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NORTH CAROLINA REGISTER

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VOLUME 14 • ISSUE 3 • Pages 123 - 262

August 2, 1999

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- Acupuncture
- Agriculture
- Commerce
- Environment and Natural Resources
- Governor, Office of the
- Health and Human Services
- Medical Board
- Transportation
- 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

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

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

Office of Administrative Hearings
Rules Division
Capehart-Crocker House (919) 733-2678
424 North Blount Street (919) 733-3462 FAX
Raleigh, North Carolina 27601-2817
contact: Molly Masich, Director APA Services mmasich@oah.state.nc.us
Ruby Creech, Publications Coordinator rcreech@oah.state.nc.us

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street (919) 733-7061
Raleigh, North Carolina 27603-8005 (919) 733-0640 FAX
contact: Warren Plonk, Economist III wplonk@osbm.state.nc.us

Rule Review and Legal Issues

Rules Review Commission
1307 Glenwood Ave., Suite 159 (919) 733-2721
Raleigh, North Carolina 27605 (919) 733-9415 FAX
contact: Joe DeLuca Jr., Staff Director Counsel
Bobby Bryan, Staff Attorney

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street (919) 733-2578
Raleigh, North Carolina 27611 (919) 715-5460 FAX
contact: Mary Shuping, Staff Liaison marys@ms.ncga.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street (919) 715-2893
Raleigh, North Carolina 27603
contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities
215 North Dawson Street (919) 715-4000
Raleigh, North Carolina 27603
contact: Paula Thomas



**Volume 14, Issue 3
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August 2, 1999

This issue contains documents officially filed through July 12, 1999.

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
Camille Winston, Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Jean Shirley, Editorial Assistant
Linda Dupree, Editorial Assistant
Jessica Flowers, Editorial Assistant

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NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Marital and Family Therapy	31
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Note: Title 21 contains the chapters of the various occupational licensing boards.

NORTH CAROLINA REGISTER

*Publication Schedule
(April 1999 - January 2000)*

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						TEMPORARY RULE
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 th day from issue date
					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	
13:19	04/01/99	03/11/99	06/01/99	04/16/99	05/03/99	05/20/99	05/09/00	05/31/99	06/21/99	05/09/00	12/27/99
13:20	04/15/99	03/24/99	06/15/99	04/30/99	05/17/99	05/20/99	05/09/00	06/14/99	06/21/99	05/09/00	01/10/00
13:21	05/03/99	04/12/99	07/15/99	05/18/99	06/02/99	06/21/99	05/09/00	07/02/99	07/20/99	05/09/00	01/28/00
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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> <ol 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>COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>	<p>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 (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> <p>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

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

U.S. Department of Justice

Civil Rights Division

EJ:DEBR:TGL:cly
DJ 166-012-3
99-1086

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

June 21, 1999

Michael Crowell, Esq.
Tharrington Smith
P.O. Box 1151
Raleigh, NC 27602-1151

Dear Mr. Crowell:

This refers to Session Law 1999-12, which provides for a special election to fill a vacancy in District 4 and future vacancy procedures for the Board of Education of 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 April 20, 1999; supplemental information was received on April 28, 1999.

The Attorney General does not interpose any objection of 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).

When the special election for District 4 is called, the schedule and all other voting changes will be subject to Section 5 review.

Sincerely,

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

EJ:DHH:KIF:cly
DJ 166-012-3
99-1090

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

July 18, 1999

Linda Miles, Esq.
City Attorney
P.O. Box 3136
Greensboro, NC 27402-3136

Dear Ms. Miles:

This refers to the annexation (Ordinance No. 99-36) and its designation to District 2 of the City of Greensboro n Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission of April 20, 1999; supplemental information was received on April 26, 1999.

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. 52. 41).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

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

TITLE 4 - DEPARTMENT OF COMMERCE

CHAPTER 15 - COMMISSION OF NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR

Notice of Rule-making Proceedings is hereby given by the Cape Fear Navigation and Pilotage Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 4 NCAC 15 .0019, .0020, .0021. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 76A

Statement of the Subject Matter: Rule .0019(a) adds a formula to determine the number of pilots licensed based upon the number of vessels calling the port add wording to better define the term "extreme emergency." Rule .0020 to limit the effective term of a "limited" and to license to one year to clarify G.S. 76A-6(2). Rule .0021 to add wording that will assure an apprentice who has completed his training when no vacancy in the number of licensed pilots exists that he will fill the next vacancy.

Reason for Proposed Action: The Commission is agreeing with and responding to persons affected by present Code provisions.

Comment Procedures: Written comments should be mailed to Mr. Louis K. Newton, Chairman, Cape Fear River Navigation & Pilotage Commission, PO Box 1807, Wilmington, NC 28402.

in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B. 0241. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-211; 143-214.1; 143-214.7; 143-215.1; 143-215.3(a)(1); 143-215.6A; 143-2156B; 143-2156C; 143-282(d)

Statement of the Subject Matter: This rule is needed to establish the riparian buffer delegation program. The program is referenced in the Neuse Buffer Rule (15A NCAC 2B .0233), which states that local governments have the option of requesting and receiving delegation from the Environmental Management Commission to implement riparian buffer protection within their own jurisdiction.

Reason for Proposed Action: House Bill 1402 established the Stakeholder Advisory Committee for the Neuse Buffer Rule. The Committee consisted of 23 members representing specific organization with interests ranging from environmental protection, local government, development, industry and federal and state regulatory agencies. The Committee's role was to recommend modifications to the Neuse Buffer Rule (NBR) as adopted in 15A NCAC 2B .0233 by the Environmental Management Commission. The intent of this process is to protect and enhance the water quality of the Neuse River while not imposing an undue burden on the regulated public.

House Bill 1402 established how the rule was to be implemented on a temporary basis, created a stakeholder committee, established a requirement to allow for alternatives to maintaining the buffer through a compensatory mitigation program, established a Riparian Buffer Mitigation Fund and program, and established requirement for the Environmental Management Commission (EMC) to adopt rules to provide for delegation of the program to interested local governments

Comment Procedures: The purpose of this announcement is to encourage those interested in this rulemaking to provide written comments. Written comments may be submitted to Lin Xu, DENR, Division of Water Quality, Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617. Question may be submitted to Lin Xu at (919) 733-5083 ext. 357, or lin_xu@h2o.enr.state.nc.us.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

Notice of Rule-making Proceedings is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish

SUBCHAPTER 24A -PAYMENT PROGRAMS

CHAPTER 21 - HEALTH: PERSONAL HEALTH

SUBCHAPTER 21F - CHILDREN'S SPECIAL HEALTH SERVICES: CHILDREN AND YOUTH SECTION

Notice of Rule-making Proceedings is hereby given by the Commission for Health Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 21F .1201 - .1204 and 15A NCAC 21H .0314. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 130A-125

Statement of the Subject Matter: Rules 15A NCAC 21F .1201 -.1204 address (1) the program responsible for the hearing component of this State's Newborn Screening Program, (2) definition of terms used in these rules, and (3) the screening and reporting requirements regarding neonatal physiologic hearing screenings. Amendment of Rule 15A NCAC 21H .0314 will cross reference the genetic and hearing components of the Newborn Screening Program.

Reason for Proposed Action: Approximately 80% of this State's birthing hospitals now have one of three types of equipment for performing newborn physiologic hearing screenings. Varied testing protocols are being employed across this State which result in varied outcomes regarding pass/fail interpretations. This agency has oversight responsibility for the screening of newborns. The North Carolina General Assembly (S.L. 1998, c. 131, s. 13) directed the Commission for Health Services to adopt temporary and permanent rules to include newborn hearing screening in the Newborn Screening Program established under G.S. 130A-125. The Commission for Health Services will adopt as temporary rules on 8-18-99 with 10-1-99 effective date.

Comment Procedures: Written comments may be submitted to Mary Ann Stone, Children's Special Health Services, PO Box 29597, Raleigh, NC 27626-0597. Copies of the proposed rules may be obtained by contacting Mary Ann Stone at 919-715-3904.

CHAPTER 24 - GENERAL PROCEDURES FOR PUBLIC HEALTH PROGRAMS

Notice of Rule-making Proceedings is hereby given by the Commission for Health Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 24A .0402, .0403. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 130A

Statement of the Subject Matter: Rule .0402 - Establishes the Department's reimbursement rates for inpatient hospitalization.

Rule .0403 - Establishes the Department's reimbursement rates for professional, outpatient and other services.

Reason for Proposed Action: These amendments would place limits on the amount that could be paid on any single claim for authorized services under the Cancer Program. These limits are defined as percentages of the program's budget. This will protect the program's budget from new, unusual, and high cost services, which could force the program to close suddenly, denying basic services to many citizens. Recent budget shortfalls, and discussions with an Appropriations subcommittee (to obtain approval for the transfer of funds into the program) have heightened the need for this fiscal limitation. The Commission for Health Services will adopt as temporary rules on 8-18-99 with effective date of August 23, 1999.

Comment Procedures: Comments may be submitted in writing to Richard F. Moore, DHHS Controller's Office, Purchase of Medical Care Services Unit, PO Box 29602, Raleigh, NC 27626-0602.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2E - MISCELLANEOUS OPERATIONS

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

Citation to Existing Rules Affected by this Rule-Making:

19A NCAC 02E .0201 - .0203; 19A NCAC 02E .0206 - .0215; 19A NCAC 02E .0224 - .0225. 19A NCAC 02E .0602 - .0604. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 105-86; 136-18; 136-89; 136-129; 136-130; 136-133; 136-134; 136-138; 143B-350(f); 150B-21.6

Statement of the Subject Matter: Rules state conditions for effective control of outdoor advertising adjacent to the interstate and federal-aid primary highway rights of way.

Reason for Proposed Action: Rules are proposed for amendment and adoption to clarify ambiguities in the current Outdoor Advertising rules. The changes will simplify the permitting processes and administration of the program. The proposed changes will improve the overall effectiveness of the Outdoor Advertising Program.

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

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 32 - BOARD OF MEDICAL EXAMINERS

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

Citation to Existing Rules Affected by this Rule-Making: 21 NCAC 32R .0101 - .0104. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 90-14(15)

Statement of the Subject Matter: Revised requirements for continuing medical education for physicians who are licensed in North Carolina.

Reason for Proposed Action: Rules were approved by the Agency, OAH and Rules Review but were not approved by the 1999 Legislature. Revised rules have now been developed by the Agency.

Comment Procedures: Comments may be made at public hearing which will be scheduled or may be made in writing and addressed to the NC Medical Board, Rule-making Coordinator, PO Box 20007, 1203 Front Street, Raleigh, NC 27609.

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 2 - DEPARTMENT OF AGRICULTURE

SECTION .0200 - ADMISSION OF LIVESTOCK TO NORTH CAROLINA

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Agriculture intends to amend rules cited as 2 NCAC 52B .0207, .0302; 52E .0209. Notice of Rule-making Proceedings was published in the Register on June 1, 1999.

Proposed Effective Date: July 1, 2000

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than August 17, 1999, to David S. McLeod, Secretary, NC Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

Reason for Proposed Action:

2 NCAC 52B .0207 - North Carolina has made extraordinary progress in reducing the number of herds quarantined because of pseudorabies virus (PRV) from approximately 600 in 1997 to only 26 at present. The changes will ensure that imported swine are from negative herds. Swine originating from Stage II, II/III, and III areas have a higher degree of risk than swine from Stages IV and V; therefore, additional precautions must be taken. The proposed rule changes were adopted as temporary rules by the Board of Agriculture on April 8, 1999, effective April 30, 1999.

2 NCAC 52B .0302; 52E .0209 - The State Veterinarian has determined that it is unnecessary to test cattle for brucellosis prior to sale or prior to removal from a public livestock market if the cattle originated from a brucellosis-free state. This will facilitate movement of cattle and avoid the expense of unnecessary testing.

Comment Procedures: Written comments may be submitted no later than September 1, 1999, to David S. McLeod, Secretary, NC Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

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

CHAPTER 52 - VETERINARY DIVISION

SUBCHAPTER 52B - ANIMAL DISEASE

.0207 IMPORTATION REQUIREMENTS: SWINE

(a) All swine imported into the state, except by special permit or for immediate slaughter, shall be accompanied by an official health certificate issued by a state, federal, or accredited veterinarian stating that they are free from any signs of an infectious or communicable disease and are not known to have been exposed to same. The health certificate shall contain the ear tag number of each animal or other identification acceptable to the State Veterinarian. Swine imported for feeding or breeding purposes shall be moved in clean and disinfected trucks or other conveyances.

(b) Breeding swine and all other swine being shipped to a breeding swine premise shall originate from a "Validated Brucellosis-Free" herd or a "Validated Brucellosis-Free" State and shall originate from a "Qualified Pseudorabies-Negative" herd, Qualified-Negative Gene-Altered Vaccinated Herd (QNV) or Pseudorabies Stage IV or V (Free) State. Breeding swine and all other swine being shipped to a breeding swine premise originating from Stage II, II/III or III areas or states must also be isolated and test negative to a statistical 95/5 sample test using an approved pseudorabies serological test between 30 and 60 days after arrival and before being added to the herd.

(c) All feeder swine imported into the state shall be accompanied by an official health certificate issued by a state, federal or accredited veterinarian stating or showing that:

- (1) ~~No pseudorabies vaccine has been used in the herd of origin, unless the herd is a pseudorabies monitored vaccinated herd; and~~ A permit for entry was obtained within 30 days prior to entry for feeder pigs that originate from a Stage II, II/III, III state or area and that they shall be quarantined until slaughtered; or
- (2) ~~The swine were tested and found negative for pseudorabies within 30 days prior to importation; or~~
- (3) ~~(2) The swine originated from a pseudorabies-free area as determined by the State Veterinarian; or~~
- (4) ~~(3) The swine originated from a Qualified Pseudorabies Negative Herd; or~~
- (5) ~~(4) The swine originated from a monitored feeder pig herd; herd; or~~
- (5) Swine from Stage II, II/III, III areas or states originated from a Qualified Negative herd or a pseudorabies monitored herd or tested negative on a statistical (95/10) test within 30 days prior to shipment.

(d) Healthy swine for feeding purposes may move directly

from a farm of origin in a contiguous state on which they have been located for not less than 30 days to a livestock market or stockyard in North Carolina that has been state-federal approved for handling feeder swine, without the health certificate required herein, provided such swine are accompanied by proof of the pseudorabies status of the herd of origin acceptable to the State Veterinarian. Such swine shall be inspected by a state or federal inspector or approved accredited veterinarian prior to sale at the market.

(e) Healthy swine may be shipped into the state for immediate slaughter without a health certificate provided they go directly to a slaughtering establishment approved by the State Veterinarian, or to a state-federal approved livestock market or stockyard for sale to an approved slaughtering establishment for immediate slaughter only.

(f) Sporting swine:

(1) For purposes of this Rule:

(A) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes;

(B) "Feral swine" means any swine that have lived any part of its life free roaming.

(2) No person shall import sporting swine into North Carolina unless:

(A) The swine have not been fed garbage within their lifetime; and the herd of origin is validated brucellosis free and qualified pseudorabies negative; and

(B) The swine have not been members of a herd of swine known to be infected with brucellosis or pseudorabies within the previous 12 months; and

(C) The individual animals six months of age or over have a negative brucellosis and pseudorabies test within 30 days of movement; and

(D) The swine have not been a part of a feral swine population or been exposed to swine captured from a feral swine population within the previous 12 months; and

(E) The swine are accompanied by an official health certificate or certificate of veterinary inspection identifying each animal by ear tag, breed, age, sex, the state of origin, and certifying that the swine meet the import requirements of North Carolina.

Note: Violation of this Rule is a misdemeanor under G.S. 106-307.6, which provides for a five hundred dollar (\$500.00) fine, six months' imprisonment, or both.

Authority G.S. 106-307.5; 106-316.1; 106-317; 106-318.

SECTION .0300 - BRUCELLOSIS REGULATIONS

.0302 BRUCELLOSIS REQUIREMENTS FOR SALE OF CATTLE AND SWINE

(a) All cattle offered for public sale must test negative for brucellosis within 30 days preceding the date of sale except those cattle listed as follows:

(1) cattle sold for immediate slaughter;

(2) native heifers and bulls less than 18 months of age;

(3) steers and spayed heifers;

(4) officially brucellosis vaccinated heifers of the dairy breeds under 20 months of age (provided that all officially brucellosis vaccinated heifers of any breed that are parturient or post parturient must be tested and negative for brucellosis);

(5) officially brucellosis vaccinated heifers of the beef breeds under 24 months of age (provided that all officially brucellosis vaccinated heifers of any breed that are parturient or post parturient must be tested and negative for brucellosis);

(6) cattle originating directly from a certified brucellosis-free herd; herd or state; or

(7) heifers under 12 months of age purchased for feeding purposes; at the discretion of the State Veterinarian, buyers of feeder heifers under 12 months of age may be required, before they remove such cattle from place of purchase, to sign a statement of intent to feed those cattle not tested for brucellosis in isolation from breeding animals. Willful failure of a buyer of such cattle to sign a statement of intent when requested by the State Veterinarian or his authorized representative or willful failure to comply with such a signed statement of intent is a violation of this Section.

(b) All swine sold or offered for sale for breeding purposes must originate directly from a validated brucellosis-free herd unless they originate from a state classified as swine-brucellosis free.

(c) Sporting swine:

(1) For the purpose of this Rule:

(A) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes;

(B) "Feral swine" means any swine that have lived any part of its life free roaming.

(2) All sporting swine sold or offered for sale must originate directly from a validated brucellosis-free herd.

Authority G.S. 106-389; 106-396.

SUBCHAPTER 52E - MARKETING OF LIVESTOCK

SECTION .0200 - PUBLIC LIVESTOCK MARKET REGULATIONS

**.0209 CERTIFICATES: CATTLE AND SWINE
REMOVED FOR NON-SLAUGHTER**

(a) No cattle except those for immediate slaughter shall be removed from a public livestock market unless they are accompanied by a certificate issued by an approved veterinarian or an employee of the veterinary division of the North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that such animals are apparently healthy and come directly from a certified brucellosis-free herd or state or that eligible cattle listed have passed an approved test for brucellosis within 30 days prior to sale. (Steers, spayed heifers, and native cattle under 18 months of age are exempt from this requirement.) Every animal shall be identified by an approved numbered ear tag or tattoo or by other means approved by the State Veterinarian. No brucellosis test will be required on official brucellosis vaccinates less than 20 months of age of the dairy breeds and less than 24 months of age of the beef breeds, provided that all parturient or post parturient cattle regardless of age shall be tested for brucellosis. Official calthood vaccinates must be identified by ear tag, tattoo and/or official vaccination certificate. At the discretion of the Commissioner of Agriculture, the required test age for cattle may be raised to two years.

(b) Swine. No swine except those for immediate slaughter shall be removed from any public livestock market unless they are accompanied by a certificate issued by an approved veterinarian or employee of the veterinary division, North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that swine covered by the certificate are apparently healthy and come directly from a validated brucellosis-free herd. Each animal shall be identified with an official ear tag, tattoo or other methods approved by the State Veterinarian.

(c) Record Kept. A copy of all health certificates issued on cattle and swine sold in a public livestock market shall be kept on file as a part of the livestock market records for at least one year.

(d) Exemptions. The Commissioner of Agriculture exempts from the requirement for official health certificates all breed sponsored sales, quality feeder pig sales where animals are not sold for movement to other states, and those sponsored wholly or in part by an agency of state government.

Authority G.S. 106-416.

**TITLE 10 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Division of Facility Services intends to adopt rules cited as 10 NCAC 3R .6201 - .6241. Notice of Rule-making Proceedings was published in the Register on January

15, 1999.

Proposed Effective Date: August 1, 2000

A Public Hearing will be conducted at 10:00 a.m. on October 4, 1999 at the Council Building, Room 201, 701 Barbour Drive, Raleigh, NC.

Reason for Proposed Action: To adopt permanent rules to replace the temporary version of the rules for the 1999 State Medical Facilities Plan.

Comment Procedures: Anyone wishing to comment on these proposed rules should contact Jackie Sheppard, APA Coordinator, Division of Facility Services, 701 Barbour Drive, Raleigh, NC 27603, (919) 733-2342. Comments must be received no later than October 4, 1999.

Fiscal Note: Rules 10 NCAC 3R .6208 - .6212, .6220 - .6222, .6224, .6226, .6228 - .6229, .6233 - .6234 affect the expenditure or distribution of local government and State funds subject to the Executive Budget Act, Article 1 of Chapter 143. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

Fiscal Note: Rules 10 NCAC 3R .6201 - .6207, .6213 - .6219, .6223, .6225, .6227, .6230 - .6232, .6235 - .6241 do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 3 - FACILITY SERVICES

**SUBCHAPTER 3R - CERTIFICATE OF NEED
REGULATIONS**

**SECTION .6200 - PLANNING POLICIES AND NEED
DETERMINATIONS FOR 1999**

**.6201 APPLICABILITY OF RULES RELATED TO
THE 1999 STATE MEDICAL FACILITIES
PLAN**

Rules .6201 through .6205 and .6207 through .6241 of this Section apply to certificate of need applications for which the scheduled review period begins during calendar year 1999. In addition, Rule .6206 of this Section will be used to implement procedures described within it during calendar year 1999.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

**.6202 CERTIFICATE OF NEED REVIEW
CATEGORIES**

The agency has established ten categories of facilities and services for certificate of need review and will determine the appropriate review category or categories for all applications

submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency will determine in which category the application will be reviewed. The review of an application for a certificate of need will commence in the next review schedule after the application has been determined to be complete. The 10 categories of facilities and services are:

- (1) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Category J, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for nursing care beds; new continuing care facilities applying for exemption under 10 NCAC 3R .6234; and relocations of nursing care beds under 10 NCAC 3R .6236.
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (4) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospices, new hospice

- inpatient facility beds, and new hospice residential care facility beds.
- (7) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .6233.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .6222; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .6230(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H and Category J.
- (10) Category J. Proposals for demonstration projects, cardiac angioplasty equipment, and cardiac catheterization equipment.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6203 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following review schedules for certificate of need applications.

- (1) Inpatient Rehabilitation Beds (in accordance with the need determination in 10 NCAC 3R .6208)

<u>Health Service Area (HSA)</u>	<u>CON Beginning Review Date</u>
<u>I</u>	<u>August 1, 1999</u>
<u>II</u>	<u>August 1, 1999</u>
<u>V</u>	<u>September 1, 1999</u>
<u>VI</u>	<u>September 1, 1999</u>

- (2) Ambulatory Surgical Facilities (in accordance with the need determination in 10 NCAC 3R .6209)

<u>Ambulatory Surgery Service Area</u>	<u>CON Beginning Review Date</u>
9 (Brunswick, Columbus, Duplin, New Hanover, Pender)	September 1, 1999

(3) Open Heart Surgery Services (in accordance with the need determination in 10 NCAC 3R .6210)

<u>Hospital</u>	<u>CON Beginning Review Date</u>
Hospitals without open heart surgery services which acquired heart-lung bypass machines before March 18, 1993	April 1, 1999

(4) Heart-Lung Bypass Machines (in accordance with the need determination in 10 NCAC 3R .6211)

<u>Hospital Service System</u>	<u>CON Beginning Review Date</u>
Cumberland County	March 1, 1999

(5) Fixed Cardiac Catheterization Equipment (in accordance with the need determination in 10 NCAC 3R .6212)

<u>Hospital Service System</u>	<u>CON Beginning Review Date</u>
Wake County	May 1, 1999
Mecklenburg County	February 1, 1999
Forsyth County	February 1, 1999
Moore County	July 1, 1999
New Hanover County	July 1, 1999
Pitt County	July 1, 1999
Catawba County	October 1, 1999
Buncombe County	October 1, 1999
Guilford County - Greensboro Area Only	October 1, 1999
Durham County	November 1, 1999
Orange County	November 1, 1999

(6) Radiation Oncology Treatment Centers (in accordance with the need determination in 10 NCAC 3R .6220)

<u>Radiation Oncology Treatment Center Service Area</u>	<u>CON Beginning Review Date</u>
6 (Cleveland, Gaston, Lincoln, Rutherford)	April 1, 1999
7 (Anson, Mecklenburg, Union)	October 1, 1999

(7) Magnetic Resonance Imaging Scanners (in accordance with the need determination in 10 NCAC 3R .6221)

<u>Magnetic Resonance Imaging Scanners Service Area</u>	<u>CON Beginning Review Date</u>
<u>5 (Alexander, Burke, Caldwell, Catawba, Lincoln)</u>	<u>October 1, 1999</u>
<u>7 (Henderson, Polk, Transylvania)</u>	<u>April 1, 1999</u>
<u>15 (Davidson, Guildford, Randolph, Rockingham)</u>	<u>October 1, 1999</u>
<u>18 (Cumberland, Hoke, Moore, Robeson, Sampson)</u>	<u>September 1, 1999</u>
<u>23 (Beaufort, Bertie, Hyde, Greene, Martin, Pitt, Washington)</u>	<u>March 1, 1999</u>
<u>24 (Edgecombe, Halifax, Nash, Northampton)</u>	<u>September 1, 1999</u>

(8) Nursing Care Beds (in accordance with the need determination in 10 NCAC 3R .6222)

<u>County</u>	<u>CON Beginning Review Date</u>
<u>Ashe</u>	<u>April 1, 1999</u>
<u>Catawba</u>	<u>April 1, 1999</u>
<u>Henderson</u>	<u>October 1, 1999</u>
<u>McDowell</u>	<u>December 1, 1999</u>
<u>Caswell</u>	<u>June 1, 1999</u>
<u>Davie</u>	<u>August 1, 1999</u>
<u>Guilford</u>	<u>June 1, 1999</u>
<u>Randolph</u>	<u>December 1, 1999</u>
<u>Mecklenburg</u>	<u>August 1, 1999</u>
<u>Person</u>	<u>March 1, 1999</u>
<u>Wake</u>	<u>September 1, 1999</u>
<u>Columbus</u>	<u>September 1, 1999</u>
<u>Pender</u>	<u>March 1, 1999</u>
<u>Sampson</u>	<u>March 1, 1999</u>
<u>Carteret</u>	<u>September 1, 1999</u>
<u>Perquimans</u>	<u>March 1, 1999</u>

(9) Chemical Dependency (Substance Abuse) Beds (in accordance with the need determination in 10 NCAC 3R .6228)

(a) Adult Treatment Beds

<u>Mental Health Planning Region</u>	<u>CON Beginning Review Date</u>
<u>Eastern Region</u>	<u>December 1, 1999</u>

(b) Adult Detox-Only Beds

<u>Mental Health Planning Areas</u>	<u>CON Beginning Review Date</u>
1 (<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>)	<u>May 1, 1999</u>
4 (<u>Henderson, Transylvania</u>)	<u>May 1, 1999</u>
5 (<u>Alexander, Burke, Caldwell, McDowell</u>)	<u>May 1, 1999</u>
6 (<u>Rutherford, Polk</u>)	<u>May 1, 1999</u>
11 (<u>Rowan, Stanly, Cabarrus, Union</u>)	<u>May 1, 1999</u>
14 (<u>Rockingham</u>)	<u>May 1, 1999</u>
16 (<u>Alamance, Caswell</u>)	<u>May 1, 1999</u>
17 (<u>Orange, Person, Chatham</u>)	<u>May 1, 1999</u>
19 (<u>Vance, Granville, Franklin, Warren</u>)	<u>May 1, 1999</u>
20 (<u>Davidson</u>)	<u>May 1, 1999</u>
22 (<u>Bladen, Columbus, Robeson, Scotland</u>)	<u>May 1, 1999</u>
25 (<u>Johnston</u>)	<u>May 1, 1999</u>
26 (<u>Wake</u>)	<u>May 1, 1999</u>
30 (<u>Wayne</u>)	<u>May 1, 1999</u>
31 (<u>Wilson, Greene</u>)	<u>May 1, 1999</u>
32 (<u>Edgecombe, Nash</u>)	<u>May 1, 1999</u>
33 (<u>Halifax</u>)	<u>May 1, 1999</u>
34 (<u>Carteret, Craven, Jones, Pamlico</u>)	<u>May 1, 1999</u>
35 (<u>Lenoir</u>)	<u>May 1, 1999</u>
37 (<u>Bertie, Gates, Hertford, Northampton</u>)	<u>May 1, 1999</u>
38 (<u>Beaufort, Hyde, Martin, Tyrrell, Washington</u>)	<u>May 1, 1999</u>
39 (<u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u>)	<u>May 1, 1999</u>
40 (<u>Duplin, Sampson</u>)	<u>May 1, 1999</u>

(10) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .6229)

<u>Mental Health Planning Area</u>	<u>CON Beginning Review Date</u>
8 (<u>Gaston, Lincoln</u>)	<u>May 1, 1999</u>
29 (<u>Onslow</u>)	<u>May 1, 1999</u>

(11) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (9) of this Rule.

