receptacle constructed of nonabsorbent, acid resistant, noncorrosive material. The chemical or portable toilet waste collected shall be discharged into an approved sewage treatment and disposal system.

Authority G.S. 130A-335(e) and (f).

.1961 MAINTENANCE OF SEWAGE SYSTEMS

(a) Any person owning or controlling the property upon which a ground absorption sewage treatment and disposal system is installed shall be responsible for the following items regarding the maintenance of the system:

(1) Ground absorption sewage treatment and disposal systems shall be operated and maintained at all times to prevent seepage or discharge of sewage or effluent to the surface of the ground or to surface waters: the following conditions:

(A) a discharge of sewage or effluent to the surface of the ground, the surface waters, or directly into ground water at any time; or

(B) a back-up of sewage or effluent into the facility, building drains, collection system, or freeboard volume of the tanks; or

(C) a free liquid surface within three inches of finished grade over the nitrification trench for two or more observations made not less than 24 hours apart. Observations shall be made no greater than 24 hours after a rainfall event.

The system shall be considered to be malfunctioning when it fails to meet one or more of these requirements, either continuously or intermittently, or if it is necessary to remove the contents of the tank(s) at a frequency greater than once per month in order to satisfy the conditions of (A), (B), or (C) of this Paragraph.

(2) Ground absorption sewage treatment and disposal systems shall be checked, and the contents of the septic tank removed, periodically from all compartments, to ensure proper operation of the system. The contents shall be pumped whenever the solids level is found to be more than 1/3 of the liquid depth in any compartment.

(b) System management in accordance with Tables V(a) and V(b) of this Rule shall be required for all systems installed or repaired after July 1, 1992. After July 1, 1992, system management in accordance with Tables V(a) and V(b) shall be required for all existing Type V and Type VI systems.

(1) After July 1, 1992, no No Improvement Permit or Construction Authorization shall be issued for Type

IV, Type V, or Type VI systems, unless a management entity of the type specified in Table V(b) is specifically authorized, funded, and operational to carry out this management program in the service area where the proposed system is to be located.

(2) A local health department may be a the public management entity only for systems classified Type IV, V(a) and V(b) and only when specifically authorized by resolution of the local board of health.

(3) A contract shall be executed between the system owner and a management entity prior to the issuance of an Operation Permit for a system required to be maintained by a public or private management ~~entity~~. unless the system owner and management entity are the same person. The contract shall include the specific requirements for maintenance and operation, responsibilities of the owner and system operator, provisions that the contract shall be in effect for as long as the system is in use, and other requirements for the continued proper performance of the system. It shall also be a condition of the Operation Permit that subsequent owners of the system execute such a contract.

(4) Inspections of the system shall be performed by a management entity at the frequency specified in Table V(b). The management entity shall report the results of their inspections to the local health department at the specified reporting frequency. However, where inspections indicate the need for system repairs, the management entity shall notify the local health department within 48 hours in order to obtain ~~an Improvement Permit~~ a Construction Authorization for the repairs.

(5) The management entity shall be responsible for assuring routine maintenance procedures and monitoring requirements in accordance with the conditions of the Operation Permit and the contract.

(6) Sewage systems with multiple components shall be classified by their highest or most complex system type in accordance with Table V to determine local health department and management entity responsibilities.

(7) Sewage systems not identified in this Rule shall be classified by the Division of Environmental Health after consultation with the appropriate commission governing operators of pollution control facilities.

(8) The local health department shall routinely review the performance and operation reports submitted in accordance with Table V(b) of this Rule and shall perform an on-site inspection of the systems as required in Table V(a).

(9) The certified operator shall hold a valid and current certificate from the appropriate commission, and nothing ~~Nothing~~ in this Section shall preclude any requirements for system ~~operators imposed operators,~~ in accordance with Article 3 of G.S. 90A.

TABLE V(a)

LOCAL HEALTH DEPARTMENT RESPONSIBILITIES

<u>System Classification</u>	<u>System Description</u>	<u>Permits Required</u>	<u>Minimum System Review Frequency</u>
Type I	a. Privy b. Chemical toilet c. Incinerating toilet d. Other toilet system e. Grease trap	Improvement Permit <u>Permit, Construction Authorization, and Operation Permit</u>	N/A
Type II	a. Conventional septic system (single-family or 480 GPD or less) b. Conventional septic system with 750 linear feet of nitrification line or less c. Conventional system with shallow placement	Improvement Permit <u>Permit, Construction Authorization, and Certificate of Operation Permit Completion</u>	N/A
Type III	a. Conventional septic system > 480 GPD (excluding single-family residence) b. Septic system with single effluent pump or siphon c. Gravity fill system d. Dual gravity field system e. PPBPS system, gravity dosed f. Large diameter pipe system g. Other non-conventional trench systems	Improvement Permit <u>Permit, Construction Authorization, and Operation Permit</u>	5 yrs. (<u>IIIb only</u>)
Type IV	a. Any system with LPP distribution b. System with more than 1 pump or siphon	Improvement Permit <u>Permit, Construction Authorization, and Operation Permit</u>	3 yrs.
Type V	a. Sand filter pretreatment system b. Any > 3,000-GPD septic tank system with a nitrification field designed for > 1500 GPD c. Aerobic Treatment Unit (ATU) d. Other mechanical, biological, or chemical pretreatment plant (< 3000 GPD)	Improvement Permit <u>Permit, Construction Authorization, and Operation Permit</u>	12 mos.
Type VI	a. Any > 3,000 GPD system with mechanical, biological, or chemical pretreatment system plant b. Wastewater reuse/recycle	Improvement Permit <u>Permit, Construction Authorization, and Operation Permit</u>	6 mos.

TABLE V(b)

MANAGEMENT ENTITY RESPONSIBILITIES

<u>System Classification</u>	<u>Management Entity</u>	<u>Minimum System Inspection/Maintenance Frequency</u>	<u>Reporting Frequency</u>
Type I	Owner	N/A	N/A
Type II	Owner	N/A	N/A
Type III	Owner	N/A	N/A
Type IV	Public Management Entity With a Certified Operator or a Private Certified Operator	2/yr.	12 mos.
Type V (a) & (b)	Public Management Entity With a Certified Operator or a Private Certified Operator	a. 2/yr (0-1500 GPD) 4/yr (1500-3000 GPD) 12/yr (3000-10000 GPD) 1/wk (> 10000 GPD) b. 12/yr (3000-10000 GPD) 1/wk (> 10000 GPD)	6 mos.
(c) & (d)	Public Management Entity With Certified Operator	c. 4/yr. d. 12/yr.	
Type VI	Public Management Entity With a Certified Operator	a. 1/wk(3000-10000 GPD) 2/wk(10000-25000 GPD) 3/wk(25000-50000 GPD) 5/wk(> 75000 GPD) b. 12/yr.	3 mos.

(c) A sewage collection, treatment, and disposal system that creates or has created a public health hazard or nuisance by surfacing of effluent or discharge directly into ground water or surface waters, or that is partially or totally destroyed shall be repaired within 30 days of notification by the state or local health department unless the notification otherwise specifies a repair period in writing. If a system described in the preceding sentence has for any reason been disconnected, the system shall be repaired prior to reuse. The state or local health department shall use its best professional judgement in requiring repairs that will reasonably enable the system to function properly. If, for any reason, a sewage collection, treatment, and disposal system is found to be nonrepairable, the system shall not be ~~used~~ used, and may be required to be abandoned as directed by the authorized agent to protect the public health and safety.

(d) When necessary to protect the public health, the state or local health department may require the owner or controller of a malfunctioning system to pump and haul sewage to an approved ~~sanitary sewage~~ wastewater system during the time needed to repair the system.

Authority G.S. 130A-335(e) and (f).

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - REPORTING OF COMMUNICABLE DISEASES

.0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 7 days;
- ~~(2) amebiasis - 7 days;~~
- ~~(2) (3) anthrax - 24 hours;~~
- ~~(4) blastomycosis - 7 days;~~
- ~~(5)(3) botulism - 24 hours;~~
- ~~(6)(4) brucellosis - 7 days;~~
- ~~(7)(5) campylobacter infection - 24 hours;~~
- ~~(8)(6) chancroid - 24 hours;~~
- ~~(9)(7) chlamydial infection (laboratory confirmed) - 7 days;~~
- ~~(10)(8) cholera - 24 hours;~~
- ~~(9) cryptosporidiosis - 24 hours;~~
- ~~(11)(10) dengue - 7 days;~~
- ~~(12)(11) diphtheria - 24 hours;~~
- ~~(13)(12) E. coli 0157:H7 infection - 24 hours;~~
- ~~(13) ehrlichiosis - 7 days;~~
- ~~(14) encephalitis, arboviral - 7 days;~~
- ~~(15) enterococci, vancomycin-resistant, from normally sterile site - 24 hours;~~
- ~~(15)(16) foodborne disease, including but not limited to Clostridium perfringens, staphylococcal, and Bacillus cereus - 24 hours;~~
- ~~(16)(17) gonorrhea - 24 hours;~~
- ~~(17)(18) granuloma inguinale - 24 hours;~~

- (18)(19) *Haemophilus influenzae*, invasive disease - 24 hours;
- (20) Hemolytic-uremic syndrome/thrombotic thrombocytopenic purpura - 24 hours;
- (19)(21) hepatitis A - 24 hours;
- (20)(22) hepatitis B - 24 hours;
- (21)(23) hepatitis B carriage - 7 days;
- (24) hepatitis C, acute - 7 days;
- (22) ~~hepatitis non-A, non-B - 7 days;~~
- (23)(25) human immunodeficiency virus (HIV) infection confirmed - 7 days;
- (24)(26) legionellosis - 7 days;
- (25) ~~leprosy - 7 days;~~
- (26)(27) leptospirosis - 7 days;
- (27)(28) Lyme disease - 7 days;
- (28)(29) lymphogranuloma venereum - 7 days;
- (29)(30) malaria - 7 days;
- (30)(31) measles (rubeola) - 24 hours;
- (31)(32) meningitis, pneumococcal - 7 days;
- (32) ~~meningitis, viral (aseptic) - 7 days;~~
- (33) meningococcal disease - 24 hours;
- (34) ~~mucocutaneous lymph node syndrome (Kawasaki syndrome) - 7 days;~~
- (35)(34) mumps - 7 days;
- (36)(35) nongonococcal urethritis - 7 days;
- (37)(36) plague - 24 hours;
- (38)(37) paralytic poliomyelitis - 24 hours;
- (39)(38) psittacosis - 7 days;
- (40)(39) Q fever - 7 days;
- (41)(40) rabies, human - 24 hours;
- (42) ~~Reye's syndrome - 7 days;~~
- (43)(41) Rocky Mountain spotted fever - 7 days;
- (44)(42) rubella - 24 hours;
- (45)(43) rubella congenital syndrome - 7 days;
- (46)(44) salmonellosis - 24 hours;
- (47)(45) shigellosis - 24 hours;
- (46) streptococcal infection, Group A, invasive disease - 7 days;
- (48)(47) syphilis - 24 hours;
- (49)(48) tetanus - 7 days;
- (50)(49) toxic shock syndrome - 7 days;
- (50) toxoplasmosis, congenital - 7 days;
- (51) trichinosis - 7 days;
- (52) tuberculosis - 24 hours;
- (53) tularemia - 24 hours;
- (54) typhoid - 24 hours;
- (55) typhoid carriage (*Salmonella typhi*) - 7 days;
- (56) typhus, epidemic (louse-borne) - 7 days;
- (57) vibrio infection (other than cholera) - 24 hours;
- (57)(58) whooping cough - 24 hours;
- (58)(59) yellow fever - 7 days.

(b) For purposes of reporting; confirmed human immunodeficiency virus infection (HIV) is defined as a positive virus culture; repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test; PCR; or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for

approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of State and Territorial Public Health Laboratory Directors.

(c) In addition to the laboratory reports specified in G.S. 130A-139, laboratories shall report. ~~report isolates of *E. coli* 0157:H7:~~

- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
 - (A) Any hantavirus.
 - (B) *Bacillus anthracis*, the cause of anthrax.
 - (C) *Bordetella pertussis*, the cause of whooping cough (pertussis).
 - (D) *Brucella spp.*, the causes of brucellosis.
 - (E) *Campylobacter spp.*, the causes of campylobacteriosis.
 - (F) *Clostridium botulinum*, a cause of botulism.
 - (G) *Clostridium tetani*, the cause of tetanus.
 - (H) *Corynebacterium diphtheriae*, the cause of diphtheria.
 - (I) *Coxiella burnetii*, the cause of Q fever.
 - (J) *Cryptosporidium parvum*, the cause of human cryptosporidiosis.
 - (K) *Ehrlichia spp.*, the causes of ehrlichiosis.
 - (L) *Escherichia coli* O157:H7, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.
 - (M) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
 - (N) Human immunodeficiency virus, the virus associated with AIDS
 - (O) *Legionella spp.*, the causes of legionellosis.
 - (P) *Leptospira spp.*, the causes of leptospirosis.
 - (Q) *Pasteurella tularensis*, the cause of tularemia.
 - (R) Rabies virus.
 - (S) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
 - (T) *Salmonella spp.*, the causes of salmonellosis.
 - (U) *Shigella spp.*, the causes of shigellosis.
 - (V) *Trichinella spiralis*, the cause of trichinosis.
 - (W) *Vibrio spp.*, the causes of cholera and other vibrioses.
 - (X) *Yersinia pestis*, the cause of plague.
- (2) Isolation or other specific identification of the following organisms from normally sterile human body sites:
 - (A) Group A *Streptococcus pyogenes* (group A streptococci).
 - (B) *Haemophilus influenzae*, serotype b.
 - (C) *Neisseria meningitidis*, the cause of meningococcal disease.
 - (D) Vancomycin-resistant *Enterococcus spp.*
- (3) Positive serologic test results, as specified, for the

following infections:

- (A) Fourfold or greater changes in serum antibody titers to:
- (i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.
 - (ii) Any hantavirus.
 - (iii) *Chlamydia psittaci*, the cause of psittacosis.
 - (iv) *Coxiella burnetii*, the cause of Q fever.
 - (v) Dengue virus.
 - (vi) *Ehrlichia spp.*, the causes of ehrlichiosis.
 - (vii) Measles (rubeola) virus.
 - (viii) Mumps virus.
 - (ix) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
 - (x) Rubella virus.
- (B) The presence of IgM serum antibodies to:
- (i) Hepatitis A virus.
 - (ii) Hepatitis B virus core antigen.
 - (iii) Rubella virus.
 - (iv) Rubeola (measles) virus.

Authority G.S. 130A-134; 130A-135; 130A-141.

.0102 METHOD OF REPORTING

(a) When a report of a disease or condition is required to be made pursuant to G.S. 130A-135 through G.S. 130A-139 and 15A NCAC 19A .0101, the report shall be made to the local health director as follows:

- (1) For diseases and conditions required to be reported within 24 hours, the initial report shall be made by telephone, and the report required by Subparagraph (2) of this Rule shall be made within seven days.
- (2) In addition to the requirements of Subparagraph (1) of this Rule, the report shall be made on the communicable disease report card or in an electronic format provided by the Division of Epidemiology and shall include the name and address of the patient, the name and address of any minor's parent or guardian, and all other pertinent epidemiologic information.
- (3) Until September 1, 1994, reports of cases of confirmed HIV infection identified by anonymous tests that are conducted at HIV testing sites designated by the State Health Director pursuant to 15A NCAC 19A .0202(10) shall be made on forms provided by the Department for that purpose. No communicable disease report card shall be required. Effective September 1, 1994, anonymous testing shall be discontinued and all cases of confirmed HIV infection shall be reported in accordance with 15A NCAC 19A .0102(a)(1) and (2).
- (4) In addition to the requirements of Subparagraphs (1) and (2) of this Rule, forms or electronic formats provided by the Division of Epidemiology for

collection of information necessary for disease control and documentation of clinical and epidemiologic information about the cases shall be completed and submitted for the reportable diseases and conditions identified in 15A NCAC 19A .0101(1), ~~(6); (4); (18); (19); (20); (21); (22); (23); (24); (25); (26); (27); (28); (29); (30); (31); (32); (33); (34); (35); (37); (38); (39); (41); (42); (43); (44); (45); (48); (49); (50); (51); (52); (53); (54); (55); and (57); (58).~~

- (5) Communicable disease report cards, cards and surveillance forms forms, and electronic formats are available from the Surveillance Unit, N.C. Division of Epidemiology, P.O. Box ~~27687; 29601~~, Raleigh, N.C. ~~27611; 27626-0601~~, (919) ~~733-3419~~, and from local health departments.

(b) Notwithstanding the time frames established in 15A NCAC 19A .0101 a restaurant or other food or drink establishment is required to report all outbreaks or suspected outbreaks of foodborne illness in its customers or employees and all suspected cases of foodborne disease or foodborne condition in food-handlers at the establishment by telephone to the local health department within 24 hours in accordance with Subparagraph (a)(1) of this Rule. However, the establishment is not required to submit a report card or surveillance form pursuant to Subparagraphs (a)(2) and (a)(4) of this Rule.

(c) For the purposes of reporting by restaurants and other food or drink establishments pursuant to G.S. 130A-138, the diseases and conditions to be reported shall be those listed in 15A NCAC 19A .0101 ~~(3); (5); (7); (8); (9); (10); (12); (13); (16); (15); (20); (21); (44); (47); (45); (48); (51); (52); (54); (55); and (56); (57).~~

(d) Laboratories required to report test results pursuant to G.S. 130A-139 and 15A NCAC 19A .0101(c) shall report as follows:

- (1) The results of the specified tests for syphilis and gonorrhea shall be reported to the local health department by the first and fifteenth of each month. Reports of the results of the specified tests for gonorrhea and syphilis shall include the specimen collection date, the patient's age, race, and sex, and the submitting physician's name, address, and telephone numbers.
- (2) Positive darkfield examinations for syphilis and STS titers of 1:16 and above shall be reported within 24 hours by telephone to the HIV/STD Control Branch at (919) 733-7301, or the HIV/STD Control Branch Regional Office where the laboratory is located.
- ~~(3) Positive tuberculosis test results shall be reported to the Tuberculosis Control Branch on a form provided by the Department within seven days.~~
- ~~(4) Positive cultures for E. coli 0157:H7 shall be reported within 24 hours of isolation to the Communicable Disease Control Section.~~
- (3) With the exception of positive laboratory tests for human immunodeficiency virus, positive laboratory tests as defined in G.S. 130A-139(1) and 15A NCAC

19A .0101(c) shall be reported to the General Communicable Disease Control Section within the time periods specified for each reportable disease or condition in 15A NCAC 19A .0101(a). Reports shall include as much of the following information as the laboratory possesses: the specific name of the test performed; the source of the specimen; the collection date(s); the patient's name, age, race, and sex; and the submitting physician's name, address, and telephone number. Confirmed positive laboratory tests for human immunodeficiency virus as defined in 15A NCAC 19A .0101(b) shall be reported to the HIV/STD Control Section within seven days of obtaining reportable test results. Reports shall include as much of the following information as the laboratory possesses: the specific name of the test performed; the source of the specimen; the collection date(s); the patient's name, age, race, and sex; and the submitting physician's name, address, and telephone number.

Authority G.S. 130A-134; 130A-135; 130A-138; 130A-139; 130A-141.

SECTION .0200 - CONTROL MEASURES FOR COMMUNICABLE DISEASES

.0201 CONTROL MEASURES - GENERAL

(a) Except as provided in Rules .0202 - .0209 of this Section, the recommendations and guidelines for testing, diagnosis, treatment, follow-up, and prevention of transmission for each disease and condition specified by the American Public Health Association in its publication, Control of Communicable Diseases in Man Manual shall be the required control measures. Control of Communicable Diseases in Man Manual is hereby incorporated by reference including subsequent amendments and editions. Copies of this publication are available may be purchased from the American Public Health Association, Publication Sales, Department C, P.O. Box 753, Waldorf, Maryland 20604-0753 for a cost of twenty-two dollars (\$22.00) each plus five dollars (\$5.00) shipping and handling. Department JE, 1015 15th Street, N.W., Washington, DC 20005 for a cost of fifteen dollars (\$15.00) each plus three dollars (\$3.00) shipping and handling. A copy is available for inspection in the Communicable Disease Control Section, Cooper Memorial Health Building, 225 N. McDowell Street, Raleigh, North Carolina 27611; 27603-1382.

(b) In interpreting and implementing the specific control measures adopted in Paragraph (a) of this Rule, and in devising control measures for outbreaks designated by the State Health Director and for communicable diseases and conditions for which a specific control measure is not provided by this Rule, the following principles shall be used:

- (1) control measures shall be those which can reasonably be expected to decrease the risk of transmission and which are consistent with recent scientific and public health information;

- (2) for diseases or conditions transmitted by the airborne route, the control measures shall require physical isolation for the duration of infectivity;
- (3) for diseases or conditions transmitted by the fecal-oral route, the control measures shall require exclusions from situations in which transmission can be reasonably expected to occur, such as work as a paid or voluntary food handler or attendance or work in a day care center for the duration of infectivity;
- (4) for diseases or conditions transmitted by sexual or the blood-borne route, control measures shall require prohibition of donation of blood, tissue, organs, or semen, needle-sharing, and sexual contact in a manner likely to result in transmission for the duration of infectivity.

(c) Persons with congenital rubella syndrome, tuberculosis, and carriers of Salmonella typhi and hepatitis B who change residence to a different local health department jurisdiction shall notify the local health director in both jurisdictions.

(d) Isolation and quarantine orders for communicable diseases and communicable conditions for which control measures have been established shall require compliance with applicable control measures and shall state penalties for failure to comply. These isolation and quarantine orders may be no more restrictive than the applicable control measures.

(e) An individual enrolled in an epidemiologic or clinical study shall not be required to meet the provisions of 15A NCAC 19A .0201 - .0209 which conflict with the study protocol if:

- (1) the protocol is approved for this purpose by the State Health Director because of the scientific and public health value of the study, and
- (2) the individual fully participates in and completes the study.

Authority G.S. 130A-135; 130A-144.

.0203 CONTROL MEASURES - HEPATITIS B

(a) The following are the control measures for hepatitis B infection. The infected persons shall:

- (1) refrain from sexual intercourse unless condoms are used except when the partner is known to be infected with or immune to hepatitis B;
- (2) not share needles or syringes;
- (3) not donate or sell blood, plasma, platelets, other blood products, semen, ova, tissues, organs, or breast milk;
- (4) if the time of initial infection is known, identify to the local health director all sexual intercourse and needle partners since the date of infection; and, if the date of initial infection is unknown, identify persons who have been sexual intercourse or needle partners during the previous six months;
- (5) for the duration of the infection, notify future sexual intercourse partners of the infection and refer them to their attending physician or the local health director for control measures;

- (6) be tested six months after diagnosis to determine if they are chronic carriers, annually for two years thereafter if they remain infected, and when necessary to determine appropriate control measures for persons exposed pursuant to Paragraph (b) of this Rule.
- (b) The following are the control measures for persons reasonably suspected of being exposed:
 - (1) when a person has had sexual intercourse exposure to hepatitis B infection, the person shall be given hepatitis B immune globulin or immune globulin, 0.06 ml/kg, IM as soon as possible but no later than two weeks after the last exposure;
 - (2) when a person is a household contact, sexual intercourse or needle sharing contact of a person who has remained infected with hepatitis B for six months or longer, the partner or household contact, if susceptible and at risk of continued exposure, shall be vaccinated against hepatitis B;
 - (3) when a health care worker or other person has a needlestick, non-intact skin, or mucous membrane exposure to blood or body fluids that, if the source were infected with the hepatitis B virus, would pose a significant risk of hepatitis B transmission, the following shall apply:
 - (A) when the source is known, the source person shall be tested for hepatitis B infection, unless already known to be infected;
 - (B) when the source is infected with hepatitis B and the exposed person is:
 - (i) vaccinated, the exposed person shall be tested for anti-HBs. If anti-HBs is less than ten SRU by RIA or negative by EIA, the exposed person shall be given hepatitis B immune globulin, 0.06 ml/kg, IM immediately and a single dose of hepatitis B vaccine within seven days;
 - (ii) not vaccinated, the exposed person shall be given hepatitis B immune globulin, 0.06 ml/kg, IM immediately and, if at high risk for future exposure, begin vaccination with hepatitis B vaccine within seven days;
 - (C) when the source is unknown and the exposed person is:
 - (i) vaccinated, no intervention is necessary;
 - (ii) not vaccinated, begin vaccination with hepatitis B vaccine within seven days if at high risk for future exposure.
 - (4) infants born to infected mothers shall be given hepatitis B immune globulin, 0.5 ml, IM as soon as maternal infection is known and infant is stabilized; vaccinated against hepatitis B beginning as soon as possible; and tested for HBsAg at 12-15 months of age.
 - (c) The attending physician shall advise all patients known to be at high risk, including injection drug users, men who have sex with men, hemodialysis patients, and patients who receive frequent transfusions of blood products, that they should be vaccinated against hepatitis B if susceptible.
 - (d) The following persons shall be tested for hepatitis B infection:
 - (1) pregnant women unless known to be infected; and
 - (2) donors of blood, plasma, platelets, other blood products, semen, ova, tissues, or organs.
 - (e) The attending physician of a child who is infected with hepatitis B virus and who may pose a significant risk of transmission in the school or day care setting because of open, oozing wounds or because of behavioral abnormalities such as biting shall notify the local health director. The local health director shall consult with the attending physician and investigate the circumstances.
 - (1) If the child is in school or scheduled for admission and the local health director determines that there may be a significant risk of transmission, the local health director shall consult with an interdisciplinary committee, which shall include appropriate school personnel, a medical expert, and the child's parent or guardian to assist in the investigation and determination of risk. The local health director shall notify the superintendent or private school director of the need to appoint such an interdisciplinary committee.
 - (A) If the superintendent or private school director establishes such a committee within three days of notification, the local health director shall consult with this committee.
 - (B) If the superintendent or private school director does not establish such a committee within three days of notification, the local health director shall establish such a committee.
 - (2) If the child is in school or scheduled for admission and the local health director determines, after consultation with the committee, that a significant risk of transmission exists, the local health director shall:
 - (A) notify the parents;
 - (B) notify the committee;
 - (C) assist the committee in determining whether an adjustment can be made to the student's school program to eliminate significant risks of transmission;
 - (D) determine if an alternative educational setting is necessary to protect the public health;
 - (E) instruct the superintendent or private school director concerning appropriate protective measures to be implemented in the alternative educational setting developed by appropriate school personnel; and
 - (F) consult with the superintendent or private school director to determine which school personnel directly involved with the child

need to be notified of the hepatitis B virus infection in order to prevent transmission and ensure that these persons are instructed regarding the necessity for protecting confidentiality.

- (3) If the child is in day care and the local health director determines that there is a significant risk of transmission, the local health director shall notify the parents that the child must be placed in an alternate child care setting that eliminates the significant risk of transmission.

Authority G.S. 130A-135; 130A-144.

.0205 CONTROL MEASURES - TUBERCULOSIS

(a) The local health director shall promptly investigate all cases of tuberculosis disease and their contacts in accordance with the provisions of Control of Communicable Diseases in ~~Man.~~ Manual. Control of Communicable Diseases in ~~Man~~ Manual is hereby incorporated by reference including subsequent amendments and editions. Copies of this publication ~~are available may be purchased~~ from the American Public Health Association, Publication Sales, Department C, P.O. Box 753, Waldorf, Maryland 20604-0753 for a cost of twenty-two dollars (\$22.00) each plus five dollars (\$5.00) shipping and handling. ~~Department JE, 1015 15th Street, N.W., Washington, DC 20005 for a cost of fifteen dollars (\$15.00) each plus three dollars (\$3.00) shipping and handling.~~ A copy is available for inspection in the Communicable Disease Control Section, Cooper Memorial Health Building, 225 N. McDowell Street, Raleigh, North Carolina 27611-7687: 27603-1382.

(b) The following persons shall be skin tested for tuberculosis and given appropriate clinical, microbiologic and x-ray examination in accordance with the "Diagnostic Standards and Classification of Tuberculosis," published by the American Thoracic Society; Society. The recommendations contained in this reference shall be the required control measures for evaluation, testing, and diagnosis for tuberculosis patients, contacts and suspects, except as otherwise provided in this rule and which are incorporated by reference including subsequent amendments and editions:

- (1) Household and other close contacts of active cases of pulmonary and laryngeal tuberculosis, tuberculosis; If the initial skin test is negative (0-4mm), and the case is confirmed by culture, a repeat skin test shall be performed three months after the exposure has ended;
- (2) Persons reasonably suspected of having tuberculosis disease;
- (3) Inmates in the custody of, and staff with direct inmate contact in, the Department of Corrections upon incarceration or employment, and annually thereafter;
- (4) Patients and staff in long term care facilities upon admission or employment ~~and annually thereafter,~~

using the two-step skin test method:

- (5) ~~Clients and Staff in residential facilities operated by the Department of Human Resources upon admission or employment and annually thereafter. Staff in adult day care centers providing care for persons with HIV infection or AIDS upon employment, using the two-step skin test method;~~

- (6) Persons with HIV infection or AIDS.

A copy of "Diagnostic Standards and Classification of Tuberculosis" is available available, at no charge, by contacting the Department of Environment, Health, and Natural Resources, Tuberculosis Control Branch, Post Office Box 27687, 29601, Raleigh, North Carolina 27611-7687 27626-0601, at no charge.

(c) Treatment and follow-up for tuberculosis infection or disease shall be in accordance with "Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children," published by the American Thoracic Society; Society. The recommendations contained in this reference shall be the required control measures for testing, treatment, and follow-up for tuberculosis patients, contacts and suspects, except as otherwise provided in this Rule and which are incorporated by reference including subsequent amendments and editions. Copies of this publication are available available, at no charge, by contacting the Department of Environment, Health, and Natural Resources, Tuberculosis Control Branch, Post Office Box 27687, 29601, Raleigh, North Carolina 27611-7687 27626-0601, at no charge. However, liver function testing shall not be required for persons under 35 years of age with no symptoms of liver disease.

(d) The attending physician or designee shall instruct all patients treated for tuberculosis regarding the potential side effects of the medications prescribed and to promptly notify the physician or designee if side effects occur.

~~(e) Persons with pulmonary or laryngeal tuberculosis who are known or reasonably suspected to be infected with Mycobacterium tuberculosis resistant to the usual medications used for treatment shall be restricted to their homes, an appropriate health care facility, or in some other appropriate manner to prevent transmission until:~~

- ~~(1) — they are free of cough; or~~
- ~~(2) — three consecutive smears or cultures are negative; or~~
- ~~(3) — they have been compliant for at least three weeks on medications to which the organism is known to be susceptible and have responded clinically.~~

~~(f) Persons with pulmonary or laryngeal tuberculosis who are hospitalized, in prison, or a long-term care facility, shall be placed in respiratory isolation until:~~

- ~~(1) — they are free of cough; or~~
- ~~(2) — three consecutive smears or cultures are negative; or~~
- ~~(3) — been compliant for at least three weeks on medications to which the organism is reasonably thought to be susceptible and have responded clinically.~~

~~(g) Persons with known or suspected pulmonary tuberculosis who work in a health care or institutional setting or who work in or attend child daycare or with known or suspected laryngeal~~

tuberculosis shall be restricted to their homes, an appropriate health care facility, or in some other appropriate manner to prevent transmission until:

- (1) ~~they are free of cough; or~~
- (2) ~~three consecutive smears or cultures are negative; or~~
- (3) ~~they have been compliant for at least three weeks on medications to which the organism is reasonably thought to be susceptible and have responded clinically.~~

(e) Persons with active tuberculosis disease shall complete a standard drug regimen.

(f) Persons with suspected or known active pulmonary or laryngeal tuberculosis are considered infectious and shall be placed in respiratory isolation or quarantined in their home, with no new persons exposed, if:

- (1) They have sputum smears which are positive for acid fast bacilli; and
- (2) They have not received tuberculosis drug therapy or have just started therapy; and
- (3) They have no evidence of clinical response or have poor clinical response to therapy.

(g) Persons with suspected or known active pulmonary or laryngeal tuberculosis are considered noninfectious and respiratory isolation or quarantine in their home shall be discontinued when:

- (1) They have three consecutive daily sputum smears which are negative; or
- (2) They have been compliant on tuberculosis medications to which the organism is judged to be susceptible; and
- (3) They have evidence of clinical improvement on the therapy.

(h) ~~At least two of the following skin test antigens shall be used as controls for anergy when a TB skin test is administered to a person known to be infected with HIV:~~

- (1) ~~Mumps;~~
- (2) ~~Candida; or~~
- (3) ~~Tetanus toxoid.~~

Authority G. S. 130A-135; 130A-144.

CHAPTER 24 - GENERAL PROCEDURES FOR PUBLIC HEALTH PROGRAMS

SUBCHAPTER 24A - PAYMENT PROGRAMS

SECTION .0200 - ELIGIBILITY DETERMINATIONS

.0202 DETERMINATION OF FINANCIAL ELIGIBILITY

(a) A patient must meet the financial eligibility requirements of this Subchapter to be eligible for benefits provided by the payment programs. Financial eligibility shall be determined through application of income scales. The definition of annual net income in Rule .0203 of this Subchapter and the definitions

of family in Rule .0204 of this Subchapter shall be used in applying the income scales, except as provided in Paragraphs (f) and (g) of this Rule.

(b) A person shall be financially eligible for inpatient services under the Sickle Cell Program if the net family income is at or below the following scale: Family Size 1: \$4,200; Family Size 2: \$5,300; Family Size 3: \$6,400; Family Size 4: \$7,500; Family Size 5 and over: add \$500 per family member.

(c) A person shall be financially eligible for outpatient services under the Sickle Cell Program if the net family income is at or below the federal poverty level in effect on July 1 of each fiscal year.

(d) A person shall be financially eligible for the HIV Medications Program if the net family income is at or below ~~10 percent~~ 125 percent of the federal poverty level in effect on July 1 of each fiscal year.

(e) A person shall be financially eligible for the Kidney Program if the net family income is at or below the following scale: Family Size 1: \$6,400; Family Size 2: \$8,000; Family Size 3: \$9,600; Family Size 4: \$11,000; Family Size 5: \$12,000; Family Size 6 and over: add \$800 per family member.

(f) A person shall be financially eligible for the Cancer Program if gross family income is at or below ~~200%~~ 115 percent of the federal poverty level in effect on July 1 of each year.

(g) A child shall be financially eligible for Children's Special Health Services if the child is approved for Medicaid when applying or reapplying for program coverage, except for children eligible under Paragraph (h) and (i) of this Rule.

(h) A child approved for Children's Special Health Services post adoption coverage pursuant to 15A NCAC 21F .0800, shall be eligible for services under Children's Special Health Services if the child's net income is at or below the federal poverty level in effect on July 1 of each year.

(i) Non-Medicaid eligible children covered by CSHS prior to January 1, 1996 who reapply for program coverage during 1996 shall be granted one additional year of eligibility if their net family income is at or below the federal poverty level approved for program use at the time that they apply.

(j) A person shall be financially eligible for services under the Adult Cystic Fibrosis Program if the net family income is at or below the federal poverty level in effect on July 1 of each year.

(k) The financial eligibility requirements of this Subchapter shall not apply to:

- (1) Migrant Health Program;
- (2) School Health Fund financial eligibility determinations performed by a local health department which has chosen to use the financial eligibility standards of the Department of Public Instruction's free lunch program;
- (3) Prenatal outpatient services sponsored through local health department delivery funds, 15A NCAC 21C .0200; or through Perinatal Program high risk maternity clinic reimbursement funds, 15A NCAC 21C .0300;
- (4) Diagnostic assessments for infants up to 12 months

of age with sickle cell syndrome.

(l) Except as provided in Paragraphs (l) and (m) of this Rule, once an individual is determined financially eligible for payment program benefits, the individual shall remain financially eligible for a period of one year after the date of application for financial eligibility unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period. If there is a change, financial eligibility for payment program benefits must be redetermined. Financial eligibility must be redetermined at least once a year.

(m) For purposes of the Kidney Program and HIV Medications Program, once an individual is determined to be financially eligible, if the application for financial eligibility was received by the Department in the fourth quarter of the fiscal year, the individual shall remain financially eligible for benefits until the end of the next fiscal year unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period.

(n) Children eligible for Children's Special Health Services Program benefits under Paragraph (g) of this Rule are financially eligible for a service if they were Medicaid eligible on the date the requested service was initiated.

(o) If the most current financial eligibility form on file with the Department shows that the patient was financially eligible on the date an Authorization Request for payment for drugs was received, the Authorization Request may be approved so long as the Authorization Request is received less than 30 days prior to the expiration of financial eligibility and the authorized service does not extend more than 30 days after the expiration of financial eligibility.

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

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

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

Rule-making Agency: DEHNR - Environmental Management Commission

Rule Citation: 15A NCAC 2B .0233

Effective Date: July 22, 1997

Findings Reviewed and Approved by: Julian Mann

Authority for the rule-making: G.S. 143-214.1; 143-214.7; 143-215.3(a)(1)

Reason for Proposed Action: *The Neuse River estuary has been plagued by algal blooms and fish kills and the North Carolina General Assembly has asked that action be taken to reduce nitrogen input into the river system. The purpose of this rule making is to require maintenance and protection of existing riparian areas along surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes and estuaries) as indicated on the most recent versions of the United States Geological Survey 1:24,000 scale topographic maps or other site-specific evidence. Protection of these streamside areas is an important component of an overall plan to remove nitrogen from adjacent land uses before the nitrogen enters surface waters of the Neuse River.*

This Rule was a portion of the plan previously published. Notice of Rule-making Proceedings was published on April 15, 1996, Notice of Text was published on August 15, 1996 and republished on October 15, 1996.