PROPOSED RULES

<u>CON Beginning Review Date</u>	<u>HSA I, II, III</u>	<u>HSA IV, V, VI</u>
<u>January 1</u>	=	=
<u>February 1</u>	<u>A, E, G, I, J</u>	<u>G</u>
<u>March 1</u>	=	<u>A, B, E, H, I</u>
<u>April 1</u>	<u>B, E, H, I</u>	=
<u>May 1</u>	<u>C</u>	<u>C, E, I, J</u>
<u>June 1</u>	<u>A, B, D, I</u>	<u>D</u>
<u>July 1</u>	=	<u>A, I, J</u>
<u>August 1</u>	<u>B, E, I</u>	=
<u>September 1</u>	=	<u>B, E, H, I</u>
<u>October 1</u>	<u>A, B, E, H, I, J</u>	<u>H (Oncology Center / Linear Accelerator Only)</u>
<u>November 1</u>	=	<u>A, E, I, J</u>
<u>December 1</u>	<u>B, C, D, I</u>	<u>C, D, I</u>

Authority *G.S. 131E-176(25); 131E-177(1); 131E-183(b).*

.6204 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The agency has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

HEALTH SERVICE AREAS (HSA)

<u>I</u> County	<u>II</u> County	<u>III</u> County	<u>IV</u> County	<u>V</u> County	<u>VI</u> County
<u>Alexander</u>	<u>Alamance</u>	<u>Cabarrus</u>	<u>Chatham</u>	<u>Anson</u>	<u>Beaufort</u>
<u>Alleghany</u>	<u>Caswell</u>	<u>Gaston</u>	<u>Durham</u>	<u>Bladen</u>	<u>Bertie</u>
<u>Ashe</u>	<u>Davidson</u>	<u>Iredell</u>	<u>Franklin</u>	<u>Brunswick</u>	<u>Camden</u>
<u>Avery</u>	<u>Davie</u>	<u>Lincoln</u>	<u>Granville</u>	<u>Columbus</u>	<u>Carteret</u>
<u>Buncombe</u>	<u>Forsyth</u>	<u>Mecklenburg</u>	<u>Johnston</u>	<u>Cumberland</u>	<u>Chowan</u>
<u>Burke</u>	<u>Guilford</u>	<u>Rowan</u>	<u>Lee</u>	<u>Harnett</u>	<u>Craven</u>
<u>Caldwell</u>	<u>Randolph</u>	<u>Stanly</u>	<u>Orange</u>	<u>Hoke</u>	<u>Currituck</u>
<u>Catawba</u>	<u>Rockingham</u>	<u>Union</u>	<u>Person</u>	<u>Montgomery</u>	<u>Dare</u>
<u>Cherokee</u>	<u>Stokes</u>		<u>Vance</u>	<u>Moore</u>	<u>Duplin</u>
<u>Clay</u>	<u>Surry</u>		<u>Wake</u>	<u>New Hanover</u>	<u>Edgecombe</u>
<u>Cleveland</u>	<u>Yadkin</u>		<u>Warren</u>	<u>Pender</u>	<u>Gates</u>
<u>Graham</u>				<u>Richmond</u>	<u>Greene</u>
<u>Haywood</u>				<u>Robeson</u>	<u>Halifax</u>
<u>Henderson</u>				<u>Sampson</u>	<u>Hertford</u>
<u>Jackson</u>				<u>Scotland</u>	<u>Hyde</u>
<u>McDowell</u>					<u>Jones</u>
<u>Macon</u>					<u>Lenoir</u>
<u>Madison</u>					<u>Martin</u>
<u>Mitchell</u>					<u>Nash</u>
<u>Polk</u>					<u>Northampton</u>
<u>Rutherford</u>					<u>Onslow</u>
<u>Swain</u>					<u>Pamlico</u>
<u>Transylvania</u>					<u>Pasquotank</u>
<u>Watauga</u>					<u>Perquimans</u>
<u>Wilkes</u>					<u>Pitt</u>
<u>Yancey</u>					<u>Tyrrell</u>
					<u>Washington</u>
					<u>Wayne</u>
					<u>Wilson</u>

(b) Mental Health Planning Areas. The agency has assigned the counties of the state to the following Mental Health Planning Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Henderson, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Cabarrus, Rowan, Stanly, Union</u>
<u>12</u>	<u>Surry, Yadkin, Iredell</u>

- | | |
|-----------|--|
| <u>13</u> | <u>Forsyth, Stokes, Davie</u> |
| <u>14</u> | <u>Rockingham</u> |
| <u>15</u> | <u>Guilford</u> |
| <u>16</u> | <u>Alamance, Caswell</u> |
| <u>17</u> | <u>Orange, Person, Chatham</u> |
| <u>18</u> | <u>Durham</u> |
| <u>19</u> | <u>Vance, Granville, Franklin, Warren</u> |
| <u>20</u> | <u>Davidson</u> |
| <u>21</u> | <u>Anson, Hoke, Montgomery, Moore, Richmond</u> |
| <u>22</u> | <u>Bladen, Columbus, Robeson, Scotland</u> |
| <u>23</u> | <u>Cumberland</u> |
| <u>24</u> | <u>Lee, Harnett</u> |
| <u>25</u> | <u>Johnston</u> |
| <u>26</u> | <u>Wake</u> |
| <u>27</u> | <u>Randolph</u> |
| <u>28</u> | <u>Brunswick, New Hanover, Pender</u> |
| <u>29</u> | <u>Onslow</u> |
| <u>30</u> | <u>Wayne</u> |
| <u>31</u> | <u>Wilson, Greene</u> |
| <u>32</u> | <u>Edgecombe, Nash</u> |
| <u>33</u> | <u>Halifax</u> |
| <u>34</u> | <u>Carteret, Craven, Jones, Pamlico</u> |
| <u>35</u> | <u>Lenoir</u> |
| <u>36</u> | <u>Pitt</u> |
| <u>37</u> | <u>Bertie, Gates, Hertford, Northampton</u> |
| <u>38</u> | <u>Beaufort, Hyde, Martin, Tyrrell, Washington</u> |
| <u>39</u> | <u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u> |
| <u>40</u> | <u>Duplin, Sampson</u> |

(c) Mental Health Planning Regions. The agency has assigned the counties of the state to the following Mental Health Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)

Western (W)

- | | |
|-----------|---|
| <u>1</u> | <u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u> |
| <u>2</u> | <u>Buncombe, Madison, Mitchell, Yancey</u> |
| <u>3</u> | <u>Alleghany, Ashe, Avery, Watauga, Wilkes</u> |
| <u>4</u> | <u>Henderson, Transylvania</u> |
| <u>5</u> | <u>Alexander, Burke, Caldwell, McDowell</u> |
| <u>6</u> | <u>Rutherford, Polk</u> |
| <u>7</u> | <u>Cleveland</u> |
| <u>8</u> | <u>Gaston, Lincoln</u> |
| <u>9</u> | <u>Catawba</u> |
| <u>10</u> | <u>Mecklenburg</u> |
| <u>11</u> | <u>Cabarrus, Rowan, Stanly, Union</u> |

North Central (NC)

- | | |
|-----------|-------------------------------|
| <u>12</u> | <u>Surry, Yadkin, Iredell</u> |
| <u>13</u> | <u>Forsyth, Stokes, Davie</u> |
| <u>14</u> | <u>Rockingham</u> |
| <u>15</u> | <u>Guilford</u> |
| <u>16</u> | <u>Alamance, Caswell</u> |

17	<u>Orange, Person, Chatham</u>
18	<u>Durham</u>
19	<u>Vance, Granville, Franklin, Warren</u>
<u>South Central (SC)</u>	
20	<u>Davidson</u>
21	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
22	<u>Bladen, Columbus, Robeson, Scotland</u>
23	<u>Cumberland</u>
24	<u>Lee, Harnett</u>
25	<u>Johnston</u>
26	<u>Wake</u>
27	<u>Randolph</u>
<u>Eastern (E)</u>	
28	<u>Brunswick, New Hanover, Pender</u>
29	<u>Onslow</u>
30	<u>Wayne</u>
31	<u>Wilson, Greene</u>
32	<u>Edgecombe, Nash</u>
33	<u>Halifax</u>
34	<u>Carteret, Craven, Jones, Pamlico</u>
35	<u>Lenoir</u>
36	<u>Pitt</u>
37	<u>Bertie, Gates, Hertford, Northampton</u>
38	<u>Beaufort, Hyde, Martin, Tyrrell, Washington</u>
39	<u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u>
40	<u>Duplin, Sampson</u>

(d) Radiation Oncology Treatment Center Planning Areas. The agency has assigned the counties of the state to the following Radiation Oncology Treatment Center Planning Areas for purposes of the State Medical Facilities Plan:

RADIATION ONCOLOGY TREATMENT CENTER PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
1	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
2	<u>Buncombe, Haywood, Madison, McDowell, Mitchell, Yancey</u>
3	<u>Alleghany, Ashe, Avery, Watauga</u>
4	<u>Henderson, Polk, Transylvania</u>
5	<u>Alexander, Burke, Caldwell, Catawba</u>
6	<u>Rutherford, Cleveland, Gaston, Lincoln</u>
7	<u>Mecklenburg, Anson, Union</u>
8	<u>Iredell, Rowan</u>
9	<u>Cabarrus, Stanly</u>
10	<u>Forsyth, Davidson, Davie, Stokes, Surry, Wilkes, Yadkin</u>
11	<u>Guilford, Randolph, Rockingham</u>
12	<u>Alamance, Chatham, Orange</u>
13	<u>Durham, Caswell, Granville, Person, Vance, Warren</u>
14	<u>Moore, Hoke, Lee, Montgomery, Richmond</u>
15	<u>Cumberland, Bladen, Sampson</u>
16	<u>Robeson, Scotland</u>
17	<u>Wake, Franklin, Harnett, Johnston</u>

18	<u>New Hanover, Brunswick, Columbus, Pender</u>
19	<u>Wayne</u>
20	<u>Nash, Halifax, Wilson</u>
21	<u>Craven, Carteret, Onslow, Jones, Pamlico</u>
22	<u>Lenoir, Duplin</u>
23	<u>Pitt, Beaufort, Bertie, Edgecombe, Greene, Hertford, Hyde, Martin, Northampton, Washington</u>
24	<u>Pasquotank, Camden, Chowan, Currituck, Dare, Gates, Perquimans, Tyrrell</u>

(e) Ambulatory Surgical Facility Planning Areas. The agency has assigned the counties of the state to the following Ambulatory Surgical Facility Planning Areas for purposes of the State Medical Facilities Plan:

AMBULATORY SURGICAL FACILITY PLANNING AREAS

<u>Area</u>	<u>Constituent Counties</u>
1	<u>Alamance</u>
2	<u>Alexander, Iredell</u>
3	<u>Alleghany, Surry, Wilkes</u>
4	<u>Anson, Gaston, Mecklenburg, Union</u>
5	<u>Ashe, Avery, Watauga</u>
6	<u>Beaufort, Hyde</u>
7	<u>Bertie, Gates, Hertford</u>
8	<u>Bladen, Cumberland, Robeson, Sampson</u>
9	<u>Brunswick, Columbus, Duplin, New Hanover, Pender</u>
10	<u>Buncombe, Haywood, Madison, Mitchell, Yancey</u>
11	<u>Burke, McDowell, Rutherford</u>
12	<u>Cabarrus, Rowan, Stanly</u>
13	<u>Caldwell, Catawba, Lincoln</u>
14	<u>Camden, Currituck, Dare, Pasquotank, Perquimans</u>
15	<u>Carteret, Craven, Jones, Onslow, Pamlico</u>
16	<u>Caswell, Chatham, Orange</u>
17	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
18	<u>Chowan, Tyrrell, Washington</u>
19	<u>Cleveland</u>
20	<u>Davidson, Davie, Forsyth, Stokes, Yadkin</u>
21	<u>Durham, Granville, Person</u>
22	<u>Edgecombe, Halifax, Nash, Northampton</u>
23	<u>Franklin, Harnett, Johnston, Wake</u>
24	<u>Greene, Lenoir, Martin, Pitt</u>
25	<u>Guilford, Randolph, Rockingham</u>
26	<u>Henderson, Polk, Transylvania</u>
27	<u>Hoke, Lee, Montgomery, Moore, Richmond, Scotland</u>
28	<u>Vance, Warren</u>
29	<u>Wayne</u>
30	<u>Wilson</u>

(f) Magnetic Resonance Imaging (MRI) Planning Areas. The agency has assigned the counties of the state to the following Magnetic Resonance Imaging Planning Areas for purposes of the State Medical Facilities Plan:

MAGNETIC RESONANCE IMAGING PLANNING AREAS

Area Number	Constituent Counties
1	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
2	<u>Haywood</u>
3	<u>Buncombe, Madison, McDowell, Mitchell, Yancey</u>
4	<u>Ashe, Avery, Watauga</u>
5	<u>Alexander, Burke, Caldwell, Catawba, Lincoln</u>
6	<u>Cleveland, Rutherford</u>
7	<u>Henderson, Polk, Transylvania</u>
8	<u>Gaston</u>
9	<u>Cabarrus, Montgomery, Rowan, Stanly</u>
10	<u>Iredell</u>
11	<u>Alleghany, Davie, Forsyth, Stokes, Surry, Wilkes, Yadkin</u>
12	<u>Alamance</u>
13	<u>Durham, Caswell, Granville, Person, Vance, Warren</u>
14	<u>Chatham, Orange</u>
15	<u>Davidson, Guilford, Randolph, Rockingham</u>
16	<u>Richmond, Scotland</u>
17	<u>Anson, Mecklenburg, Union</u>
18	<u>Cumberland, Hoke, Moore, Robeson, Sampson</u>
19	<u>Franklin, Harnett, Johnston, Lee, Wake</u>
20	<u>Lenoir, Wayne, Wilson</u>
21	<u>Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender</u>
22	<u>Carteret, Craven, Jones, Onslow, Pamlico</u>
23	<u>Beaufort, Bertie, Greene, Hyde, Martin, Pitt, Washington</u>
24	<u>Edgecombe, Halifax, Nash, Northampton</u>
25	<u>Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans, Tyrrell</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1).

.6205 SERVICE AREAS AND PLANNING AREAS

(a) An acute care bed's service area is the acute care bed planning area in which the bed is located. The acute care bed planning areas are the hospital service systems which are defined as follows:

- (1) a group of hospitals located in the same city, or within 10 miles of each other, or in the same county if one or more hospitals in the county are under common ownership; or
- (2) a single hospital that is not included in one of the groups of hospitals described in Subparagraph (1) of this Paragraph.

(b) A rehabilitation bed's service area is the rehabilitation bed planning area in which the bed is located. The rehabilitation bed planning areas are the health service areas which are defined in 10 NCAC 3R .6204(a).

(c) An ambulatory surgical facility's service area is the ambulatory surgical facility planning area in which the facility is located. The ambulatory surgical facility planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(e).

(d) A radiation oncology treatment center's and linear accelerator's service area is the radiation oncology treatment center and linear accelerator planning area in which the facility

is located. The radiation oncology treatment center and linear accelerator planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(d).

(e) A magnetic resonance imaging scanner's service area is the magnetic resonance imaging planning area in which the scanner is located. The magnetic resonance imaging planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(f).

(f) A nursing care bed's service area is the nursing care bed planning area in which the bed is located. Each of the 100 counties in the State is a separate nursing care bed planning area.

(g) A home health agency office's service area is the home health agency office planning area in which the office is located. Each of the 100 counties in the State is a separate home health agency office planning area.

(h) A dialysis station's service area is the dialysis station planning area in which the dialysis station is located. Each of the 100 counties in the State is a separate dialysis station planning area.

(i) A hospice's service area is the hospice planning area in which the hospice is located. Each of the 100 counties in the State is a separate hospice planning area.

(j) A hospice inpatient facility bed's service area is the

hospice inpatient facility bed planning area in which the bed is located. Each of the 100 counties in the State is a separate hospice inpatient facility bed planning area.

(k) A psychiatric bed's service area is the psychiatric bed planning area in which the bed is located. The psychiatric bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6204(c).

(l) With the exception of chemical dependency (substance abuse) detoxification-only beds, a chemical dependency treatment bed's service area is the chemical dependency treatment bed planning area in which the bed is located. The chemical dependency (substance abuse) treatment bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6204(c).

(m) A chemical dependency detoxification-only bed's service area is the chemical dependency detoxification-only bed planning area in which the bed is located. The chemical dependency (substance abuse) detoxification-only bed planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6204(b).

(n) An intermediate care bed for the mentally retarded's service area is the intermediate care bed for the mentally retarded planning area in which the bed is located. The intermediate care bed for the mentally retarded planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6204(b).

Authority G.S. 131E-176(25); 131E-177(I); 131E-183(1).

.6206 REALLOCATIONS AND ADJUSTMENTS

(a) REALLOCATIONS.

- (1) Reallocations shall be made only to the extent that need determinations in 10 NCAC 3R .6207 through .6229 indicate that need exists after the inventories are revised and the need determinations are recalculated.
- (2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next annual State Medical Facilities Plan.
- (3) Dialysis stations that are withdrawn, relinquished, not applied for, decertified, denied, appealed, or pending the expiration of the 30 day appeal period shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.
- (4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision has been appealed shall not be reallocated until the appeal is resolved.
 - (A) Appeals Resolved Prior to August 17: If an appeal is resolved in the calendar year prior to August 17, the beds or services shall not be

reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan, except for dialysis stations which shall be processed pursuant to Subparagraph (a)(3) of this Rule.

- (B) Appeals Resolved on or After August 17: If the appeal is resolved on or after August 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for receipt of new applications.
 - (5) Withdrawals and Relinquishments. Except for dialysis stations, a need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:
 - (A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed,
 - (B) the date on which an appeal of the withdrawal is finally resolved against the holder, or
 - (C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.
- Notice of the scheduled review period for the reallocated services or beds shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.
- (6) Need Determinations for which No Applications are Received.
 - (A) Services or Beds with Scheduled Review in the Calendar Year on or Before September 1: The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual State Medical Facilities Plan, except for dialysis stations.
 - (B) Services or Beds with Scheduled Review in the Calendar Year After September 1: Except for dialysis stations, a need determination in this category for which no application has

been received by the last due date for submittal of applications shall be available to be applied for in the second Category I review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of new applications.

(7) Need Determinations not Awarded because Application Disapproved.

(A) Disapproval in the Calendar Year prior to August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section before August 17, shall not be reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan if no appeal is filed, except for dialysis stations.

(B) Disapproval in the Calendar Year on or After August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section on or after August 17, shall be reallocated by the Certificate of Need Section, except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 80 days prior to the due date for submittal of the new applications.

(8) Reallocation of Decertified ICF/MR Beds. If an ICF/MR facility's Medicaid certification is relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Health and Human Services, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.

(A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be

reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.

(B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.

(C) The Department of Health and Human Services, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant to Subparagraph (a)(5) of this Rule.

(b) CHANGES IN NEED DETERMINATIONS.

(1) The need determinations in 10 NCAC 3R .6207 through .6229 shall be revised continuously throughout the calendar year to reflect all changes in the inventories of:

- (A) the health services listed at G.S. 131E-176(16)f;
- (B) health service facilities;
- (C) health service facility beds;
- (D) dialysis stations;
- (E) the equipment listed at G.S. 131E-176(16)f1; and
- (F) mobile medical equipment;

as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .6207 through .6229 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.

(2) Inventories shall be updated to reflect:

- (A) decertification of home health agencies or offices, intermediate care facilities for the mentally retarded, and dialysis stations;
- (B) delicensure of health service facilities and health service facility beds;
- (C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;
- (D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;
- (E) psychiatric beds licensed pursuant to G.S.

131E-184(c);

(F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and

(G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.

(3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .6207 through .6229 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.

(4) Need determinations resulting from changes in inventory shall be available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from the date of the action identified in Paragraph (b) of this Rule, except for dialysis stations which shall be determined by the Medical Facilities Planning Section and published in the next Semiannual Dialysis Report. Notice of the scheduled review

period for the need determination shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6207 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)

It is determined that there is no need for additional acute care beds.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6208 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is a need for twenty-two additional rehabilitation beds in the HSA's as specified in this Rule. It is determined that there is no need for additional rehabilitation beds in any other HSA.

<u>HSA</u>	<u>Rehabilitation Beds Needed</u>
<u>I</u>	<u>1</u>
<u>II</u>	<u>12</u>
<u>V</u>	<u>7</u>
<u>VI</u>	<u>2</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6209 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is a need for one additional Ambulatory Surgical Facility in the Ambulatory Surgical Planning Area listed in this Rule. It is determined that there is no need for additional Ambulatory Surgical Facilities in any other ambulatory surgical facility planning area.

<u>Ambulatory Surgical Facility Planning Area</u>	<u>Ambulatory Surgical Facilities Needed</u>
<u>9 - Brunswick, Columbus, Duplin, New Hanover, and Pender Counties</u>	<u>1</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6210 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)

It is determined that there is a need for additional open heart surgery services from any hospital which acquired a heart-lung bypass machine prior to March 18, 1993 and which, nevertheless, is unable to use such machine in the provision of open heart surgery services because the hospital does not have a certificate of need authorizing it to provide open heart surgery services. It is

further determined that the citizens served by, and residing in the general service areas of such hospitals have a need for such additional open heart surgery services. These needs exist despite the capacity to provide open heart surgery services of any other hospital or hospitals in the State. It is determined that there is no other need for additional open heart surgery services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6211 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need in Cumberland County for one additional heart-lung bypass machine. It is determined that there is no need for an additional heart-lung bypass machine in any other County.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6212 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)

It is determined that there is a need for fourteen additional fixed units of cardiac catheterization or cardiac angioplasty equipment in the counties listed in this Rule. It is determined that there is no need for additional fixed units of cardiac catheterization or cardiac angioplasty equipment in any other county.

<u>County</u>	<u>Fixed Units of Cardiac Catheterization or Cardiac Angioplasty Equipment Needed</u>
<u>Wake</u>	<u>2</u>
<u>Mecklenburg</u>	<u>2</u>
<u>Forsyth</u>	<u>2</u>
<u>Moore</u>	<u>1</u>
<u>New Hanover</u>	<u>1</u>
<u>Pitt</u>	<u>1</u>
<u>Catawba</u>	<u>1</u>
<u>Buncombe</u>	<u>1</u>
<u>Guilford - (Greensboro area only)</u>	<u>1</u>
<u>Durham</u>	<u>1</u>
<u>Orange</u>	<u>1</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6213 MOBILE CARDIAC CATHETERIZATION EQUIPMENT AND MOBILE CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)

It is determined that there is no need for any additional mobile cardiac catheterization equipment or any additional mobile cardiac angioplasty equipment.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6214 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional burn intensive care services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6215 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional positron

emission tomography scanners for purposes other than research.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6216 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6217 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for new solid organ transplant services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6218 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for an additional gamma knife.

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6219 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional lithotripters.

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6220 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need for one additional Radiation Oncology Treatment Center in each of the following Radiation Oncology Treatment Center Service Areas. It is determined that there is no need for an additional Radiation Oncology Treatment Center in any other service area in the State.

<u>Radiation Oncology Treatment Center Service Areas (Constituent Counties)</u>	<u>Radiation Oncology Treatment Center (Linear Accelerator) Need Determination</u>
6 (Cleveland, Gaston, Lincoln & Rutherford)	1
7 (Anson, Mecklenburg & Union)	1

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6221 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need for seven additional fixed Magnetic Resonance Imaging (MRI) scanners in the following MRI Scanners Service Areas. It is determined that there is no need for an additional fixed MRI scanner in any other service area in the State.

<u>MRI Scanners Service Areas (Constituent Counties)</u>	<u>MRI Scanners Need Determination</u>
5 (Alexander, Burke, Caldwell, Catawba & Lincoln)	1
7 (Henderson, Polk & Transylvania)	1
15 (Davidson, Guildford, Randolph & Rockingham)	1
18 (Cumberland, Hoke, Moore, Robeson & Sampson)	2
23 (Beaufort, Bertie, Hyde, Greene, Martin, Pitt & Washington)	1
24 (Edgecombe, Halifax, Nash & Northampton)	1

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6222 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)

It is determined that the counties listed in this Rule need additional Nursing Care Beds as specified. It is determined that there is no need for additional Nursing Care Beds in any other counties.

County	Number of Nursing Care Beds Needed
<u>Ashe</u>	<u>30</u>
<u>Catawba</u>	<u>90</u>
<u>Henderson</u>	<u>90</u>
<u>McDowell</u>	<u>40</u>
<u>Caswell</u>	<u>30</u>
<u>Davie</u>	<u>30</u>
<u>Guilford</u>	<u>90</u>
<u>Randolph</u>	<u>90</u>
<u>Mecklenburg</u>	<u>90</u>
<u>Person</u>	<u>30</u>
<u>Wake</u>	<u>150</u>
<u>Columbus</u>	<u>30</u>
<u>Pender</u>	<u>40</u>
<u>Sampson</u>	<u>40</u>
<u>Carteret</u>	<u>14</u>
<u>Perquimans</u>	<u>20</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6223 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is no need for additional Medicare-certified home health agencies or offices.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6224 DIALYSIS STATION NEED DETERMINATION

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1998 for the March SDR and as of June 30, 1999 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

- (1) County Need
 - (A) The average annual rate (%) of change in

total number of dialysis patients resident in each county from the end of 1994 to the end of 1998 is multiplied by the county's 1998 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 1999 patients.

- (B) The percent of each county's total patients who were home dialysis patients at the end of 1998 is multiplied by the county's projected total 1999 patients, and the product is subtracted from the county's projected total 1999 patients. The remainder is the county's projected 1999 in-center dialysis patients.
- (C) The projected number of each county's 1999 in-center patients is divided by 3.2. The quotient is the projection of the county's 1999 in-center dialysis stations.
- (D) From each county's projected number of 1999 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 1999 projected surplus or deficit.
- (E) If a county's 1999 projected station deficit is ten or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 1999 county

station need determination is the same as the 1999 projected station deficit. If a county's 1999 projected station deficit is less than ten or if the utilization of any dialysis facility in the county is less than 80%, the county's 1999 station need determination is zero.

(2) Facility Need. A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

(A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.

(B) Such need, calculated as follows, is reported in an application for a certificate of need:

(i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR₁) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR₂). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR₁ to determine the projected annual growth rate.

(ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.

(iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 1999.

(iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.

(v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

(C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of ten stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Reports (SDR) and for receipt of certificate of need applications based on each issue of this report in 1999 shall be as follows:

<u>Data for Period Ending</u>	<u>Receipt of SEKC Report</u>	<u>Publication of SDR</u>	<u>Receipt of CON Applications</u>	<u>Beginning Review Dates</u>
<u>Dec. 31, 1998</u>	<u>Feb. 26, 1999</u>	<u>March 19, 1999</u>	<u>May 14, 1999</u>	<u>June 1, 1999</u>
<u>June 30, 1999</u>	<u>Aug. 31, 1999</u>	<u>Sept. 20, 1999</u>	<u>Nov. 15, 1999</u>	<u>Dec. 1, 1999</u>

(d) An application for a certificate of need pursuant to this Rule shall be considered consistent with G.S. 131E-183(a)(1) only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients will not be included in determination of need for new stations.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6225 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is no need for additional Hospices.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6226 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)

(a) Single Counties. Single counties with a projected deficit of six or more beds are determined to have a bed need equal to the projected deficit. It is determined that there is no need for additional single county hospice inpatient facility beds.