Comment Procedures: *Comments, statements, data and other information may be submitted in writing by August 15, 1997. Written comments may be submitted to Greg Thorpe, Division of Water Quality, Water Quality Section, P.O. Box 29535, Raleigh, NC, 27626-0535.*

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

**SUBCHAPTER 2B - SURFACE WATER AND
WETLANDS STANDARDS, MONITORING**

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

**.0233 NEUSE RIVER BASIN: NUTRIENT
SENSITIVE WATERS MANAGEMENT
STRATEGY: PROTECTION AND**

**MAINTENANCE OF EXISTING
RIPARIAN AREAS**

The following is the management strategy for maintaining and protecting existing riparian areas in the Neuse River Basin:

(1) Existing riparian areas shall be protected and maintained in accordance with Sub-Items (3) (a)-(e) of this Rule on all sides of surface waters in the Neuse River Basin (intermittent streams, perennial streams, lakes, and estuaries) as indicated on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or other site-specific evidence. This Rule only applies to riparian areas where forest vegetation is established in Zone 1 [as described in Sub-Item 3(a)] of this Rule as of June 12, 1997. This Rule does not establish new buffers in riparian areas. Exceptions to the requirements of this Rule for existing riparian areas are described in Sub-Items (1)(a-h) of this Rule. Maintenance of the riparian areas should be such that, to the maximum extent possible, sheet flow of surface water is achieved. Any activities that would result in water quality standard violations or that disrupt the structural or functional integrity of the riparian area are prohibited. The following waterbodies and land uses are exempt from the riparian area protection requirements:

- (a) Ditches and manmade conveyances other than modified natural streams;
- (b) Areas mapped as intermittent streams, perennial streams, lakes, or estuaries on the most recent versions of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps where no perennial or intermittent waterbody actually exists on the ground;
- (c) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;
- (d) Where application of this Rule would prevent all prospective uses of a lot platted and recorded prior to the effective date of this Rule, a variance may be granted by the Environmental Management Commission;
- (e) New development in the riparian area shall be limited to water dependent structures as defined in 15A NCAC 2B .0202. Any such structures shall be located, designed, constructed and maintained to provide maximum nutrient removal, to have the least

adverse effects on aquatic life and habitat and to protect water quality:

- (f) Roads, bridges, stormwater management facilities, ponds, and utilities may be allowed where no practical alternative exists. These structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices;
 - (g) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities are allowed; and
 - (h) Stream crossings associated with timber harvesting are allowed if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
- (2) If a local government has been issued a Municipal Separate Stormwater Sewer System permit or has been delegated to implement a local stormwater program, then the local government shall ensure that the riparian areas to be protected are, as a standard practice, recorded on plats as easements.
- (3) The protected riparian area shall have two zones as follows:
- (a) Zone 1 is intended to be an undisturbed forest. Zone 1 begins at the centerline of the channel for intermittent streams and perennial streams without tributaries and extends landward a distance of 30 feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the upper edge of the active channel of the surface waterbody (bank-full flow) or the mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody. Forest vegetation of any width that exists in Zone 1 on the effective date of this Rule must be preserved and maintained in accordance with Sub-Items (i)-(v) of this Item. The application of fertilizer in Zone 1 is prohibited. The following practices and activities are allowed in Zone 1:
 - (i) Natural regeneration of forest vegetation is allowed and planting vegetation to enhance the riparian zone is allowed if disturbance is minimized. Any plantings should primarily consist of locally native trees and shrubs;
 - (ii) Selective removal of individual high

value trees is allowed where water quality values are not compromised. Limited mechanized equipment is allowed in this area;

- (iii) Horticulture practices may be used to maintain the health of individual trees;
 - (iv) Individual trees may be removed which are in danger of causing damage to dwellings, other structures, or the stream channel; and
 - (v) Other timber cutting techniques approved by the Department may be undertaken if necessary to prevent extensive pest or disease infestation.
- (b) Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody. Vegetation in Zone 2 shall consist of a dense ground cover composed of herbaceous or woody species which provides for diffusion and infiltration of runoff and filtering of pollutants. The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1: Removal of grass clippings or plant products such as timber, nuts, and fruit is allowed on a periodic and regular basis provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover. Forest vegetation in Zone 2 may be managed to minimize shading on adjacent land if the water quality function of the riparian area is not compromised. The following practices and activities are not allowed in Zone 2:
- (i) New permanent structures;
 - (ii) New on-site sanitary sewage systems which use ground absorptions;
 - (iii) Activities that would result in water quality standards violations or disrupt the structural or functional integrity of the riparian area.
- (c) Timber removal and skidding of trees shall be directed away from the water course or water body. Skidding shall be done in a manner to prevent the creation of ephemeral channels perpendicular to the water body. Any tree removal must be performed in a manner that does not compromise the intended purpose of the riparian area and is in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).
- (d) Maintenance of Zones 1 and 2 is required. Sheet flow must be maintained to the

maximum extent practical through dispersing concentrated flow and/or re-establishment of vegetation to maintain the effectiveness of the riparian area. Periodic corrective action to restore sheet flow must be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.

(e) Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway should be located to maximize stream shading.

(4) Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, development in Coastal Area Management Act Areas of Environmental Concern, or other environmental protection areas, the more protective shall apply so long as they are in effect.

History Note: Authority G. S. 143-214.1; 143-214.7; 143-215.3(a)(1);

Temporary Adoption Eff. July 22, 1997.

Rule-making Agency: EHNR, Environmental Management Commission

Rule Citation: 15A NCAC 2D .1104 and 2H .0610

Effective Date: July 20, 1997

Findings Reviewed and Approved by: Julian Mann

Authority for the rule-making: G.S. 143-215.3(a)(1); 143-215.107(a)(3)(4)(5); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45

Reason for Proposed Action: The purpose of this rulemaking is to establish an acceptable ambient level for total diisocyanate, 2,4- and 2,6-isomers. 2,4- and 2,6-toluene diisocyanate isomers are emitted in North Carolina and have adverse affects on human health. Although 2,4 - toluene diisocyanate is currently regulated under the air toxic rules, 2,6-toluene diisocyanate is not.

Comment Procedures: Comments, statements, data, and other information may be submitted in writing to and copies of the proposed amended rules and information package may be obtained from:

Thomas Allen
DEHNR, Division of Air Quality
P.O. Box 29580
Raleigh, NC 27626
FAX: 919-715-7476
TEL: 919-733-1489

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1100 - CONTROL OF TOXIC AIR POLLUTANTS

.1104 TOXIC AIR POLLUTANT GUIDELINES

(a) A facility shall not emit any of the following toxic air pollutants in such quantities that may cause or contribute beyond the premises (adjacent property boundary) to any significant ambient air concentration that may adversely affect human health. In determining these significant ambient air concentrations, the Division shall be guided by the following list of acceptable ambient levels in milligrams per cubic meter at 77° F (25° C) and 29.92 inches (760 mm) of mercury pressure (except for asbestos):

	Annual (Carcinogens)	24-hour (Chronic Toxicants)	1-hour (Acute Systemic Toxicants)	15-minute (Acute Irritants)
(1) acetaldehyde				27
(2) acetic acid				3.7
(3) acrolein				0.08
(4) ammonia				2.7
(5) aniline			1	
(6) arsenic and inorganic arsenic compounds	2.3x10 ⁻⁷			
(7) asbestos fibers/ml	2.8x10 ⁻¹¹			

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(8)	aziridine		0.006		
(9)	benzidine and salts	1.5×10^{-8}			
(10)	benzo(a)pyrene	3.3×10^{-5}			
(11)	benzyl chloride				0.5
(12)	beryllium	4.1×10^{-6}			
(13)	beryllium chloride	4.1×10^{-6}			
(14)	beryllium fluoride	4.1×10^{-6}			
(15)	beryllium nitrate	4.1×10^{-6}			
(16)	bis-chloromethyl ether	3.7×10^{-7}			
(17)	bromine				0.2
(18)	cadmium	5.5×10^{-6}			
(19)	cadmium acetate	5.5×10^{-6}			
(20)	cadmium bromide	5.5×10^{-6}			
(21)	carbon disulfide		0.186		
(22)	chlorine		0.0375		0.9
(23)	chlorobenzene			2.2	
(24)	chloroprene		0.44	3.5	
(25)	cresol			2.2	
(26)	p-dichlorobenzene				66
(27)	dichlorodifluoromethane		248		
(28)	dichlorofluoromethane		0.5		
(29)	di(2-ethylhexyl)phthalate		0.03		
(30)	dimethyl sulfate		0.003		
(31)	1,4-dioxane		0.56		
(32)	epichlorohydrin	8.3×10^{-2}			
(33)	ethyl acetate			140	
(34)	ethylenediamine		0.3	2.5	
(35)	ethylene dibromide	4.0×10^{-4}			
(36)	ethylene dichloride	3.8×10^{-3}			
(37)	ethylene glycol monoethyl ether		0.12	1.9	
(38)	ethyl mercaptan			0.1	
(39)	fluorides		0.016	0.25	
(40)	formaldehyde				0.15
(41)	hexachlorocyclopentadiene		0.0006		0.01
(42)	hexachlorodibenzo-p-dioxin	7.6×10^{-8}			
(43)	n-hexane		1.1		
(44)	hexane isomers except n-hexane				360
(45)	hydrazine		0.0006		
(46)	hydrogen chloride				0.7
(47)	hydrogen cyanide		0.14	1.1	
(48)	hydrogen fluoride		0.03		0.25
(49)	hydrogen sulfide				2.1
(50)	maleic anhydride		0.012	0.1	
(51)	manganese and compounds		0.031		
(52)	manganese cyclopentadienyl tricarbonyl		0.0006		
(53)	manganese tetroxide		0.0062		
(54)	mercury, alkyl		0.00006		
(55)	mercury, aryl and inorganic compounds		0.0006		
(56)	mercury, vapor		0.0006		
(57)	methyl chloroform		12		245
(58)	methyl ethyl ketone		3.7		88.5
(59)	methyl isobutyl ketone		2.56		30
(60)	methyl mercaptan			0.05	

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(61)	nickel carbonyl		0.0006		
(62)	nickel metal		0.006		
(63)	nickel, soluble compounds as nickel		0.0006		
(64)	nickel subsulfide	2.1×10^{-6}			
(65)	nitric acid				1
(66)	nitrobenzene		0.06	0.5	
(67)	N-nitrosodimethylamine	5.0×10^{-5}			
(68)	pentachlorophenol		0.003	0.025	
(69)	phenol			0.95	
(70)	phosgene		0.0025		
(71)	phosphine				0.13
(72)	polychlorinated biphenyls	8.3×10^{-5}			
(73)	styrene			10.6	
(74)	sulfuric acid		0.012	0.1	
(75)	1,1,1,2-tetrachloro-2,2- difluoroethane		52		
(76)	1,1,2,2-tetrachloro-1,2- difluoroethane		52		
(77)	1,1,1,2-tetrachloroethane	6.3×10^{-3}			
(78)	toluene		4.7		56
(79)	toluene-2,4-diisocyanate <u>toluene diisocyanate,</u> <u>2,4-and 2,6-isomers</u>		0.0005		0.015
(80)	trichlorofluoromethane			560	
(81)	1,1,2-trichloro-1,2,2- trifluoroethane				950
(82)	vinyl chloride	3.8×10^{-4}			
(83)	vinylidene chloride		0.12		
(84)	xylene		2.7		65

(b) A facility shall not emit any of the following toxic air pollutants in such quantities that may cause or contribute beyond the premises to any significant ambient air concentration that may adversely affect human health. In determining these significant ambient air concentrations, the division shall be guided by the following list of acceptable ambient levels in milligrams per cubic meter at 77° F (25° C) and 29.92 inches (760 mm) of mercury pressure:

	Annual (Carcinogens)	24-Hour (Chronic Toxicants)
(1) acrylonitrile	1.5×10^{-4}	
(2) ammonium chromate		6.2×10^{-4}
(3) ammonium dichromate		6.2×10^{-4}
(4) benzene	1.2×10^{-4}	
(5) 1,3-butadiene	1.7×10^{-4}	
(6) calcium chromate	8.3×10^{-8}	
(7) carbon tetrachloride	6.7×10^{-3}	
(8) chloroform	4.3×10^{-3}	
(9) chromic acid		6.2×10^{-4}
(10) chromium (VI)	8.3×10^{-8}	
(11) ethylene oxide	2.7×10^{-5}	
(12) methylene chloride	2.4×10^{-2}	
(13) perchloroethylene	1.9×10^{-1}	
(14) potassium chromate		6.2×10^{-4}
(15) potassium dichromate		6.2×10^{-4}
(16) sodium chromate		6.2×10^{-4}
(17) sodium dichromate		6.2×10^{-4}
(18) strontium chromate	8.3×10^{-8}	

(19)	tetrachlorodibenzo-p-dioxin	3.0×10^{-9}
(20)	trichloroethylene	5.9×10^{-2}
(21)	zinc chromate	8.3×10^{-8}

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3), (4), (5); 143B-282; S. L. 1989, c. 168, s. 45; Eff. May 1, 1990; Amended Eff. September 1, 1992; March 1, 1992; Temporary Amendment Eff. July 20, 1997.

SUBCHAPTER 2H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0600 - AIR QUALITY PERMITS

.0610 PERMIT REQUIREMENTS FOR TOXIC AIR POLLUTANTS

(a) Definitions. For the purposes of this Rule, the following definitions apply:

- (1) "Actual emissions" means the average rate at which the source actually emitted the pollutant during a two-year period that preceded the date of the application for the modification and that is representative of normal operation of the source.
- (2) "Creditable emissions" means actual decreased emissions that have not been previously relied on to comply with 15A NCAC Subchapter 2D. All creditable emissions shall be enforceable by permit condition.
- (3) "Evaluation" means a determination of ambient air concentrations as described under 15A NCAC 2D .1106 and shall include emissions from sources exempted by Paragraph (g) of this Rule.
- (4) "Existing facility" means any facility that was permitted to construct or was in operation before October 1, 1993.
- (5) "Incinerator" means any device subject to requirements of 15A NCAC 2D .1200.
- (6) "MACT" means any maximum achievable control technology emission standard applied to a source or facility pursuant to Title III of the 1990 federal Clean Air Act Amendments.
- (7) "Maximum feasible control" means the maximum degree of reduction for each pollutant subject to regulation in this Rule using the best technology that is available taking into account, on a case-by-case basis, energy, environmental, and economic impacts and other costs.
- (8) "Modification" means any physical change or change that results in a net increase in emissions or ambient concentration of any pollutant listed in Paragraph (h) of this Rule or which results in the emission of any pollutant listed in Paragraph (h) of this Rule not previously emitted.
- (9) "Net increase in emissions" means the amount by which the sum of the following exceeds zero:
 - (A) any increase in emissions from a particular physical change or change in the method of

operation at the facility; and

- (B) any other increases and decreases in emissions at the facility within five years immediately preceding the filing of an air permit application for the modification that are otherwise creditable emissions.
- (10) "Unadulterated wood" means wood that is not painted, varnished, stained, oiled, waxed, or otherwise coated or treated with any chemical. Plywood, particle board, and resinated wood are not unadulterated wood.
 - (b) Applicability. Except as provided in Paragraph (g) or (h) of this Rule, no person shall cause or allow any toxic air pollutant named in 15A NCAC 2D .1104 to be emitted into the atmosphere from any source without having received a permit from the Commission in accordance with the following:
 - (1) New Facilities. Any facility that begins construction after September 30, 1993, and that:
 - (A) is required to have a permit because of applicability of Sections in Subchapter 2D of this Chapter other than Section .1100 of this Subchapter, except for facilities whose emissions of toxic air pollutants result only from combusting unadulterated fossil fuels or unadulterated wood and associated storage of such fuels; or
 - (B) has a standard industrial classification (SIC) code that has previously been called under Subparagraph (b)(3) of this Rule; shall comply with Section .1100 of this Subchapter before beginning construction or operation, shall have received a permit to emit toxic air pollutants before beginning construction and shall comply with such permit when beginning operation.
 - (2) Facilities with Incinerators. The owner or operator of any incinerator subject to 15A NCAC 2D .1200 which began construction or was in operation before October 1, 1991, shall apply for a permit or a permit modification to emit toxic air pollutants from the incinerator, including associated waste handling and storage, in accordance with the compliance schedules contained in 15A NCAC 2D .1209. The owner or operator of the incinerator shall apply for a permit or a permit modification to emit toxic air pollutants from all other sources at that facility in accordance with Subparagraphs (b)(3) through (6) of this Rule.
 - (3) SIC Calls for Existing Facilities. The owner or operator of an existing facility shall have 180 days to

apply for a permit or permit modification for the emissions of toxic air pollutants after receiving written notification from the Director. Such facilities shall comply with 15A NCAC 2D .1100 as follows:

- (A) If it is not known that the source is, or will be, subject to a MACT at the time of notification, the source shall comply:
 - (i) within three years from the date that the permit is issued if the source does not emit any toxic air pollutant in common with any source at the facility subject to MACT, or
 - (ii) in accordance with Subparagraph (b)(4) of this Rule if the source emits a toxic air pollutant in common with any source at the facility subject to MACT.
- (B) If it is known that the source is, or will be, subject to a MACT at the time of notification, the source shall comply in accordance with Subparagraph (b)(4) of this Rule.

The Director shall notify facilities subject to this Subparagraph by calling for permit applications on the basis of standard industrial classifications, that is, he shall call at one time for permits for all facilities statewide that have the same four-digit standard industrial classification code, except those facilities located in certified local air pollution control agency areas. (Local air pollution control agencies shall call the standard industrial classification code within their jurisdiction when the Director calls that code. A local air pollution control agency may call a particular standard industrial classification code before the Director calls that code if the Commission approves the call by the local air pollution control agency.) All sources, regardless of their standard industrial classification code and including sources combusting only unadulterated fossil fuels or unadulterated wood, at the facility shall be included in the call for permit applications. All members of a source or facility category not having a standard industrial classification code shall similarly be called at one time. For categories of sources, excluding cooling towers, for which it is known that the Environmental Protection Agency (EPA) has scheduled promulgation of a MACT under Section 112(e) of the federal Clean Air Act, the Director shall notify facilities in these categories as the EPA promulgates MACT. If the EPA fails to promulgate a MACT as scheduled after it has approved the State's Title V permit program, the Director shall notify facilities 18 months after the missed promulgation date.

- (4) Existing Facilities Subject to MACT. The owner or operator of an existing facility subject to one or more MACT, or that may be subject to a MACT based on studies required by Section 112 (n)(1) of the Clean Air Act, 42 U.S.C. Section 7412 (n)(1), shall submit

a permit application to comply with Section .1100 of this Subchapter at the same time that he submits a permit application to comply with the last MACT that is known to apply to the facility. The permit application shall include an evaluation for all toxic air pollutants covered under 15A NCAC 2D .1104 for all sources at the facility. The facility shall comply with the requirements of 15A NCAC 2D .1100 by the same deadline that it is required to comply with the last MACT.

- (5) Modification. For modification of a facility undertaken after August 31, 1993, that is required to have a permit because of applicability of Sections in Subchapter 2D of this Chapter other than Section .1100 of this Subchapter, except for facilities whose emissions of toxic air pollutants result only from combusting unadulterated fossil fuels or unadulterated wood and associated storage of such fuels or that has a standard industrial classification (SIC) code that has previously been called under Subparagraph (b)(3) of this Rule, the owner or operator of the facility shall submit a permit application to comply with 15A NCAC 2D .1100 if:

- (A) The modification results in:
 - (i) a net increase in emissions of any toxic air pollutant that the facility was emitting before the modification; or
 - (ii) emissions of any toxic air pollutant that the facility was not emitting before the modification if such emissions exceed any level contained in Paragraph (h) of this Rule; or
- (B) The Director finds that the modification of the facility will significantly increase the risk to human health posed by the facility. The Director shall provide his findings to the owner or operator of the facility. The Director may require the owner or operator of a facility subject to this Subparagraph to provide a satisfactory analysis showing what the resultant emissions and increase of risk to human health from the modified facility will be.

The permit application filed pursuant to Part (A) of this Subparagraph shall include an evaluation for all toxic air pollutants covered under 15A NCAC 2D .1104 for which there is a net increase in emissions of toxic air pollutants being emitted before the modification or an increase in emissions of toxic air pollutants above the level in Paragraph (h) of this Rule of toxic air pollutants not being emitted before the modifications. All sources at the facility emitting these toxic air pollutants shall be included in the evaluation. The permit application filed pursuant to Part (B) of this Subparagraph shall include an evaluation for all toxic air pollutants identified by the Director as significantly increasing the risk to human

health.

(6) Previously Permitted Facilities.

- (A) A facility that received a permit to emit toxic air pollutants before October 1, 1993, shall continue to operate under the terms of such permit. The emissions of toxic air pollutants resulting from modification of the facility will be regulated pursuant to Subparagraph (b)(5) of this Rule.
- (B) A facility that has received a permit to emit toxic air pollutants before October 1, 1993, that is operating under a compliance schedule previously approved by the Director, and that will be subject to a MACT shall be required to comply with the terms of such compliance schedule unless the owner or operator of the facility demonstrates to the satisfaction of the Director that compliance requires substantial capital expenditures that may be rendered unnecessary when MACT is applied. Where such a demonstration is made, the owner or operator of the facility shall submit a permit application to comply with 15A NCAC 2D .1100 in accordance with Subparagraphs (b)(3), (4), or (5) of this Rule.

(c) Demonstrations. The owner or operator of a source who is applying for a permit or permit modification to emit toxic air pollutants shall:

- (1) demonstrate to the satisfaction of the Director through dispersion modeling that the emissions of toxic air pollutants from the facility will not cause any acceptable ambient level listed in 15A NCAC 2D .1104 to be exceeded; or
- (2) demonstrate to the satisfaction of the Commission or its delegate that the ambient concentration beyond the premises (contiguous and adjacent property boundary) for the subject toxic air pollutant will not adversely affect human health even though the concentration is higher than the acceptable ambient level in 15A NCAC 2D .1104 by providing one of the following demonstrations:
 - (A) the area where the ambient concentrations are expected to exceed the acceptable ambient levels in 15A NCAC 2D .1104 are not inhabitable or occupied for the duration of the averaging time of the pollutant of concern, or
 - (B) new toxicological data that shows that the acceptable ambient level in 15A NCAC 2D .1104 for the pollutant of concern is too low and the facility's ambient impact is below the level indicated by the toxicological data.

(d) Technical Infeasibility and Economic Hardship. This Paragraph shall not apply to any incinerator covered under 15A NCAC 2D .1200. The owner or operator of any source constructed before May 1, 1990, who cannot supply a demonstration described in Paragraph (c) of this Rule shall:

- (1) demonstrate to the satisfaction of the Commission or

its delegate that complying with the guidelines in 15A NCAC 2D .1104 is technically infeasible (the technology necessary to reduce emissions to a level to prevent the acceptable ambient levels in 15A NCAC 2D .1104 from being exceeded does not exist); or

- (2) demonstrate to the satisfaction of the Commission or its delegate that complying with the guidelines in 15A NCAC 2D .1104 would result in serious economic hardship.

If the owner or operator makes a demonstration to the satisfaction of the Commission or its delegate pursuant to Subparagraph (1) or (2) of this Paragraph, the Director shall require the owner or operator of the source to apply maximum feasible control. Maximum feasible control shall be in place and operating within three years from the date that the permit is issued for the maximum feasible control.

(e) Public Notice and Opportunity for Public Hearing. If the owner or operator of a source chooses to make a demonstration pursuant to Subparagraph (c)(2) or (d)(1) or (2) of this Rule, the Commission or its delegate shall approve or disapprove the permit after a public notice with an opportunity for a public hearing. The public notice shall meet the requirements of Paragraph (c) of 15A NCAC 2Q .0307. Any subsequent public hearing shall meet the requirements of Paragraph (e) of 15A NCAC 2Q .0307.

(f) Modeling Demonstration. If the owner or operator of a facility demonstrates by modeling that any toxic air pollutant emitted from his facility contributes an incremental concentration to the ambient air concentration of that pollutant beyond his premises which is less than the acceptable ambient level values given in 15A NCAC 2D .1104, he does not have to provide any further modeling demonstration with his permit application. However, the Commission may still require more stringent emission levels in accordance with its analysis under 15A NCAC 2D .1107.

(g) Exemptions. A permit to emit toxic air pollutants shall not be required for:

- (1) the noncommercial use of household cleaners, household chemicals, or household fuels in private residences;
- (2) asbestos demolition and renovation projects that comply with 15A NCAC 2D .1110 and that are being done by persons accredited by the Department of Environment, Health, and Natural Resources under the Asbestos Hazard Emergency Response Act;
- (3) emissions from gasoline dispensing facility or gasoline service station operations performed as a part of petroleum distribution to the ultimate consumer where the emissions comply with 15A NCAC 2D .0524, .0925, .0928, .0932 and .0933 and that receive gasoline from bulk gasoline plants or bulk gasoline terminals that comply with 15A NCAC 2D .0524, .0925, .0926, .0927, .0932, and .0933 via tank trucks that comply with 15A NCAC 2D .0932;
- (4) the use for agricultural operations by a farmer of

fertilizers, pesticides, or other agricultural chemicals containing one or more of the compounds listed in 15A NCAC 2D .1104 if such compounds are applied in accordance with agronomic practices acceptable to the North Carolina Department of Agriculture and the Commission.

- (5) manholes and customer vents of wastewater collection systems;
- (6) emissions of ethylene oxide resulting from use as a sterilant in the production and subsequent storage of medical devices or the packaging and subsequent storage of medical devices for sale provided that the emissions from all new and existing sources located at the facility described in Paragraph (d) of 15A NCAC 2D .0538 are controlled at least to the degree described in Paragraph (d) of 15A NCAC 2D .0538 and the facility complies with Paragraphs (e) and (f) of 15A NCAC 2D .0538.
- (7) emissions from bulk gasoline plants, including emissions from the storage and handling of fuel oils, kerosenes, and jet fuels but excluding emissions from the storage and handling of other organic liquids,

that comply with 15A NCAC 2D .0524, .0925, .0926, .0932, and .0933 unless the Director finds that a permit to emit toxic air pollutants is required under this Rule for a particular bulk gasoline plant; (8) emissions from bulk gasoline terminals, including emissions from the storage and handling of fuel oils, kerosenes, and jet fuels but excluding emissions from the storage and handling of other organic liquids, that comply with 15A NCAC 2D .0524, .0925, .0927, .0932, and .0933 if the bulk gasoline terminal existed before November 1, 1992, unless:

- (A) the Director finds that a permit to emit toxic air pollutants is required under this Rule for a particular bulk gasoline terminal, or
- (B) the owner or operator of the bulk gasoline terminal meets the requirements of 15A NCAC 2D .0927 (i).

(h) Emission Rates Requiring a Permit. A permit to emit toxic air pollutants shall be required for any facility whose actual emissions from all sources are greater than any one of the following:

	lb/yr	lb/day	lb/hr	lb/15 min
(1) acetaldehyde				1.7
(2) acetic acid				0.24
(3) acrolein				0.005
(4) acrylonitrile	10			
(5) ammonia				0.017
(6) ammonium chromate		0.013		
(7) ammonium dichromate		0.013		
(8) aniline			0.25	
(9) arsenic and inorganic arsenic compounds	0.016			
(10) asbestos	1.9×10^{-6}			
(11) aziridine		0.13		
(12) benzene	8.1			
(13) benzidine and salts	0.0010			
(14) benzo(a)pyrene	2.2			
(15) benzyl chloride			0.13	
(16) beryllium	0.28			
(17) beryllium chloride	0.28			
(18) beryllium fluoride	0.28			
(19) beryllium nitrate	0.28			
(20) bis-chloromethyl ether	0.025			

TEMPORARY RULES

	lb/yr	lb/day	lb/hr	lb/15 min
(21) bromine				0.013
(22) 1,3-butadiene	12			
(23) cadmium	0.37			
(24) cadmium acetate	0.37			
(25) cadmium bromide	0.37			
(26) calcium chromate	0.0056			
(27) carbon disulfide		3.9		
(28) carbon tetrachloride	460			
(29) chlorine		0.79		0.057
(30) chlorobenzene		46		
(31) chloroform	290			
(32) chloroprene		9.2	0.89	
(33) chromic acid		0.013		
(34) chromium (vi)	0.0056			
(35) cresol			0.56	
(36) p-dichlorobenzene				4.2
(37) dichlorodifluoromethane		5200		
(38) dichlorofluoromethane		10		
(39) di(2-ethylhexyl)phthalate		0.63		
(40) dimethyl sulfate		0.063		
(41) 1,4-dioxane		12		
(42) epichlorohydrin	5600			
(43) ethyl acetate			36	
(44) ethylenediamine		6.3	0.64	
(45) ethylene dibromide	27			
(46) ethylene dichloride	260			
(47) ethylene glycol monoethyl ether		2.5	0.48	
(48) ethylene oxide	1.8			
(49) ethyl mercaptan			0.025	
(50) fluorides		0.34	0.064	
(51) formaldehyde				0.010
(52) hexachlorocyclopentadiene		0.013	0.0025	

TEMPORARY RULES

		lb/yr	lb/day	lb/hr	lb/15 min
(53)	hexachlorodibenzo-p -dioxin	0.0051			
(54)	n-hexane		23		
(55)	hexane isomers except n- hexane				23
(56)	hydrazine		0.013		
(57)	hydrogen chloride				0.045
(58)	hydrogen cyanide		2.9	0.28	
(59)	hydrogen fluoride		0.63		0.016
(60)	hydrogen sulfide				0.13
(61)	maleic anhydride		0.25	0.025	
(62)	manganese and compounds		0.63		
(63)	manganese cyclopentadienyl tricarbonyl		0.013		
(64)	manganese tetroxide		0.13		
(65)	mercury, alkyl		0.0013		
(66)	mercury, aryl and inorganic compounds		0.013		
(67)	mercury, vapor		0.013		
(68)	methyl chloroform		250		16
(69)	methylene chloride	1600			
(70)	methyl ethyl ketone		78		5.6
(71)	methyl isobutyl ketone		52		1.9
(72)	methyl mercaptan			0.013	
(73)	nickel carbonyl		0.013		
(74)	nickel metal		0.13		
(75)	nickel, soluble compounds, as nickel		0.013		
(76)	nickel subsulfide	0.14			
(77)	nitric acid				0.064
(78)	nitrobenzene		1.3	0.13	
(79)	N-nitrosodimethylamine	3.4			
(80)	pentachlorophenol		0.063	0.0064	
(81)	perchloroethylene	13000			
(82)	phenol			0.24	

TEMPORARY RULES

	lb/yr	lb/day	lb/hr	lb/15 min
(83) phosgene		0.052		
(84) phosphine				0.008
(85) polychlorinated biphenyls	5.6			
(86) potassium chromate		0.013		
(87) potassium dichromate		0.013		
(88) sodium chromate		0.013		
(89) sodium dichromate		0.013		
(90) strontium chromate	0.0056			
(91) styrene			2.7	
(92) sulfuric acid		0.25	0.025	
(93) tetrachlorodibenzo-p-dioxin	0.00020			
(94) 1,1,1,2-tetrachloro-2,2,-difluoroethane		1100		
(95) 1,1,2,2-tetrachloro-1,2,-difluoroethane		1100		
(96) 1,1,1,2-tetrachloroethane	430			
(97) toluene		98		3.6
(98) toluene-2,4-diisocyanate <u>toluene diisocyanate, 2-4 and 2-6 isomers</u>		0.011		0.001
(99) trichloroethylene	4000			
(100) trichlorofluoromethane		140		
(101) 1,1,2-trichloro-1,2,2-fluoroethane				60
(102) vinyl chloride	26			
(103) vinylidene chloride		2.5		
(104) xylene		57		4.1
(105) zinc chromate	0.0056			

(i) Calls by the Director. Notwithstanding any other provision of this Rule or 15A NCAC 2D .1104, the Director may, upon written finding that a source or facility emitting toxic air pollutants presents an unacceptable risk to human health based on the acceptable ambient levels in 15A NCAC 2D .1104 or epidemiology studies, require the owner or operator of the source or facility to submit a permit application to comply with 15A NCAC 2D .1100.

Amended Eff. July 1, 1996; October 1, 1993; December 1, 1992; September 1, 1992; March 1, 1992; Temporary Amendment Eff. July 20, 1997.

Rule-making Agency: DEHNR - Commission for Health Services

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45; Eff. May 1, 1990;

Rule Citation: 15A NCAC 19A .0101

Effective Date: July 1, 1997

Findings Reviewed and Approved by: *Julian Mann*

Authority for the rule-making: *G.S. 130A-134; 130A-135; 130A-139; 130A-141*

Reason for Proposed Action: *This proposed temporary rule change is part of a more extensive permanent rewrite of the communicable disease reporting rule scheduled for consideration by the Commission for Health Services on August 20, 1997, to become effective August 1, 1998. The current list of reportable diseases is being modified to encompass emerging communicable diseases of public health importance, to provide direction for efforts of combat potential drug-resistant organisms, and to expand the base of knowledge used to facilitate epidemiologic monitoring and program development. The method and scope of reporting for laboratories will be expanded to include important communicable disease information for communicable disease control as well.*

Comment Procedures: *Comments may be submitted in writing to and copies of the proposed amended rule may be obtained from: Dr. Newt MacCormack, General Communicable Disease Control Section, NC DEHNR, PO Box 29601, Raleigh, NC 27626-0601, (919)715-7394.*

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - REPORTING OF COMMUNICABLE DISEASES

.0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 7 days;
- (2) amebiasis - 7 days;
- (3) anthrax - 24 hours;
- (4) blastomycosis - 7 days;
- (5) botulism - 24 hours;
- (6) brucellosis - 7 days;
- (7) campylobacter infection - 24 hours;
- (8) chancroid - 24 hours;
- (9) chlamydial infection (laboratory confirmed) - 7 days;
- (10) cholera - 24 hours;
- (11) dengue - 7 days;
- (12) diphtheria - 24 hours;
- (13) *E. coli* 0157:H7 infection - 24 hours;
- (14) encephalitis - 7 days;
- (15) foodborne disease, including but not limited to *Clostridium perfringens*, staphylococcal, and *Bacillus cereus* - 24 hours;

- (16) gonorrhea - 24 hours;
- (17) granuloma inguinale - 24 hours;
- (18) *Haemophilus influenzae*, invasive disease - 24 hours;
- (19) hepatitis A - 24 hours;
- (20) hepatitis B - 24 hours;
- (21) hepatitis B carriage - 7 days;
- (22) hepatitis non-A, non-B - 7 days;
- (23) human immunodeficiency virus infection (HIV) confirmed - 7 days;
- (24) legionellosis - 7 days;
- (25) leprosy - 7 days;
- (26) leptospirosis - 7 days;
- (27) Lyme disease - 7 days;
- (28) lymphogranuloma venereum - 7 days;
- (29) malaria - 7 days;
- (30) measles (rubeola) - 24 hours;
- (31) meningitis, pneumococcal - 7 days;
- (32) meningitis, viral (aseptic) - 7 days;
- (33) meningococcal disease - 24 hours;
- (34) mucocutaneous lymph node syndrome (Kawasaki syndrome) - 7 days;
- (35) mumps - 7 days;
- (36) nongonococcal urethritis - 7 days;
- (37) plague - 24 hours;
- (38) paralytic poliomyelitis - 24 hours;
- (39) psittacosis - 7 days;
- (40) Q fever - 7 days;
- (41) rabies, human - 24 hours;
- (42) Reye's syndrome - 7 days;
- (43) Rocky Mountain spotted fever - 7 days;
- (44) rubella - 24 hours;
- (45) rubella congenital syndrome - 7 days;
- (46) salmonellosis - 24 hours;
- (47) shigellosis - 24 hours;
- (48) syphilis - 24 hours;
- (49) tetanus - 7 days;
- (50) toxic shock syndrome - 7 days;
- (51) trichinosis - 7 days;
- (52) tuberculosis - 24 hours;
- (53) tularemia - 24 hours;
- (54) typhoid - 24 hours;
- (55) typhoid carriage (*Salmonella typhi*) - 7 days;
- (56) typhus, epidemic (louse-borne) - 7 days;
- (57) vibrio infection (other than cholera) - 24 hours;
- (57)(58) whooping cough - 24 hours;
- (58)(59) yellow fever - 7 days.

(b) For purposes of reporting; confirmed human immunodeficiency virus infection (HIV) is defined as a positive virus culture; repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test; PCR; or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and

endorsed by the Association of State and Territorial Public Health Laboratory Directors.

(c) In addition to the laboratory reports specified in G.S. 130A-139, laboratories shall report isolates of *E. coli* 0157:H7.