(b) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient facility beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient

facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No

county may be included in a grouping of contiguous counties unless it is listed in the following table:

<u>County</u>	<u>Hospice Inpatient Bed Deficit</u>
<u>Mitchell</u>	<u>1</u>
<u>Haywood</u>	<u>1</u>
<u>Jackson</u>	<u>1</u>
<u>Rutherford</u>	<u>2</u>
<u>Watauga</u>	<u>1</u>
<u>McDowell</u>	<u>1</u>
<u>Wilkes</u>	<u>1</u>
<u>Yadkin</u>	<u>1</u>
<u>Yancey</u>	<u>1</u>
<u>Alamance</u>	<u>2</u>
<u>Davidson</u>	<u>2</u>
<u>Randolph</u>	<u>3</u>
<u>Rockingham</u>	<u>2</u>
<u>Surry</u>	<u>2</u>
<u>Cabarrus</u>	<u>2</u>
<u>Gaston</u>	<u>3</u>
<u>Iredell</u>	<u>1</u>
<u>Lincoln</u>	<u>1</u>
<u>Mecklenburg</u>	<u>2</u>
<u>Rowan</u>	<u>1</u>
<u>Stanly</u>	<u>1</u>
<u>Union</u>	<u>2</u>
<u>Anson</u>	<u>1</u>
<u>Durham</u>	<u>3</u>
<u>Johnston</u>	<u>1</u>
<u>Bladen</u>	<u>1</u>
<u>Brunswick</u>	<u>2</u>
<u>Columbus</u>	<u>2</u>
<u>Cumberland</u>	<u>2</u>
<u>Moore</u>	<u>2</u>
<u>Richmond</u>	<u>3</u>
<u>Montgomery</u>	<u>1</u>
<u>Robeson</u>	<u>1</u>
<u>Scotland</u>	<u>1</u>
<u>Bertie</u>	<u>1</u>
<u>Carteret</u>	<u>1</u>
<u>Craven</u>	<u>1</u>
<u>Duplin</u>	<u>1</u>
<u>Edgecombe</u>	<u>1</u>
<u>Hertford</u>	<u>1</u>
<u>Nash</u>	<u>1</u>
<u>Halifax</u>	<u>1</u>
<u>Onslow</u>	<u>1</u>
<u>Pitt</u>	<u>1</u>
<u>Wilson</u>	<u>1</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6227 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)

It is determined that there is no need for additional psychiatric beds.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6228 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)

(a) Adult Treatment Beds. It is determined that there is a

need for 17 additional chemical dependency (substance abuse) treatment beds for adults in the Eastern Mental Health Planning Region. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for adults in any other mental health planning region.

(b) Adult Detox-Only Beds. It is determined that there is a need for additional detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. It is determined that there is no need for additional detox-only beds for adults in any other mental health planning area.

Mental Health Planning Areas (Constituent Counties) Beds Needed	Mental Health	Number of Detox-Only Planning Regions
1 (Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)	W	10
4 (Transylvania, Henderson)	W	10
5 (Caldwell, Burke, Alexander, McDowell)	W	10
6 (Rutherford, Polk)	W	10
11 (Rowan, Cabarrus, Stanly, Union)	W	10
14 (Rockingham)	NC	10
16 (Alamance, Caswell)	NC	6
17 (Orange, Person, Chatham)	NC	2
19 (Vance, Granville, Franklin, Warren)	NC	10
20 (Davidson)	SC	10
22 (Robeson, Bladen, Scotland, Columbus)	SC	5
25 (Johnston)	SC	7
26 (Wake)	SC	26
30 (Wayne)	E	4
31 (Wilson, Greene)	E	10
32 (Edgecombe, Nash)	E	6
33 (Halifax)	E	10
34 (Craven, Jones, Pamlico, Carteret)	E	10
35 (Lenoir)	E	10
37 (Hertford, Bertie, Gates, Northampton)	E	4
38 (Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
39 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10
40 (Duplin, Sampson)	E	10

(c) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are 18 years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.

(d) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:

- (1) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .6204(c); and
- (2) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.

(e) Child/Adolescent Treatment Beds. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for children/adolescents.

(f) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .6204(b).

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6229 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)

(a) Adult Intermediate Care Beds for the Mentally Retarded. It is determined that the mental health planning areas listed in the following table need additional Adult Intermediate Care Beds for the Mentally Retarded ("ICF/MR beds"). The table identifies the number of new adult ICF/MR beds needed by each of the listed planning areas. It is determined that there is no need for new Adult ICF/MR facilities or for any additional ICF/MR beds in any other mental health planning areas, except as provided in Rule 10 NCAC 3R .6206(a)(8).

Mental Health Planning Area (Constituent Counties)		Need Determination
		Adult
8	(Gaston-Lincoln)	8
29	(Onslow)	8

(b) Child/Adolescent Intermediate Care Beds for the Mentally Retarded. It is determined that there is no need for additional Child/Adolescent Intermediate Care Beds for the Mentally Retarded (ICF/MR beds).

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6230 POLICIES FOR GENERAL ACUTE CARE HOSPITALS

(a) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .6200 and .3102(d).

(b) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in Paragraph (e) of this Rule are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.

(c) Exemption from Plan Provisions for Certain Academic Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .6207 through .6229.

(1) The State Medical Facilities Planning Section shall designate as an Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:

- (A) Serves as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate, graduate and postgraduate education.
- (B) Houses extensive basic medical science and clinical research programs, patients and

equipment.

(C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.

(2) Exemption from the provisions of 10 NCAC 3R .6207 through .6229 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 which projects comply with one of the following conditions:

(A) Necessary to complement a specified and approved expansion of the number or types of students, residents or faculty, as certified by the head of the relevant associated professional school; or

(B) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or

(C) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.

(3) A project submitted by an Academic Medical Center Teaching Hospital under this Policy that meets one of the above conditions shall also demonstrate that the Academic Medical Center Teaching Hospital's teaching or research need for the proposed project cannot be achieved effectively at any non-Academic Medical Center Teaching Hospital provider which

currently offers the service for which the exemption is requested and which is within 20 miles of the Academic Medical Center Teaching Hospital.

(4) Any service, facility or equipment that results from a project submitted under this Policy after January 1, 1999 shall be excluded from the inventory of that service, facility or equipment in the State Medical Facilities Plan.

(d) Reconversion to Acute Care. Facilities redistributing

beds from acute care bed capacity to rehabilitation or psychiatric use shall obtain a certificate of need to convert this capacity back to acute care. Application for reconversion of acute care beds converted to psychiatry or rehabilitation back to acute care beds shall be evaluated against the hospital's utilization in relation to the target occupancies for acute care beds shown below, without regard to the acute care bed need determinations shown in 10 NCAC 3R .6207.

<u>Licensed Bed Capacity</u>	<u>Percent Occupancy</u>
1 - 49	65%
50 - 99	70%
100 - 199	75%
200 - 699	80%
700 +	81.5%

(e) Replacement of Acute Care Bed Capacity. The evaluation of proposals for either partial or total replacement of acute care beds (i.e., construction of new space for existing acute care beds) shall be evaluated against the utilization of the total number of acute care beds in the applicant's hospital in relation to the target occupancy of the total number of beds in that hospital which is determined as follows:

<u>Total Licensed Acute Care Beds</u>	<u>Target Occupancy (Percent)</u>
1 - 49	65%
50 - 99	70%
100 - 199	75%
200 - 699	80%
700 +	81.5%

(f) Allogeneic Bone Marrow Transplantation Services. Allogeneic bone marrow transplants shall be provided only in facilities having the capability of doing HLA matching and of management of patients having solid organ transplants. At their present stage of development it is determined that allogeneic bone marrow transplantation services shall be limited to Academic Medical Center Teaching Hospitals.

(g) Solid Organ Transplantation Services. Solid organ transplant services shall be limited to Academic Medical Center Teaching Hospitals at this stage of the development of this service.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6231 POLICIES FOR INPATIENT REHABILITATION SERVICES

(a) After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings. All new inpatient rehabilitation programs are required to provide comprehensive outpatient rehabilitation services as part of their service delivery programs.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6232 POLICY FOR AMBULATORY SURGICAL FACILITIES

After applying other required criteria, when superiority among two or more competing ambulatory surgical facility

certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .6209. A multi-specialty ambulatory surgical program shall have the same meaning as defined in G.S. 131E-176(15a) and an ambulatory surgical facility shall have the same meaning as defined in G.S. 131E-176(1a).

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6233 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE

(a) A certificate of need may be issued to a hospital which is licensed under G.S. 131E Article 5, and which meets the conditions set forth below and in 10 NCAC 3R .1100, to convert up to ten beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .6222 if the hospital:

(1) is located in a county which was designated as non-

metropolitan by the U.S. Office of Management and Budget on January 1, 1999; and

- (2) on January 1, 1999, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Health and Human Services determines that the hospital is meeting the conditions outlined in this Paragraph.

(b) "Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Determination of the patient's need for hospital-based long-term nursing care shall be made in accordance with criteria and procedures for determining need for long-term nursing care administered by the Division of Medical Assistance and the Medicare program. Beds developed under this Paragraph are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Paragraph shall discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

(c) For purposes of this Paragraph, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need. An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .6230(d), without regard to the acute care bed need shown in 10 NCAC 3R .6207.

(d) A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

- (1) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid) Programs;
- (2) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;
- (3) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit.

(e) The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need.

(f) Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with

such hospital by common ownership, control or management:

- (1) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .6222; or
- (2) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or
- (3) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499).

such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Critical Access Hospitals pursuant to Section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through 131E-190, may apply to develop beds under this Paragraph. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .6222 and this Paragraph.

(g) Beds certified as a "distinct part" under this Paragraph shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for certificates of need pursuant to this Paragraph shall be accepted only for the February 1 review cycle. Beds awarded under this Paragraph shall be deducted from need determinations for the county as shown in 10 NCAC 3R .6222. Continuation of this Rule shall be reviewed and approved by the Department of Health and Human Services annually. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1986 State Medical Facilities Plan are automatically amended to conform with the provisions of this Paragraph. The Department of Health and Human Services shall monitor this program and ensure that patients affected by this Paragraph are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6234 POLICY FOR NURSING CARE BEDS IN CONTINUING CARE FACILITIES

(a) Qualified continuing care facilities may include from the outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .6222. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:

- (1) Will only be developed concurrently with, or subsequent to construction on the same site, of facilities for both of the following levels of care:
 - (A) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms within a suitable structure;

(B) licensed adult care home beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.

- (2) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care facility for a period of at least 30 days. Exceptions shall be allowed when one spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Financial consideration paid by persons purchasing a continuing care contract shall be equitable between persons entering at the independent living and licensed adult care home levels of care.
- (3) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.
- (4) Will not be certified for participation in the Medicaid program.

(b) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1985 SMFP are automatically amended to conform with the provisions of this Paragraph. Certificates of need awarded pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall not be amended.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6235 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES

When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .6222.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6236 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS

A certificate of need to relocate existing licensed nursing

facility beds to another county(ies) may be issued to a facility licensed as a nursing facility under G.S. 131E, Article 6, Part A, provided that the conditions set forth in this Paragraph and in 10 NCAC 3R .1100 and the review criteria in G.S. 131E-183(a) are met.

- (1) A facility applying for a certificate of need to relocate nursing facility beds shall demonstrate that:
- (a) it is a non-profit nursing facility supported by and directly affiliated with a particular religion and that it is the only nursing facility in North Carolina supported by and affiliated with that religion;
 - (b) the primary purpose for the nursing facility's existence is to provide long-term care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;
 - (c) relocation of the nursing facility beds to one or more sites is necessary to more effectively provide long-term nursing care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;
 - (d) the nursing facility is expected to serve followers of the specified religion from a multi-county area; and
 - (e) the needs of the population presently served shall be met adequately pursuant to G.S. 131E-183.
- (2) Exemption from the provisions of 10 NCAC 3R .6222 shall be granted to a nursing facility for purposes of relocating existing licensed nursing beds to another county provided that it complies with all of the criteria listed in this Rule.
- (3) Any certificate of need issued under this Rule shall be subject to the following conditions:
- (a) the nursing facility shall relocate beds in at least two stages over a period of at least six months; and
 - (b) the nursing facility shall provide a letter to the Medical Facilities Licensure Section, on or before the date that the first group of beds are relocated, irrevocably committing the facility to relocate all of the nursing facility beds for which it has a certificate of need to relocate; and
 - (c) subsequent to providing the letter to the Medical Facilities Licensure Section described in Subpart (3)(b) of this Rule, the nursing facility shall accept no new patients in the beds which are being relocated, except new patients who, prior to admission, indicate their desire to transfer to the facility's new location(s).

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6237 POLICY FOR HOME HEALTH SERVICES

Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of home health services; and

- (1) the agency is the only home health agency with an office physically located in the county; and
- (2) the agency is not being lawfully transferred to another entity;

need for a new home health agency office in the county is thereby established through this Rule. Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6238 POLICY FOR END-STAGE RENAL DISEASE DIALYSIS SERVICES

Relocation of Dialysis Stations. Relocations of existing dialysis stations are allowed only within the host county and to contiguous counties currently served by the facility. Certificate of need applicants proposing to relocate dialysis stations shall:

- (1) demonstrate that the proposal shall not result in a deficit in the number of dialysis stations in the county that would be losing stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report, and
- (2) demonstrate that the proposal shall not result in a surplus of dialysis stations in the county that would gain stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6239 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES

(a) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. State hospital beds which are relocated to community facilities shall be closed within 90 days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term

patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Health and Human Services, and the person submitting the proposal.

(b) Allocation of Psychiatric Beds. A hospital submitting a Certificate of Need application to add inpatient psychiatric beds shall convert excess licensed acute care beds to psychiatric beds. In determining excess licensed acute care beds, the hospital shall subtract the average occupancy rate for its licensed acute care beds over the previous 12-month period from the appropriate target occupancy rate for acute care beds listed in 10 NCAC 3R .6230(d) and multiply the difference by the number of its existing licensed acute care beds.

(c) Linkages Between Treatment Settings. An applicant applying for a certificate of need for psychiatric inpatient facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6240 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES

Linkages Between Treatment Settings. An applicant applying for a certificate of need for chemical dependency treatment facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6241 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED

Linkages Between Treatment Settings. An applicant applying for a certificate of need for intermediate care facility beds for mentally retarded shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Child Care Commission intends to adopt the rule cited as 10 NCAC 3U .2811 and amend rules cited as 10 NCAC 3U .0102, .2501-.2502, .2510, .2804. Notice of Rule-making Proceedings was published in the Register on May 1, 1998.

Proposed Effective Date: July 1, 2000

A Public Hearing will be conducted from 5:00 p.m. to 7:00 p.m. on August 26, 1999 at the Wildlife Building, 322 Chapanoke Road, Raleigh, NC 27603.

Reason for Proposed Action: The North Carolina General Assembly enacted S.L. 97-0506 during the 1997 Legislative Session which revised G. S. 110, the law for child care centers and family child care homes. The law states that the Department of Health and Human Services shall issue a rated license to child care facilities. The North Carolina Child Care Commission proposes these rules to establish the standards for rated licenses specifically for child care centers where school-age children are enrolled.

Comment Procedures: Written comments for consideration by the Commission may be submitted to the APA Coordinator for the Division of Child Development at 322 Chapanoke Road, Raleigh, NC 27603. Oral comments may be made during the public hearing. The Commission Chairperson may impose time limits for oral remarks. Copies of the rules may be requested by contacting the APA Coordinator. All comments must be received no later than 5:00 p.m. on September 1, 1999.

Fiscal Note: 10 NCAC 3U .2510 does affect the expenditures or revenues of local government funds and does not affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143.

Fiscal Note: 10 NCAC 3U .2811 does affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143, does not affect the expenditures or revenues of local government funds and does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

Fiscal Note: These Rules, 10 NCAC 3U .0102, .2501-.2502, .2804, do not affect the expenditures or revenues of state or local government funds and do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3U - CHILD DAY CARE STANDARDS

SECTION .0100 - GENERAL

.0102 DEFINITIONS

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

- (1) "Agency" means Division of Child Development, Department of Health and Human Services located at

319 Chapanoke Road, Suite 120, Raleigh, North Carolina 27603.

- (2) "Appellant" means the person or persons who request a contested case hearing.
- (3) "A" license means the license issued to child care operators who meet the minimum requirements for the legal operation of a child care facility pursuant to G.S. 110-91 and applicable rules in this Subchapter.
- (4) "AA" license means the license issued to child care operators who meet the higher voluntary standards promulgated by the Child Care Commission as codified in Section .1600 of this Subchapter.
- (5) "Basic School-Age Care Training" (BSAC Training) means the seven clock hours of training sponsored by the Department of 4-H Youth Development and the Division of Child Development on the elements of quality school-age care.
- (5) (6) "Child Care Program" means a single center or home, or a group of centers or homes or both, which are operated by one owner or supervised by a common entity.
- (6) (7) "Child care provider" as defined by G.S. 110-90.2 and used in Section .2700 of this Subchapter, includes but is not limited to the following employees: facility directors, administrative staff, teachers, teachers' aides, cooks, maintenance personnel and drivers.
- (7) (8) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- (8) (9) "Department" means the Department of Health and Human Services.
- (9) (10) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- (10) (11) "Division" means the Division of Child Development within the Department of Health and Human Services.
- (11) (12) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.
- (12) (13) "Early Childhood Environment Rating Scale - Revised edition" (Harms, Cryer, and Clifford, 1998, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for ten dollars and ninety-five cents (\$10.95) may call Teachers College Press at 1-800-575-6566. A copy

of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(+3) (14) "Family Day Care Rating Scale" (Harms and Clifford, 1989, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety-five cents (\$8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(+4) (15) "Group" means the children assigned to a specific caregiver, or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and this Subchapter, using space which is identifiable for each group.

(+5) (16) "Infant/Toddler Environment Rating Scale" (Harms, Cryer, and Clifford, 1990, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than thirty months old, to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety-five cents (\$8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(+6) (17) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility.

(+7) (18) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of coursework and standards found in the North Carolina Early Childhood Instructor Manual published jointly under the authority of the Department and the Department of Community Colleges. These standards are incorporated by reference and include subsequent amendments. A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(+8) (19) "Operator" means the person or entity held legally responsible for the child care business. The terms "operator", "sponsor" or "licensee" may be used

interchangeably.

(+9) (20) "Part-time care" means a child care arrangement where children attend on a regular schedule but less than a full-time basis.

(+20) (21) "Passageway" means a hall or corridor.

(+21) (22) "Preschooler" or "preschool-aged child" means any child who does not fit the definition of school-aged child in this Rule.

(+22) (23) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three through five points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy for eight dollars and ninety-five cents (\$8.95) may call Teachers College Press at 1-800-575-6566. A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and will be available for public inspection during regular business hours.

(+23) (24) "School-aged child" means any child who is at least five years old on or before October 16 of the current school year and who is attending, or has attended, a public or private grade school or kindergarten; or any child who is not at least five years old on or before October 16 of that school year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before moving to and becoming a resident of North Carolina; or any child who is at least five years old on or before April 16 of the current school year, is determined by the principal of the school to be gifted and mature enough to justify admission to the school, and is enrolled no later than the end of the first month of the school year.

(+24) (25) "Seasonal Program" means a recreational program as set forth in G. S. 110-86(2)(b).

(+25) (26) "Section" means Division of Child Development.

(+26) (27) "Substitute" means any person who temporarily assumes the duties of a regular staff person for a time period not to exceed two consecutive months.

(+27) (28) "Temporary care" means any child care arrangement which provides either drop-in care or care on a seasonal or other part-time basis and is required to be regulated pursuant to G.S. 110-86.

(+28) (29) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

Authority G.S. 110-88; 143B-168.3.

SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

.2501 SCOPE

The regulations in this Section apply to large day care homes and all child day care facilities centers offering care to six three or more school-age children exclusively or as a component of any other program. All regulations in this Subchapter pertaining to full-time, part-time, or seasonal child day care shall apply to programs for school-age children except as provided in this Section.

Authority G.S. 110-86(3); 110-91; 143B-168.3.

.2502 SPECIAL PROVISIONS FOR LICENSURE

A facility providing care for school-age children exclusively shall be issued a license restricting care to school-age children as defined in Rule .0102 of this Subchapter. The license shall be issued for the time period the facility will operate, not to exceed a maximum of twelve months. A facility providing care for school-aged children exclusively on a seasonal basis between May 15 and September 15 shall be licensed as a summer day camp.

Authority G.S. 110-88(1); 110-91; 143B-168.3.

.2510 STAFF QUALIFICATIONS

(a) The following staff requirements shall apply to a part-time school-age or seasonal school-age program:

(+) (a) The individual who is responsible for ensuring the administration of the program, whether on-site or off-site, shall:

(A)(1) Be at least 21 years old and have at least one year of full-time experience or two summers' 400 hours of verifiable experience working in a licensed child care program serving school-age children or 600 hours of verifiable experience working in an unlicensed school-age care experience working with school-age children in a school-age care program or camp setting prior to employment; and

(B)(2) Meet the requirements for a child care administrator in G.S. 110-91(8).

(2) (b) At least one individual who is responsible for planning and ensuring the implementation of daily activities for a school-age program (who may be called a program coordinator) shall:

(A)(1) Be at least 18 years old and have a high school diploma or its equivalent prior to employment; and

(B)(2) Have completed two semester credit hours in child and youth development and two semester credit hours in school-age programming. Each individual who does not meet this requirement shall enroll in coursework within six months after becoming employed or by September 1, 1999, whichever is later, and shall complete this coursework within 18 months of enrollment. Program coordinators who have a North Carolina Early Childhood Credential or its equivalent or a North Carolina Early Childhood Administration Credential or its equivalent may

complete the Basic School-Age Care (BSAC) Training within three months of becoming employed rather than the two semester credit hours of child and youth development and two semester credit hours of school-age programming.

(C)(3) In a part day program be on site when children are in care. For a full day program be on site for two thirds of the hours of operation. This may include times when the individual may be off site due to illness or vacation.

(3) (c) All other staff (who may be called group leaders or assistant group leaders) staff who are responsible for supervising groups of school age children (who may be called group leaders) shall be at least 16 18 years of age and have a high school diploma or its equivalent prior to employment, and shall complete seven clock hours of school-age program training approved by the Division the BSAC Training. The school-age program training shall include the following topics: child care regulations; quality school-age care; school-age child development; positive behavior management practices; age-appropriate activities; curriculum and environmental design; and health, safety, and playground training.

(d) Staff who assist group leaders (who may be called assistant group leaders) shall be at least 16 years of age and shall complete the BSAC training.

(A) (e) Staff in part-time or full day school-age programs required to shall complete the school-age program BSAC Training shall do so within three months of becoming employed.

(B) (f) Staff in seasonal school-age programs required to shall complete the school-age program BSAC Training shall do so within six weeks of becoming employed.

(b) The following staff requirements shall apply to a school-age program that operates on a full-year basis and offers full time care for school-age children:

(1) The individual who is responsible for the administration of the program, whether on-site or off-site, shall meet the requirements in Subparagraph (a) (1) of this Rule:

(2) At least one individual who is responsible for planning and ensuring the implementation of the daily activities for a school-age program shall meet the requirements in Subparagraph (a) (2) of this rule:

(3) All other staff shall meet the requirements in Subparagraph (a) (3) of this Rule within three months of becoming employed.

(c) The following staff requirements shall apply to a school-age program which operates on a full year basis as a component of a center which also provides care to preschool-age children:

(+) (g) The individual who is on-site and responsible for the administration of the school-age component of a center which also provides care to preschool-age children shall meet the requirements for child care administrator in G.S. 110-91(8) and Section .0700 of this Subchapter.

(2) At least one individual responsible for planning and

ensuring the implementation of the daily activities for the school-age component of the program shall:

- (A) Meet the requirements in Subparagraph (a) (2) of this Rule; or
- (B) Have a North Carolina Early Childhood Credential or its equivalent and complete the school-age program training described in Subparagraph (a) (3) of this Rule within three months of becoming employed.

(3) All other staff working in the school-age component of the program shall complete the school-age program training described in Subparagraph (a) (3) of this Rule within three months of becoming employed.

(h) When an individual has responsibility for both administering the program and planning and ensuring the implementation of the daily activities of a school-age program, the individual shall meet the staff requirements for an administrator and shall complete the BSAC Training.

(i) Completion of the BSAC Training may count toward meeting one year's annual on-going training requirements in Section .0700 of this Subchapter.

(j) Individuals who have completed seven hours of school-age program training as approved by the Division prior to July 1, 2000 shall not be required to complete the BSAC Training.

~~(k)~~ The special training requirements in Rule .0705 shall apply to all programs for school-age children.

~~(l)~~ Whenever children participate in swimming or other aquatic activities, the following provisions shall apply:

(1) The children shall be supervised by persons having life saving certificates, issued by the Red Cross or other issuing entity approved by the Division appropriate for the type of body of water and type of aquatic activities:

- (A) One lifeguard is required for groups of 25 or fewer children.
- (B) Two lifeguards are required for groups of 26 or more children.

(2) A person with lifeguard certification is not required when there are no more than 12 children present and the body of water has no portion deeper than 30 inches and the total surface area is not more than 400 square feet. The children shall be supervised by at least one adult who is certified to perform cardiopulmonary resuscitation appropriate for the ages of children in care.

~~(m)~~ All staff shall participate in at least three hours of documented orientation related to the program's policies, activities and child safety within six weeks of assuming responsibility for supervising a group of children.

~~(n)~~ The health requirements for staff and volunteers in Rule .0701 - .0702 shall apply.

~~(o)~~ All staff under age 18 counted toward meeting the required staff/child ratio shall work under the direction of another staff person at least 21 years of age.

~~(p)~~ When an individual has responsibility for both administering the program and planning and ensuring the

implementation of the daily activities of a school-age program, the individual shall meet the staff requirements for an administrator and shall complete the seven hours of school-age program training.

~~(j)~~ Completion of the seven clock hour school-age program training shall count toward meeting one year's annual on-going training requirements in Section .0700 of this Subchapter.

Authority G.S. 110-91(8), (11); 143B-168.3.

SECTION .2800 - VOLUNTARY RATED LICENSES

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

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

- (1) The on-site administrator shall have:
 - (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Two years of full-time verifiable early childhood work experience.
- (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
- (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
 - (A) Completed or be enrolled in 3 semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
 - (B) One year of full-time verifiable early childhood work experience.
- (4) 50% of the teachers counted in staff/child ratios shall have:
 - (A) Completed or be enrolled in two semester hours in early childhood education or child development; or
 - (B) One year of full-time verifiable early childhood work experience.
- (5) For centers with a school-age care component, the following requirements shall apply. These requirements are in addition to what is required in Rule .2510 of this Subchapter, and may count towards meeting education and experience requirements in Paragraph (a) of this Rule.
 - (A) If the administrator has no verifiable experience working in a school-age care or camp setting, he or she shall complete the Basic School-Age Care (BSAC) Training.
 - (B) The individual designated as the program

coordinator as allowed in Rule .2510 shall have at least 200 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program; or have at least 300 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting or supervising an unlicensed school-age care or camp program; or have completed or be enrolled in at least two semester hours of school-age care related coursework.

(C) For centers with a school-age care component with a licensed capacity of 200 or more school-age children, there shall be a second program coordinator on site who meets the requirements of Rule .2510 of this Subchapter.

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

- (1) The on-site administrator shall have:
 - (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework); and
 - (C) Two years of full-time verifiable early childhood work experience.
- (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
- (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
 - (A) Three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
 - (B) Two years of full-time verifiable early childhood work experience.
- (4) 50% of the teachers counted in staff/child ratios shall have:
 - (A) Completed or be enrolled in the North Carolina Early Childhood Credential or its equivalent; or
 - (B) Completed or be enrolled in four semester hours in early childhood education or child development; or
 - (C) Three years of full-time verifiable early childhood work experience.
- (5) For centers with a school-age care component, the

following requirements shall apply. These requirements are in addition to what is required in Rule .2510 of this Subchapter, and may count towards meeting education and experience requirements in Paragraph (b) of this Rule.

(A) If the administrator does not have at least 300 hours of verifiable experience working in a licensed child care program serving school-age children, or at least 450 hours of verifiable experience working in an unlicensed school-age care or camp setting, he or she shall complete the BSAC Training.

(B) The individual designated as the program coordinator as allowed in Rule .2510 shall have at least 400 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program; or have at least 600 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting or supervising an unlicensed school-age care or camp program; or have completed at least two semester hours of school-age care related coursework.

(C) For centers with a school-age care component with a licensed capacity of 200 or more school-age children, there shall be a second program coordinator on site who meets the requirements of Rule .2510 of this Subchapter.