History Note: Filed as a Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988; Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141; Eff. March 1, 1988; Amended Eff. October 1, 1994; February 1, 1990; Temporary Amendment Eff. July 1, 1997.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, July 17, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, July 14, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Philip O. Redwine - Chairman
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry

Appointed by House
 Bill Graham - Vice Chairman
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

July 17, 1997
 August 21, 1997
 September 18, 1997

October 16, 1997
 November 20, 1997

MEETING DATE: JULY 17, 1997

LOG OF FILINGS

RULES SUBMITTED: MAY 20, 1997 THROUGH JUNE 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/DIVISION OF MEDICAL ASSISTANCE			
	Initial Interview	10 NCAC 50B .0202	Amend
	Income	10 NCAC 50B .0404	Amend
	Change in Situation	10 NCAC 50B .0409	Amend
JUSTICE/SBI/DIVISION OF CRIMINAL INFORMATION			
	Definitions	12 NCAC 4E .0104	Amend
	DCI Terminal Operator	12 NCAC 4E .0401	Amend
	Period of Suspension	12 NCAC 4E .0404	Adopt
	Minimum Standards	12 NCAC 4E .0405	Adopt
DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION			
	Conditions for Issuing	15A NCAC 2H .0225	Adopt
DEHNR/COMMISSION FOR HEALTH SERVICES			
	General	15A NCAC 13A .0101	Amend
TRANSPORTATION/DIVISION OF HIGHWAYS			
	Use of Right of Way Consultants	19A NCAC 2B .0164	Amend
	General Regulations	19A NCAC 2D .0415	Amend
NC HOUSING FINANCE AGENCY			
	Purpose	24 NCAC 1P .0101	Adopt
	Eligibility	24 NCAC 1P .0102	Adopt

RULES REVIEW COMMISSION

Types of Assistance	24 NCAC 1P .0103	Adopt
Application Procedures	24 NCAC 1P .0201	Adopt
Selection Procedure	24 NCAC 1P .0202	Adopt
Disbursement of Funds	24 NCAC 1P .0203	Adopt

RULES REVIEW OBJECTIONS**ADMINISTRATION****State Construction**

1 NCAC 30G .0102 - Policy	RRC Objection	03/20/97
No Response from Agency		04/17/97
Agency Revised Rule	Obj. Removed	05/15/97
1 NCAC 30G .0104 - General Procedures	RRC Objection	03/20/97
No Response from Agency		04/17/97
Agency Revised Rule	Obj. Removed	05/15/97

AGRICULTURE

2 NCAC 43F .0003 - Standards for Receptacles: Labeling: Etc. (Recodified to .0103)	RRC Objection	05/15/97
Agency Revised Rule	Obj. Removed	06/19/97
2 NCAC 43H .0007 - Special Requirements (Recodified to .0107)	RRC Objection	05/15/97
Agency Revised Rule	Obj. Removed	06/19/97

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**Marine Fisheries**

15A NCAC 3O .0101 - License Agents	RRC Objection	04/17/97
Agency Revised Rule	Obj. Removed	05/15/97

HUMAN RESOURCES**Facility Services**

10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
	Obj. Cont'd	03/20/97
	Obj. Cont'd	06/19/97

DEPARTMENT OF JUSTICE**Criminal Justice Education & Training Standards Commission**

12 NCAC 9B .0102 - Background Investigation	RRC Objection	04/17/97
Agency Revised Rule	Obj. Removed	05/15/97

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.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray

Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Comm. v. Fast Fare, Inc.	96 ABC 0483	Morrison	06/18/97	
Alcoholic Beverage Control Comm. v. Paradise Landing, Inc.	97 ABC 0031	Gray	06/13/97	
DEPARTMENT OF CORRECTION				
David M. Boone v. Correction, Div. of Prison Admin. Remedy Procedure	97 DOC 0534	Morrison	06/16/97	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES				
John Ronald Taylor v. Environment, Health, & Natural Resources	97 EHR 0275	Reilly	06/09/97	
Rick Parker v. Pitt County Health Dept./Mr. Ernie Nichols	97 EHR 0470	Phipps	07/01/97	
<i>Solid Waste Management</i>				
Loie J. Priddy v. Division of Solid Waste Management, EHNR	96 EHR 1838	Morrison	06/20/97	12:02 NCR 103
HUMAN RESOURCES				
<i>Division of Facility Services</i>				
Kizzie Cooper v. DHR, Facility Svcs, Health Care Personnel Registry Sec.	97 DHR 0459	Phipps	06/09/97	
<i>Certificate of Need Section</i>				
Carolina Imaging, Inc./Fayetteville v. DHR, Facility Svcs, Cert/Need Sec. and Cumberland Cty Hospital System, Inc., d/b/a Cape Fear Valley Med Ctr.	96 DHR 1570	Phipps	06/24/97	12:02 NCR 95
<i>Group Licensure Section</i>				
Jeffreys Family Care #2 v. DHR, Facility Svcs Group Licensure Section	97 DHR 0259	Mann	06/17/97	

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>Division of Social Services</i>				
<i>Child Support Enforcement Section</i>				
David Lee Chamblee Jr. v. Department of Human Resources	96 CRA 1281	Morrison	06/16/97	
Dennis Larson v. Department of Human Resources	96 CRA 1793	Chess	06/17/97	
Scott M. Rodriguez v. Department of Human Resources	96 CRA 1818 ^{*1}	Gray	06/25/97	
Roger G. Foster v. Department of Human Resources	97 CRA 0043	Phipps	06/19/97	
Charlie T. Smith v. Department of Human Resources	97 CRA 0280	Reilly	06/16/97	
Willie L. Berry v. Department of Human Resources	96 CSE 1319	Gray	06/25/97	
Tony Orlando Steele v. Department of Human Resources	96 CSE 1337	Mann	06/30/97	
Almiron J. Deis v. Department of Human Resources	96 CSE 1456	Gray	06/25/97	
Gregory D. Simpson v. Department of Human Resources	96 CSE 1527	Reilly	06/25/97	
Jeffrey Pierce v. Department of Human Resources	96 CSE 1613	Mann	06/30/97	
William C. Rivera v. Department of Human Resources	96 CSE 1622	Mann	06/18/97	
Lenora McCracken v. Department of Human Resources	96 CSE 1644	Mann	06/30/97	
Scott M. Rodriguez v. Department of Human Resources	96 CSE 1817 ^{*1}	Gray	06/25/97	
Sarah Chambers v. Department of Human Resources	97 CSE 0278	Morrison	06/16/97	
William A. Rogers v. Department of Human Resources	97 CSE 0410	Gray	06/25/97	
Curtis Leon Mock v. Department of Human Resources	97 CSE 0490	Mann	06/17/97	
JUSTICE				
Imran Ramnarine v. Department of Justice, Company Police Program	97 DOJ 2071	Becton	06/11/97	
<i>Education and Training Standards Division</i>				
Charles Thomas Ohnmacht, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 0353	Phipps	06/13/97	
Christopher Lee v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0076	Morrison	06/19/97	
Frank Arlander Hearne v. Criml. Justice Ed. & Training Stds. Comm.	97 DOJ 0137	Reilly	06/10/97	
<i>Private Protective Services Board</i>				
Private Protective Services Board v. Phillip L. Hanson	96 DOJ 0795	Smith	06/05/97	
Ronald Anthony Bobeck v. Private Protective Services Board	97 DOJ 0476	Morrison	06/20/97	
PUBLIC INSTRUCTION				
Meridith Kirkpatrick, by her parent, Susan Kirkpatrick and Meridith Kirkpatrick, Individually v. Lenoir County Board of Education	96 EDC 0979	Overby	06/02/97	
STATE PERSONNEL				
<i>Brunswick Community College</i>				
Dr. Donald W. Skinner v. Brunswick Community College	97 OSP 0310	Phipps	06/12/97	
<i>Department of Correction</i>				
Dennis Harrell v. Department of Correction	96 OSP 2039	Chess	06/18/97	
Morton Floyd v. New Hanover Department of Correction	97 OSP 0152	Gray	06/13/97	
<i>Department of Human Resources</i>				
Clifton Dean Hill v. Department of Human Resources	97 OSP 0007	Phipps	06/20/97	12:02 NCR 107
<i>Department of Public Instruction</i>				
Frances Phillips Melott v. Department of Public Instruction	95 OSP 0907	Trawick	06/09/97	
<i>University of North Carolina</i>				
Diane Riggsbee-Raynor v. UNC at Chapel Hill	96 OSP 0326	Chess	06/04/97	12:01 NCR 39

* Consolidated Cases.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 DHR 1570

CAROLINA IMAGING, INC., OF FAYETTEVILLE,

Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF HUMAN,
RESOURCES, DIVISION OF FACILITY SERVICES,
CERTIFICATE OF NEED SECTION,

Respondent.

and

CUMBERLAND COUNTY HOSPITAL SYSTEM,
INC., d/b/a CAPE FEAR VALLEY MEDICAL
CENTER

Respondent-Intervenor.

RECOMMENDED DECISION

STATEMENT OF THE CASE

On October 22, 1996, the Petitioner, Carolina Imaging, Inc. of Fayetteville ("CIC"), commenced this contested case to challenge the initial decision of the Respondent, Department of Human Resources, Division of Facility Services, Certificate of Need Section (the "Agency"), disapproving CIC's application for a Certificate of Need ("CON") to acquire a magnetic resonance imaging scanner. The Respondent-Intervenor, Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Medical Center ("Cape Fear"), intervened by order dated December 4, 1996.

This matter came on for hearing before Administrative Law Judge Meg Scott Phipps on June 11, 1997 in Raleigh, North Carolina, upon the Motion for Summary Disposition by Cape Fear directed against Petitioner CIC. The Agency concurred in the Respondent-Intervenor's motion. CIC filed a response opposing the motion. Oral arguments on the motions were heard by the Administrative Law Judge on June 11, 1997.

APPEARANCES

For Petitioners: Robert V. Bode
S. Todd Hemphill
Bode, Call & Stroupe, LLP

For Respondent: Staci L. Tolliver
Assistant Attorney General
N.C. Department of Justice

For Respondent-Intervenor: Mary Beth Johnston
Louis B. Meyer III
Thomas R. West
Poyner & Spruill, LLP

ISSUES

1. Whether there is any genuine issue as to any material fact that Petitioner could prevail on its claims that the Agency exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, or failed to act as required by law or rule when it found CIC's application non-conforming to regulatory criteria 10 NCAC 3R .2715(3), .2715(5) and .2715 (7), and statutory criteria G.S. 131E-183(a)(4) and G.S. 131E-183(a)(6).

2. Whether Petitioner's failure to conform to any one or all of the criteria set forth hereinabove required the Agency to deny CIC's application.

3. Whether Cape Fear and the Agency are entitled to summary disposition as a matter of law denying the relief sought by Petitioner.

BURDEN OF PROOF

The moving party has the burden of establishing that there is no genuine issue as to any material fact and that it is entitled to summary disposition as a matter of law.

SUMMARY OF UNDISPUTED FACTS

Based on the uncontroverted evidence appearing of record, to which consideration may be given under G.S. 150B-33(3a), 26 NCAC 3 .0101, 3 .0105(6), and Rule 56, N.C.R.Civ.P., including the pleadings, motions, and exhibits, and having considered the legal memoranda submitted by the parties and the oral arguments, the Administrative Law Judge has concluded that there is no genuine issue as to any material fact and makes the following summary of undisputed facts:¹

1.

1. Cape Fear is a non-profit corporation with its principal place of business located in Cumberland County, North Carolina. Cape Fear is licensed under Chapter 131E of the North Carolina General Statutes to operate a 521-bed hospital in Fayetteville, North Carolina.

2. Among the services offered by Cape Fear is magnetic resonance imaging ("MRI"). Cape Fear's MRI is one of three MRIs operating at a fixed location in Fayetteville. Each of these three existing MRIs is a "closed bore" scanner.

3. CIC, the Petitioner, operates a health care facility in Cumberland County. CIC applied on April 15, 1996 for a certificate of need ("CON") to acquire a new "open-access" MRI scanner.

4. CIC's CON application was submitted to, and was administratively reviewed by, the Agency. The project was identified by the Agency as Project ID No. M-5350-96.

5. Cape Fear and CIC are geographically located in the Fayetteville area within the same county.

6. The administrative review process for a CON provides for a period of public comment. Cape Fear timely opposed CIC's CON application by submitting written comments and by participating in the public hearings.

7. By letter on or about September 23, 1996, the Agency formally notified CIC that, pursuant to the Agency's administrative review, the Agency had determined that CIC's application failed to conform to the Statutory Review Criteria found at G.S. 131E-183(a) (3),(4),(5),(6),(8), and (18a) and to Special Review Criteria promulgated at 10 NCAC 3R .2714(b)(3), .2715(2), .2715(3), .2715(5), .2715(7), .2716(a), and .2718(d).

¹The Administrative Procedure Act requires that "in each contested case the Administrative Law Judge shall make a recommended decision that contains findings of fact and conclusions of law" except in certain cases where the ALJ makes the final decision. G.S. 150B-34. The Administrative Law Judge recognizes that, in civil cases in superior court, findings of fact to resolve disputed, material facts would not be appropriate in summary judgment, but where the material facts are not disputed and summary judgment is appropriate, "it is helpful to the parties and the court for the trial judge to articulate a summary of the material facts which he considers are not at issue and which justify entry of judgment." *Hyde Ins. Agency, Inc. v. Dixie Leasing Corp.* 26 N.C.App. 138, 142, 215 S.E.2d 162 (1975); *Rogerson v. Davis*, 27 N.C.App. 173, 178, 218 S.E.2d 471 (1975) (trial court may properly list the material, uncontroverted facts which are the basis of conclusions of law and judgment). This decision sets forth the facts as to which there is no genuine issue. On the dispositive issues discussed herein, there were no disputes that presented a "genuine" issue or involved a "material" fact.

8. The Agency set forth in detail the Agency's required findings and conclusions.

9. Subsequent to the Agency's disapproval of CIC's CON application, CIC filed a petition for contested case hearing in the Office of Administrative Hearings on or about October 22, 1996, naming the Agency as the Respondent.

10. On November 15, 1996, Cape Fear moved to intervene in the contested case. CIC opposed the motion.

11. On December 4, 1996, the presiding Administrative Law Judge, Dolores O. Smith, issued an Order Allowing Intervention. This contested case was re-assigned to the undersigned Administrative Law Judge on June 4, 1997.

II.

12. The Certificate of Need Law sets forth criteria for review of CON applications. Among the statutory criteria with which the Agency found CIC's application Non Conforming are G.S. 131E-183(a)(4) and (6).

13. G.S. 131E-183(a)(4) provides:

Where alternative methods of meeting the needs for the proposed project exist, the applicant shall demonstrate that the least costly or most effective alternative has been proposed.

14. G.S. 131E-183(a)(6) provides:

The applicant shall demonstrate that the proposed project will not result in unnecessary duplication of existing or approved health service capabilities or facilities.

15. The Certificate of Need Law authorizes the Department of Human Resources to adopt rules for the review of particular types of applications that will be used in addition to those criteria outlined in subsection (a) of G.S. 131E-183. The rules may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed. G.S. 131E-183(b)

16. Pursuant to G.S. 131E-183(b), the Agency has duly promulgated rules relating to applications for MRI scanners. The three regulatory criteria upon which Cape Fear relies in its motion for summary disposition were promulgated as temporary rules effective September 1, 1993. The rules became permanent rules effective February 1, 1994.

17. The Agency found CIC's application for MRI service to be Non Conforming with a number of statutory and regulatory criteria. Those criteria are fully set forth hereinabove in paragraph 7 setting forth the findings from which CIC appealed.

18. Cape Fear moved for summary disposition only on the basis of G.S. 131E-183(a)(4) and (6), and the following regulatory criteria promulgated by the Agency pursuant to G.S. 131E-183(b):

- a. 10 NCAC 3R .2715(3),
- b. 10 NCAC 3R .2715(5), and
- c. 10 NCAC 3R .2715(7).

III.

19. Pursuant to 10 NCAC 3R .2715, an applicant, such as CIC, proposing to acquire a MRI scanner shall:

- a. Demonstrate that all of the existing MRI scanners operating in the proposed MRI service area shall be performing at least 2,032 MRI procedures per year in the applicant's third year of operation .2715(3);
- b. Demonstrate that all existing mobile MRI scanners operating in the proposed MRI service area performed at least an average of eight procedures per day per site in the proposed MRI service area in the last year and shall be performing at least an average of eight procedures per day per site in the proposed MRI service area in the applicant's third year of operation .2715(5); and
- c. Document the assumptions and provide data supporting the methodology used for each projection

required in 10 NCAC 3R .2715(7).

20. In its application proposing to acquire a MRI scanner, CIC stated, in regard to regulatory criteria .2715(3), that it was,

"Not Applicable. ... [E]xisting MRI scanners are not capable of addressing the target population and therefore their utilization should not be used as an indicator or measure of need for services they are not capable of providing."

Application, p. 23.

21. CIC stated, in regard to regulatory criteria .2715(5) that it was,

"Not Applicable. This standard is not applicable to this proposal to acquire an open access MRI, because there are no mobile open access MRI scanners in operation in the proposed service area. Existing mobile MRI scanners are unable to address the population proposed to be served, consisting of primarily claustrophobic, highly anxious, large or obese, and pediatric patients, and therefore their current utilization cannot and should not be relevant to a need they are incapable of addressing or meeting."

Application, p. 24.

22. CIC's "target population" includes "...the claustrophobic, the physically large or obese, the anxious, and the pediatric patient." Application, p. 10.

23. CIC proposed to serve patients in a Primary Service Area consisting of Cumberland, Robeson, Harnett and Johnston counties. CIC's proposed Secondary Service Area is Sampson, Hoke, Bladen, Duplin and Columbus counties.

24. There are three MRI scanners located in Fayetteville at fixed locations. The scanners are located at Cape Fear, Fayetteville Diagnostic Center, and Highsmith-Rainey Hospital & Medical Arts Imaging, Inc.

25. There are six mobile MRI scanners located in the Service Area proposed to be served by CIC. Of those six, only one was performing at least an average of eight procedures per day per site in the last year.

IV.

26. CIC's application was prepared by The Innovative Health Group, Inc. ("Innovative"). Innovative's President is Gary Vaughn. Mr. Vaughn provided an affidavit in response to the Motion for Summary Disposition. In that affidavit, Mr. Vaughn states,

"[b]ecause CIC did not project to serve the same population as was receiving MRIs at existing providers, in my opinion, the CON Section erred in finding the rules set forth in 10 NCAC 3R .2715, regarding the actual and projected utilization of existing MRI providers, applicable to this review."

27. The administrative rules at issue in Cape Fear's Motion for Summary Disposition are entitled, "Criteria and Standards for Magnetic Resonance Imaging Scanner". The rules have been duly promulgated. The rules have been the law of North Carolina with regard to CON applications for MRI scanners since September 1, 1993.

28. No one from CIC or Innovative held a conference with anyone from the Agency to determine whether the rules were anything but applicable to CIC's application.

29. Pursuant to G.S. 150B-4(a), CIC is empowered to ask for a Declaratory Ruling from the Agency as to the applicability of administrative rules to a given state of facts. CIC made no such request of the Agency.

30. Moreover, CIC did not petition the Agency for adoption of a rule pursuant to G.S. 150B-20, declaring the administrative rules inapplicable to its application for an MRI scanner, or otherwise revising the rules in light of the alleged distinctive attributes of an "open access" MRI scanner.

V.

31. In preparing its application to acquire an MRI scanner, CIC made no effort to determine how many obese or claustrophobic people are not served by existing MRI scanners in Cumberland County. CIC projected that during the first two years of its operation of the newly acquired MRI scanner, over 64% of its patients would come from Cumberland County and that no more than 6% of its patients would come from any other county it proposed to serve.

32. During the discovery process in this contested case, Cape Fear propounded interrogatories upon CIC, in which Cape Fear asked CIC, in Interrogatory #9, to identify all instances to CIC's knowledge, since January 1, 1993, in which a patient referred to a MRI scanner in Cumberland County was unable to undergo the procedure in an existing "closed bore" MRI. The interrogatory asked CIC to state the MRI operator to whom the patient was referred, the reason the patient could not undergo the procedure, whether the patient subsequently underwent the procedure through an "open access" MRI, and the name of the open access MRI operator who performed the procedure.