(D) 25% of the individuals designated as group leaders as allowed in Rule .2510 shall have at least 100 hours of verifiable experience working with school-aged children in a licensed child care program; or have at least 150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

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

- (1) The on-site administrator shall have:
 - (A) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Two years of full-time verifiable early childhood work experience.
- (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
- (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75%

shall have:

- (A) Nine semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework); and
 - (B) Two years of full-time verifiable early childhood work experience.
- (4) 50% of the teachers counted in staff/child ratios shall have:
- (A) The North Carolina Early Childhood Credential or its equivalent; or
 - (B) Four semester hours in early childhood education or child development; or
 - (C) Five years of full-time verifiable early childhood work experience.
- (5) For centers with a school-age care component, the following requirements shall apply. These requirements are in addition to what is required in Rule .2510 of this Subchapter, and may count towards meeting education and experience requirements in Paragraph (c) of this Rule.
- (A) If the administrator does not have at least 600 hours of verifiable experience working in a licensed child care program serving school-age children, he or she shall complete the BSAC Training.
 - (B) The individual designated as the program coordinator as allowed in Rule .2510 of this Subchapter shall have at least 900 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program and have completed at least four semester hours of school-age care related coursework.
 - (C) For centers with a school-age care component with a licensed capacity of 200 or more school-age children, there shall be a second program coordinator on site who meets the requirements of Rule .2510 of this Subchapter.
 - (D) 50% of the individuals designated as group leaders as allowed in Rule .2510 of this Subchapter shall have at least 300 hours of verifiable experience working with school-aged children in a licensed child care program.
 - (E) Assistant group leaders shall be at least 18 years of age.
- (d) To achieve five points for education standards for a star rating, child caring staff in the center shall meet the following requirements.
- (1) The on-site administrator shall have:
 - (A) A Level III North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Four years of full-time verifiable work experience in an early childhood center teaching young children, or four years of administrative experience, or four years of a combination of both.
 - (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
 - (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
 - (A) At least an A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development; and
 - (B) Two years of full-time verifiable early childhood work experience.
 - (4) 50% of the teachers counted in staff/child ratios shall have:
 - (A) The North Carolina Early Childhood Credential or its equivalent; and
 - (B) Four semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and
 - (C) Two years of full-time verifiable early childhood experience.
 - (5) For centers with a school-age care component, the following requirements shall apply. These requirements are in addition to what is required in Rule .2510 of this Subchapter, and may count towards meeting education and experience requirements in Paragraph (d) of this Rule.
 - (A) If the administrator does not have at least 900 hours of verifiable experience working in a licensed child care program serving school-age children, he or she shall complete the BSAC Training.
 - (B) The individual designated as the program coordinator as allowed in Rule .2510 of this Subchapter shall have at least 900 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program and have completed at least six semester hours of school-age care related coursework; or shall have at least 600 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program and have completed at least nine semester hours of school-age care related coursework.
 - (C) For centers with a school-age care component with a licensed capacity of 200 or more school-age children, there shall be a second

program coordinator on site who meets the requirements of Rule .2510 of this Subchapter.

- (D) 75% of the individuals designated as group leaders as allowed in Rule .2510 of this Subchapter shall have at least 600 hours of verifiable experience working with school-aged children in a licensed child care program and shall have completed at least two semester hours of school-age care related coursework.
- (E) Assistant group leaders shall be at least 18 years of age.

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

Authority: G.S. 110-88(7); 110-90(4); 143B-168.3.

.2811 EDUCATION STANDARDS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) For child care programs that serve school-aged children only, the following staff education requirements apply instead of those in Rule .2804 of this Subchapter.

(b) To achieve two points for education standards for a star rating, child caring staff in the school-age care program shall meet the following requirements:

- (1) The administrator shall have a Level I North Carolina Early Childhood Administration Credential or its equivalent.
- (2) The program coordinator shall have completed at least two semester credit hours in child and youth development and two semester credit hours in school-age programming; or the North Carolina Early Childhood Credential or its equivalent and BSAC Training or be enrolled in the North Carolina Early Childhood Administration Credential or its equivalent and BSAC Training; and have:

- (A) At least 200 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program, or
- (B) At least 300 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting or supervising an unlicensed school-age care or camp program, or
- (C) Completed or be enrolled in at least two additional semester credit hours of school-age care related coursework.

(c) To achieve three points for education standards for a star rating, child caring staff in the school-age care program shall

meet the following requirements.

- (1) The administrator shall have:
 - (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) At least 300 additional hours of verifiable experience working in a licensed child care program serving school-age children, or
 - (C) At least 450 additional hours of verifiable experience working in an unlicensed school-age care or camp setting.

- (2) The program coordinator shall have completed at least two semester credit hours in child and youth development and two semester credit hours in school-age programming; or the North Carolina Early Childhood Credential or its equivalent and BSAC Training or the North Carolina Early Childhood Administration Credential or its equivalent and BSAC Training; and have:

- (A) At least 400 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program, or
- (B) At least 600 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting or supervising an unlicensed school-age care or camp program, or
- (C) Completed at least two additional semester credit hours of school-age care related coursework.

- (3) Twenty-five percent of group leaders shall have at least 100 hours of verifiable experience working with school-aged children in a licensed child care program, or have at least 150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(d) To achieve four points for education standards for a star rating, child caring staff in the school-age care program shall meet the following requirements.

- (1) The administrator shall have:
 - (A) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) At least 600 additional hours of verifiable experience working in a licensed child care program serving school-age children.

- (2) The program coordinator shall have completed at least two semester credit hours in child and youth development and two semester credit hours in school-age programming; or the North Carolina Early Childhood Credential or its equivalent and BSAC Training or the North Carolina Early Childhood Administration Credential or its equivalent and BSAC Training; and have:

- (A) At least 900 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program; and
 - (B) Completed at least four additional semester credit hours of school-age care related coursework.
- (3) Fifty percent of group leaders shall have at least 300 hours of verifiable experience working with school-aged children in a licensed child care program.
- (4) Assistant group leaders shall be at least 18 years old.
- (e) To achieve five points for education standards for a star rating, child caring staff in the school-age care program shall meet the following requirements.
- (1) The administrator shall have:
 - (A) A Level III North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) At least 900 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-age children.
 - (2) The program coordinator shall have completed at least two semester credit hours in child and youth development and two semester credit hours in school-age programming; or the North Carolina Early Childhood Credential or its equivalent and BSAC Training or the North Carolina Early Childhood Administration Credential or its equivalent and BSAC Training; and have
 - (A) At least 900 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program and completed at least six additional semester credit hours of school-age care related coursework; or
 - (B) At least 600 hours of verifiable experience working with school-age children in a licensed child care program or supervising the school-age component of a licensed child care program and completed at least nine additional semester credit hours of school-age care related coursework.
 - (3) Seventy-five percent of group leaders shall have at least 600 hours of experience working with school-aged children in a licensed child care program and shall have completed at least two semester credit hours of school-age care related coursework.
 - (4) Assistant group leaders shall be at least 18 years old.
- (e) Unless otherwise stated in this Rule, group leaders and assistant group leaders shall meet the minimum qualifications required in Rule .2510 of this Subchapter, including completion of BSAC Training.
- (f) For programs with a licensed capacity of 200 or more

school-age children, there shall be a second program coordinator on-site who meets the minimum qualifications required in Rule .2510 of this Subchapter.

Authority G.S. 110-88(7); 110-90(4); 110-91; 143B-168.3.

TITLE 15A - ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 2B .0255-.0261. Notice of Rule-making Proceedings was published in the Register on June 1, 1999.

Proposed Effective Date: August 1, 2000

A Public Hearing will be conducted at 7:00 p.m. on August 31, 1999 at the Pitt County Agriculture Center and at 7:00 p.m. on September 2, 1999 at the Nash County Agriculture Center.

Reason for Proposed Action: In 1989, after several years of excessive fish kills in the Pamlico estuary, the NC Environmental Management Commission (EMC) designated the Tar-Pamlico River basin as "Nutrient Sensitive Waters". The EMC initially adopted a nutrient reduction strategy that targeted point sources. In 1994, the EMC expanded its focus to nonpoint sources, or rainfall runoff-generated pollution sources. It adopted a strategy for the basin that called for a 30 percent reduction in nitrogen inputs from nonpoint sources to the estuary, and holding of phosphorus loads at 1991 levels. The strategy relied on existing, largely voluntary, programs to reduce nitrogen inputs from nonpoint sources to the basin. In September 1998, the EMC determined that progress under the voluntary approach was unsatisfactory and that mandatory actions were needed for timely reduction of NPS nitrogen inputs. The EMC approved a rule-making schedule for development of mandatory measures to achieve both the nitrogen and phosphorus goals.

Comment Procedures: The purpose of this announcement is to encourage those interested in this rulemaking to provide written comments. We encourage comments on the draft rules. Written comments may be submitted to Rich Gannon, DENR, Division of Water Quality, Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 through October 1, 1999. Questions may be directed to Rich Gannon at (919) 733-5083 ext. 356, or rich_gannon@h2o.enr.state.nc.us.

Fiscal Note: Rules 15A NCAC 2B .0258-.0259 do affect the expenditures or revenues of local government funds and do not affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143.

Fiscal Note: Rules 15A NCAC 2B .0255-.0257, .0260-.0261 do not affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143 and do not affect the expenditures or revenues of local government funds.

Fiscal Note: Rules 15A NCAC 2B .0255-.0257, 15A NCAC 2B .0260-.0261 have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

.0255 TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT LOADING GOALS

All persons engaging in agricultural operations in the Tar-Pamlico River Basin, including those related to crops, horticulture, livestock, and poultry, shall collectively achieve and maintain certain nutrient loading levels. A management strategy to achieve this reduction is specified in Rule .0256 of this Section. These Rules apply to all livestock and poultry operations, regardless of size, in the Tar-Pamlico River Basin, in addition to requirements set forth in general permits for animal operations issued pursuant to G.S. 143-215.10C. The nutrient loading goals to be met by all persons specified here are as follows:

- (1) a 30 percent total nitrogen net loading reduction from 1991 loading from agriculture to the basin; and
- (2) no net increase in total phosphorus loading over 1991 levels.

Authority: G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0256 TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY

(a) **PURPOSE.** The purpose of this Rule is to set forth a process by which agricultural operations in the Tar-Pamlico River Basin will collectively achieve and maintain a 30 percent reduction in nitrogen loading to the Pamlico estuary from agricultural activities. This reduction is to be achieved within five years of the effective date of this Rule, and is to be measured from 1991 loading levels. The purpose of this Rule is also for agricultural operations to hold phosphorus loading from agricultural activities to 1991 levels within five years. The Commission acknowledges that the requirements of this Rule do not fully address nitrogen loading from animal operations, including atmospheric emissions and deposition of ammonia compounds. As information becomes available on nitrogen loading from animal operations and BMPs to control this

loading, the Commission may require such BMPs it deems necessary to support the purpose of this Rule.

(b) **APPLICABILITY.** This Rule shall apply to all persons engaging in agricultural operations in the Tar-Pamlico River Basin. Agricultural operations are activities that relate to the production of crops, horticultural products, livestock, and poultry.

(c) **OPTIONS FOR MEETING RULE REQUIREMENTS.** Persons subject to this Rule are provided with two options for meeting the requirements of this Rule. Such persons shall be responsible for implementing and maintaining the BMPs selected per Paragraph (e) or (f) of this Rule for as long as they continue their agricultural operation.

(1) Option 1 is to sign up for and participate in implementing a collective local strategy for agricultural nutrient control pursuant to Paragraph (e) of this Rule. This option allows site-specific plans to be developed for those operations where further nitrogen and phosphorus reduction practices are necessary to achieve the collective loads.

(2) Option 2 is to implement standard BMPs pursuant to Paragraph (f) of this Rule. Requirements for the BMPs are listed in Paragraphs (g) through (k) of this Rule.

(d) **METHOD FOR RULE IMPLEMENTATION.** This Rule shall be implemented through a cooperative effort between the Basin Oversight Committee and Local Advisory Committees in each county or watershed. The membership, roles and responsibilities of these committees are set forth in Paragraphs (l) and (m) of this Rule.

(e) **OPTION 1: PARTICIPATE IN A COLLECTIVE LOCAL STRATEGY FOR AGRICULTURAL NUTRIENT CONTROL.** Persons who choose to participate in the collective local strategy for agricultural nutrient control shall meet the following requirements.

(1) Within one year of the effective date of the Rule, persons shall sign up with the Local Advisory Committee for their county or watershed to participate in the collective local strategy. Persons who do not complete the sign-up process shall be subject to Option 2 set forth in Paragraph (f) of this Rule.

(2) Persons who choose this option shall sign a plan developed for their operation that is satisfactory to their Local Advisory Committee per the requirements set forth in Subparagraph (m)(3) of this Rule.

(3) A person may withdraw from the local nutrient control strategy up until the time that the person signs a plan for his operation as described in Subparagraph (e)(2) of this Rule. Persons who do not sign the plan shall be subject to Option 2 pursuant to Paragraph (f) of this Rule.

(4) Persons who sign the plan for their operation shall be required to implement the plan within five years after the effective date of this Rule and to

permanently maintain the BMPs specified in the plan for as long as the agricultural operation continues.

(5) Persons who implement a nutrient management plan as part of Option 1 shall have satisfied the requirements of the Tar-Pamlico Nutrient Management Rule, 15A NCAC 2B .0257.

(f) **OPTION 2: IMPLEMENT STANDARD BEST MANAGEMENT PRACTICES (BMPs).** Option 2 shall apply to the following persons: persons who choose to follow this option, persons who do not complete the sign-up process for Option 1 within one year of the effective date of this Rule, and persons who sign up for Option 1 but withdraw prior to signing the specific plan for their operation. The requirements associated with Option 2 are as follows.

(1) Persons subject to Option 2 shall implement one of the following BMP combinations on all lands within their operation within four years of the effective date of this Rule:

(A) A 30-foot forested riparian area meeting the requirements of Paragraphs (g) and (h) of this Rule and a 20-foot vegetated riparian area meeting the requirements of Paragraphs (g) and (i) of this Rule; or

(B) A 30-foot vegetated riparian area meeting the requirements of Paragraphs (g) and (i) of this Rule and either water control structures meeting the requirements of Paragraph (j) of this Rule or a nutrient management plan meeting the requirements of Paragraph (k) of this Rule; or

(C) A 20-foot forested riparian area meeting the requirements of Paragraphs (g) and (h) of this Rule and either water control structures meeting the requirements of Paragraph (j) of this Rule or a nutrient management plan meeting the requirements of Paragraph (k) of this Rule; or

(D) Water control structures meeting the requirements of Paragraph (j) of this Rule and a nutrient management plan meeting the requirements of Paragraph (k) of this Rule.

(g) **REQUIREMENTS FOR FORESTED AND VEGETATED RIPARIAN AREAS.** Forested and vegetated riparian areas implemented under either Option 1 or Option 2 shall meet the following requirements.

(1) Sheet flow must be maintained to the maximum extent practical through dispersal of concentrated flow and re-establishment of vegetation to maintain the effectiveness of the riparian area.

(2) Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters any riparian area.

(3) Periodic corrective action to restore sheet flow should be taken by the landowner if necessary to impede the formation of erosion gullies that allow concentrated flow to bypass treatment in the riparian area.

(4) A vegetated riparian area may be substituted for an

equivalent width of forested riparian area within 100 feet of tile drainage.

(5) Where the riparian area requirements would result in an unavoidable loss of tobacco allotments [7 CFR 723.220(c)] and the BMPs of controlled drainage or nutrient management are not in place, forest cover is required only in the first 20 feet of the riparian area.

(6) The following practices and activities are not allowed in either the forested riparian area or the vegetated riparian area:

(A) Any activities that would result in water quality standard violations or disrupt the structural or functional integrity of the riparian areas.

(B) Land disturbing activity and placement of fill and other materials, other than that necessary under Paragraph (h) of this Rule.

(C) Any activity that threatens the health and function of the vegetation including, but not limited to, application of fertilizer or chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

(7) The following waterbodies and land uses are exempt from the riparian area requirements of this Rule:

(A) Ditches and manmade conveyances, other than modified natural streams, which under normal conditions do not receive drainage waters from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B .0100.

(B) Areas mapped as perennial streams, intermittent streams, lakes, ponds 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 streams, lakes, ponds, or estuaries exist 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) Water dependent structures as defined in 15A NCAC 2B .0202, provided that they are 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.

(E) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and

archaeological activities, provided that they are located, designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to maximum extent practical through the use of BMPs.

(F) Stream crossings associated with timber harvesting, if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

(h) SPECIFICATIONS FOR FORESTED RIPARIAN AREAS. Forested riparian areas implemented under either Option 1 or Option 2 shall meet the following specifications.

(1) Forested riparian areas shall be established on all sides of surface waters indicated as intermittent streams, perennial streams, lakes, ponds and estuaries on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute quadrangle) topographic maps or other site-specific evidence. The surface waters shall be within the operation or adjacent to it within the distances specified in Subparagraph (f)(1) of this Rule.

(2) The forested riparian area shall begin at top of bank for intermittent streams and perennial streams without tributaries and shall extend landward the applicable distance specified in Subparagraph (f)(1) of this Rule on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, the forested riparian area shall begin at top of bank or mean high water line and shall extend landward the applicable distance specified in Subparagraph (f)(1) of this Rule, measured horizontally on a line perpendicular to the waterbody.

(3) Forested riparian areas shall be established as undisturbed forest. Any forest vegetation that exists on the effective date of this Rule in forested riparian areas that are established per this Rule must be preserved and maintained in accordance with Parts (h)(5)(A)-(F) of this Rule.

(4) The application of fertilizer in forested riparian areas established under this Rule is prohibited.

(5) The following practices and activities are allowed in forested riparian areas established under this Rule.

(A) Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any plantings should primarily consist of locally native trees and shrubs.

(B) Selective cutting of trees provided that the basal area (measured as 12-inch diameter breast height) remains at or above 60 square feet per acre of riparian area. Limited mechanized equipment is allowed in this area.

(C) Horticulture practices to maintain the health of

individual trees.

(D) Removal of individual trees that are in danger of causing damage to dwellings, other structures, or the stream channel.

(E) Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, Division of Forest Resources and approved by the Director, Division of Water Quality.

(F) Timber removal and skidding of trees, as allowed under Parts (h)(5)(A) - (h)(5)(E) of this Rule shall be directed away from the water course or water body. Skidding shall be done in a manner to prevent creation of ephemeral channels perpendicular to the water body. Tree removal shall be performed in a manner that does not compromise the intended purpose of the riparian area and in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

(i) SPECIFICATIONS FOR VEGETATED RIPARIAN AREAS. Vegetated riparian areas implemented under either Option 1 or Option 2 shall meet the following specifications.

(1) The vegetated riparian area identified in Part (f)(1)(A) of this Rule shall begin at the outer edge of the forested riparian area and shall extend landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The vegetated riparian area identified in Part (f)(1)(B) of this Rule shall begin at the top of bank for intermittent streams and perennial streams without tributaries and shall extend landward a minimum of 30 feet on each side of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, the vegetated riparian area identified in Part (f)(1)(B) of this Rule shall begin at the top of bank or the mean high water line and shall extend landward 30 feet, measured horizontally on a line perpendicular to the waterbody.

(2) Vegetation in the vegetated riparian area 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.

(3) The following practices and activities are allowed in the vegetated riparian area in addition to those allowed in the forested riparian area.

(A) Mowing and removal of plant products such as timber, nuts, and fruit on a periodic basis, provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of ground cover.

(B) Management of forest vegetation to minimize shading on adjacent land, if the water quality

functions of the riparian area are not compromised.

(j) REQUIREMENTS FOR WATER CONTROL STRUCTURES. Water control structures implemented under either Option 1 or Option 2 shall meet the following requirements.

- (1) Water control structures shall be operated pursuant to a water control structure management plan developed according to the standards and specifications adopted by the NC Soil and Water Conservation Commission. A technical specialist designated pursuant to Rules adopted by the Soil and Water Conservation Commission must provide written approval that the water management plan meets such standards and specifications. If the water management plan is not implemented, then a riparian area is required pursuant to this Section.
- (2) The water control structures must provide equivalent protection and directly affect the land and waterbodies draining into the waterbody subject to the riparian area requirements.
- (3) To the maximum extent practical, water control structures should be managed to maximize nitrogen removal throughout the year.

(k) REQUIREMENTS FOR NUTRIENT MANAGEMENT PLANS. Nutrient management plans implemented under either Option 1 or Option 2 shall meet the following requirements.

- (1) Nutrient management plans shall be implemented on agricultural land adjacent to riparian areas according to the standards and specifications adopted by the NC Soil and Water Conservation Commission. A technical specialist designated pursuant to Rules adopted by the Soil and Water Conservation Commission must provide written approval that the water management plan meets such standards and specifications.
- (2) If the nutrient management plan is not implemented, then a riparian area is required pursuant to this Section.
- (3) Nutrient management plans must provide equivalent protection and directly affect the land and waterbodies draining into the waterbody subject to the riparian area requirement.
- (4) To the maximum extent practical, nutrient management plans should be managed to maximize nitrogen removal throughout the year.

(l) BASIN OVERSIGHT COMMITTEE. The Basin Oversight Committee shall have the following membership, role and responsibilities.

- (1) MEMBERSHIP. The Commission shall delegate to the Secretary the responsibility of forming a Basin Oversight Committee within two months of the effective date of this Rule. Members shall be appointed for five-year terms and shall serve at the pleasure of the Secretary. Until such time as the Commission determines that long-term maintenance of the nutrient loads is assured, the Secretary shall

either reappoint members or replace members every five years. The Secretary shall solicit one nomination for membership on this Committee to represent each of the following:

- (A) Division of Soil and Water Conservation,
- (B) United States Department of Agriculture-Natural Resources Conservation Service (shall serve in an "ex-officio" non-voting capacity and shall function as a technical program advisor to the Committee),
- (C) North Carolina Department of Agriculture and Consumer Services,
- (D) North Carolina Cooperative Extension Service,
- (E) Division of Water Quality,
- (F) Environmental interests,
- (G) Agricultural interests, and
- (H) The scientific community with experience related to water quality problems in the Tar-Pamlico River Basin.

(2) ROLE. The Basin Oversight Committee shall:

- (A) Develop a tracking and accounting methodology pursuant to Subparagraph (1)(3) of this Rule, and submit the final version to the Commission within one year of the effective date of this Rule.
- (B) Demonstrate within 18 months of the effective date of this Rule how the nitrogen and phosphorus loads can be met by each county or watershed and collectively by implementing BMPs.
- (C) Identify and implement future refinements to the accountability methodology as needed to reflect advances in scientific understanding.
- (D) Appoint a technical advisory committee within six months of the effective date of this Rule to monitor advances in scientific understanding related to phosphorus loading, to evaluate the need for additional management action to meet the phosphorus load, and to report its findings to the Basin Oversight Committee on an annual basis. The Basin Oversight Committee shall in turn report these findings and its recommendations to the Commission on an annual basis following the effective date of this Rule, until such time as the Commission determines that the technical advisory committee has fulfilled its purpose. The Basin Oversight Committee shall solicit nominations for this committee from the Division of Soil and Water Conservation, United States Department of Agriculture-Natural Resources Conservation Service, North Carolina Department of Agriculture and Consumer Services, North Carolina Cooperative Extension Service, Division of Water Quality, environmental

interests, agricultural interests, and the scientific community with experience related to the committee's charge.

- (E) Review, approve and summarize county or watershed local strategies and present these strategies to the Commission for approval within two years after the effective date of this Rule.
- (F) Review, approve and summarize local nitrogen and phosphorus loading annual reports and present these reports to the Commission each October, until such time as the Commission determines that annual reports are no longer needed to assure long-term maintenance of the nutrient loads.

(3) ACCOUNTABILITY PROCESS. The Basin Oversight Committee shall develop an accountability process that meets the following requirements:

- (A) The process shall quantify baseline total nitrogen and phosphorus loadings from agricultural operations in each county and for the entire basin.
- (B) The process shall allocate the calculated nitrogen and phosphorus loads for agricultural operations to counties or watersheds within the Tar-Pamlico basin.
- (C) The process shall include a means of tracking implementation of BMPs, including location, type, area affected.
- (D) The process shall include a means of estimating incremental nitrogen and phosphorus reductions from actual BMP implementation and of evaluating progress toward the nutrient loads from BMP implementation.
- (E) The process shall allow for future refinements to the nutrient baseline loading determinations, and to the load reduction accounting methodology.
- (F) The process shall provide for quantification of changes in nutrient loading due to changes in land use, modifications in agricultural activity, or quantification of atmospheric nitrogen loading.
- (G) The process shall include a method to track maintenance of the nutrient net loads after the initial five years of this Rule, including tracking of changes in BMPs and additional BMPs to offset new or increased sources of nutrients from agricultural operations.
- (H) A draft accountability process shall be submitted to the Commission within six months after the effective date of the Rule. The final accountability process shall be submitted to the Commission for approval within one year after the effective date of the

Rule. If the Commission does not approve the final accountability process, the Basin Oversight Committee will have an additional three months to revise and resubmit the process to the Commission. If the Commission does not approve an accountability process within 15 months of the effective date of this Rule, then the Commission may require all agricultural operations to follow Option 2 set forth in Paragraph (e) of this Rule.

(m) LOCAL ADVISORY COMMITTEES. The Local Advisory Committees shall have the following membership, roles, and responsibilities.

- (1) MEMBERSHIP. The Commission shall delegate to the Directors of the Division of Water Quality and the Division of Soil and Water Conservation the responsibility of forming Local Advisory Committees within two months of the effective date of this Rule. The Directors shall form Local Advisory Committees in each county (or watershed as specified by the Basin Oversight Committee) within the Tar-Pamlico River Basin. Members shall serve for terms of five years at the pleasure of the Environmental Management and Soil and Water Conservation Commissions. Until such time as the Commission determines that long-term maintenance of the nutrient loads is assured, the Directors shall reappoint or replace members every five years. The Directors shall solicit nominations for membership on the Local Advisory Committee that represent each of the following interests:

- (A) Local Soil and Water Conservation District (one).
- (B) Local United States Department of Agriculture- Natural Resources Conservation Service (one).
- (C) Local North Carolina Department of Agriculture and Consumer Services (one).
- (D) Local North Carolina Cooperative Extension Service (one).
- (E) Local North Carolina Division of Soil and Water Conservation (one).
- (F) Local farmers in the county or watershed (at least two).

(2) ROLE. The Local Advisory Committees shall:

- (A) Conduct a sign-up process for persons wishing to voluntarily implement the local strategy pursuant to Paragraph (e) of this Rule. This sign-up process shall be completed within one year after the effective date of this Rule.
- (B) Designate a member agency to compile and retain copies of all individual plans produced under Paragraph (e) of this Rule.
- (C) Develop local nutrient control strategies for

agricultural operations, pursuant to Subparagraph (m)(3) of this Rule, to meet the nitrogen and phosphorus loads assigned by the Basin Oversight Committee. Those strategies shall be submitted to the Basin Oversight Committee no later than 23 months from the effective date of this Rule.

- (D) Ensure that any changes to the design of the local strategy will continue to meet the nutrient loads of this Rule.
- (E) Submit annual reports to the Basin Oversight Committee, pursuant to Subparagraph (m)(4) of this Rule, each May until such time as the Commission determines that annual reports are no longer needed to assure long-term maintenance of the nutrient loads.

(3) LOCAL NUTRIENT CONTROL STRATEGIES. The Local Advisory Committees shall be responsible for developing county or watershed nutrient control strategies that meet the following requirements.

- (A) Local nutrient control strategies shall be designed to achieve the required nitrogen and phosphorus loads within five years after the effective date of this Rule, and to maintain those reductions in perpetuity or until such time as this Rule is revised to modify this requirement.
- (B) Local nutrient control strategies shall specify the names and locations of all agricultural operations within their areas, numbers and acres of BMPs that will be implemented by enrolled operations, estimated nitrogen and phosphorus reductions, schedule for BMP implementation, and operation and maintenance requirements.
- (C) Local nitrogen control strategies are not required to be more stringent than the standard BMP option provided that the nutrient loads is achieved collectively; however, the Local Advisory Committees may develop strategies that achieve greater reductions than the nutrient loads.
- (D) If the Local Advisory Committee fails to develop the local nutrient control strategy, the Commission may develop the strategy based on the tracking and accounting method approved by the Commission.

(4) ANNUAL REPORTS. The Local Advisory Committees shall be responsible for submitting annual reports for their counties or watersheds. Annual reports shall be submitted to the Basin Oversight Committee each May until such time as the Commission determines that annual reports are no longer needed to assure long-term maintenance of the nutrient loads. Annual reports should include the following information on local agricultural operations, summarized separately for cropland, livestock and poultry activities:

- (A) Documentation of BMPs implemented

(including type, location, and area affected) under the local strategy and their costs.

- (B) Documentation of BMPs discontinued under the local strategy.
- (C) Changes in land use or agricultural activity and any associated increases or decreases in nitrogen and phosphorus loading resulting from these changes.
- (D) Documentation of success in operation and maintenance of BMPs under the local strategy.
- (E) Net nitrogen and phosphorus loading changes from agricultural operations under the local strategy, and progress towards or maintenance of the nitrogen and phosphorus loads.
- (F) Requests for modifications to accounting practices or nutrient loads.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0257 TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: NUTRIENT MANAGEMENT ALTERNATIVE 1

(a) PURPOSE. The two primary purposes of this Rule are: to reduce the nitrogen loading and to maintain the phosphorus loading to the Pamlico estuary resulting from fertilizer application. Achievement of these objectives will be measured based on 1991 loading levels and are to be achieved within five years from the effective date of this Rule.

(b) APPLICABILITY. This Rule shall apply as follows.

- (1) This Rule shall apply to the following persons who apply nutrients to their lands:
 - (A) Persons who own or manage cropland areas that together comprise at least 50 acres that have not developed a nutrient management plan for their property pursuant to 15A NCAC 2B .0256.
 - (B) Persons who own or manage floriculture areas, ornamental areas and greenhouse production areas that together comprise at least 50 acres.
 - (C) Persons who own or manage golf courses, recreational lands, rights-of-way, or other turfgrass areas.
 - (D) Persons who own or manage lawn and garden areas in residential, commercial, or industrial developments except for residential landowners who apply fertilizer to their own property.
- (2) This Rule shall apply to applicators hired by the persons listed in Subparagraph (b)(1) of this Rule. Subparagraph (c)(2) of this Rule sets forth the potential requirements for applicators.

(3) This Rule shall apply to applicators, hired by residential landowners, who apply fertilizer to residential areas in the Tar-Pamlico basin.

(4) This Rule shall apply to consultants hired by the persons listed in Subparagraph (b)(1) of this Rule or by applicators. Subparagraph (c)(2) of this Rule sets forth the requirements for consultants.

(c) REQUIREMENTS. Subject persons shall meet the following requirements:

(1) Persons responsible for applying nutrients to their own land or land that they manage shall either:

(A) Attend and successfully complete nutrient management training pursuant to Paragraph (d) of this Rule, or

(B) Complete a nutrient management plan for all lands to which they apply or manage the application of nutrients, pursuant to Paragraph (e) of this Rule.

(2) Persons who hire an applicator to apply nutrients to the land that they own or manage shall either:

(A) Ensure that the applicator they hire has attended and successfully completed nutrient management training pursuant to Subparagraph (d) of this Rule, or

(B) Ensure that the applicator they hire has completed a nutrient management plan for the land that they own or manage pursuant to Paragraph (e) of this Rule, or

(C) Complete a nutrient management plan for the land that they own or manage pursuant to Paragraph (e) of this Rule and ensure that the applicator they hire follows this plan.

(4) Applicators, hired by residential landowners, who apply fertilizer to residential areas in the Tar-Pamlico basin shall attend and successfully complete nutrient management training pursuant to Paragraph (d) of this Rule.

(5) Consultants who prepare nutrient management plans for persons who own or manage land or who apply nutrients to land in the Tar-Pamlico basin shall attend and successfully complete nutrient management training pursuant to Paragraph (d) of this Rule.

(d) NUTRIENT MANAGEMENT TRAINING. Persons who choose to meet this Rule's requirements by completing nutrient management training shall meet the following requirements:

(1) Within one year from the effective date of this Rule, the person shall sign up with the Cooperative Extension Service or the Division to take the nutrient management training.

(2) Within five years from the effective date of this Rule, the person shall obtain a certificate from the Cooperative Extension Service or the Division verifying completion of training that addresses, at minimum, proper management of nitrogen and phosphorus.

(3) Persons who fail to sign up or to obtain the nutrient management certificate within the required timeframes shall be required to develop and properly implement nutrient management plans pursuant to Paragraph (e) of this Rule.

(4) Training certificates must be kept on-site or be produced within 24 hours of a request by the Division.

(c) NUTRIENT MANAGEMENT PLANS. Persons who choose to meet this Rule's requirements by completing a nutrient management plan shall meet the following requirements:

(1) Within five years of the effective date of this Rule, a nutrient management plan that meets the following standards shall be developed:

(A) Nutrient management plans for cropland shall meet the standards and specifications adopted by the NC Soil and Water Conservation Commission.

(B) Nutrient management plans for application of dry poultry litter from animal waste management systems involving 30,000 or more birds, as required under G.S. 143-215.10C(f), shall stipulate application of litter at agronomic rates for nitrogen. Agronomic rates shall be based on realistic yield expectations derived from waste nutrient content, crop and soil type, or yield records.

(C) Nutrient management plans for turfgrass shall follow the North Carolina Cooperative Extension Service guidelines in "Water Quality and Professional Lawn Care" (NCCES publication number WQMM-155), "Water Quality and Home Lawn Care" (NCCES publication number WQMM-151), or guidelines distributed by land-grant universities. Copies may be obtained from the Division of Water Quality, 512 North Salisbury Street, Raleigh, North Carolina 27626 at no cost.

(D) Nutrient management plans for nursery crops and greenhouse production shall follow the Southern Nurserymen's Association guidelines promulgated in "Best Management Practices Guide For Producing Container-Grown Plants" or guidelines distributed by land-grant universities. Copies may be obtained from the Southern Nurserymen's Association, 1000 Johnson Ferry Road, Suite E-130, Marietta, GA 30068-2100 at a cost of thirty-five dollars (\$35.00). The materials related to nutrient management plans for turfgrass, nursery crops and greenhouse production are hereby incorporated by reference including any subsequent amendments and editions and are available

for inspection at the Department of Environment and Natural Resources Library, 512 North Salisbury Street, Raleigh, North Carolina.

215.6A; 143-215.6B; 143-215.6C

(2) The person who writes the nutrient management plan shall have the plan approved in writing by a technical specialist. Appropriate technical specialists shall be as follows.

(A) Nutrient management plans for cropland and application of dry poultry litter shall be approved by a technical specialist designated pursuant to rules adopted by the Soil and Water Conservation Commission.

(B) Nutrient management plans for turfgrass and nursery crops and greenhouse production shall be approved by a technical specialist designated pursuant to rules adopted by the Commission.

(3) Nutrient management plans and supporting documents must be kept on-site or be produced within 24 hours of a request by the Division.

(4) The Division shall develop model nutrient management plans in consultation with the Cooperative Extension Service. The model plans shall address both nitrogen and phosphorus, and shall address the source of nutrients, the amount of nutrient applied, the placement of nutrients, and the timing of nutrient applications.

(f) COMPLIANCE. Persons who fail to comply with this Rule are subject to enforcement measures authorized in G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

ALTERNATIVE 2

Same as alternative 1 with the exception of (b)(1), which would read:

(b) APPLICABILITY. This Rule shall apply as follows.

(1) This Rule shall apply to the following persons who apply nutrients to their lands:

(A) Persons who own or manage cropland areas for commercial purposes that have not developed a nutrient management plan for their property pursuant to 15A NCAC 2B .0256.

(B) Persons who own or manage commercial floriculture areas, ornamental areas and greenhouse production areas.

(C) Persons who own or manage golf courses, recreational lands, rights-of-way, or other turfgrass areas.

(D) Persons who own or manage lawn and garden areas in residential, commercial, or industrial developments except for residential landowners that apply fertilizer to their own property.

.0258 TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATER MANAGEMENT STRATEGY: BASINWIDE STORMWATER REQUIREMENTS

(a) PURPOSE. The purpose of this Rule is to achieve a 30 percent reduction in nutrient loading from existing and new developments. The purpose of this Rule is also to provide control for peak flows in new development to ensure that the functions of existing riparian buffers are not compromised by channel erosion.

(b) APPLICABILITY. This Rule shall apply to local governments in the Tar-Pamlico basin according to the following criteria.

(1) This Rule shall apply to the following municipal areas:

- (A) Greenville;
- (B) Henderson;
- (C) Oxford;
- (D) Rocky Mount;
- (E) Tarboro;
- (F) Washington.

(2) This Rule shall apply to the following counties:

- (A) Beaufort;
- (B) Edgecombe;
- (C) Franklin;
- (D) Halifax;
- (E) Nash;
- (F) Pitt.

(3) Additional local governments shall become subject to this Rule upon meeting the following criteria:

(A) Active incorporated municipal areas with populations exceeding 5,000 persons according to the most recent population estimates listed in the most recent annual publication of *North Carolina Municipal Populations*, Office of State Planning. If a municipal area has only a portion of its area within the Tar-Pamlico River basin, then the percentage of the municipality's area within the basin shall be multiplied by the population estimate; if the result is less than 5,000, then the municipal area shall not be subject to this Rule.

(B) Counties with populations exceeding 30,000 persons according to the population estimates listed in the most recent annual publication *North Carolina Municipal Populations*, Office of State Planning. If a county has only a portion of its area within the Tar-Pamlico River basin, then the percentage of the county's area within the basin shall be multiplied by the population estimate; if the result is less than 30,000, then the county shall not be subject to this Rule.

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

(c) REQUIREMENTS. All local governments subject to this Rule shall develop stormwater management programs for submission to and approval by the Commission. The stormwater program shall include the following components at a minimum:

(1) A requirement that developers submit a stormwater management plan for all new developments proposed within their jurisdictions. These stormwater plans shall not be approved by the subject local governments unless the following criteria are met:

(A) The nitrogen load contributed by the proposed new development activity shall not exceed 4.0 pounds per acre per year. This is equivalent to 70 percent of the average nitrogen load contributed by the non-urban areas in the Tar-Pamlico River basin based on 1995 land use data. The Commission may periodically update the design standard based on the availability of new scientific information.

(B) The phosphorus load contributed by the proposed new development activity shall not exceed 0.4 pounds per acre per year. This is equivalent to the average phosphorus load contributed by the non-urban areas in the Tar-Pamlico River basin based on 1995 land use data. The Commission may periodically update the design standard based on the availability of new scientific information.

(C) The new development activity does not result in a net increase in peak flow leaving the site from the predevelopment conditions for the 1-year, 24-hour storm.

(2) A public education program to inform citizens of how to reduce nutrient pollution and to inform developers about the nutrient and flow control requirements set forth in Part (c)(1)(A) of this Rule.

(3) A mapping program that includes major components of the municipal separate storm sewer system, waters of the State, land use types, and location of sanitary sewers.

(4) A program to identify and remove illegal discharges.

(5) A program to identify and prioritize opportunities to achieve nutrient reductions from existing developed areas.

(6) A program to ensure maintenance of BMPs implemented as a result of the provisions in Subparagraphs (c)(1) and (c)(5) of this Rule.

(7) A program to ensure enforcement and compliance with the provisions in Subparagraph (c)(1) of this Rule.

(d) TIMEFRAME FOR IMPLEMENTATION. The timeframe for implementing the stormwater management program shall be as follows:

(1) Within 12 months of the effective date of this Rule, the Division shall submit a model local stormwater program to the Commission for approval. The

Division shall work in cooperation with subject local governments in developing this model program.

(2) Within 12 months of the Commission's approval of the model local stormwater program or within 12 months of a local government's later designation pursuant to Subparagraph (b)(3) of this Rule, subject local governments shall submit their local stormwater management programs to the Commission for review and approval. These local programs shall equal or exceed the requirements in Paragraph (c) of this Rule.

(3) Within 18 months of the Commission's approval of the model local stormwater program or within 18 months of a local government's later designation pursuant to Subparagraph (b)(3) of this Rule, subject local governments shall adopt and implement their approved local stormwater management program.

(4) Local governments administering a stormwater management program shall submit annual reports to the Division documenting their progress and net changes to nitrogen load by October 30 of each year.

(e) COMPLIANCE. A local government that fails to submit an acceptable local stormwater management program within the timeframe established in this Rule or fails to implement an approved program shall be in violation of this Rule. In this case, the stormwater management requirements for its jurisdiction shall be administered through the NPDES municipal stormwater permitting program per 15A NCAC 2H .0126. Any local government that is subject to an NPDES municipal stormwater permit pursuant to this Rule shall:

(1) Develop and implement comprehensive stormwater management program to reduce nutrients from both existing and new development. This stormwater management program shall meet the requirements of Paragraph (c) of this Rule for new and existing development.

(2) Be subject to the NPDES permit for at least one permitting cycle (five years) before it is eligible to submit a local stormwater management program to the Commission for consideration and approval.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-282(d); 143-215.6A; 143-215.6B; 143-215.6C.

.0259 TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS

The following is the management strategy for maintaining and protecting riparian buffers in the Tar-Pamlico River Basin:

(1) PURPOSE. The purpose of this Rule shall be to protect and preserve riparian buffers in the Tar-Pamlico River Basin to maintain their nutrient removal functions.

(2) DEFINITIONS. For the purpose of this Rule, these terms shall be defined as follows:

- (a) 'Channel' means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water. (current definition in Forest Practice Guidelines Related to Water Quality, 15A NCAC II .0102)
- (b) 'DBH' means Diameter at Breast Height of a tree, which is measured at 4.5 feet above ground surface level.
- (c) 'Ditch or canal' means a man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.
- (d) 'Ephemeral (stormwater) stream' means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
- (f) 'Forest plantation' means an area of planted trees that may be conifers (pines) or hardwoods. On a plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.
- (g) 'High Value Tree' means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; and, for hardwood or wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.
- (h) 'Intermittent stream' means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
- (i) 'Modified natural stream' means an on-site

channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

- (j) 'Perennial stream' means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
- (k) 'Perennial waterbody' means a natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainageway (i.e., connected by surface flow to a stream).
- (l) 'Stream' means a body of concentrated flowing water in a natural low area or natural channel on the land surface.
- (m) 'Tree' means a woody plant with a DBH equal to or exceeding five inches.

(3) APPLICABILITY. This Rule shall apply to 50-foot wide riparian buffers directly adjacent to surface waters in the Tar-Pamlico River Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. The riparian buffers protected by this Rule shall be measured pursuant to Item (4) of this Paragraph. For the purpose of this Rule, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). Riparian buffers adjacent to surface waters that do not appear on either of the maps shall not be subject to this Rule. Riparian buffers adjacent to surface waters that appear on the maps shall be subject to this Rule unless one of the following applies.

- (a) EXEMPTION WHEN AN ON-SITE DETERMINATION SHOWS THAT SURFACE WATERS ARE NOT PRESENT. When a landowner or other affected party

believes that the maps have inaccurately depicted surface waters, he or she shall consult the Division or the appropriate delegated local authority. Upon request, the Division or delegated local authority shall make on-site determinations. Any disputes over on-site determinations shall be referred to the Director in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in G.S. 150B, Articles 3 and 4. Surface waters that appear on the maps shall not be subject to this Rule if an on-site determination shows that they fall into one of the following categories.

- (i) Ditches and manmade conveyances other than modified natural streams.
- (ii) Manmade ponds and lakes that are located outside natural drainage ways.
- (iii) Ephemeral (stormwater) streams.

(b) EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING. This Rule shall not apply to portions of the riparian buffer where a use is existing and ongoing according to the following:

- (i) A use shall be considered existing if it was present within the riparian buffer as of August 1, 2000. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from this Rule. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from Zone 1, existing diffuse flow is maintained, and surface waters are not disturbed. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised, the ground is stabilized and existing diffuse flow is maintained.

(ii) At the time an existing use is converted to another use, this Rule shall apply. An existing use shall be considered to be converted to another use if any of the following applies:

- (A) Impervious surface is added to the riparian buffer in locations where it did not exist previously.
- (B) An agricultural operation within the riparian buffer is taken out of production.

(C) A lawn within the riparian buffer ceases to be maintained.

(4) ZONES OF THE RIPARIAN BUFFER. The protected riparian buffer shall have two zones as follows:

(a) Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in Item (6) of this Paragraph. The location of Zone 1 shall be as follows:

(i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.

(ii) For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

(iii) For surface waters within the 20 Coastal Counties (defined in 15A NCAC 2B .0202) within the jurisdiction of the Division of Coastal Management, Zone 1 shall begin at the most landward limit of the normal high water level, the normal water level, or the landward limit of coastal wetlands as defined by the Division of Coastal Management and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

(b) Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in Item (6) of this Paragraph. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

(5) DIFFUSE FLOW REQUIREMENT. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.

(a) Concentrated runoff from new ditches or manmade conveyances shall be converted to

diffuse flow before the runoff enters the riparian buffer.

(b) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

(6) TABLE OF USES. The following chart sets out the uses and their designation under this Rule as

e x e m p l e
allowable, allowable with mitigation, or prohibited.
The requirements for each category are given in
I t e m
(7) of this Paragraph.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
<u>Airport facilities:</u> • <u>Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u> • <u>Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u>		X	X	
<u>Archaeological activities</u>	X			
<u>Bridges</u>		X		
<u>Dam maintenance activities</u>	X			
<u>Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers:</u> • <u>Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies</u> • <u>New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nitrogen and attenuate flow before the conveyance discharges through the riparian buffer</u> • <u>New drainage ditches, roadside ditches and stormwater outfalls that do not provide control for nitrogen before discharging through the riparian buffer</u> • <u>Excavation of the streambed in order to bring it to the same elevation as the invert of a ditch</u>	X	X		X X
<u>Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the new channel</u>	X			
<u>Driveway crossings:</u> • <u>Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer</u> • <u>Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer</u> • <u>In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u> • <u>In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre or riparian buffer</u>	X	X X	X	
<u>Fences provided that disturbance is minimized and installation does not result in removal of forest vegetation</u>	X			

PROPOSED RULES

Forest harvesting - see Item (11) of this Rule				
<u>Fertilizer application:</u> <ul style="list-style-type: none"> • <u>One-time fertilizer application to establish replanted vegetation</u> • <u>Ongoing fertilizer application</u> 	X			X
<u>Grading and revegetation in Zone 2 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized</u>	X			
<u>Greenway trails</u>		X		
<u>Historic preservation</u>	X			
<u>Landfills</u>				X
<u>Mining activities:</u> <ul style="list-style-type: none"> • <u>Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items (4) and (5) are established adjacent to the relocated channels</u> • <u>Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Items (4) and (5) are not established adjacent to the relocated channels</u> 		X		X
<u>Non-electric utility lines:</u> <ul style="list-style-type: none"> • <u>Impacts other than perpendicular crossings in Zone 2 only</u> • <u>Impacts other than perpendicular crossings in Zone 1</u> • <u>Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer</u> • <u>Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer</u> • <u>Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer</u> 	X	X	X	
<u>On-site sanitary sewage systems - new ones that use ground absorption</u>				X
<u>Overhead electric utility lines:</u> <ul style="list-style-type: none"> • <u>Impacts other than perpendicular crossings in Zone 2 only</u> • <u>Impacts other than perpendicular crossings in Zone 1 ^{1,2}</u> • <u>Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer¹</u> • <u>Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer ^{1,2}</u> 	X			
<u>Periodic maintenance of modified natural streams such as canals and a grassed travelway on one side of the surface water when alternative forms of maintenance access are not practical</u>		X		

PROPOSED RULES

<u>Playground equipment:</u> <ul style="list-style-type: none"> • <u>Playground equipment on single family lots provided that installation and use does not result in removal of vegetation</u> • <u>Playground equipment installed on lands other than single-family lots or that requires removal of vegetation</u> 	X			
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¹ Provided that, in Zone 1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternatives evaluation by the Division.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Rip rap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

² Provided that poles or towers shall not be installed within 10 feet of a water body unless the Division completes a no practical alternatives evaluation.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
<u>Ponds in natural drainage ways:</u> <ul style="list-style-type: none"> • <u>New ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond</u> • <u>New ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond</u> 		X	X	
<u>Ponds in natural drainage ways:</u> <ul style="list-style-type: none"> • <u>New ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond</u> • <u>New ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond</u> 		X	X	
<u>Protection of existing structures and facilities when this requires additional disturbance of the riparian buffer or the stream channel</u>		X		
<u>Railroad crossings:</u> <ul style="list-style-type: none"> • <u>Railroad crossings that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u> • <u>Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u> 		X	X	
<u>Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored</u>	X			

PROPOSED RULES

<u>Road crossings:</u> <ul style="list-style-type: none"> • <u>Road crossings that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</u> • <u>Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</u> 		X	X	
<u>Scientific studies and stream gauging</u>	X			
<u>Stormwater management ponds:</u> <ul style="list-style-type: none"> • <u>New stormwater management ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond</u> • <u>New stormwater management ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond</u> 		X	X	
<u>Stream restoration</u>	X			
<u>Streambank stabilization</u>		X		
<u>Temporary roads:</u> <ul style="list-style-type: none"> • <u>Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months</u> • <u>Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months</u> 	X	X		
<u>Temporary sediment and erosion control devices:</u> <ul style="list-style-type: none"> • <u>In Zone 2 only provided that the vegetation in Zone 1 is not compromised and that discharge is released as diffuse flow in accordance with Item (5)</u> • <u>In Zones 1 and 2 to control impacts associated with uses approved by the Division or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer</u> • <u>In-stream temporary erosion and sediment control measures for work within a stream channel</u> 	X	X		
<u>Underground electric utility lines:</u> <ul style="list-style-type: none"> • <u>Impacts other than perpendicular crossings in Zone 2 only</u> • <u>Impacts other than perpendicular crossings in Zone 1³</u> • <u>Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer³</u> • <u>Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer³</u> 	X X X		X	

delegated local authority.

(c) ALLOWABLE WITH MITIGATION. Uses designated as allowable with mitigation may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Item (8) of this Paragraph and an appropriate mitigation strategy has been approved pursuant to Item (10) of this Paragraph. These uses require written authorization from the Division or the delegated local authority.

(d) PROHIBITED. Uses designated as prohibited may not proceed within the riparian buffer unless a variance is granted pursuant to Item (9) of this Paragraph.

(8) DETERMINATION OF "NO PRACTICAL ALTERNATIVES." Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Division or to the delegated local authority. The applicant shall certify that the criteria identified in Sub-Item (8)(a) of this Paragraph are met. The Division or the delegated local authority shall grant an Authorization Certificate upon a "no practical alternatives" determination. The procedure for making an Authorization Certificate shall be as follows:

(a) For any request for an Authorization Certificate, the Division or the delegated local authority shall review the entire project and make a finding of fact as to whether the following requirements have been met in support of a "no practical alternatives" determination:

- (i) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- (ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- (iii) Best management practices will be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(b) Requests for an Authorization Certificate shall be reviewed and either approved or denied within 60 days of receipt of a complete submission based on the criteria in Sub-Item (8)(a) of this Paragraph by either the Division or the delegated local authority. Failure to issue an approval or denial within 60 days shall constitute that the applicant has

demonstrated "no practical alternatives." The Division or the delegated local authority may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program. Complete submissions shall include the following:

- (i) The name, address and phone number of the applicant;
- (ii) The nature of the activity to be conducted by the applicant;
- (iii) The location of the activity, including the jurisdiction;
- (iv) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
- (v) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
- (vi) Plans for any best management practices proposed to be used to control the impacts associated with the activity.

(c) Any disputes over determinations regarding Authorization Certificates shall be referred to the Director for a decision. The Director's decision is subject to review as provided in G.S. 150B, Articles 3 and 4.

(9) VARIANCES. Persons who wish to undertake uses designated as prohibited have the option of pursuing a variance. The Division or the appropriate delegated local authority may grant minor variances. The variance request procedure shall be as follows:

- (a) For any variance request, the Division or the delegated local authority shall make a finding of fact as to whether the following requirements have been met:
 - (i) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the riparian buffer protection requirements;
 - (ii) The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and
 - (iii) In granting the variance, the public safety and welfare have been assured water quality has been protected, and substantial justice has been done.

(b) MINOR VARIANCES. A minor variance request pertains to activities that are proposed only to impact any portion of Zone 2 of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in Sub-Item (9)(a) of this Paragraph by either the Division or the delegated local authority pursuant to G.S. 153A-Article 18, or G.S. 160A-Article 19. The Division or the delegated local authority may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Requests for appeals of decisions made by the Division shall be made to the Office of Administrative Hearings. Request for appeals made by the delegated local authority shall be made to the appropriate Board of Adjustment under G.S. 160A-388 or G.S. 153A-345.

(c) MAJOR VARIANCES. A major variance request pertains to activities that are proposed to impact any portion of Zone 1 or any portion of both Zones 1 and 2 of the riparian buffer. If the Division or the delegated local authority has determined that a major variance request meets the requirements in Sub-Item (9)(a) of this Paragraph, then it shall prepare a preliminary finding and submit it to the Commission. Preliminary findings on major variance requests shall be reviewed by the Commission within 90 days after receipt by the Director. Requests for appeals of determinations that the requirements of Sub-Item (9)(a) of this Paragraph have not been met shall be made to the Office of Administrative Hearings for determinations made by the Division or the appropriate Board of Adjustments under G.S. 160-388 or G.S. 153A-345 for determinations made by the delegated local authority. The purpose of the Commission's review is to determine if it agrees that the requirements in Sub-Item (9)(a) of this Paragraph have been met. Requests for appeals of decisions made by the Commission shall be made to the Office of Administrative Hearings. The following actions shall be taken depending on the Commission's decision on the major variance request:

- (i) Upon the Commission's approval, the Division or the delegated local authority shall issue a final decision granting the major variance.
- (ii) Upon the Commission's approval with conditions or stipulations, the Division or the delegated local authority shall issue a final decision, which includes

these conditions or stipulations.

- (iii) Upon the Commission's denial, the Division or the delegated local authority shall issue a final decision denying the major variance.

(10) MITIGATION. Persons who wish to undertake uses designated as allowable with mitigation shall meet the following requirements in order to proceed with their proposed use.

- (a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to Item (8) of this Paragraph.
- (b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 2B .0260.

(11) REQUIREMENTS SPECIFIC TO FOREST HARVESTING. The following requirements shall apply for forest harvesting operations and practices.

- (a) The following measures shall apply in the entire riparian buffer:
 - (i) Logging decks and sawmill sites shall not be placed in the riparian buffer.
 - (ii) Access roads and skid trails shall be prohibited except for temporary and permanent stream crossings established in accordance with 15A NCAC 11 .0203. Temporary stream crossings shall be permanently stabilized after any site disturbing activity is completed.
 - (iii) Timber felling shall be directed away from the stream or water body.
 - (iv) Skidding shall be directed away from the stream or water body and shall be done in a manner that minimizes soil disturbance and prevents the creation of channels or ruts.
 - (v) Individual trees may be treated to maintain or improve their health, form or vigor.
 - (vi) Harvesting of dead or infected trees or application of pesticides necessary to prevent or control extensive tree pest and disease infestation shall be allowed. These practices must be approved by the Division of Forest Resources for a specific site. The Division of Forest Resources must notify the Division of all approvals.
 - (vii) Removal of individual trees that are in danger of causing damage to structures or human life shall be allowed.
 - (viii) Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized. Plantings shall consist

- primarily of native species.
- (ix) High intensity prescribed burns shall not be allowed.
 - (x) Application of fertilizer shall not be allowed except as necessary for permanent stabilization. Broadcast application of fertilizer or herbicides to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.
- (b) In Zone 1, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through 105-277.6 or on forest lands that have a forest management plan prepared or approved by a registered professional forester. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:
- (i) Tracked or wheeled vehicles are not permitted except at stream crossings designed, constructed and maintained in accordance with 15A NCAC 11 .0203.
 - (ii) Soil disturbing site preparation activities are not allowed.
 - (iii) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.
 - (iv) The following provisions for selective harvesting shall be met:
 - (A) The first 10 feet of Zone 1 directly adjacent to the stream or waterbody shall be undisturbed except for the removal of individual high value trees as defined provided that no trees with exposed primary roots visible in the streambank be cut.
 - (B) In the outer 20 feet of Zone 1, a maximum of 50 percent of the trees greater than five inches dbh may be cut and removed. The reentry time for harvest shall be no more frequent than every 15 years, except on forest plantations where the reentry time shall be no more frequent than every five years. In either case, the trees remaining after harvest shall be as evenly spaced
- as possible.
- (C) In Zone 2, harvesting and regeneration of the forest stand shall be allowed provided that sufficient ground cover is maintained to provide for diffusion and infiltration of surface runoff.
- (12) REQUIREMENTS SPECIFIC TO LOCAL GOVERNMENTS WITH STORMWATER PROGRAMS FOR NITROGEN CONTROL. Local governments that are required to have local stormwater programs pursuant to 15A NCAC 2B .0258 shall have two options for ensuring protection of riparian buffers on new developments within their jurisdictions as follows.
- (a) Obtain authority to implement a local riparian buffer protection program pursuant to 15A NCAC 2B .0261.
 - (b) Refrain from issuing local approvals for new development projects unless either:
 - (i) The person requesting the approval does not propose to impact the riparian buffer of a surface water that appears on either the most recent versions of the soil survey maps prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent versions of the 1:24,000 scale (7.5 minute quadrangle) topographic maps prepared by the United States Geologic Survey (USGS).
 - (ii) The person requesting the approval proposes to impact the riparian buffer of a surface water that appears on the maps described in Sub-Item (12)(b)(i) of this Paragraph and either:
 - (A) Has received an on-site determination from the Division pursuant to Sub-Item (3)(a) of this Paragraph that surface waters are not present;
 - (B) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Paragraph for uses designated as Allowable under this Rule;
 - (C) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Paragraph and obtained the Division's approval on a mitigation plan pursuant to Item (10) of this Paragraph for uses designated as Allowable with

- Mitigation under this Rule: or
 (D) Has received a variance from the Commission pursuant to Item (9) of this Paragraph.