33. CIC responded to the interrogatory by stating it was still in the process of investigating this question and would supplement its Responses as information became available. The answer was filed on February 7, 1997, more than nine months after CIC represented in its application to acquire an MRI scanner that "[t]here are no legitimate alternative solutions to meeting the need for the service capabilities of [its proposed] open access MRI." Application, p.15.

34. CIC updated its answers to Cape Fear's interrogatories once, and the Agency's interrogatories three times. CIC never updated the answer to Cape Fear's Interrogatory #9.

35. CIC attached to its application an article reprinted from New Jersey Medicine, June 1990, Vol. 87, No. 6, p. 479-483, entitled "Claustrophobia During MR Imaging." Application, Exhibit Q. The article reports one study of patients who had just completed an MRI. The study indicates that 65% of those patients experienced anxiety or claustrophobia, and that 42% reported that they received little or no information about the MRI procedure from the referring physician. The article describes an integrative management approach which begins with educating and counseling patients, and giving them emotional support and reassurance. The management approach moves through environmental manipulation such as music and behavioral techniques such as fantasy and daydreams. The final management option for claustrophobic patients is the use of medication, such as valium. The medication can be administered by mouth.

36. Mary Edwards worked for Innovative for over nine years until December 9, 1996. Ms. Edwards developed approximately sixty Certificate of Need proposals for Innovative and has been primarily responsible for drafting three applications for acquisition of a Hitachi Airis "open access" MRI scanner identical to the scanner that is the subject of CIC's application at issue in this contested case. Ms. Edwards was involved in the preparation of the application at issue. Ms. Edwards was identified by CIC as an expert witness in this case in the fields of health planning and certificate of need application preparation and analysis.

37. Ms. Edwards testified at her deposition in this case that she had one conversation with radiology technologists at a hospital in Harnett County regarding that facility's experience in whether claustrophobic people could be served by existing MRI scanners. The person she spoke with told her valium was an easy thing to take and that claustrophobic people can manage and handle the MRI procedure. Ms. Edwards was impressed by how quickly the facility could handle the claustrophobia and how they were able to manage it.

38. Ms. Edwards testified that she was not aware of any obese or claustrophobic patients that had to be referred out from the three existing MRI scanners in Cumberland County.

39. Ms. Edwards also testified in regard to mobile MRIs in the proposed service area, that if 10 NCAC 3R .2715(5) is applicable to CIC's application, then CIC's application does not conform to the regulatory criteria because the existing mobile providers of MRI service in CIC's proposed service area were not performing an average of eight procedures per day per site.

VI.

40. Mr. Vaughn, the President of Innovative, was primarily responsible for drafting CIC's application at issue in this contested case, with the help of his company's in-house lawyer.

41. Mr. Vaughn testified at his deposition in this case that CIC would not only serve the "target population" it had identified, but that CIC planned to serve the general population currently served by existing MRI providers in Fayetteville and

existing mobile MRI providers in the proposed service area.

42. CIC is required by 10 NCAC 3R .2715(2) to project annual utilization in its third year of operation of at least 2,032 MRI procedures per year. CIC projected in its application that it would exceed 2,032 procedures during its third year. Mr. Vaughn made it clear in his deposition that CIC's projections are based on service not only to the population it describes as its "target population", but also to the general population served by existing providers of MRI services.

43. Mr. Vaughn acknowledged in his deposition that to the extent CIC provided MRI services to the general population, its utilization could impact the utilization of the existing mobile scanners.

44. Ms. Edwards testified that CIC would not deny access to somebody who needs an MRI because they don't fall in the "target population", and would perform an MRI on anyone who was referred by a doctor regardless of whether they're in the "target population". Edwards agreed that to the extent CIC performs procedures on the general population, it would represent a duplication of existing services.

VII.

45. CIC argues in its Response to the Motion for Summary Disposition that if a provider is proposing the same services as that provided by existing providers in a service area, then the CON Section will want to investigate their utilization, to see whether the new service will be duplicating existing services. CIC argues that the problem with regulatory criteria .2715(3),(5), and (7) is that they fail to take into account the advent of new technology which completely changes the population to be served by the proposed new service. CIC argues that once the population changes, the rules become irrelevant.

46. CIC proposes to serve the general population currently served by existing providers of MRI service in Cumberland County and the providers of mobile MRI service in CIC's proposed service area.

47. The existing providers of MRI service may obtain an exemption from Agency review if they want to replace their existing MRI scanners with the type of scanner CIC has applied with the Agency to acquire.

CONCLUSIONS OF LAW

Based on the foregoing summary of undisputed facts, the Administrative Law Judge makes the following conclusions of law:

1. G.S. 131E-183(4) and G.S. 131E-183(6) apply to CIC's application at issue in this contested case.
2. The regulatory criteria promulgated at 10 NCAC 3R .2715(3),(5) and (7) apply to CIC's application at issue in this contested case. These criteria apply to "closed bore" and "open access" MRI scanners.
3. The regulatory criteria set forth in Conclusion #2 hereinabove have been duly promulgated and have the force of law.
4. CIC failed to demonstrate in its application to acquire a MRI scanner that all of the existing MRI scanners operating at fixed locations in the proposed MRI service area shall be performing at least 2,032 MRI procedures per year in CIC's third year of operation. As a result, CIC failed to conform to 10 NCAC 3R .2715(3). For that reason alone, the Agency could have properly denied CIC's application.
5. CIC failed to demonstrate in its application to acquire a MRI scanner that all of the existing mobile MRI scanners operating in the proposed MRI service area performed at least an average of eight procedures per day per site in the proposed MRI service area in the last year. Furthermore, CIC failed to demonstrate that said existing mobile MRI scanners shall be performing at least an average of eight procedures per day per site in the proposed MRI service area in CIC's third year of operation. As a result, CIC failed to conform to 10 NCAC 3R .2715(5). For that reason alone, the Agency could have properly denied CIC's application.
6. CIC failed to document in its application to acquire a MRI scanner the assumptions and provide data supporting the methodology used for the projections required by regulatory criteria .2715(3) and .2715(5). As a result, CIC failed to conform

to 10 NCAC 3R .2715(7). For that reason alone, the Agency could have properly denied CIC's application.

7. The Agency acted pursuant to law by applying the regulatory criteria at issue in Cape Fear's Motion for Summary Disposition to CIC's application. The Agency would have acted in an arbitrary and capricious manner if it had failed to apply the regulatory criteria to CIC's application.

8. The Agency correctly found CIC to be Non Conforming with the regulatory criteria cited hereinabove.

9. CIC took the position in its application that 10 NCAC 3R .2715(3) and (5) are inapplicable because existing MRI scanners are not capable of addressing the "target population". The combination of material in CIC's application, which demonstrates that many members of the "target population" complete MRI scans in traditional "closed bore" MRI scanners, together with CIC's failure to name one instance, since January 1, 1993, where a patient referred to a MRI scanner in Cumberland County was unable to undergo the procedure in an existing "closed bore" MRI, compels the conclusion that existing "closed bore" machines in Fayetteville serve the "target population".

10. CIC's expert witnesses admit that to the extent patients outside its "target population" are served by existing fixed and mobile MRI scanners, CIC's proposed MRI scanner will duplicate existing services. CIC's proposed scanner would serve the general population in addition to its "target population".

11. CIC's proposed MRI scanner would result in unnecessary duplication of existing health service capabilities or facilities in place in CIC's proposed service area in violation of G.S. 131E-183(a)(6).

12. CIC takes the position in its application that there are no legitimate alternative methods of meeting the needs for the scanner it proposes to acquire. CIC's position is contradicted by the undisputed facts. CIC fails to demonstrate that its proposal is the least costly or most effective alternative, in violation of G.S. 131E-183(a)(4), because CIC's proposal completely fails to address the costs associated with the unnecessary duplication of MRI services in the service area CIC proposes to serve that would be caused by the introduction of its scanner.

13. "[T]he proliferation of unnecessary health service facilities results in costly duplication and underuse of facilities, with the availability of excess capacity leading to unnecessary use of expensive resources and overutilization of health care services". G.S. 131E-175(4).

14. "[E]xcess capacity of health service facilities places an enormous economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance subscribers, health plan contributors, and taxpayers." G.S. 131E-175(6).

15. CIC's failure to conform to any one of the criteria that are the subject of the Motion for Summary Disposition can properly result in a denial of its application by the Agency.

16. With regard to G.S. 131-183(a)(4) and (6), and 10 NCAC 3R .2715(3), (5), and (7), there are no genuine issues of material fact, and based upon the law, Respondent Agency and Respondent-Intervenor Cape Fear are entitled to summary disposition as a matter of law.

17. As a matter of law, CIC cannot be granted the relief it seeks in its petition for a contested case hearing.

RECOMMENDED DECISION

The Agency's initial decision, on or about September 23, 1996, to deny CIC's application for a CON to acquire a new MRI scanner should be AFFIRMED. The relief sought by CIC in its petition should be DENIED.

ORDER

It is ORDERED that the Agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447, in accordance with G.S. 150B-36(b).

NOTICE

The final decision in this contested case shall be made by the North Carolina Department of Human Resources, Division of Facility Services. Each party has the right to file exceptions to this recommendation and to present written arguments.

DFS is required by G.S. 15013-36(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.

This the 24th day of June, 1997.

Meg Scott Phipps
Administrative Law Judge

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 EHR 1838

LOIE J. PRIDDY,)
Petitioner,)
)
v.)
)
DIVISION OF SOLID WASTE MANAGEMENT,)
N.C. DEPT. OF ENVIR., HEALTH & NAT. RES.,)
Respondent.)

RECOMMENDED DECISION

This case came on for hearing of Respondent's alternative motions to dismiss or for summary judgment before the undersigned Administrative Law Judge on March 17, 1997, in Raleigh, N.C. Respondent was represented by Assistant Attorney General Nancy E. Scott. Petitioner represented himself, assisted by his wife, Nancy Priddy. Having considered the materials submitted by each of the parties¹, arguments made at the hearing, and applicable law, the undersigned concludes that there is no dispute as to material facts and Respondent is entitled to judgment as a matter of law. It is therefore recommended that the final agency decision-maker issue summary judgment for Respondent.

On October 14, 1996, Respondent Solid Waste Section, Division of Waste Management, Department of Environment, Health and Natural Resources, issued a Permit Renewal of Permit No. 41-04 to the City of High Point to construct Phase 2 of a municipal solid waste landfill on Kersey Valley Road in the City of High Point. On November 12, 1996, Petitioner filed by telefax a Petition for a contested case to challenge the issuance of the Permit Renewal.

The gravamen of the Petition is that "For 3 years [Respondent] has failed to enforce laws to protect me and others from dust, odor, disease, rats, buzzards, blown trash, flies and mosquitoes arising from the operation of the Kersey Valley Landfill, and then issued a renewal of permit 41-04 with no relief provided other than to have the grass (weeds) mowed more regularly and, by this issuance, thereby assures continuing my and other's harm essentially unchanged."

The Petition also alleges the following:

- "(a) Within five days after reassurances and denials were issued in the Final Permit Decision, and the permit renewal was issued on October 14, 1996, Respondent again failed to enforce the law and protect me and others from the above deleterious factors.
- (b) Also in the Final Permit Decision, access denial of public information by the City of High Point was excused as a misunderstanding but then afterwards, during the 30-day appeal period, Respondent failed to provide access to public information for 11 days, also excusing it as a misunderstanding.
- (c) As part of the pattern that makes me fearful of their actions and doubt their promises, Respondent also failed to provide me public information or respond to my 4 written, 1 video, and at least 3 phone complaints between May of 1992 and January of 1994, and then only provided some information when I sent a copy of my request to the N.C. Attorney General. It did nothing about the complaints.
- (d) I tried to find out the limits of the permit boundaries from the Respondent (or the City) beginning in May, 1992, and finally got an answer October 23, 1996."

Although the Petition was not amended, later submissions by Petitioner alleged (1) that Phase 1 of the landfill was improperly zoned for three years; (2) that buffer distances in Phase 1 between the waste boundary and the property boundary, residences and wells were improper; (3) that an abandoned mine on the site was not taken into account until construction for Phase 1 was under way; (4) that some debris from a salvage yard previously operated on the site was left on site throughout the operation

¹Petitioner's Exhibit "AF", purporting to be a list of documents found (and some not found) in the Solid Waste Section File Room, is not admissible evidence for a motion, and thus was not considered.

of Phase 1 of the landfill, including several hundred tire carcasses, which were left on site between September of 1993 and September of 1996; (5) that the 1980 approved plan showed perimeter berms in the buffer area which were never constructed; (6) that the well construction rules of the State Divisions of Environmental Management and Environmental Health, as well as the Guilford County Rules, prohibited sanitary landfill waste disposal areas within 500 feet of potable wells; (7) that there was uncovered waste at Phase 1 of the landfill on October 19 and 20, 1996, less than a week after Permit Renewal of Phase 2 was issued; and (8) that on two separate occasions, in November of 1996 and February of 1997, he was unable to locate all of the documents that he believed ought to be in the Solid Waste Section file room.

Petitioner's residence is on property adjoining the landfill property. According to Petitioner's own survey, his house is located some 268 feet from the waste disposal area boundary of Phase 1 of the landfill. The permitted waste disposal area boundary for Phase 2 of the landfill is farther away from Petitioner's house. According to the scale on the site Development plan for Phase 2, prepared by professional engineers at G.N. Richardson Associates [Sheet 2 of twenty approved engineering drawings incorporated into the Permit Renewal for construction of Phase 2 of the landfill (Attachment 2 to April 9, 1997 Response to Petitioner's Exhibits "AB", "AC" and "AD")], Petitioner's house is some 325 feet from the permitted waste disposal area boundary in Phase 2 of the landfill.

Permit number 41-04 was issued to the City of High Point for the Kersey Valley municipal solid waste landfill on October 29, 1980. The Permit authorized construction of a landfill on Area 1 of the site, as depicted in Respondent's Exhibit D attached to the Second Affidavit of James C. Coffey. The Permit was modified on June 10, 1991, to permit construction of Phase 1, a lined landfill located within the waste boundary footprint of Area 1 permitted in 1980. Construction plans for Phase 1 were modified in 1992 in response to investigation of an abandoned nineteenth century goldmine on the site. Phase 1 of the landfill began operating on October 9, 1993.

Respondent Solid Waste Section issued a Permit Renewal for Construction of Phase 2 of the landfill on October 14, 1996. Phase 2 is a lined waste cell which is a lateral expansion of Phase 1. Phase 2 is also located wholly within the permitted solid waste boundary of Area 1 in the original 1980 permit.

Only matters alleging that the Agency, in issuing the Permit Renewal for Construction of Phase 2 of the landfill:

- (1) Exceeded its authority or jurisdiction;
- (2) Acted erroneously;
- (3) Failed to use proper procedure;
- (4) Acted arbitrarily or capriciously; or
- (5) Failed to act as required by law or rule, are relevant to this contested case under G.S. §150B-23.

Thus, allegations of the Agency's failure to enforce its laws against the City during the operation of Phase 1 of the landfill for three years prior to issuance of the Phase 2 permit relate to the Phase 2 Permit Renewal only if Petitioner can show that the Agency acted arbitrarily and capriciously or in disregard of the law when it issued the Permit Renewal for Phase 2. Past performance of an applicant for a solid waste permit may be considered under G.S. §130A-309.06(b), which states: "The Department may refuse to issue a permit to an applicant who by past conduct in this State has repeatedly violated related statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility and who is deemed by the Department to be responsible for violations." The statute is wholly discretionary. In order to exercise discretion under the statute, the Agency (1) must have information which it can independently confirm showing repeated past conduct by the applicant in violation of solid waste management statutes, rules, orders, or permit terms and conditions, and (2) the Agency must deem the applicant responsible for the violations. According to the (first) Affidavit of James C. Coffey, Head of the Solid Waste Permitting Branch, the Agency not only had no confirmed information about repeated violations by the City of High Point, but also inspections of operations at Phase 1 of the landfill show only one minor operational violation in nearly three years. Moreover, the inspection reports generally praise the landfill; Hugh Jernigan, Solid Waste Management Specialist assigned to inspect the landfill, advised the Solid Waste Section Permitting staff that the Kersey Valley landfill was one of the best operated landfills he had inspected. With the solid record of compliance with operational requirements the City of High Point has compiled, the Agency could not have, as a matter of law, exercised its discretion under G.S. §130A-309.06(b) to refuse to issue the permit on the basis of unconfirmed or non-existent repeated past operational violations by the City of High Point. To have done so would have been the epitome of an arbitrary and capricious decision.

Allegations of failure to respond to complaints between May of 1992 and January of 1994 may not form the basis of a contested case under G.S. §§150B-23 and 130A-24 because there is neither an "agency decision" nor a timely filing under the statutes.

There is no allegation that the Agency is refusing to provide access to public records, even if refusal of access were cognizable in OAH in addition to the statutory remedy in G.S. §132.9. Attachment 1 to Respondent's April 21, 1997, Response is a May 18, 1992, letter from Suzanne Molloy explaining that she could not mail a set of plans to Petitioner and informing him that he may review the plans [for Phase 1 of the landfill] by appointment with the Solid Waste Section.

There is no question that Phase 2 of the landfill was properly zoned for the landfill prior to issuance of the Phase 2 Permit Renewal. The City of High Point Special Use Permit 96-08 for the landfill, October 3, 1996, (copy attached to Respondent's April 21, 1997, Response), is included in the Permit documentation. Whether Phase 1 of the landfill was properly zoned is irrelevant to this challenge of the Phase 2 permit, although Petitioner's own Exhibit T, excerpted from the public hearing on the special use permit, indicates that the Special Use Permit requirement did not become effective until March, 1992.

Phases 1 and 2 of the landfill are located within the footprint of the approved waste disposal area in the 1980 permit. There were no requirements for buffer distances between the waste disposal area and the property boundary, residences, or wells in the 1980 Solid Waste Management Rules. Only the Phase 2 Permit Renewal is relevant to this contested case. 15A N.C. Administrative Code 13B .1624(b)(3) prescribes horizontal separation requirements for municipal solid waste landfill units (MSWLF). Sub-paragraph D states: "At a minimum, a lateral expansion or new MSWLF unit at an existing facility shall conform to the requirements of the effective permit." Permit 41-04 was issued in 1980 for solid waste landfilling in Area 1. Phase 2 conforms to the solid waste boundaries of Area 1, except that the waste has been pulled back from one corner to leave a 300-foot setback from the nearest residence, as shown in the site development plan for Phase 2, copy attached (Attachment 2) to Respondent's April 9, 1997, Response.

Petitioner's own filings show that the abandoned gold mine on the site was investigated, and that engineering plans were modified accordingly prior to construction of the landfill. Petitioner acknowledges in paragraph 2 of his Second Affidavit that his map depicting surface remnants of an abandoned nineteenth century gold mine, Exhibit "AE", was utilized during preparation of the Report of Site Investigation and Remedial Engineering Gold Mine Workings, Hazen and Sawyer, July 31, 1992. Said report is incorporated into the permit for Phase 1 of the landfill, number 13 on the revised "List of Documents for Approved Plan", October 5, 1993. [A copy of the Document List is Attachment G to Second Affidavit of James C. Coffey, filed by Respondent February 19, 1997.]

Petitioner's allegation that several hundred tire carcasses were left on site between September of 1993 and September of 1996 acknowledges that the carcasses were removed prior to issuance of the Phase 2 Permit Renewal on October 14, 1996. Again, allegations of problems during the operation of Phase 1 are not relevant to this contested case.

The approved 1980 construction plan for Permit number 41-04 was for an unlined landfill. The permit was amended in 1991 to permit construction of a lined landfill. The construction plan is thus not the same; the perimeter berm, being integral to construction of the unlined landfill, was not part of the 1991 construction plan for a lined waste disposal cell. See Respondent's Exhibit E, attached to Second Affidavit of James C. Coffey, one of 16 approved construction drawings for the 1991 Permit Amendment. The drawing does not depict a perimeter berm. This allegation also appears to relate to the alleged "violations" in Phase 1 of the landfill, and is also untimely and irrelevant to this case.

The 1980 Solid Waste Management Rules in effect when Permit number 41-04 was issued do not prescribe any minimum distances between waste disposal areas and wells. As discussed *supra*, the current Solid Waste Management Rules governing construction of new municipal solid waste units and lateral expansions of municipal solid waste units at existing facilities must conform, at a minimum, to the buffer distances in the existing permit. Petitioner asserts that Rules of three other agencies should apply to prevent the disposal of waste in Phase 2 of the landfill within 500 feet of a potable well.

Neither the Environmental Health Rules (15A N.C. Administrative Code 18A §.1700) nor the Guilford County Board of Health Rules, offered as Petitioner's Exhibits "AB" and "AC", respectively, nor the N.C. Well Construction Act, G.S. §§87-83 through 87-96, Exhibit "AD" (or the Well Construction Rules, 15A N.C. Administrative Code 2C, promulgated under the statute) is applicable to restrict the location of Phase 2 of the City of High Point Kersey Valley municipal solid waste landfill. There is nothing in any of the rules restricting future development on property unrelated to the property where a well subject to the rules is constructed. All three sets of rules include virtually identical minimum separation distances between the proposed location for a new potable well and potential sources of groundwater contamination, as specified in the rules. The horizontal separation distances apply at the time a well is constructed. Each set of rules reflects the 500 foot buffer distance between solid waste disposal areas and potable wells which first became effective in the Solid Waste Management Rules on April 1, 1982. Moreover, Section .1700 of the Environmental Health Rules applies only to water supplies serving undertakings permitted under Sub-chapter 18A; Section .1700 does not apply to individual residential wells.

Finally, Petitioner's evidence of uncovered waste in Phase 1 of the landfill during the weekend of October 19-20, 1996 (video still photos of tarpaulins blown off bales waste in the landfill), is not relevant or cognizable in this contested case challenging the issuance of the Permit Renewal on October 14, 1996, for Phase 2 of the landfill.

For the foregoing reasons, Summary Judgment for Respondent is Recommended. Material facts are only those facts related to a claim for which relief may be granted. In this case, material facts must relate Respondent's issuance of Phase 2 of Permit number 41-04, and must be specific to showing how Respondent disregarded the law, failed to use proper procedure, or acted arbitrarily and capriciously in the issuance of the permit. There are no material facts in dispute, and Respondent is entitled to judgment as a matter of law.

This the 20TH day of June, 1997.

Fred G. Morrison, Jr.
Senior Administrative Law Judge

V.

**NORTH CAROLINA DEPARTMENT OF HUMAN
RESOURCES,
Respondent.**

RECOMMENDED DECISION

STIPULATED FACTS

1. Petitioner was employed at Cherry Hospital as a Health Care Technician I. He had been a State employee for over ten years. As a HCT I, he is involved in direct patient care.
2. On September 1, 1996, Petitioner was convicted of misdemeanor child abuse. He pled not guilty and was not represented by legal counsel. He was ordered to pay a fine and court costs.
3. On September 24, 1996, Petitioner was notified by telephone by Ms. Shirley Martin that pursuant to Executive Order 169, his dismissal was being considered because he had been convicted of misdemeanor child abuse. His predismissal conference was set for September 25, 1996.
4. On September 25, 1996, Mr. Hill gave notice of appeal of his conviction to Superior Court. He brought a copy of his notice of appeal to the predismissal conference. A criminal record check for that day still showed the conviction.
5. Under G.S. 15A-1431, the Petitioner had 10 days from September 17, 1996 to give notice of appeal. The case could not be transferred to Superior Court until September 27, 1996. In fact, the case did not transfer to Superior Court until October 11, 1996. On that date, notice of appeal was entered into the criminal records computer system in Superior Court.
6. During the predismissal conference, Petitioner gave an explanation for the event which transpired on July 13, 1996 and which led to the criminal charge of child abuse. Mr. Hill stated that he had difficulties with his son and that the child had "jumped him with a knife." Petitioner had back-handed him. He sent his son to his sister-in-law's home and was later that day charged with child abuse.
7. On October 22, 1996, the Notice of the Step 3 hearing was mailed to all parties. The hearing was scheduled for December 10, 1996. On December 5, 1996, the criminal charge was dismissed by the District Attorney without leave.
8. Upon consideration of reinstating Petitioner as a result of the dismissal, a criminal record check was done pursuant to Executive Order 169. That check revealed other convictions on Petitioner's record. Respondent proceeded with the hearing on December 10 and affirmed the dismissal.
9. Executive Order 169 states that its purpose is to promote the safety of the residents of institutions operated by the Department of Human Resources. It states that the Department of Human Resources shall deny or discontinue employment in direct care positions if the employee has been convicted of a criminal offense involving assault or other violent behavior, or has engaged in assault or other violent behavior.
10. Petitioner's dismissal was based upon the District Court conviction of misdemeanor child abuse which was later dismissed in Superior Court.

Based upon the foregoing Stipulated Facts, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Although Executive Order 169 has a laudable purpose, it is not promulgated as a rule nor is it law. It is a policy of the Department of Human Resources.
2. The Respondent, in treating a District Court finding of guilt which was appealed and dismissed, as a conviction on which the Petitioner's dismissal was based, exceeded its authority, acted erroneously, and failed to act as required by law pursuant to G.S. 150B-23.
3. Respondent did not have just cause to dismiss the Petitioner based upon a criminal conviction which was later dismissed in Superior Court.

Based upon the foregoing Stipulated Facts and Conclusions of Law, the undersigned makes the following:

RECOMMENDED DECISION

It is recommended that the Petitioner be reinstated in his employment as a Health Care Technician I and that he receive back pay, front pay and attorney fees.

ORDER

It is hereby ordered that the State Personnel Commission serve a copy of the final decision on the Office of Administrative Hearings, PO Drawer 27447, Raleigh, NC 27611-7447, in accordance with G.S. 150B-36(b).

NOTICE

The State Personnel Commission is the agency that will make the final decision in this contested case. The agency making the final decision is required to give each party an opportunity to file exceptions to this Recommended Decision and to present written arguments to the agency.

This the 20th day of June, 1997.

Meg Scott Phipps
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
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ADMINISTRATIVE HEARINGS

Rules Division

26 NCAC 02C 11:19 NCR 1413

ADMINISTRATION

State Building Commission

1 NCAC 30G .0101	11:04 NCR 194	11:19 NCR 1414	*	Approve	03/20/97				11:26 NCR 2004	
1 NCAC 30G .0102	11:04 NCR 194	11:19 NCR 1414	*	Object	03/20/97				11:30 NCR 2314	
1 NCAC 30G .0103	11:04 NCR 194	11:19 NCR 1414	*	Approve	05/15/97	*			11:26 NCR 2004	
1 NCAC 30G .0104	11:04 NCR 194	11:19 NCR 1414	S/L	Approve	03/20/97	*				
1 NCAC 30G .0105	11:04 NCR 194	11:19 NCR 1414	S/L	Object	03/20/97				11:30 NCR 2314	
				Approve	05/15/97				11:26 NCR 2004	

AGRICULTURE

2 NCAC 48A .0206	10:24 NCR 3056	11:06 NCR 324	*	Ext. Review	12/19/96				11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056	11:06 NCR 324	*	Approve	01/16/97	*				
2 NCAC 48A .0214	10:24 NCR 3056	11:06 NCR 324	*	Ext. Review	12/19/96				11:22 NCR 1717	
				Approve	01/16/97	*				
2 NCAC 52A .0004	11:27 NCR 2053			Ext. Review	12/19/96				11:22 NCR 1717	
2 NCAC 52A .0005	11:27 NCR 2053			Approve	01/16/97					
2 NCAC 52A .0006	11:27 NCR 2053			Ext. Review	12/19/96					
2 NCAC 52A .0007	11:27 NCR 2053			Approve	01/16/97					

2 NCAC 52A .0008	11:27 NCR 2053									
2 NCAC 52A .0009	11:27 NCR 2053									
2 NCAC 52B .0212	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	
2 NCAC 52B .0303	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	
2 NCAC 52C .0701	11:14 NCR 1107	11:22 NCR 1709	*	Approve	05/15/97				11:30 NCR 2314	

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2 NCAC 52D .0001	11:27 NCR 2053									
Marketing Authority										
2 NCAC 43F .0003	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97				
2 NCAC 43H .0101	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97	*			
2 NCAC 43H .0007	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*	Object	05/15/97	*			
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97				
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97	*		11:30 NCR 2314	
Plant Conservation Board										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
Structural Pest Control										
2 NCAC 34 .0503		11:21 NCR 1651								
2 NCAC 34 .0602		11:21 NCR 1651								
2 NCAC 34 .0604		11:21 NCR 1651								
2 NCAC 34 .0605		11:21 NCR 1651								
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368		11:28 NCR 2129	*						
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									

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4 NCAC 01K	11:09 NCR 569									
Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L.1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1900	11:09 NCR 569		11:14 NCR 1113	*						
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4 NCAC 06C.0205	10:18 NCR 2398		11:29 NCR 2182	*						
4 NCAC 06C.0407	10:18 NCR 2398		11:29 NCR 2182	*						
4 NCAC 06C.0409	10:18 NCR 2398		11:29 NCR 2182	*						
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4 NCAC 13A.0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0102	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0105	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0202	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0203	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13A.0204	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0001	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0002	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0003	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0004	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13B.0005	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13C.0001	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13D.0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E.0101	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E.0102	10:24 NCR 3056		11:13 NCR 1040	*	Approve	06/19/97				

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4 NCAC 13E .0201	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0202	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0301	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0302	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0401	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0402	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0403	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0404	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0405	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0501	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0502	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0601	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0602	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0603	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0701	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0702	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0801	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0803	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0901	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13E .0902	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13F .0301	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				
4 NCAC 13F .0302	10-24 NCR 3056		11-13 NCR 1040	*	Approve	06/19/97				

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23 NCAC 01A .0001	11-18 NCR 1369	11-25 NCR 1919
23 NCAC 02C .0108	11-18 NCR 1369	11-25 NCR 1919
23 NCAC 02C .0202	11-18 NCR 1369	
23 NCAC 02C .0207	11-18 NCR 1369	
23 NCAC 02C .0305	11-18 NCR 1369	11-25 NCR 1919
23 NCAC 02C .0604	11-18 NCR 1369	11-25 NCR 1919

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23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919	11:09 NCR 585	*	Object Approve	01/16/97 02/20/97	*		11:24 NCR 1832	
23 NCAC 02E .0203	10:24 NCR 3058									
23 NCAC 02E .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919								

CRIME CONTROL & PUBLIC SAFETY

Governor's Crime Commission

14A NCAC 07 .0313 11:24 NCR 1818

12:01 NCR 6

*

CULTURAL RESOURCES

USS North Carolina Battleship Commission

7 NCAC 05 .0203 11:19 NCR 1436

DENTAL EXAMINERS

21 NCAC 16B .0303 11:20 NCR 1538

11:25 NCR 1915

*

21 NCAC 161 .0001 11:20 NCR 1538

11:25 NCR 1915

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21 NCAC 161 .0002 11:20 NCR 1538

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21 NCAC 161 .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 161 .0004	11:20 NCR 1538									
21 NCAC 161 .0005	11:20 NCR 1538									
21 NCAC 161 .0006	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:19 NCR 1439								
15A NCAC 01M .0304		11:19 NCR 1439								
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:19 NCR 1439								
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						

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15A NCAC 0711 .0203	11:22 NCR 1704		agency withdrew							
15A NCAC 0711 .0204	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 0711 .0205	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 0711 .0206	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 0711 .0207	11:22 NCR 1704		agency withdrew							
15A NCAC 0711 .0208	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 0711 .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 0711 .0210	12:02 NCR 52									
15A NCAC 0711 .0304	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
15A NCAC 0711 .0305	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
15A NCAC 0711 .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .0309	11:08 NCR 442		11:12 NCR 981	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 0711 .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1204	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1600	11:15 NCR 1200									
15A NCAC 0711 .1601	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1604	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1605	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 0711 .1704	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1804	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .1904	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .2004	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 0711 .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						

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15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Object	01/16/97	*			
					Approve	02/20/97	*		11:24 NCR 1832	
15A NCAC 07M .1201	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07M .1202	11:19 NCR 1408		11:27 NCR 2058	*						
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824	L/S/E						
			11:14 NCR 1136							
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						

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					Action	Date				
15A NCAC 02B .0234	11:02 NCR 75	12:02 NCR 77	11:14 NCR 1136	L						
			11:10 NCR 824	*						
			11:14 NCR 1136							
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824	*						
			11:14 NCR 1136							
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0304	11:24 NCR 1818		12:01 NCR 6	*						
15A NCAC 02B .0304	11:26 NCR 1976		12:01 NCR 6	S						
15A NCAC 02B .0304	11:26 NCR 1984		12:01 NCR 6	S						
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0306	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0306	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0307	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0308	11:20 NCR 1534		11:28 NCR 2121	*						
15A NCAC 02B .0308	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0308	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0309	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0309	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0311	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0313	11:24 NCR 1818									
15A NCAC 02B .0313	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0313	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0315	11:24 NCR 1818									
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*						
15A NCAC 02B .0316	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0317	11:26 NCR 1976		12:01 NCR 6	*						

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					Action	Date				
			11:26 NCR 1984							
15A NCAC 02D .0101	11:15 NCR 1200			*						
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
			11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	

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15A NCAC 02D .0938	12:02 NCR 52									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1500	11:19 NCR 1408		11:16 NCR 1271	L/SE	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						

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15A NCAC 02H .0610	11:08 NCR 442	11:27 NCR 2073	11:27 NCR 2073	*						
15A NCAC 02H .0610	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200									
15A NCAC 02L .0106	11:15 NCR 1204									
15A NCAC 02L .0106	10:19 NCR 2508		11:21 NCR 1639	*						
15A NCAC 02L .0115	11:15 NCR 1200		11:21 NCR 1639	L						
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A NCAC 02Q .0102	11:19 NCR 1408		11:06 NCR 350	*						
15A NCAC 02Q .0102	12:02 NCR 52									
15A NCAC 02Q .0201	12:02 NCR 52									
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0801	12:02 NCR 52									

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15A NCAC 02Q .0803	12:02 NCR 52									
15A NCAC 02R .0100	12:02 NCR 52									
15A NCAC 02R .0200	12:02 NCR 52									
15A NCAC 02R .0300	12:02 NCR 52									
15A NCAC 02R .0400	12:02 NCR 52									
15A NCAC 02R .0500	12:02 NCR 52									
15A NCAC 02R .0501		11:27 NCR 2075								
15A NCAC 02R .0502		11:27 NCR 2075								
15A NCAC 02R .0503		11:27 NCR 2075								
15A NCAC 02R .0504		11:27 NCR 2075								
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*			
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				

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15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1958	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 12/19/96			11:22 NCR 1717	
15A NCAC 18A .1961	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 19A .0101	11:26 NCR 1976		12:02 NCR 61	S/L	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88			Approve	01/16/97			11:22 NCR 1717	
15A NCAC 19A .0102	11:26 NCR 1976		12:02 NCR 61	S/L						
15A NCAC 19A .0201	11:26 NCR 1976		12:02 NCR 61	*						
15A NCAC 19A .0203	11:21 NCR 1638		12:02 NCR 61	*						
15A NCAC 19A .0205	11:26 NCR 1976		12:02 NCR 61	*						
15A NCAC 19C .0801		12:01 NCR 31								
15A NCAC 19C .0802		12:01 NCR 31								
15A NCAC 19C .0803		12:01 NCR 31								
15A NCAC 19G .0102	12:02 NCR 52									
15A NCAC 21I .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	

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15A NCAC 24A .0202		12:01 NCR 31								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
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15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1976									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000								
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0506		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0507		11:11 NCR 938	11:26 NCR 1988	*						
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*						
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15A NCAC 12K .0101	12:02 NCAC 52									
15A NCAC 12K .0103	12:02 NCAC 52									
15A NCAC 12K .0104	12:02 NCAC 52									
15A NCAC 12K .0105	12:02 NCAC 52									
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15A NCAC 08A	11:26 NCR 1976									
15A NCAC 08B	11:26 NCR 1976									

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15A NCAC 08D	11:26 NCR 1976									
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F .0101		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0102		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0201		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0202		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0203		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0301		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0401		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0402		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0403		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0404		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0405		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0406		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0407		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0501		11:19 NCR 1442	11:28 NCR 2123	*						
15A NCAC 08F .0502		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0503		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0504		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0505		11:19 NCR 1442	11:28 NCR 2123	S						
15A NCAC 08F .0506		11:19 NCR 1442	11:28 NCR 2123	*						
Wildlife Resources Commission										
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									

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15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0308	11:21 NCR 1638		11:29 NCR 2206	*						
15A NCAC 10F .0311	12:01 NCR 5									
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 10F .0333	12:01 NCR 5									
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 10F .0339	11:21 NCR 1638		11:29 NCR 2206	*						
15A NCAC 10F .0355	11:25 NCR 1905		12:01 NCR 18	*						
15A NCAC 10F .0360	12:01 NCR 5									
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									

12:01 NCR 4
12:02 NCR 50

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21 NCAC 12 .0202 11:24 NCR 1828
21 NCAC 12 .0204 11:28 NCR 2117
21 NCAC 12 .0503 11:28 NCR 2117
21 NCAC 12 .0504 11:28 NCR 2117
21 NCAC 12 .0901 11:28 NCR 2117
21 NCAC 12 .0902 11:28 NCR 2117
21 NCAC 12 .0903 11:28 NCR 2117
21 NCAC 12 .0904 11:28 NCR 2117
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21 NCAC 12 .0906 11:28 NCR 2117
 21 NCAC 12 .0907 11:28 NCR 2117
 21 NCAC 12 .0908 11:28 NCR 2117
 21 NCAC 12 .0909 11:28 NCR 2117
 21 NCAC 12 .0910 11:28 NCR 2117
 21 NCAC 12 .0911 11:28 NCR 2117
 21 NCAC 12 .0912 11:28 NCR 2117