(13) OTHER LAWS, REGULATIONS AND PERMITS. In all cases, compliance with this Rule does not preclude the requirement to comply with all federal, state and local regulations and laws.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0260 TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: MITIGATION PROGRAM FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS

The following are the requirements for the Riparian Buffer Mitigation Program for the Tar-Pamlico Basin:

- (1) PURPOSE. The purpose of this Rule is to set forth the mitigation requirements that apply to the Tar-Pamlico Basin riparian buffer protection program, as described in Rule 15A NCAC 2B .0259.
- (2) APPLICABILITY. This Rule applies to persons who wish to impact a riparian buffer in the Tar-Pamlico Basin when one of the following applies:
- (a) A person has received an Authorization Certificate pursuant to 15A NCAC 2B .0259 for a proposed use that is designated as "allowable with mitigation."
- (b) A person has received a variance pursuant to 15A NCAC 2B .0259 and is required to perform mitigation as a condition of a variance approval.
- (3) THE AREA OF MITIGATION. The required area of mitigation shall be determined by either the Division or the delegated local authority according to the following:
- (a) The impacts in square feet to each zone of the riparian buffer shall be determined by the Division or the delegated local authority by adding the following:
- (i) The area of the footprint of the use causing the impact to the riparian buffer.
- (ii) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use.
- (iii) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.
- (b) The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Sub-item (3)(a) of this Paragraph to each zone of

the riparian buffer:

- (i) Impacts to Zone 1 of the riparian buffer shall be multiplied by 3.
- (ii) Impacts to Zone 2 of the riparian buffer shall be multiplied by 1.5.
- (iii) Impacts to wetlands within Zones 1 and 2 of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.
- (4) THE LOCATION OF MITIGATION. The mitigation effort shall be located the same distance from the Pamlico River estuary as the proposed impact, or closer to the estuary than the impact.
- (5) ISSUANCE OF THE MITIGATION DETERMINATION. The Division or the delegated local authority shall issue a mitigation determination that specifies the required area and location of mitigation pursuant to Items (3) and (4) of this Paragraph.
- (6) OPTIONS FOR MEETING THE MITIGATION DETERMINATION. The mitigation determination made pursuant to Item (5) of this Paragraph may be met through one of the following options:
- (a) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Item (7) of this Paragraph.
- (b) Donation of real property or of an interest in real property pursuant to Item (8) of this Paragraph.
- (c) Restoration or enhancement of a riparian buffer that is not otherwise required to be protected. This shall be accomplished by the applicant after submittal and approval of a restoration plan pursuant to Item (9) of this Paragraph.
- (7) PAYMENT TO THE RIPARIAN BUFFER RESTORATION FUND. Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Riparian Buffer Restoration Fund shall meet the following requirements:
- (a) SCHEDULE OF FEES: The amount of payment into the Fund shall be determined by multiplying the acres or square feet of mitigation determination made pursuant to Item (5) of this Paragraph by ninety six cents (\$0.96) per square foot or forty one thousand six hundred twenty five cents (\$41,625) per acre.
- (b) The required fee shall be submitted to the Division of Water Quality, Wetlands Restoration Program, PO Box 29535, Raleigh, NC 27626-0535 prior to any activity that results in the removal or degradation of the protected riparian buffer for which a "no practical alternatives" determination has been

- made.
- (c) The payment of a compensatory mitigation fee may be fully or partially satisfied by donation of real property interests pursuant to Item (8) of this Paragraph.
 - (d) The fee outlined in Sub-item (7)(a) of this Paragraph shall be reviewed every two years and compared to the actual cost of restoration activities conducted by the Department, including site identification, planning, implementation, monitoring and maintenance costs. Based upon this biennial review, revisions to Sub-item (7)(a) of this Paragraph will be recommended when adjustments to this Schedule of Fees are deemed necessary.
- (8) DONATION OF PROPERTY. Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:
- (a) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Item (7) of this Paragraph. The value of the property interest shall be determined by an appraisal performed in accordance with Sub-item (8)(d)(iv) of this Paragraph. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to Sub-item (7)(a) of this Paragraph, the applicant shall pay the remaining balance due.
 - (b) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.
 - (c) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
 - (i) The property shall be located within an area that is identified as a priority for restoration in the Basinwide Wetlands and Riparian Restoration Plan or shall be located at a site that is otherwise consistent with the goals outlined in the Basinwide Wetlands and Riparian Restoration Plan.
 - (ii) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration.
 - (iii) The restorable riparian buffer on the property shall have a minimum length of 1000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.
- (iv) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the acreage of riparian buffer required to be mitigated under the mitigation responsibility determined pursuant to Item (3) of this Paragraph.
 - (v) The property shall not require excessive measures for successful restoration, such as removal of structures or infrastructure. Restoration of the property shall be capable of fully offsetting the adverse impacts of the requested use.
 - (vi) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation.
 - (vii) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and land acquisition costs.
 - (ix) The property shall not contain cultural or historic resources.
 - (x) The property shall not contain any hazardous substance or solid waste.
 - (xi) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations.
 - (xii) The property shall have the potential to remove nitrogen, improve water quality and enhance natural resources after restoration. The Division shall consider whether the property is adjacent to or includes:
 - (A) a Department-approved restoration or preservation project or public lands;
 - (B) a sensitive natural resource, as identified in the Basinwide Wetland and Riparian Restoration Plan;
 - (C) known occurrences of rare species as identified by the North Carolina Natural Heritage Program in the "Natural Heritage

Program List of Rare Animal Species of North Carolina" or the "Natural Heritage Program List of the Rare Plant Species of North Carolina;"

- (D) significant Natural Heritage Area as identified by the North Carolina Natural Heritage Program in the "North Carolina Natural Heritage Program Biennial Protection Plan, List of Significant Natural Heritage Areas." Copies of these documents may be obtained from the Department of Environment and Natural Resources, Division of Parks and Recreation, Natural Heritage Program, PO Box 27687, Raleigh, North Carolina 27611;
- (E) federally or state-listed sensitive, endangered, or threatened species, or their critical habitat;
- (F) non-supporting, partially supporting, or support-threatened waters as designated by the Division pursuant to 40 CFR 131.10(a) through (g). This material is available at the Department of Environment and Natural Resources, Division of Water Quality, Water Quality Section, 512 North Salisbury Street, Raleigh, North Carolina 27604;
- (xiii) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort.
- (xiv) The property shall not have any encumbrances or conditions on the transfer of the property interests.
- (d) At the expense of the applicant or donor, the following information shall be submitted to the Division with any proposal for donations or dedications of interest in real property:
 - (i) Documentation that the property meets the requirements laid out in Sub-Item (8)(c) of this Paragraph.
 - (ii) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements.

- (iii) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609.

- (iv) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, PO Box 96734, Washington, D.C. 20090-6734.

- (v) A title certificate.

(9) RIPARIAN BUFFER RESTORATION OR ENHANCEMENT. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

- (a) The applicant may restore or enhance a riparian buffer that is not protected under the State's riparian buffer protection program if either of the following applies:
 - (i) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Item (3) of this Paragraph.
 - (ii) The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Item (3) of this Paragraph.
- (b) The location of the riparian buffer restoration or enhancement shall comply with the requirements in Item (4) of this Paragraph.
- (c) The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.
- (d) The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of 15A NCAC 2B .0259. After receiving this determination, the applicant shall submit a restoration or

enhancement plan for approval by the Division. The restoration or enhancement plan shall contain the following.

- (i) A map of the proposed restoration or enhancement site.
- (ii) A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity.
- (iii) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer.
- (iv) A fertilization plan.
- (v) A schedule for implementation.
- (e) Within one year after the Division has approved the restoration or enhancement plan, the applicant shall present proof to the Division that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of the State's or the delegated local authority's riparian buffer protection program.
- (f) The mitigation area shall be placed under a perpetual conservation easement whose terms are acceptable to the Division.
- (g) The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall be responsible for replacing trees that do not survive and for restoring diffuse flow if needed during that five-year period.

River Basin may submit a written request to the Commission for authority to implement and enforce the Tar-Pamlico Basin riparian buffer protection requirements within their jurisdiction. The written request shall be accompanied by information which shows:

- (i) The local government has land use jurisdiction for the riparian buffer demonstrated by delineating the local land use jurisdictional boundary on USGS 1:24,000 topographical map(s) or other appropriate scale map(s);
- (ii) The local government has the administrative organization, staff, legal authority, financial and other resources necessary to implement and enforce the Tar-Pamlico Basin riparian buffer protection requirements based on its size and projected amount of development;
- (iii) The local government has adopted ordinances, resolutions, or regulations necessary to establish and maintain the Tar-Pamlico Basin riparian buffer protection requirements; and
- (iv) The local government has provided a plan to address violations with appropriate remedies and actions.
- (b) Within 90 days after the Commission has received the request for delegation, the Commission shall notify the local government whether it has been approved, approved with modifications, or denied.
- (c) The Commission, upon determination that a delegated local authority is failing to implement or adequately enforce the Tar-Pamlico Basin riparian buffer protection requirements, shall notify the delegated local authority in writing of the local program's inadequacies. If the delegated local authority has not corrected the deficiencies within 90 days of receipt of the written notification, then the Commission shall rescind the delegation of authority to the local government and shall implement and enforce the Tar-Pamlico Basin riparian buffer protection requirements.
- (d) The Commission may delegate its duties and powers for granting and rescinding local government delegation of the Tar-Pamlico Basin riparian buffer protection requirements, in whole or in part, to the Director.
- (2) APPOINTMENT OF A RIPARIAN BUFFER PROTECTION ADMINISTRATOR. Upon receiving delegation, local governments shall appoint a Riparian Buffer Protection Administrator who shall coordinate the implementation and enforcement

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0261 TAR-PAMLICO RIVER BASIN - NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: DELEGATION OF AUTHORITY FOR THE PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS

This Rule sets out the following requirements for delegation of the responsibility for implementing and enforcing the Tar-Pamlico Basin riparian buffer protection program to local governments:

- (1) PROCEDURES FOR GRANTING AND RESCINDING DELEGATION. The Commission shall grant and rescind local government delegation of the Tar-Pamlico River Basin Riparian Buffer Protection requirements, as described in 15A NCAC 2B. 0259, according to the following procedures.
 - (a) Local governments within the Tar-Pamlico

of the program. The Administrator shall attend an initial training session by the Division and subsequent annual training sessions. The Administrator shall ensure that local government staff working directly with the program receive training to understand, implement and enforce the program.

(3) PROCEDURES FOR USES WITHIN RIPARIAN BUFFERS THAT ARE ALLOWABLE AND ALLOWABLE WITH MITIGATION. Upon receiving delegation, local authorities shall be responsible for reviewing proposed uses within the riparian buffer and issuing approvals if the uses meet the Tar-Pamlico Basin riparian buffer protection requirements. Delegated local authorities shall issue an Authorization Certificate for uses if the proposed use meets the Tar-Pamlico Basin riparian buffer protection requirements, or provides for appropriate mitigated provisions to the Tar-Pamlico Basin riparian buffer protection requirements. The Division shall have the authority to challenge a decision made by a delegated local authority for a period of 30 days after the Authorization Certificate is issued. If the Division does not challenge an Authorization Certificate within 30 days of issuance, then the delegated local authority's decision will stand.

(4) VARIANCES. After receiving delegation, local governments shall be responsible for reviewing variance requests, providing approvals for minor variance requests and making recommendations to the Commission for major variance requests pursuant to the Tar-Pamlico Basin riparian buffer protection program.

(5) LIMITS OF DELEGATED LOCAL AUTHORITY. The Commission shall have jurisdiction to the exclusion of local governments to implement the Tar-Pamlico Basin riparian buffer protection requirements for the following types of activities:

- (a) Activities conducted under the authority of the State;
- (b) Activities conducted under the authority of the United States;
- (c) Activities conducted under the authority of multiple jurisdictions;
- (d) Activities conducted under the authority of local units of government.

(6) RECORD-KEEPING REQUIREMENTS. Delegated local authorities are required to maintain on-site records for a minimum of five years. Delegated local authorities must furnish a copy of these records to the Director within 30 days of receipt of a written request for the records. The Division will inspect local riparian buffer protection programs to ensure that the programs are being adequately implemented and enforced. Each delegated local authority's records shall include the following:

- (a) A copy of variance requests;

- (b) The variance request's finding of fact;
- (c) The result of the variance proceedings;
- (d) A record of complaints and action taken as a result of the complaint;
- (e) Records for stream origin calls and stream ratings; and
- (f) Copies of request for authorization, records approving authorization and Authorization Certificates.

Authority G.S. 143-214.1; 143-214.7; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend rules cited as 15A NCAC 2D .0524, .1201 - .1208; 2Q .0102, .0306, .0702; adopt rule cited as 15A NCAC 2D .0541; and repeal rules cited as 15A NCAC 2D .0523, .1209. Notices of Rule-making Proceedings were published in the Register on August 15, 1998, October 15, 1998, December 15, 1998, and February 15, 1999.

Proposed Effective Date: July 1, 2000

A Public Hearing will be conducted at 7:00 p.m. on August 20, 1999 at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action:

15A NCAC 2D .0523, .1201 - .1209, 2Q .0102, .0306, .0702 - To make clarifications, amend definitions, and incorporate permitting requirements for hazardous waste incinerators per 40 CFR 270.32(b)(2).

15A NCAC 2D .0524 - To make clarifications to current Division operating procedures for new source performance standards.

15A NCAC 2D .0541 - To control emissions from abrasive blasting operations.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Any person desiring to comment for more than three minutes is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing record will remain open until September 1, 1999. Comments should be sent to and additional information concerning the hearings or the proposals may be obtained by contacting Mr. Thomas C. Allen, Division of Air Quality, 2728 Capital Blvd., 1641 Mail Service Center, Raleigh, NC 27699-1641, or at (919) 733-1489 (phone), (919) 715-7476 (fax).

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million

dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .0500 - EMISSION CONTROL STANDARDS

.0523 CONTROL OF CONICAL INCINERATORS

(a) Purpose. The purpose of this Regulation is to set forth the requirements of the Commission relating to the use of conical incinerators in the burning of wood and agricultural waste.

(b) Scope. This Regulation shall apply to all conical incinerators which are designed to incinerate wood and agricultural waste.

(c) A person shall not cause, allow, or permit the burning of wood or agricultural waste in a conical incinerator without taking reasonable precaution to prevent air pollutants from becoming airborne. As a minimum, each conical incinerator subject to this Regulation shall be equipped and maintained with:

- (1) an underfire and an overfire forced air system and variable damper which is automatically controlled to ensure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator;
- (2) a temperature recorder for continuously recording the temperature of the exit gas;
- (3) a feed system capable of delivering the waste to be burned at a sufficiently uniform rate to prevent temperature from dropping below 800 degrees Fahrenheit during normal operation, with the exception of one startup and one shutdown per day;

(d) The owner of the conical incinerator shall monitor and report ambient particulate concentrations in accordance with a method and schedule acceptable to the Commission.

(e) In no case shall the ambient air quality standards as defined in Section .0400 of this Subchapter be exceeded.

(f) The conical incinerator shall not violate Regulation .0524 of this Section.

(g) The distance a conical incinerator is located and/or operated from the nearest structure(s) in which people live or work shall be optimized to prevent air quality impact and shall be subject to approval by the Commission.

(h) New incinerators shall be in compliance with this Regulation on startup.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5).

.0524 NEW SOURCE PERFORMANCE STANDARDS

(a) With the exception of Paragraph (b) or (c) of this Rule, sources subject to new source performance standards promulgated in 40 CFR Part 60 shall comply with emission

standards, monitoring and reporting requirements, maintenance requirements, notification and record keeping requirements, performance test requirements, test method and procedural provisions, and any other provisions, as required therein, rather than with any otherwise-applicable rule in this Section which would be in conflict therewith.

(b) The following is not included under this Rule:

- (1) 40 CFR Part 60, Subpart AAA new (new residential wood heaters (40 CFR 60.530 to 60.539b, Subpart AAA); heaters);
- (2) 40 CFR Part 60, Subpart B (adoption and submittal of state plans for designated facilities);
- (3) 40 CFR Part 60, Subpart C (emission guidelines and compliance times);
- (4) 40 CFR Part 60, Subpart Ca (guidelines for municipal waste combustors);
- (5) 40 CFR Part 60, Subpart Ch (guidelines for municipal waste combustors constructed on or before December 19, 1995);
- (6) 40 CFR Part 60, Subpart Cc (guidelines for municipal solid waste landfills); or
- (7) 40 CFR Part 60, Subpart Cd (guidelines for sulfuric acid production units).

(c) Along with the notice appearing in the North Carolina Register for a public hearing to amend this Rule to exclude a standard from this Rule, the Director shall state whether or not the new source performance standards promulgated under 40 CFR Part 60, or part thereof, shall be enforced. If the Commission does not adopt the amendment to this Rule to exclude or amend the standard within 12 months after the close of the comment period on the proposed amendment, the Director shall begin enforcing that standard when 12 months has elapsed after the end of the comment period on the proposed amendment.

(d) New sources of volatile organic compounds that are located in an area designated in 40 CFR 81.334 as nonattainment for ozone or an area identified in accordance with 15A NCAC 2D .0902 as being in violation of the ambient air quality standard for ozone shall comply with the requirements of 40 CFR Part 60 that are not excluded by this Rule, as well as with any applicable requirements in Section .0900 of this Subchapter.

(e) All requests, reports, applications, submittals, and other communications to the administrator required under Paragraph (a) of this Rule shall be submitted to the Director of the Division of Environmental Management Air Quality rather than to the Environmental Protection Agency.

(f) In the application of this Rule, definitions contained in 40 CFR Part 60 shall apply rather than those of Section .0100 of this Subchapter.

(g) 15A NCAC 2Q .0102 and .0302 are not applicable to any source to which this Rule applies except for:

- (1) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units;
- (2) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels; or

(3) ~~40 CFR Part 60, Subpart AAA, new residential wood heaters:~~

The With the exceptions allowed under 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, the owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 2Q .0300 or .0500.

Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6.*

.0541 CONTROL OF EMISSIONS FROM ABRASIVE BLASTING

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

- (1) "Abrasives" means any material used in abrasive blasting operations.
- (2) "Abrasive blasting" means the operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface. Sandblasting is one form of abrasive blasting.
- (3) "Abrasive blasting equipment" means any equipment used in abrasive blasting operations.
- (4) "Fugitive dust emissions" means emissions of particulate matter into the outdoor atmosphere that is not vented or captured by a stack or chimney.
- (5) "Building" means a structure with four or more sides and a roof that is used, in whole or in part, to house or contain abrasive blasting.

(b) The owner or operator shall ensure that any abrasive blasting operation conducted outside a building or conducted indoors and vented to the atmosphere is performed in accordance with the requirements set forth in 15A NCAC 2D .0521, Control of Visible Emissions. For the purposes of this Rule, the visible emissions reading for abrasive blasting performed outside a building shall be taken at a spot approximately one meter above the point of abrasive blasting with a viewing distance of approximately five meters.

(c) Except as provided in Paragraph (d) of this Rule, all abrasive blasting operations shall be conducted within a building.

(d) An abrasive blasting operation conducted under one or more of the following conditions is not required to be conducted within a building:

- (1) when the item to be blasted exceeds eight feet in any dimension;
- (2) when the surface being blasted is situated at its permanent location or not further away from its permanent location than is necessary to allow the surface to be blasted; or
- (3) when the abrasive blasting operation is conducted at a private residence or farm and the visible emissions created by this abrasive blasting operation do not migrate beyond the property boundary of the private residence or farm on which the abrasive blasting operation is being conducted.

(e) The owner or operator of any abrasive blasting operation conducted in accordance with Subparagraphs (d)(1) and (d)(2)

of this Rule, outside a building, shall take appropriate measures to ensure that the fugitive dust emissions created by the abrasive blasting operation do not migrate beyond the property boundaries in which the abrasive blasting operation is being conducted. Appropriate measures include the following:

- (1) the addition of a suppressant to the abrasive blasting material;
- (2) wet abrasive blasting;
- (3) hydroblasting;
- (4) vacuum blasting;
- (5) shrouded blasting; or
- (6) shrouded hydroblasting.

(f) Compliance with this Rule shall not relieve the owner or contractor of responsibility for complying with any other applicable air quality, water quality, safety, health, or solid or hazardous waste standards; nor does it excuse or exempt such person from responsibility or liability for the consequences, damages, or injuries resulting from the project. Compliance with this Rule shall not be a defense to any legal action that is based on the theory of public or private nuisance.

Authority *G.S. 143-215.3(a)(1); 143-215.108(c)(7); 143-215.108(d)(1).*

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

.1201 PURPOSE AND SCOPE

(a) This Section sets forth rules for the control of the emissions of air pollutants from incinerators.

(b) The rules in this Section apply to all types of incinerators as defined by 15A NCAC 2D .0101(20), including incinerators with heat recovery and industrial incinerators.

(c) The rules in this Section do not apply to:

- (1) afterburners, flares, fume incinerators, and other similar devices used to reduce the emissions of air pollutants from processes, whose emissions shall be regulated as process emissions;
- (2) any boilers or industrial furnaces that burn waste as a fuel;
- (3) air curtain burners, which shall comply with Section .1900 of this Subchapter; or
- (4) incinerators used to dispose of dead animals or poultry that meet the following requirements:
 - (A) the incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator;
 - (B) the incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located;
 - (C) the incinerator is not charged at a rate that exceeds its design capacity; and
 - (D) the incinerator complies with Rule .0521 (visible emissions) and .0522 (odorous emissions) of this Subchapter.

(d) If the incinerator is used solely to cremate pets or if the emissions of all toxic air pollutants from an incinerator and

associated waste handling and storage are less than the levels listed in 15A NCAC 2Q .0711, the incinerator shall be exempt from Rules .1205(f) through (p), and .1206 of this Section. Sewage sludge incinerators, sludge incinerators, municipal waste combustors at small and large municipal waste combustor plants, and HMIWIs are not eligible for exemption under this Paragraph.

(d) ~~(e)~~ If an incinerator can be defined as being more than one type of incinerator, then the following order shall be used to determine the standards and requirements to apply:

- (1) hazardous waste ~~incinerators;~~ incinerators;
- (2) sewage sludge ~~incinerators;~~ incinerators;
- (3) sludge ~~incinerators;~~ incinerators;
- (4) municipal waste ~~combustors;~~ combustor at a large or small municipal waste ~~combustor~~ plant.
- (5) ~~hospital, medical, or infectious waste incinerators (HMIWIs);~~ HMIWIs;
- (6) ~~conical incinerators;~~
- (7) ~~crematory incinerators;~~ incinerators; and
- (8) other incinerators.

(e) Referenced document SW-846 "Test Methods for Evaluating Solid Waste", Third Edition, cited by rules in this Section is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the North Carolina Department of Environment and Natural Resources Library located at 512 North Salisbury Street, Raleigh, NC 27603. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars (\$319.00).

Authority: G.S. 143-215.3(a)(1); 143-215.107(a)(1),(3),(4),(5).

.1202 DEFINITIONS

For the purposes of this Section, the following definitions and those contained in 40 CFR 60, Subpart Ec, Standards of Performance for Hospital, Medical, and Infectious Waste Incinerators for Which Construction is Commenced after June 20, 1996, shall apply:

- (1) "Control efficiency" means the mass of a pollutant in the waste fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the waste fed to the incinerator.
- (2) "Crematory incinerator" means any incinerator located at a crematory regulated under 21 NCAC 34C that is used solely for the cremation of human remains.
- (3) "Construction and demolition waste" means wood, paper, and other combustible waste resulting from construction and demolition projects except for hazardous waste and asphaltic material.
- (4) "Dioxin and Furan" means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

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

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

- (a) ~~any HMIWI required to have a permit under Section 3005 of the Solid Waste Disposal Act;~~
 - (b) ~~any pyrolysis unit;~~
 - (c) ~~any cement kiln firing hospital waste or medical and infectious waste;~~
 - (d) ~~any physical or operational change made to an existing HMIWI solely for the purpose of complying with the emission standards for HMIWIs in Rule .1205 of this Section. These physical or operational changes are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of 40 CFR Part 60, Subpart Ec;~~
 - (e) ~~any HMIWI during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned; provided that the owner or operator of the HMIWI:~~
 - (i) ~~notifies the Director of an exemption claim; and~~
 - (ii) ~~keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned; or~~
 - (f) ~~any co-fired HMIWI, if the owner or operator of the co-fired HMIWI:~~
 - (i) ~~notifies the Director of an exemption claim;~~
 - (ii) ~~provides an estimate of the relative weight of hospital, medical and infectious waste, and other fuels or wastes to be combusted; and~~
 - (iii) ~~keeps records on a calendar quarter basis of the weight of hospital, medical and infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired HMIWI.~~
- (7) "Large HMIWI" means:
- (a) Except as provided in Sub-item (b) of this Item:
 - (i) a HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour;
 - (ii) a continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or

- (iii) a batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- (b) The following are not large HMIWIs:
 - (i) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
 - (ii)(iii) a batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.
- (8) "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- (9) "Large municipal waste combustor" combustor plant" means each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, a ~~municipal waste combustor plant with a municipal waste combustor aggregate plant capacity that is greater than 250 tons per day of municipal solid waste.~~
- (10) "Medical and Infectious Waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in Sub-items (a)(i) through (vii) of this Item.
 - (a) The definition of medical and infectious waste includes:
 - (i) cultures and stocks of infectious agents and associated biologicals, including:
 - (A) cultures from medical and pathological laboratories;
 - (B) cultures and stocks of infectious agents from research and industrial laboratories;
 - (C) wastes from the production of biologicals;
 - (D) discarded live and attenuated vaccines; and
 - (E) culture dishes and devices used to transfer, inoculate, and mix cultures;
 - (ii) human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers;
 - (iii) human blood and blood products including:
 - (A) liquid waste human blood;
 - (B) products of blood;
 - (C) items saturated or dripping with human blood; or
 - (D) items that were saturated or dripping with human blood that are now caked with dried human blood including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category;
 - (iv) sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips;
 - (v) animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;
 - (vi) isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and
 - (vii) unused sharps including the following unused or discarded sharps:
 - (A) hypodermic needles;
 - (B) suture needles;
 - (C) syringes; and
 - (D) scalpel blades.
 - (b) The definition of medical and infectious waste does not include:
 - (i) hazardous waste identified or listed under 40 CFR Part 261;
 - (ii) household waste, as defined in 40 CFR Part 261.4(b)(1);
 - (iii) ash from incineration of medical and

- infectious waste, once the incineration process has been completed;
- (iv) human corpses, remains, and anatomical parts that are intended for interment or cremation; and
 - (v) domestic sewage materials identified in 40 CFR 261.4(a)(1).
- (11) "Medium HMIWI" means:
- (a) Except as provided in Sub-item (b) of this Item:
 - (i) a HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour;
 - (ii) a continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
 - (iii) a batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
 - (b) The following are not medium HMIWIs:
 - (i) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
 - (ii) a batch HMIWI whose maximum charge rate is more than or equal to 4,000 pounds per day or less than or equal to 1,600 pounds per day.
- (12) "Municipal waste combustor (MWC) or municipal waste combustor unit" means a municipal waste combustor as defined in 40 CFR 60.51b.
- (13) "Municipal waste combustor plant" means one or more ~~municipal waste combustor units~~ designated facilities at the same location, ~~location for which construction, modification, or reconstruction commenced on or before September 20, 1994.~~
- (14) "Municipal waste combustor plant unit capacity" means the ~~aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction, modification, or reconstruction commenced on or before September 20, 1994.~~ maximum charging rate of a municipal waste combustor unit expressed in tons per day of municipal solid waste combusted, calculated according to the procedures under 40 CFR 60.58b(j). Section 60.568b(j) includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.
- (15) "Municipal-type solid waste (MSW)" ~~(MSW) or Municipal Solid Waste~~ means municipal-type solid waste defined in 40 CFR 60.51b.
- (16) "POTW" means a publicly owned treatment works as defined in 40 CFR 501.2.
- (17) "Same Location" means the same or contiguous property that is under common ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).
- (18) "Sewage sludge incinerator" means any incinerator regulated under 40 CFR Part 503, Subpart E.
- (19) "Sludge incinerator" means any incinerator regulated under Rule .1110 of this Subchapter but not under 40 CFR Part 503, Subpart E.
- (20) "Small HMIWI" means:
- (a) Except as provided in Sub-item (b) of this Item:
 - (i) a HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour;
 - (ii) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
 - (iii) a batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
 - (b) The following are not small HMIWIs:
 - (i) a continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
 - (ii) a batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.
- (21) "Small municipal waste combustor plant" means a municipal waste combustor plant with a municipal waste combustor plant capacity that is greater than 38.8 tons per day but not more than 250 tons per day of municipal solid waste.
- (22) "Small remote HMIWI" means any small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area (SMSA) and which burns less than 2,000 pounds per week of hospital, medical and infectious waste. The 2,000 pound per week limitation does not apply during performance tests.
- (23) "Standard Metropolitan Statistical Area (SMSA)" means any area listed in OMB Bulletin No. 93-17, entitled "Revised Statistical Definitions for Metropolitan Areas" dated July 30, 1993. The referenced document cited by this Item is hereby incorporated by reference and does not include

subsequent amendments or editions. A copy of this document may be obtained from the Division of Air Quality, PO Box 29580, Raleigh, North Carolina 27626-0580 at a cost of ten cents (\$0.10) per page or may be obtained through the internet at "http://www.census.gov/population/estimates/metro-city/93mflips.txt".

(24) "Total hydrocarbons" means the organic compounds in the stack exit gas from a sewage sludge incinerator measured using a flame ionization detection instrument referenced to propane.

Authority G.S. 143-213; 143-215.3(a)(1).

.1203 HAZARDOUS WASTE INCINERATORS

(a) Applicability. This Rule applies to hazardous waste incinerators.

(b) Emission Standards.

(1) The emission standards in this Rule apply to all incinerators subject to this Rule except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (8) or (9) of this Paragraph and Paragraph (g) of this Rule shall control in any event.

(2) Particulate Matter. Any incinerator subject to this Rule shall meet the particulate matter emission requirements of 40 CFR 264.343(c).

(3) Visible Emissions. Any incinerator subject to this Rule shall comply with Rule .0521 of this Subchapter for the control of visible emissions.

(4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Rule .0516 of this Subchapter for the control of sulfur dioxide emissions.

(5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .0522 of this Subchapter for the control of odorous emissions.

(6) Hydrogen Chloride. Any incinerator subject to this Rule shall meet the hydrogen chloride emission requirements of 40 CFR 264.343(b). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(7) Mercury Emissions. The emissions of mercury and mercury compounds from the stack or chimney of any incinerator subject to this Rule shall not exceed 0.032 pounds per hour. Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(8) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section .1100 of this Subchapter according to 15A NCAC 2Q .0700 for the control of toxic emissions.

(9) Ambient Standards.

(A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760

mm) of mercury pressure and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

- (i) arsenic and compounds 2.3×10^{-7}
- (ii) beryllium and compounds 4.1×10^{-6}
- (iii) cadmium and compounds 5.5×10^{-6}
- (iv) chromium (VI) and compounds 8.3×10^{-8}

(B) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.

(C) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.

(D) The emission rates computed or used under Part (C) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be placed in the permit for the facility with incinerators subject to this Rule as their allowable emission limits unless Rule .0524, .1110, or .1111 of this Subchapter requires more restrictive rates.

(c) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.

(2) Hazardous waste incinerators shall comply with 15A NCAC 13A .0101 through .0114, which are administered and enforced by the Division of Waste Management.

(d) Test Methods and Procedures.

(1) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (b) of this Rule.

(e) Monitoring, Recordkeeping, and Reporting.

- (1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.
- (2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(f) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Rule .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

(g) In addition to the requirements of Paragraphs (b) through (f) of this Rule, incinerators subject to this Rule shall comply with the emission limits, operational specifications, and other restrictions or conditions determined by the Division of Waste Management under 40 CFR 270.32(b)(2), establishing resource conservation and recovery act permit conditions, as necessary to protect human health and the environment.

(a) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. The test method for determining metals emissions from stationary combustion sources, commonly called Method 5 (interim), published by the U.S. Environmental Protection Agency on August 28, 1989, shall be used to determine emission rates for metals. Method 5 (interim) shall be used to sample for chromium (VI), and SW 846 Method 0013 shall be used for the analysis.

(b) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards in Rule .1205 of this Section.

(c) For the emission standards in Rule .1205(b)(7)(A), (b)(7)(B), (f), and (g) of this Section, compliance shall be determined by averaging emissions over a one-hour period.

(d) The owner or operator of a sewage sludge incinerator

shall perform testing to determine pollutant control efficiencies of any pollution control equipment and obtain information on operational parameters, including combustion temperature, to be placed in an air quality permit.

(e) The owner or operator of a municipal waste combustor at a small or large municipal waste combustor plant shall do performance testing in accordance with 40 CFR Part 60.58b. For municipal waste combustor at large municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii). For municipal waste combustor at small municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 30.0 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed in accordance with the testing schedule specified in 40 CFR 60.58b(g)(5)(iii).

(f) Referenced document SW-846 "Test Methods for Evaluating Solid Waste", Third Edition, cited by this Rule is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the North Carolina department of Environment and Natural Resources Library located at 512 North Salisbury Street, Raleigh, NC 27603. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars (\$319.00). Referenced document Method 5 (interim) cited by this Rule is hereby incorporated by reference and includes subsequent amendments and editions. A copy of this document is available for inspection at any Division of Air Quality Regional Office (names and addresses listed in Rule .0103 of this Subchapter). Copies of this document may be obtained from the Division at the cost of twenty cents (\$0.20) per page.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5).

.1204 SEWAGE SLUDGE AND SLUDGE INCINERATORS

(a) Applicability. This Rule applies to sewage sludge and sludge incinerators.

(b) Definitions. For the purpose of this Rule, the definitions in 40 CFR Part 503 shall apply in addition to the definitions in Rule .1202 of this Section.

(c) Emission Standards.

(1) The emission standards in this Rule apply to any incinerator subject to this Rule except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (11) or (12) of this Paragraph shall control in any event.

(2) Particulate Matter. Any incinerator subject to this Rule shall comply with one of the following

emission standards for particulate matter:

- (A) For refuse charge rates between 100 and 2000 pounds per hour, the allowable emissions rate for particulate matter from any stack or chimney of any incinerator subject to this Rule shall not exceed the level calculated with the equation $E=0.002P$, calculated to two significant figures, where "E" equals the allowable emission rate for particulate matter in pounds per hour and "P" equals the refuse charge rate in pounds per hour. For refuse charge rates of 0 to 100 pounds per hour the allowable emission rate is 0.2 pounds per hour. For refuse charge rates of 2000 pounds per hour or greater the allowable emission rate shall be 4.0 pounds per hour. Compliance with this Part shall be determined by averaging emissions over a three-hour period.
- (B) Instead of meeting the standards in Part (A) of this Subparagraph, the owner or operator of any incinerator subject to this Rule may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide. Compliance with this Part shall be determined by averaging emissions over a three-hour period.
- (3) Visible Emissions. Any incinerator subject to this Rule shall comply with Rule .0521 of this Subchapter for the control of visible emissions.
- (4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Rule .0516 of this Subchapter for the control of sulfur dioxide emissions.
- (5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .0522 of this Subchapter for the control of odorous emissions.
- (6) Hydrogen Chloride. Any incinerator subject to this Rule shall control hydrogen chloride emissions such that they do not exceed four pounds per hour unless they are reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.
- (7) Mercury Emissions. Emissions of mercury from any incinerator subject to this Rule are regulated under 15A NCAC 2D .1110.
- (8) Beryllium Emissions. Emissions of beryllium from

any incinerator subject to this Rule are regulated under 15A NCAC 2D .1110.

- (9) Lead Emissions. The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).
- (10) Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).
- (11) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section .1100 of this Subchapter according to 15A NCAC 2Q .0700.
- (12) Ambient Standards.
 - (A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

(i) arsenic and compounds	2.3x10 ⁻⁷
(ii) beryllium and compounds	4.1x10 ⁻⁶
(iii) cadmium and compounds	5.5x10 ⁻⁶
(iv) chromium (VI) and compound	8.3x10 ⁻⁸
 - (B) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.
 - (C) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.
 - (D) The emission rates computed or used under Part (C) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be placed in the permit for the facility with incinerators subject to this Rule as their allowable emission limits unless Rule .0524, .1110, or .1111 of this Subchapter requires more restrictive rates.
- (d) Operational Standards.
 - (1) The operational standards in this Rule do not apply to any incinerator subject to this Rule where

operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.

(2) Sewage Sludge Incinerators.

(A) The maximum combustion temperature for a sewage sludge incinerator shall be placed in the permit and based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(B) The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be placed in the permit and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(C) The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40 CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous emission monitor required in Part (f)(3)(A) of this Rule.

(3) Sludge Incinerators. The combustion temperature in a sludge incinerator shall not be less than 1200°F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:

(A) 12 percent (dry basis) for a multiple hearth sludge incinerator,

(B) seven percent (dry basis) for a fluidized bed sludge incinerator,

(C) nine percent (dry basis) for an electric sludge incinerator, and

(D) 12 percent (dry basis) for a rotary kiln sludge incinerator.

(e) Test Methods and Procedures.

(1) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (c) of this Rule.

(3) The owner or operator of a sewage sludge incinerator shall perform testing to determine pollutant control efficiencies of any pollution control equipment and obtain information on operational parameters, including combustion temperature, to be

placed in an air quality permit.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

(2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a sewage sludge incinerator shall:

(A) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:

(i) total hydrocarbon concentration of the incinerator stack exit gas according to 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;

(ii) oxygen content of the incinerator stack exit gas; and

(iii) moisture content of the incinerator stack exit gas;

(B) monitor the concentration of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required by Rule .1110 of this Subchapter but in no case less than once per year;

(C) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);

- (D) determine mercury emissions by use of Method 101 or 101A of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);
- (E) maintain records of all material required under Paragraph (e) of this Rule and this Paragraph according to 40 CFR 503.47; and
- (F) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater, submit the information recorded in Part (D) of this Subparagraph to the Director on or before February 19 of each year.

(g) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Rule .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

(a) The owner or operator of an incinerator subject to the requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

(b) The owner or operator of an incinerator, except an incinerator meeting the requirements of 15A NCAC 2D .1201(c)(4), shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The Director may require a temperature monitoring device for incinerators meeting the requirements of 15A NCAC 2D .1201(c)(4). The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a sewage sludge incinerator shall:

- (1) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:
 - (A) total hydrocarbon concentration of the incinerator stack exit gas in accordance with 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;

- (B) oxygen concentration of the incinerator stack exit gas; and
- (C) moisture content of the incinerator stack exit gas;

- (2) monitor the concentrations of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required under Rule .1110 of this Subchapter but in no case less than once per year;
- (3) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);
- (4) determine mercury emissions by use of Method 101 or 101A of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);
- (5) maintain records of all material required under Rule .1203 and .1204 of this Section in accordance with 40 CFR 503.47; and
- (6) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater, submit the information recorded in Subparagraph (c)(4) of this Rule to the Director on or before February 19 of each year.

(d) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a small or large municipal waste combustor plant shall:

- (1) install, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine the following:
 - (A) opacity in accordance with 40 CFR 60.58b(c);
 - (B) sulfur dioxide in accordance with 40 CFR 60.58b(e);
 - (C) nitrogen dioxide in accordance with 40 CFR 60.58b(h). (This requirement applies only to large municipal waste combustor plants);
- (2) maintain records of the information listed in 40 CFR 60.59b, Paragraphs (d)(1) through (d)(15) for a period of at least five years;
- (3) following the initial compliance tests as required under Rule .1203 of this Section, submit the information specified in 40 CFR 60.59b, Paragraphs (f)(1) through (f)(6), in the initial performance test report;
- (4) following the first year of municipal combustor operation, submit an annual report including the information specified in 40 CFR 60.59b, Paragraphs (g)(1) through (g)(4), as applicable, no later than February 1 of each year following the calendar year in which the data were collected. Once the unit is subject to permitting requirements under 15A NCAC 2Q. 0500, Title V Procedures, the owner or operator of an affected facility must submit these reports semiannually;
- (5) submit a semiannual report that includes information

specified in 40 CFR 60.59b, Paragraphs (h)(1) through (h)(5); for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section; according to the schedule specified in 40 CFR 60.59b(h)(6).

(e) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the owner or operator of a HMIWI shall comply with the recording and recordkeeping requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) and (b)(7).

(f) In addition to the requirements of Paragraphs (a), (b), and (c) of this Rule, the owner or operator of a small remote HMIWI shall:

- (1) maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection;
- (2) submit an annual report containing information recorded in Subparagraph (1) of this Paragraph to the Director no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. The report shall be signed by the HMIWI manager; and
- (3) submit the reports required by Subparagraphs (1) and (2) of this Paragraph to the Director semiannually once the HMIWI is subject to the permitting procedures of 15A NCAC 2Q .0500, Title V Procedures.

(g) Waste Management Guidelines. The owner or operator of a HMIWI shall comply with the requirements of 40 CFR Part 60.55c for the preparation and submittal of a waste management plan.

(h) Except as provided in Paragraph (i) of this Rule, the owner or operator of any HMIWI shall comply with the monitoring requirements in 40 CFR Part 60.57c.

(i) The owner or operator of any small remote HMIWI shall:

- (1) install, calibrate, maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.
- (2) install, calibrate, maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.
- (3) obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital, medical and infectious waste.

(a) Applicability. This Rule applies to municipal waste combustors.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.51b shall apply in addition to the definitions in Rule .1202 of this Section.

(c) Emission Standards.

(1) The emission standards in this Rule apply to all incinerators subject to this Rule except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (13) or (14) of this Paragraph shall control in any event.

(2) Particulate Matter.

(A) Emissions of particulate matter from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 70 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(B) Emissions of particulate matter from each large municipal waste combustor shall not exceed 27 milligrams per dry standard cubic meter corrected to seven percent oxygen.

(3) Visible Emissions.

(A) The emission limit for opacity from any municipal waste combustor shall not exceed 10 percent (6-minute average).

(B) Air curtain incinerators shall comply with Rule .1904 of this Subchapter.

(4) Sulfur Dioxide.

(A) Emissions of sulfur dioxide from each municipal waste combustor located at a small municipal waste combustor plant shall be reduced by at least 50 percent by weight or volume or to more than 80 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(B) Emissions of sulfur dioxide from each large municipal waste combustor shall be:

(i) reduced by at least 75 percent by weight or volume, or to more than 31 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent, by August 1, 2000. Compliance with this emission limit is based on a 24-hour daily geometric mean; and

(ii) reduced by at least 75 percent by weight or volume, or to more than 29 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent, by August 1, 2002. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(5) Nitrogen Oxide.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5).

.1205 MUNICIPAL WASTE COMBUSTORS

- (A) Emissions of nitrogen oxide from each large municipal waste combustor shall not exceed the emission limits in Table 1 of Paragraph (d) of 40 CFR 60.33b. Nitrogen oxide emissions averaging is allowed as specified in 40 CFR 60.33b(d)(1)(i) through (d)(1)(v). Nitrogen oxide emissions control is not required for municipal waste combustors located at small municipal waste combustor plants.
- (B) In addition to the requirements of Part (A) of this Subparagraph, emissions of nitrogen oxide from fluidized bed combustors located at a large municipal waste combustor shall not exceed 180 parts per million by volume, corrected to seven percent oxygen, by August 1, 2002. If nitrogen oxide emissions averaging is used as specified in 40 CFR 60.33b(d)(1)(i) through (d)(1)(V), emissions of nitrogen oxide from fluidized bed combustors located at a large municipal waste combustor shall not exceed 165 parts per million by volume, corrected to seven percent oxygen, by August 1, 2002.
- (6) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .0522 of this Subchapter for the control of odorous emissions.
- (7) Hydrogen Chloride.
 - (A) Emissions of hydrogen chloride from each municipal waste combustor at a small municipal waste combustor plant shall be reduced by at least 50 percent by weight or volume or to no more than 250 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this Part shall be determined by averaging emissions over a one-hour period.
 - (B) Emissions of hydrogen chloride from each large municipal waste combustor shall be:
 - (i) reduced by at least 95 percent by weight or volume, or to no more than 31 parts per million by volume, corrected to seven percent oxygen (dry basis), whichever is less stringent, by August 1, 2000. Compliance with this emission limit shall be determined by averaging emissions over a one-hour period; and
 - (ii) reduced by at least 95 percent by weight or volume, or to no more than 29 parts per million by volume, corrected to seven percent oxygen (dry basis), whichever is less stringent, by August 1, 2002. Compliance with this emission limit shall be determined by averaging emissions over a one-hour period.
- (8) Mercury Emissions. Emissions of mercury from each municipal waste combustor shall be reduced by at least 85 percent by weight or shall not exceed 0.08 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent. Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.
- (9) Lead Emissions.
 - (A) Emissions of lead from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 1.6 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
 - (B) Emissions of lead from each large municipal waste combustor shall not exceed 0.49 milligrams per dry standard cubic meter, corrected to seven percent oxygen, by August 1, 2000 and shall not exceed 0.44 milligrams per dry standard cubic meter, corrected to seven percent oxygen, by August 1, 2002.
- (10) Cadmium Emissions.
 - (A) Emissions of cadmium from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 0.10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
 - (B) Emissions of cadmium from each large municipal waste combustor shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (11) Dioxins and Furans.
 - (A) Emissions of dioxins and furans from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 125 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen.
 - (B) Emissions of dioxins and furans from each large municipal waste combustor shall not exceed:
 - (i) 60 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that employ an electrostatic precipitator-based emission control system, or
 - (ii) 30 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that do not employ an electrostatic precipitator-based emission control system.
- (12) Fugitive Ash.
 - (A) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor shall cause to be discharged to the atmosphere visible emissions of combustion ash from an

ash conveying system (including conveyor transfer points) in excess of five percent of the observation period (i.e., nine minutes per three-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k), except as provided in Parts (B) and (C) of this Subparagraph.

- (B) The emission limit specified in Part (A) of this Subparagraph covers visible emissions discharged to the atmosphere from buildings or enclosures, not the visible emissions discharged inside of the building or enclosures, of ash conveying systems.
- (C) The provisions specified in Part (A) of this Subparagraph do not apply during maintenance and repair of ash conveying systems.
- (13) Toxic Emissions. The owner or operator of a municipal waste combustor shall demonstrate compliance with Section .1100 of this Subchapter according to 15A NCAC 2Q .0700.
- (14) Ambient Standards.
 - (A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

(i) arsenic and compounds	2.3×10^{-7}
(ii) beryllium and compounds	4.1×10^{-6}
(iii) cadmium and compounds	5.5×10^{-6}
(iv) chromium (VI) and compounds	8.3×10^{-8}
 - (B) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.
 - (C) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.
 - (D) The emission rates computed or used under Part (C) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be placed in the permit for the facility with incinerators

as their allowable emission limits unless Rule .0524, .1110, or .1111 of this Subchapter requires more restrictive rates.

- (d) Operational Standards.
 - (1) The operational standards in this Rule do not apply to any incinerator subject to this Rule where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.
 - (2) Each municipal waste combustor shall meet the following operational standards:
 - (A) The concentration of carbon monoxide at the combustor outlet shall not exceed the concentration in Table 3 of 40 CFR 60.34b(a). The combustor technology named in this table is defined in 40 CFR 60.51b.
 - (B) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor unit load, except as specified in 40 CFR 60.53b(b)(1) and (b)(2). The maximum demonstrated municipal waste combustor unit load is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).
 - (C) The temperature at which the combustor operates, measured at the particulate matter control device inlet, shall not exceed 63° F above the maximum demonstrated particulate matter control device temperature, except as specified in 40 CFR 60.53b(c)(1) and (c)(2). The maximum demonstrated particulate matter control device temperature is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i).
 - (3) Except during start-up where the procedure has been approved according to Rule .0535(g) of this Subchapter, waste material shall not be loaded into any incinerator subject to this Rule when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis according to Rule .0535(g) of this Subchapter. Incinerators subject to this Rule shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.
- (e) Test Methods and Procedures.
 - (1) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.
 - (2) The Director may require the owner or operator of any incinerator subject to this Rule to test his

incinerator to demonstrate compliance with the emission standards in Paragraph (c) of this Rule.

only to large municipal waste combustor):

- (3) The owner or operator of a municipal waste combustor shall do performance testing according to 40 CFR 60.58b. For large municipal waste combustors that achieve a dioxin and furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed according to the testing schedule specified in 40 CFR 60.58b(g)(5)(iii). For municipal waste combustors at small municipal waste combustor plants that achieve a dioxin and furan emission level less than or equal to 30.0 nanograms per dry standard cubic meter total mass, corrected to seven percent oxygen, the performance testing shall be performed according to the testing schedule specified in 40 CFR 60.58b(g)(5)(iii).

- (B) maintain records of the information listed in 40 CFR 60.59b(d)(1) through (d)(15) for a period of at least five years.
- (C) following the initial compliance tests as required under Paragraph (c) of this Rule, submit the information specified in 40 CFR 60.59b(f)(1) through (f)(6), in the initial performance test report.
- (D) following the first year of municipal combustor operation, submit an annual report including the information specified in 40 CFR 60.59b(g)(1) through (g)(4), as applicable, no later than February 1 of each year following the calendar year in which the data were collected. Once the unit is subject to permitting requirements under 15A NCAC 2Q .0500, Title V Procedures, the owner or operator of an affected facility shall submit these reports semiannually.
- (E) submit a semiannual report that includes information specified in 40 CFR 60.59b(h)(1) through (h)(5), for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section, according to the schedule specified in 40 CFR 60.59b(h)(6).

(f) Monitoring, Recordkeeping, and Reporting.

- (1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.
- (2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(g) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Rule .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

(h) Operator Training and Certification.

- (3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a municipal waste combustor shall:
 - (A) install, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine the following:
 - (i) opacity according to 40 CFR 60.58b(c).
 - (ii) sulfur dioxide according to 40 CFR 60.58b(e).
 - (iii) nitrogen dioxide according to 40 CFR 60.58b(h). (This requirement applies

- (1) By January 1, 2000, or six months after the date of start-up of a municipal waste combustor located at a small municipal waste combustor plant, whichever is later, and by July 1, 1999, or six months after the date of start-up of a large municipal waste combustor, whichever is later:

- (A) Each facility operator and shift supervisor of a municipal waste combustor shall obtain and maintain a current provisional operator certification from the American Society of Mechanical Engineers (ASME QRO-1-1994).
- (B) Each facility operator and shift supervisor of a municipal waste combustor shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994).

(C) The owner or operator of a municipal waste combustor plant shall not allow the facility to be operated at any time unless one of the following persons is on duty at the affected facility:

- (i) a fully certified chief facility operator,
- (ii) a provisionally certified chief facility operator who is scheduled to take the full certification exam according to the schedule specified in Part (B) of this Subparagraph,
- (iii) a fully certified shift supervisor, or
- (iv) a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in Part (B) of this Subparagraph.

If one of the persons listed in this Part leaves the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirements in this Part.

(2) The owner or operator of a municipal waste combustor shall develop and update on a yearly basis a site-specific operating manual that shall at the minimum address the elements of municipal waste combustor unit operation specified in 40 CFR 60.54b(e)(1) through (e)(11).

(3) By July 1, 1999, or six months after the date of start-up of a municipal waste combustor, whichever is later, the owner or operator of the municipal waste combustor plant shall comply with the following requirements:

(A) All chief facility operators, shift supervisors, and control room operators shall complete the EPA municipal waste combustor training course.

- (i) The requirements specified in Part (A) of this Subparagraph shall not apply to chief facility operators, shift supervisors and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before July 1, 1998.
- (ii) As provided under 40 CFR 60.39b(c)(4)(iii)(B), the owner or operator may request that the Administrator waive the requirement specified in Part (A) of this Subparagraph for the chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before July 1, 1998.

(B) The owner or operator of a municipal waste combustor shall establish a training program to review the operating manual, according to the schedule specified in Subparts (i) and (ii) of this Part, with each person who has responsibilities affecting the operation of an affected facility, including the chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane-load handlers.

(i) Each person specified in Part (B) of this Subparagraph shall undergo initial training no later than the date specified in Items (I) through (III) of this Subpart, whichever is later.

- (I) The date six months after the date of start-up of the affected facility;
- (II) July 1, 1999; or
- (III) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(ii) Annually, following the initial training required by Subpart (i) of this Part.

(C) The operating manual required by Subparagraph (2) of this Paragraph shall be kept in a readily accessible location for all persons required to undergo training under Part (B) of this Subparagraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request.

(4) The referenced ASME exam in this Paragraph is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty nine dollars (\$49.00).

(i) Compliance Schedules.

(1) The owner or operator of a large municipal waste combustor shall choose one of the following three compliance schedule options:

- (A) comply with all the requirements or close before August 1, 2000;
- (B) comply with all the requirements after one year but before three years following the date of issuance of a revised construction and operation permit, if permit modification is required, or after August 1, 2000, but before August 1, 2002, if a permit modification is not required. If this option is chosen, then the owner or operator of the facility shall submit to the Director measurable and enforceable

incremental steps of progress towards compliance which include:

- (i) a date by which contracts for the emission control system or equipment shall be awarded or orders issued for purchase of component parts;
- (ii) a date by which on site construction, installation, or modification of emission control equipment shall begin;
- (iii) a date by which on site construction, installation, or modification of emission control equipment shall be completed;
- (iv) a date for initial start-up of emissions control equipment;
- (v) a date for initial performance test(s) of emission control equipment; and
- (vi) a date by which the facility shall be in compliance with this Section, which shall be no later than three years from the issuance of the permit; or
- (C) close between August 1, 2000, and August 1, 2002. If this option is chosen then the owner or operator of the facility shall submit to the Director a closure agreement which includes the date of the plant closure.
- (2) The owner or operator of a small municipal waste combustor plant shall comply with all requirements, or close, within three years following the date of issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2002, if a permit modification is not required.
- (3) All large municipal waste combustors for which construction, modification, or reconstruction commenced after June 26, 1987, but before

September 19, 1994, shall comply with the emission limit for mercury specified in Subparagraph (c)(8) of this Rule and the emission limit for dioxin and furan specified in Part (c)(11)(B) of this Rule within one year following issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2000, whichever is later.

- (4) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress, whether the required increment of progress has been met.
 - (a) ~~The emission standards in this Rule apply to all incinerators except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (p)(2) and (4) of this Rule shall control in any event.~~
 - (b) ~~Particulate matter:~~
 - (1) ~~Hazardous waste incinerators shall meet the particulate matter requirements of 40 CFR 264.343(c).~~
 - (2) ~~The emissions of particulate matter from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 70 milligrams per dry standard cubic meter, corrected to seven percent oxygen.~~
 - (3) ~~The emissions of particulate matter from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed 27 milligrams per dry standard cubic meter corrected to seven percent oxygen.~~
 - (4) ~~Conical incinerators covered by Rule .0523 of this Subchapter shall comply with that Rule instead of this Paragraph.~~
 - (5) ~~The emissions of particulate matter from a HMIWI shall not exceed:~~

Incinerator Size	Allowable Emission Rate (mg/dscm) [corrected to seven percent oxygen]
Small	115
Medium	69
Large	34

- (6) ~~The emissions of particulate matter from any small remote HMIWI shall not exceed 197 milligrams per dry standard cubic meter, corrected to seven percent oxygen.~~
- (7) ~~Any incinerators not covered under Subparagraphs (1) through (6) of this Paragraph shall comply with one of the following emission standards for particulate matter:~~
 - (A) ~~The emission of particulate matter from any stack or chimney of an incinerator shall not exceed:~~

Refuse Charge (lb/hour)	Allowable Emission Rate (lb/hour)
0 to 100	0.2
200	0.4

500	1.0
1,000	2.0
2,000 and Above	4.0

For a refuse charge between any two consecutive rates stated in the preceding table; the allowable emissions rate for particulate matter shall be calculated by the equation $E=0.002P$. E=allowable emission rate for particulate matter in lb/hour. P=refuse charge in lb/hour.

(B) Instead of meeting the standards in Part (7)(A) of this Paragraph, the owner or operator of an incinerator may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide.

(c) Sulfur dioxide:

- (1) The emissions of sulfur dioxide from each municipal waste combustor located at a small municipal waste combustor plant shall be reduced by at least 50 percent by weight or volume or to no more than 80 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.
- (2) The emissions of sulfur dioxide from each municipal waste combustor located at a large municipal waste combustor plant shall be reduced by at least 75 percent by weight or volume or to no more than 31 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.
- (3) The emissions of sulfur dioxide from any HMIWI shall not exceed 55 parts per million corrected to seven percent oxygen (dry basis).
- (4) Any incinerator not covered under Subparagraphs (1) through (3) of this Paragraph shall comply with Rule .0516 of this Subchapter.

(d) Visible emissions:

- (1) The emission limit of opacity from each municipal waste combustor located at a small or large municipal waste combustor plant shall not exceed 10 percent (6-minute average).

(2) Air curtain incinerators shall comply with Rule .1904 of this Subchapter.