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24 NCAC 01P .0101 11:14 NCR 1154 11:28 NCR 2132 S
 24 NCAC 01P .0102 11:14 NCR 1154 11:28 NCR 2132 S
 24 NCAC 01P .0103 11:14 NCR 1154 11:28 NCR 2132 S
 24 NCAC 01P .0201 11:14 NCR 1154 11:28 NCR 2132 S
 24 NCAC 01P .0202 11:14 NCR 1154 11:28 NCR 2132 S
 24 NCAC 01P .0203 11:14 NCR 1154 11:28 NCR 2132 S

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10 NCAC 01B 11:23 NCR 1779

Aging

10 NCAC 22 10:23 NCR 2956

Child Day Care Commission

10 NCAC 03U .0302 11:24 NCR 1817
 10 NCAC 03U .0506 11:24 NCR 1817
 10 NCAC 03U .0509 11:24 NCR 1817
 10 NCAC 03U .0601 11:24 NCR 1817
 10 NCAC 03U .0602 11:24 NCR 1817
 10 NCAC 03U .0604 11:03 NCR 109
 10 NCAC 03U .0604 11:24 NCR 1817

11:09 NCR 571 * Approve 03/20/97 11:26 NCR 2004

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10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .0705	11:24 NCR 1817									
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object Approve	03/20/97 04/17/97	*		11:29 NCR 2211	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .1402	11:24 NCR 1817									
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .1717	11:24 NCR 1817									
10 NCAC 03U .2500	11:29 NCR 2181									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2603	11:24 NCR 1817									
10 NCAC 03U .2606	11:08 NCR 449									
10 NCAC 03U .2610	11:24 NCR 1817									
10 NCAC 03U .2611	11:24 NCR 1817									
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10 NCAC 03	10:18 NCR 2399									12:01 NCR 2
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002		11:21 NCR 1655								
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
					Object Approve	11/21/96 03/20/97	*			
							*			
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE					11:26 NCR 2004	
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Approve	10/17/96 11/21/96 03/20/97	*			11:11 NCR 888
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10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	01/16/97				
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	01/16/97				
10 NCAC 03R .3051		11:21 NCR 1655		S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3052		11:21 NCR 1655								
10 NCAC 03R .3053		11:21 NCR 1655								
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3054		11:21 NCR 1655								
10 NCAC 03R .3055		11:21 NCR 1655								
10 NCAC 03R .3056		11:21 NCR 1655								
10 NCAC 03R .3057		11:21 NCR 1655								
10 NCAC 03R .3058		11:21 NCR 1655								
10 NCAC 03R .3059		11:21 NCR 1655								
10 NCAC 03R .3060		11:21 NCR 1655								
10 NCAC 03R .3061		11:21 NCR 1655								
10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
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10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								
10 NCAC 03R .3074		11:21 NCR 1655								
10 NCAC 03R .3075		11:21 NCR 1655								
10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									
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10 NCAC 26B .0113	10:16 NCR 1721		11:28 NCR 2118	S/L						12:02 NCR 46
10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*	Approve	06/19/97	*			
10 NCAC 26G .0707	11:08 NCR 450	11:15 NCR 1205	11:18 NCR 1371	*	Approve	04/17/97			11:29 NCR 2211	
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268		11:23 NCR 1781	S/L	Approve	05/15/97	*			11:30 NCR 2314
10 NCAC 26H .0212		11:15 NCR 1205								

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10 NCAC 2611 .0213		11:15 NCR 1205								
10 NCAC 2611 .0213	11:18 NCR 1368									
10 NCAC 2611 .0213		11:26 NCR 1997								
10 NCAC 2611 .0506	10:21 NCR 2686									
10 NCAC 2611 .0506		11:19 NCR 1438	11:29 NCR 2205	S/L/SE						
10 NCAC 50B .0202		11:10 NCR 841	11:28 NCR 2118	*						
10 NCAC 50B .0404		11:10 NCR 841	11:28 NCR 2118	L						
10 NCAC 50B .0409		11:10 NCR 841	11:28 NCR 2118	*						
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
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10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560	11:29 NCR 2187	*						
10 NCAC 03B .1002		11:20 NCR 1560	11:29 NCR 2187	*						
10 NCAC 03C .3707	11:20 NCR 1534		11:29 NCR 2187	*						
10 NCAC 03D .0800	11:23 NCR 1779									
10 NCAC 03D .0900	11:23 NCR 1779									
10 NCAC 03D .1000	11:23 NCR 1779									
10 NCAC 03D .1100	11:23 NCR 1779									
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10 NCAC 03D .1400	11:23 NCR 1779									
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03D .2001	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2101	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2102	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2103	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2104	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2105	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2106	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2201	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2202	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2203	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2301	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D .2302	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2303	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03D 2401	10:18 NCR 2399		11:29 NCR 2187	*						
10 NCAC 03M	11:23 NCR 1779									
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10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .3803	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97	*		11:30 NCR 2314	
10 NCAC 14V .5602	11:08 NCR 449		11:24 NCR 1822	*	Withdrawn	01/16/97	*		11:30 NCR 2314	
10 NCAC 14V .7006		12:01 NCR 31	11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
10 NCAC 14V .7101	11:30 NCR 2300									
10 NCAC 14V .7102	11:30 NCR 2300									
10 NCAC 14V .7103	11:30 NCR 2300									
10 NCAC 14V .7104	11:30 NCR 2300									
10 NCAC 14V .7105	11:30 NCR 2300									
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0129	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
			11:14 NCR 1124	*	Withdrawn	01/16/97				

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10 NCAC 18W .0201	10:15 NCR 1478		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
			11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0202	10:15 NCR 1478				Approve	02/20/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124		Object	01/16/97				
10 NCAC 18W .0204	10:15 NCR 1478				Approve	02/20/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124		Object	01/16/97				
10 NCAC 18W .0206	10:15 NCR 1478				Approve	02/20/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124		Approve	01/16/97				
10 NCAC 18W .0208	10:15 NCR 1478				Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478				Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124		Object	01/16/97				
10 NCAC 18W .0212	10:15 NCR 1478				Approve	02/20/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478				Approve	01/16/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124		Object	01/16/97				
10 NCAC 18W .0216	10:15 NCR 1478				Approve	02/20/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0218	10:15 NCR 1478				Approve	01/16/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449				Object	01/16/97				
10 NCAC 45H .0203	11:08 NCR 449	11:29 NCR 2208	11:29 NCR 2208	*	Approve	02/20/97	*			
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288	11:30 NCR 2301	*	Approve	01/16/97				
10 NCAC 35E .0105		11:16 NCR 1288	11:30 NCR 2301	*	Approve	01/16/97				
10 NCAC 35E .0106		11:16 NCR 1288	11:30 NCR 2301	*	Approve	02/20/97	*			
10 NCAC 35E .0308		11:16 NCR 1288	11:30 NCR 2301	*	Approve	01/16/97	*			
10 NCAC 411 .0100	10:17 NCR 2228				Object	01/16/97				
					Approve	02/20/97	*			
					Approve	01/16/97	*			

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(Updated through July 9, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 411 .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 42J .0001		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 42J .0004		11:16 NCR 1288	11:30 NCR 2301	*						
10 NCAC 42J .0005		11:16 NCR 1288	11:30 NCR 2301	*						
INSURANCE										
N.C. Home Inspector Licensure Board										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97					11:27 NCR 2049
11 NCAC 08 .1002		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1003		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1004		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1005		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1006		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1007		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1008		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1009		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1010		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1011		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1101		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1102		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1103		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1104		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1105		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1106		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97					Temp Filed over obj
11 NCAC 08 .1107		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1109		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1111		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1113		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1115		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1201		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1207		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1208		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97				Temp Filed over obj
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97	*		11:26 NCR 2004	Temp Filed over obj
11 NCAC 10 .0603		11:15 NCR 1223	11:25 NCR 1906	*	Approve	03/20/97	*		11:26 NCR 2004	Temp Filed over obj
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	Temp Filed over obj

JUSTICE

Alarm Systems Licensing Board

12 NCAC 11 11:30 NCR 2300

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*	Object	04/17/97				
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	05/15/97	*		11:30 NCR 2314	
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97	*		11:29 NCR 2211	
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									
12 NCAC 07D	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									

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					Action	Date				
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*	Approve	05/15/97			11:30 NCR 2314	
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						
LABOR										
Boiler & Pressure Vessel										
13 NCAC 13 .0213		11:25 NCR 1918								
Occupational Safety and Health										
13 NCAC 07A .0302	11:26 NCR 1984									
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101	11:24 NCR 1817									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817		12:02 NCR 60	*						
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 16 .0102	11:26 NCR 1984									
13 NCAC 16 .0201	11:26 NCR 1984									
13 NCAC 16 .0202	11:26 NCR 1984									
13 NCAC 16 .0203	11:26 NCR 1984									
13 NCAC 16 .0204	11:26 NCR 1984									
13 NCAC 16 .0205	11:26 NCR 1984									
13 NCAC 16 .0206	11:26 NCR 1984									
13 NCAC 16 .0207	11:26 NCR 1984									
13 NCAC 16 .0208	11:26 NCR 1984									

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					Action	Date				
13 NCAC 16 .0301	11:26 NCR 1984									
13 NCAC 16 .0302	11:26 NCR 1984									
13 NCAC 16 .0303	11:26 NCR 1984									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32H	11:26 NCR 1986									
21 NCAC 32O	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0109	11:24 NCR 1821		11:28 NCR 2130	*						
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*	Object	03/20/97			11:29 NCR 2211	
21 NCAC 36 .0601	12:01 NCR 5				Approve	04/17/97	*			
21 NCAC 36 .0602	12:01 NCR 5									
21 NCAC 36 .0603	12:01 NCR 5									
21 NCAC 36 .0604	12:01 NCR 5									
21 NCAC 36 .0605	12:01 NCR 5									
21 NCAC 36 .0606	12:01 NCR 5									
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97	*		11:29 NCR 2211	
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369		11:25 NCR 1917	*						
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						
21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
PUBLIC EDUCATION										
16 NCAC 06C .0307			12:01 NCR 18	*						
16 NCAC 06C .0310			12:01 NCR 18	*						
16 NCAC 06D .0103			12:01 NCR 18	*						
16 NCAC 06D .0301			12:01 NCR 18	*						
16 NCAC 06D .0303			12:01 NCR 18	*						
16 NCAC 06D .0305			12:01 NCR 18	*						
16 NCAC 06D .0306			12:01 NCR 18	*						
16 NCAC 06G .0304			12:01 NCR 18	S						
16 NCAC 06G .0305			12:01 NCR 18	*						
16 NCAC 06G .0306			12:01 NCR 18	*						
16 NCAC 06G .0307			12:01 NCR 18	S						
16 NCAC 06G .0308			12:01 NCR 18	S						
16 NCAC 06G .0309			12:01 NCR 18	S						
16 NCAC 06G .0401			12:01 NCR 18	*						
16 NCAC 06G .0402			12:01 NCR 18	*						
16 NCAC 06G .0403			12:01 NCR 18	*						
16 NCAC 06G .0404			12:01 NCR 18	*						
REAL ESTATE COMMISSION										
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96			11:22 NCR 1717	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*			
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
					Approve	01/16/97	*		11:22 NCR 1717	

REVENUE

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

17 NCAC 01C .0506

11:10 NCR 838

*

Approve

01/16/97

*

11:22 NCR 1717

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

STATE PERSONNEL COMMISSION

25 NCAC 01D .2501

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2503

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2504

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2505

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2507

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2508

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2509

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2511

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2513

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2514

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01D .2516

11:13 NCR 1062

11:19 NCR 1429

*

25 NCAC 01E .0705 11:14 NCR 1110

11:19 NCR 1434

*

25 NCAC 01E .0707 11:14 NCR 1110

11:19 NCR 1434

*

25 NCAC 01E .0709 11:14 NCR 1110

11:19 NCR 1434

*

TRANSPORTATION

Highways, Division of

19A NCAC 02B .0164 11:20 NCR 1537

11:26 NCR 1991

*

19A NCAC 02B .0242 11:26 NCR 1986

19A NCAC 02B .0303 11:26 NCR 1986

19A NCAC 02D .0415 11:20 NCR 1537

11:26 NCR 2004

*

Motor Vehicles, Division of

19A NCAC 031 .0100 11:19 NCR 1413

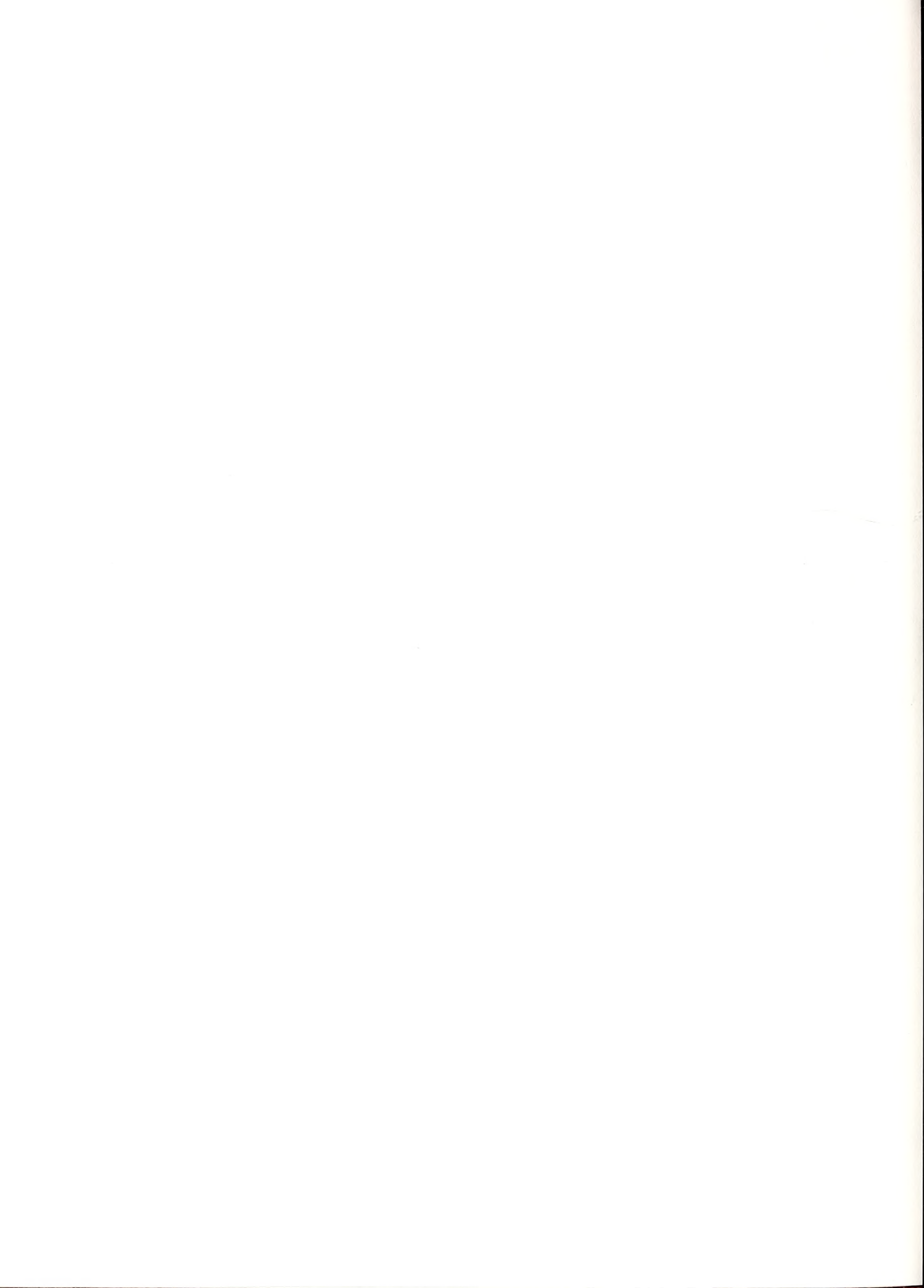
19A NCAC 031 .0200 11:19 NCR 1413

19A NCAC 031 .0300 11:19 NCR 1413

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 031.0400	11:19 NCR 1413									
19A NCAC 031.0500	11:19 NCR 1413									
19A NCAC 031.0600	11:19 NCR 1413									
19A NCAC 031.0700	11:19 NCR 1413									
19A NCAC 031.0800	11:19 NCR 1413									
19A NCAC 03J.0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 03J.0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*			
19A NCAC 03J.0308	11:11 NCR 882		11:17 NCR 1340	*	Approve	03/20/97	*		11:26 NCR 2004	
19A NCAC 03J.0601	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*		11:26 NCR 2004	
				*	Approve	03/20/97	*		11:24 NCR 1832	



BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1997

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Complete Title	201 00 001	\$90.00
Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
Title 2 - Dept. of Agriculture - Complete Title	202 00 001	\$140.00
Food & Drug Protection Division	202 15 091	\$35.00
Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
Title 3 - Dept. of State Auditor - Complete Title	203 00 001	\$25.00
Title 4 - Dept. of Commerce - Complete Title	204 00 001	\$125.00
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
Title 5 - Dept. of Corrections - Complete Title	205 00 001	\$70.00
Division of Prisons	205 15 021	\$35.00
Title 6 - Council of State - Complete Title	206 00 001	\$30.00
Title 7 - Dept. of Cultural Resources - Complete Title	207 00 001	\$60.00
Title 8 - State Board of Elections - Complete Title	208 00 001	\$30.00
Title 9 - Offices of the Governor & Lt. Governor - Complete Title	209 00 001	\$45.00
Title 10 - Dept. of Human Resources - Complete Title	210 00 001	\$470.00
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
Employment Opportunities	210 20 451	\$45.00
Title 11 - Dept. of Insurance - Complete Title	211 00 001	\$90.00
Insurance	211 10 011	\$80.00
Consumer Services	211 10 041	\$30.00
Fire & Rescue Services	211 10 051	\$25.00
Agent Services	211 10 061	\$35.00
Engineering & Building Codes	211 10 081	\$30.00
Title 12 - Dept. of Justice - Complete Title	212 00 001	\$90.00
Private Protective Services	212 10 071	\$30.00
Police & Sheriff's Education & Training Standards	212 10 091	\$40.00
NC Alarm Systems Licensing Board	212 10 111	\$30.00
Title 13 - Dept. of Labor - Complete Title	213 00 001	\$110.00
Mine & Quarry Safety	213 15 061	\$25.00
General Safety/OSHA	213 20 001	\$70.00
Wage & Hour Rules	213 15 121	\$25.00
Boiler & Pressure Vessel Safety	213 15 131	\$25.00
Apprenticeship & Training	213 15 141	\$25.00
Elevator & Amusement Device Safety	213 15 151	\$25.00
Title 14A - Dept. of Crime Control & Public Safety - Complete Title	214 00 001	\$45.00
Alcohol Law Enforcement	214 00 081	\$25.00
Victims Compensation Fund	214 00 111	\$25.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Complete Title	215 00 001	\$395.00
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Underground Storage Tanks	215 15 321	\$30.00
Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breathalyzer	215 25 311	\$25.00
Title 16 - Dept. of Public Instruction - Complete Title	216 00 001	\$60.00
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