(3) On and after the date on which the initial performance test is completed, the owner or operator of any HMIWI shall not cause to be discharged into the atmosphere from the stack of the HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average).

(4) Any incinerator not covered under Paragraphs (1) through (3) of this Paragraph shall comply with Rule .0521 of this Subchapter.

(e) Odorous emissions. Incinerators shall comply with Rule .0522 of this Subchapter.

(f) Hydrogen chloride:

- (1) The emissions of hydrogen chloride from each municipal waste combustor at small municipal waste combustor plants shall be reduced by at least 50 percent by weight or volume or to no more than 250 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent.
- (2) The emissions of hydrogen chloride from each municipal waste combustor at large municipal waste combustor plants shall be reduced by at least 95 percent by weight or volume or to no more than 31 parts per million by volume, corrected to seven percent oxygen (dry basis), whichever is less stringent.
- (3) Hazardous waste incinerators shall meet the hydrogen chloride emissions requirements of 40 CFR 264.343(b).
- (4) The emissions of hydrogen chloride from any small, medium, or large HMIWI shall be reduced by at least 93 percent by weight or volume or to no more than 100 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent.
- (5) The emissions of hydrogen chloride from any small remote HMIWI shall not exceed 3100 parts per million by volume corrected to seven percent oxygen (dry basis).
- (6) Emissions of hydrogen chloride from all other incinerators shall not exceed four pounds per hour unless it is reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis).

(g) Mercury emissions:

- (1) Emissions of mercury from each municipal waste combustor at a small or large municipal waste

combustor plant shall be reduced by at least 85 percent by weight or shall not exceed 0.08 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

- (2) Emissions of mercury from sludge incinerators and sewage sludge incinerators are regulated under 15A NCAC 2D .1110.
- (3) Emissions of mercury from any small, medium, or large HMIWI shall be reduced by at least 85 percent by weight or shall not exceed 0.55 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.
- (4) Emissions of mercury from any small remote HMIWI shall not exceed 7.5 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (5) Emissions of mercury and mercury compounds from the stack or chimney of a hazardous waste incinerator or any other type incinerator not identified in Subparagraphs (g)(1) through (g)(4) of this Paragraph shall not exceed 0.032 pounds per hour.

(h) Beryllium Emissions. Beryllium emissions from sludge incinerators and sewage sludge incinerators shall comply with 15A NCAC .1110 of this Subchapter.

(i) Lead Emissions:

- (1) Emissions of lead from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 1.6 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (2) Emissions of lead from each municipal waste combustor at a large municipal waste combustor plant shall not exceed 0.49 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (3) The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).
- (4) Emissions of lead from any small, medium, or large HMIWI shall be reduced by at least 70 percent by weight or shall not exceed 1.2 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.
- (5) Emissions of lead from any small remote HMIWI shall not exceed 10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(j) Cadmium Emissions:

- (1) Emissions of cadmium from each municipal waste combustor at a small municipal waste combustor plant shall not exceed 0.10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.
- (2) Emissions of cadmium from each municipal waste

combustor at a large municipal waste combustor plant shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

- (3) Emissions of cadmium from any small, medium, or large HMIWI shall be reduced by at least 65 percent by weight or shall not exceed 0.16 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.
- (4) Emissions of cadmium from any small remote HMIWI shall not exceed 4 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(k) Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).

(l) The owner or operator of an incinerator shall demonstrate compliance with Section .1100 of this Subchapter in accordance with 15A NCAC 2Q .0700.

(m) Dioxins and Furans:

- (1) The emissions of dioxins and furans from each municipal waste combustor located at a small municipal waste combustor plant shall not exceed 125 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen.
- (2) The emissions of dioxins and furans from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed:
 - (A) 60 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that employ an electrostatic precipitator-based emission control system, or
 - (B) 30 nanograms per dry standard cubic meter (total mass) corrected to seven percent oxygen for facilities that do not employ an electrostatic precipitator-based emission control system.
- (3) The emissions of dioxins and furans from any small, medium, or large HMIWI shall not exceed 125 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 2.3 nanograms per dry standard cubic meter (toxic equivalency), corrected to seven percent oxygen.
- (4) The emissions of dioxins and furans from any small remote HMIWI shall not exceed 800 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 15 nanograms per dry standard cubic meter (toxic equivalency), corrected to seven percent oxygen.

(n) Nitrogen oxide:

- (1) The emissions of nitrogen oxide from each municipal waste combustor located at a large municipal waste combustor plant shall not exceed the emission limits in Table 1 of Paragraph (d) of 40

CFR 60.33b. Nitrogen oxide emissions averaging is allowed as specified in Paragraphs (d)(1)(i) through (d)(1)(v) of 40 CFR 60.33b. Nitrogen oxide emissions control is not required for municipal waste combustors located at small municipal waste combustor plants:

- (2) The emissions of nitrogen oxides from any HMIWI shall not exceed 250 parts per million by volume corrected to seven percent oxygen (dry basis).
- (o) Fugitive ash.
 - (1) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of five percent of the observation period (i.e., nine minutes per three-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k), except as provided in Subparagraphs (2) and (3) of this Paragraph.
 - (2) The emission limit specified in Subparagraph (1) of this Paragraph covers visible emissions discharged to the atmosphere from buildings or enclosures, not the visible emissions discharged inside of the buildings or enclosures, of ash conveying systems.
 - (3) The provisions specified in Subparagraph (1) of this Paragraph do not apply during maintenance and repair of ash conveying systems.
- (p) Ambient standards.
 - (1) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77° F (25° C) and 29.92 inches (760 mm) of mercury pressure shall apply aggregately to all incinerators at a facility:
 - (A) arsenic and compounds
2.3x10⁻⁷
 - (B) beryllium and compounds
4.1x10⁻⁶
 - (C) cadmium and compounds
5.5x10⁻⁶
 - (D) chromium(VI) and compounds
8.3x10⁻⁸
 - (2) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.
 - (3) The owner or operator of a facility with incinerators shall demonstrate compliance with the ambient

standards in Parts (1)(A) through (D) of this Paragraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter:

- (4) The emission rates computed or used under Subparagraph (3) of this Paragraph that demonstrate compliance with the ambient standards under Subparagraph (1) of this Paragraph shall be placed in the permit for the facility with incinerators as their allowable emission limits unless Rule .0524, .1110 or .1111 of this Subchapter requires more restrictive rates.

(q) Carbon Monoxide. The emissions of carbon monoxide from any HMIWI shall not exceed 40 parts per million by volume, corrected to seven percent oxygen (dry basis).

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(4),(5); 40 C.F.R. 60.35b; 40 C.F.R. 60.34e.

.1206 HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS

(a) Applicability. This Rule applies to any hospital, medical, and infectious waste incinerator (HMIWI), except:

- (1) any HMIWI required to have a permit under Section 3005 of the Solid Waste Disposal Act;
- (2) any pyrolysis unit;
- (3) any cement kiln firing hospital waste or medical and infectious waste;
- (4) any physical or operational change made to an existing HMIWI solely for the purpose of complying with the emission standards for HMIWIs in this Rule. These physical or operational changes are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of 40 CFR Part 60, Subpart Ec;
- (5) any HMIWI during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, provided that the owner or operator of the HMIWI:
 - (A) notifies the Director of an exemption claim; and
 - (B) keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned; or
- (6) any co-fired HMIWI, if the owner or operator of the co-fired HMIWI:
 - (A) notifies the Director of an exemption claim;
 - (B) provides an estimate of the relative weight of hospital, medical and infectious waste, and other fuels or wastes to be combusted; and
 - (C) keeps records on a calendar quarter basis of

the weight of hospital, medical and infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired HMIWI.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.51e shall apply in addition to the definitions in Rule .1202 of this Section.

(c) Emission Standards.

(1) The emission standards in this Rule apply to all

<u>Incinerator Size</u>	<u>Allowable Emission Rate (mg/dscm) [corrected to seven percent oxygen]</u>
<u>Small</u>	<u>115</u>
<u>Medium</u>	<u>69</u>
<u>Large</u>	<u>34</u>

(B) Emissions of particulate matter from any small remote HMIWI shall not exceed 197 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(3) Visible Emissions. On and after the date on which the initial performance test is completed, the owner or operator of any HMIWI shall not cause to be discharged into the atmosphere from the stack of the HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average).

(4) Sulfur Dioxide. Emissions of sulfur dioxide from any HMIWI shall not exceed 55 parts per million corrected to seven percent oxygen (dry basis).

(5) Nitrogen Oxide. Emissions of nitrogen oxides from any HMIWI shall not exceed 250 parts per million by volume corrected to seven percent oxygen (dry basis).

(6) Carbon Monoxide. Emissions of carbon monoxide from any HMIWI shall not exceed 40 parts per million by volume, corrected to seven percent oxygen (dry basis).

(7) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .0522 of this Subchapter for the control of odorous emissions.

(8) Hydrogen Chloride.

(A) Emissions of hydrogen chloride from any small, medium, or large HMIWI shall be reduced by at least 93 percent by weight or volume or to no more than 100 parts per million by volume corrected to seven percent oxygen (dry basis), whichever is less stringent. Compliance with this Part shall be determined by averaging emissions over a one-hour period.

(B) Emissions of hydrogen chloride from any small remote HMIWI shall not exceed 3100 parts per million by volume corrected to seven percent oxygen (dry basis). Compliance with

incinerators subject to this Rule except where Rule .0524, .1110, or .1111 of this Subchapter applies except that Subparagraphs (13) or (14) of this Paragraph shall control in any event.

(2) Particulate Matter.

(A) Emissions of particulate matter from a HMIWI shall not exceed:

this Part shall be determined by averaging emissions over a one-hour period.

(9) Mercury Emissions.

(A) Emissions of mercury from any small, medium, or large HMIWI shall be reduced by at least 85 percent by weight or shall not exceed 0.55 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent. Compliance with this Part shall be determined by averaging emissions over a one-hour period.

(B) Emissions of mercury from any small remote HMIWI shall not exceed 7.5 milligrams per dry standard cubic meter, corrected to seven percent oxygen. Compliance with this Part shall be determined by averaging emissions over a one-hour period.

(10) Lead Emissions.

(A) Emissions of lead from any small, medium, or large HMIWI shall be reduced by at least 70 percent by weight or shall not exceed 1.2 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(B) Emissions of lead from any small remote HMIWI shall not exceed 10 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(11) Cadmium Emissions.

(A) Emissions of cadmium from any small, medium, or large HMIWI shall be reduced by at least 65 percent by weight or shall not exceed 0.16 milligrams per dry standard cubic meter, corrected to seven percent oxygen, whichever is less stringent.

(B) Emissions of cadmium from any small remote HMIWI shall not exceed 4 milligrams per dry standard cubic meter, corrected to seven

percent oxygen.

(12) Dioxins and Furans.

(A) Emissions of dioxins and furans from any small, medium, or large HMIWI shall not exceed 125 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 2.3 nanograms per dry standard cubic meter (total equivalency), corrected to seven percent oxygen.

(B) Emissions of dioxins and furans from any small remote HMIWI shall not exceed 800 nanograms per dry standard cubic meter total dioxins and furans, corrected to seven percent oxygen or 15 nanograms per dry standard cubic meter (total equivalency), corrected to seven percent oxygen.

(13) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section .1100 of this Subchapter according to 15A NCAC 2Q .0700.

(14) Ambient Standards.

(A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

- (i) arsenic and compounds 2.3×10^{-7}
- (ii) beryllium and compounds 4.1×10^{-6}
- (iii) cadmium and compounds 5.5×10^{-6}
- (iv) chromium (VI) and compounds 8.3×10^{-8}

(B) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.

(C) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.

(D) The emission rates computed or used under Part (C) of this Subparagraph that demonstrate compliance with the ambient standards under

Part (A) of this Subparagraph shall be placed in the permit for the facility with incinerators subject to this Rule as their allowable emission limits unless Rule .0524, .1110, or .1111 of this Subchapter requires more restrictive rates.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.

(2) Each small remote HMIWI shall have an initial equipment inspection by July 1, 2000, and an annual inspection each year thereafter.

(A) At a minimum, the inspection shall include all the elements listed in 40 CFR 60.36e(a)(1)(i) through (xvii).

(B) Any necessary repairs found during the inspection shall be completed within 10 operating days of the inspection unless the owner or operator submits a written request to the Director for an extension of the 10 operating day period. The Director shall grant the extension if:

(i) the owner or operator of the small remote HMIWI demonstrates that achieving compliance by the time allowed under this Part is not feasible, and

(ii) the Director does not extend the time allowed for compliance by more than 30 days following the receipt of the written request.

(3) The owner or operator of any HMIWI, except small remote HMIWI, subject to this Rule shall comply with the compliance and performance testing requirements of 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).

(4) The owner or operator of any small remote HMIWI shall comply with the following compliance and performance testing requirements:

(A) conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11)(mercury only), and (c)(1). The 2,000 pound per week limitation does not apply during performance tests;

(B) establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits; and

(C) following the date on which the initial performance test is completed, ensure that the

HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three hour rolling averages, calculated each hour as the average of all previous three operating hours, at all times except during periods of start-up, shut-down and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters.

- (5) Except as provided in Subparagraph (3) of this Paragraph, operation of the HMIWI above the maximum charge rate and below the minimum secondary temperature, each measured on a three hour rolling average, simultaneously shall constitute a violation of the particulate matter, carbon monoxide, and dioxin and furan emission limits.
- (6) The owner or operator of a HMIWI may conduct a repeat performance test within 30 days of violation of applicable operating parameters to demonstrate that the HMIWI is not in violation of the applicable emission limits. Repeat performance tests conducted pursuant to this Subparagraph shall be conducted using the identical operating parameters that indicated a violation under Subparagraph (4) of this Paragraph.

(e) Test Methods and Procedures.

- (1) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.
- (2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (c) of this Rule.

(f) Monitoring, Recordkeeping, and Reporting.

- (1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.
- (2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall

install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

- (3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a HMIWI shall comply with the reporting and recordkeeping requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) and (b)(7).
- (4) In addition to the requirements of Subparagraphs (1), (2) and (3) of this Paragraph, the owner or operator of a small remote HMIWI shall:
 - (A) maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection;
 - (B) submit an annual report containing information recorded in Part (A) of this Subparagraph to the Director no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. The report shall be signed by the HMIWI manager; and
 - (C) submit the reports required by Parts (A) and (B) of this Subparagraph to the Director semiannually once the HMIWI is subject to the permitting procedures of 15A NCAC 2Q .0500, Title V Procedures.
- (5) Waste Management Guidelines. The owner or operator of a HMIWI shall comply with the requirements of 40 CFR 60.55c for the preparation and submittal of a waste management plan.
- (6) Except as provided in Subparagraph (7) of this Paragraph, the owner or operator of any HMIWI shall comply with the monitoring requirements in 40 CFR 60.57c.
- (7) The owner or operator of any small remote HMIWI shall:
 - (A) install, calibrate, maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be

recorded, at a minimum, once every minute throughout operation.

(B) install, calibrate, maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

(C) obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital, medical, and infectious waste.

(g) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Rule .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

(h) Operator Training and Certification.

(1) The owner or operator of a HMIWI shall not allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.

(2) Operator training and qualification shall be obtained by completing the requirements of 40 CFR 60.53c(e) through (g).

(3) The owner or operator of a HMIWI shall maintain, at the facility, all items required by 40 CFR 60.53c(h)(1) through (h)(10).

(4) The owner or operator of a HMIWI shall establish a program for reviewing the information required by Subparagraph (3) of this Paragraph annually with each HMIWI operator. The initial review of the information shall be conducted by January 1, 2000. Subsequent reviews of the information shall be conducted annually.

(5) The information required by Subparagraph (3) of this Paragraph shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by Division personnel upon request.

(6) All HMIWI operators shall be in compliance with this Paragraph by July 1, 2000.

(i) Compliance Schedules.

(1) Title V Application Date. Any HMIWI subject to this Rule shall have submitted an application for a permit under the procedures of 15A NCAC 2Q .0500, Title V Procedures, by January 1, 2000.

(2) Final Compliance Date. Except for those HMIWIs described in Subparagraphs (3) and (4) of this

Paragraph, any HMIWI subject to this Rule shall be in compliance with this Rule or close on or before July 1, 2000.

(3) Installation of Air Pollution Control Equipment. Any HMIWI planning to install the necessary air pollution control equipment to comply with the emission standards in Paragraph (c) of this Rule shall be in compliance with Paragraph (c) of this Rule by September 15, 2002. If this option is chosen, then the owner or operator of the HMIWI shall submit to the Director measurable and enforceable incremental steps of progress towards compliance which include:

(A) the submission of a petition for site specific operating parameters under 40 CFR 63.56c(i);

(B) the obtaining of services of an architectural and engineering firm regarding the air pollution control device(s);

(C) the obtaining of design drawings of the air pollution control device(s);

(D) the ordering of air pollution control device(s);

(E) the obtaining of the major components of the air pollution control device(s);

(F) the initiation of site preparation for the installation of the air pollution control device(s);

(G) the initiation of installation of the air pollution control device(s);

(H) the initial startup of the air pollution control device(s); and

(I) the initial compliance test(s) of the air pollution control device(s).

(4) Petition for Extension of Final Compliance Date.

(A) The owner or operator of a HMIWI may petition the Director for an extension of the compliance deadline of Subparagraph (2) of this Paragraph provided that the following information is submitted by January 1, 2000, to allow the Director adequate time to grant or deny the extension by July 1, 2000:

(i) documentation of the analyses undertaken to support the need for an extension, including an explanation of why up to July 1, 2002 is sufficient time to comply with this Rule while July 1, 2000, is not sufficient. The documentation shall also include an evaluation of the option to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent bases; and

(ii) documentation of the measurable and enforceable incremental steps of progress listed in Subparagraph (3) of this Paragraph to be taken towards

compliance with the emission standards in Paragraph (c) of this Rule.

(B) The Director may grant the extension if all the requirements in Part (A) of this Subparagraph are met.

(C) If the extension is granted, the HMIWI shall be in compliance with this Section by July 1, 2002.

(a) The operational standards in this Rule do not apply to incinerators where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply:

(b) Hazardous waste incinerators. Hazardous waste incinerators shall comply with 15A NCAC 13A .0001 through .0014, which are administered and enforced by the Division of Waste Management:

(c) Hospital, Medical and Infectious Waste Incinerators: Each small remote HMIWI shall have an initial equipment inspection by July 1, 2000, and an annual inspection each year thereafter:

(1) At a minimum, the inspection shall include all the elements listed in 40 CFR 60.36c(a)(1)(i) through (xvii):

(2) Any necessary repairs found during the inspection shall be completed within 10 operating days of the inspection unless the owner or operator submits a written request to the Director for an extension of the 10 operating day period. The Director shall grant the extension if:

(A) the owner or operator of the small remote HMIWI demonstrates that achieving compliance by the time allowed under this Subparagraph is not feasible; and

(B) the Director does not extend the time allowed for compliance by more than 30 days following the receipt of the written request.

(d) The owner or operator of any HMIWI, except small remote HMIWI, subject to this Section shall comply with the compliance and performance testing requirements of 40 CFR Part 60.56c, excluding the fugitive emissions testing requirements under 60.56c(b)(12) and (c)(3):

(e) The owner or operator of any small remote HMIWI shall comply the following compliance and performance testing requirements:

(1) conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11)(mercury only), and (c)(1). The 2,000 pound per week limitation does not apply during performance tests;

(2) establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits; and

(3) following the date on which the initial performance

test is completed, ensure that the HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three hour rolling averages, calculated each hour as the average of all previous three operating hours; at all times except during periods of start-up, shut-down and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters:

(f) Except as provided in Paragraph (g) of this Rule, operation of the HMIWI above the maximum charge rate and below the minimum secondary temperature, each measured on a three hour rolling average, simultaneously shall constitute a violation of the PM, CO, and dioxin and furan emission limits:

(g) The owner or operator of a HMIWI may conduct a repeat performance test within 30 days of violation of applicable operating parameters to demonstrate that the HMIWI is not in violation of the applicable emission limits. Repeat performance tests conducted pursuant to this Paragraph must be conducted using the identical operating parameters that indicated a violation under Paragraph (f) of this Rule.

(h) Municipal waste combustor plants. Each municipal waste combustor located at a small or large municipal waste combustor plant shall meet the following operational standards:

(1) The concentration of carbon monoxide at the combustor outlet shall not exceed the concentration in Table 3 of Paragraph (a) of 40 CFR 60.34b. The combustor technology named in this table is defined in 40 CFR 60.51b:

(2) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor unit load, except as specified in Paragraphs (b)(1) and (b)(2) of 40 CFR 60.53b. The maximum demonstrated municipal waste combustor unit load is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i):

(3) The temperature at which the combustor operates; measured at the particulate matter control device inlet, shall not exceed 63°F above the maximum demonstrated particulate matter control device temperature, except as specified in Paragraphs (c)(1) and (c)(2) of 40 CFR 60.53b. The maximum demonstrated particulate matter control device temperature is defined in 40 CFR 60.51b and the averaging time is specified under 40 CFR 60.58b(i):

(i) Sludge incinerators. The combustion temperature in a sludge incinerator shall not be less than 1200°F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:

(1) 12 percent (dry basis) for a multiple hearth sludge incinerator;

(2) seven percent (dry basis) for a fluidized bed sludge

incinerator.

- (3) ~~nine percent (dry basis) for an electric sludge incinerator, and~~
- (4) ~~12 percent (dry basis) for a rotary kiln sludge incinerator.~~

(j) ~~Sewage sludge incinerators:~~

- (1) ~~The maximum combustion temperature for a sewage sludge incinerator shall be placed in the permit and based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.~~
- (2) ~~The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be placed in the permit and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.~~
- (3) ~~The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40 CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous emission monitor required in Subparagraph .1204(c)(1) of this Subchapter.~~

(k) ~~Crematory incinerators. — Gases generated by the combustion shall be subjected to a minimum temperature of 1600°F for a period of not less than one second.~~

(l) ~~Other incinerators. — All incinerators not covered under Paragraphs (a) through (k) of this Rule shall meet the following requirement: — Gases generated by the combustion shall be subjected to a minimum temperature of 1800°F for a period of not less than one second. The temperature of 1800°F shall be maintained at least 55 minutes out of each 60-minute period, but at no time shall the temperature go below 1600°F.~~

(m) ~~Except during start-up where the procedure has been approved in accordance with Rule .0535(g) of this Subchapter, waste material shall not be loaded into any incinerators covered under Paragraphs (h), (k), or (l) of this Rule when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis in accordance with Rule .0535(g) of this Subchapter. Incinerators covered under Paragraphs (h), (k), or (l) of this Rule shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.~~

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 40 C.F.R. 60.34e.

.1207 CONICAL INCINERATORS

(a) Purpose. The purpose of this Rule is to set forth the requirements of the Commission relating to the use of conical

incinerators in the burning of wood and agricultural waste.

(b) Scope. This Rule shall apply to all conical incinerators which are designed to incinerate wood and agricultural waste.

(c) A person shall not cause, allow, or permit the burning of wood or agricultural waste in a conical incinerator without taking reasonable precautions to prevent air pollutants from becoming airborne. As a minimum, each conical incinerator subject to this Rule shall be equipped and maintained with:

- (1) an underfire and an overfire forced air system and variable damper which is automatically controlled to ensure the optimum temperature range for the complete combustion of the amount and type of material waste being charged into the incinerator;
- (2) a temperature recorder for continuously recording the temperature of the exit gas;
- (3) a feed system capable of delivering the waste to be burned at a sufficiently uniform rate to prevent temperature from dropping below 800°F during normal operation, with the exception of one startup and one shutdown per day.

(d) The owner of the conical incinerator shall monitor and report ambient particulate concentrations in accordance with a method and schedule acceptable to the Commission.

(e) In no case shall the ambient air quality standards as defined in Section .0400 of this Subchapter be exceeded.

(f) The conical incinerator shall not violate the opacity standards in Rule .0521 of this Subchapter.

(g) The distance a conical incinerator is located and operated from the nearest structure(s) in which people live or work shall be optimized to prevent air quality impact and shall be subject to approval by the Commission.

(h) New conical incinerators shall be in compliance with this Rule on startup.

All incinerators shall comply with Rule .0535. Excess Emissions Reporting and Malfunctions, of this Subchapter.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5).

.1208 OTHER INCINERATORS

(a) Applicability.

- (1) This Rule applies to any incinerator not covered under Rule .1203 through .1207 of this Section.
 - (2) If any incinerator subject to this Rule:
 - (A) is used solely to cremate pets; or
 - (B) if the emissions of all toxic air pollutants from an incinerator subject to this Rule and associated waste handling and storage are less than the levels listed in 15A NCAC 2Q .0711;
- the incinerator shall be exempt from Subparagraphs (b)(6) through (b)(9) and Paragraph (c) of this Rule.

(b) Emission Standards.

- (1) The emission standards in this Rule apply to any incinerator subject to this Rule except where Rule

.0525, .1110, or .1111 of this Subchapter applies except that Subparagraphs (8) or (9) of this Paragraph shall control in any event.

(2) Particulate Matter. Any incinerator subject to this Rule shall comply with one of the following emission standards for particulate matter:

(A) For refuse charge rates between 100 and 2000 pounds per hour, the allowable emissions rate for particulate matter from any stack or chimney of any incinerator subject to this Rule shall not exceed the level calculated with the equation $E=0.002P$ calculated to two significant figures, where "E" equals the allowable emission rate for particulate matter in pounds per hour and "P" equals the refuse charge rate in pounds per hour. For refuse charge rates of 0 to 100 pounds per hour the allowable emission rate in 0.2 pounds per hour. For refuse charge rates of 2000 pounds per hour or greater the allowable emission rate shall be 4.0 pounds per hour. Compliance with this Part shall be determined by averaging emissions over a three-hour period.

(B) Instead of meeting the standards in Part (A) of this Subparagraph, the owner or operator of any incinerator subject to this Rule may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide. Compliance with this Part shall be determined by averaging emissions over a three-hour period.

(3) Visible Emissions.

(A) Any incinerator subject to this Rule shall comply with Rule .0521 of this Subchapter for the control of visible emissions.

(B) Air curtain incinerators shall comply with Rule .1904 of this Subchapter for the control of visible emissions.

(4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Rule .0516 of this Subchapter for the control of sulfur dioxide emissions.

(5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .0522 of this Subchapter for the control of odorous emissions.

(6) Hydrogen Chloride. Any incinerator subject to this Rule shall control emissions of hydrogen chloride

such that they do not exceed four pounds per hour unless they are reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(7) Mercury Emissions. Emissions of mercury and mercury compounds from the stack or chimney of any incinerator subject to this Rule shall not exceed 0.032 pounds per hour. Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(8) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section .1100 of this Subchapter according to 15A NCA, 2Q .0700.

(9) Ambient Standards.

(A) In addition to the ambient air quality standards in Section .040 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

(i) arsenic and compounds	2.3×10^{-7}
(ii) beryllium and compounds	4.1×10^{-6}
(iii) cadmium and compounds	5.5×10^{-6}
(iv) chromium (VI) and compound	8.3×10^{-8}

(B) When Subparagraph (1) of this Paragraph and either Rule .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rule .0524, .1110, or .1111 of this Subchapter to the contrary.

(C) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.

(D) The emission rates computed or used under Part (C) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be placed in the permit for the facility with incinerators subject to this Rule as their allowable emission limits unless Rule .0524, .1110 or

.1111 of this Subchapter requires more restrictive rates.

(c) Operational Standards.

- (1) The operational standards in this Rule do not apply to any incinerator subject to this Rule where operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.
- (2) Crematory Incinerators. Gases generated by the combustion shall be subjected to a minimum temperature of 1600°F for a period of not less than one second.
- (3) Other Incinerators. All incinerators not subject to any other rule in this Section shall meet the following requirement: Gases generated by the combustion shall be subjected to a minimum temperature of 1800°F for a period of not less than one second. The temperature of 1800°F shall be maintained at least 55 minutes out of each 60-minute period, but at no time shall the temperature go below 1600°F.
- (4) Except during start-up where the procedure has been approved according to Rule .0535(g) of this Subchapter, waste material shall not be loaded into any incinerator subject to this Rule when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis according to Rule .0535(g) of this Subchapter. Any incinerator subject to this Rule shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.

(d) Test Methods and Procedures.

- (1) The test methods and procedures described in Rule .0501 of this Subchapter and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.
- (2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (b) of this Rule.

(e) Monitoring, Recordkeeping, and Reporting.

- (1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.
- (2) The owner or operator of an incinerator, except an incinerator meeting the requirements of Parts .1201(c)(4)(A) through (D) of this Section, shall maintain and operate a continuous temperature monitoring and recording device for the primary

chamber and, where there is a secondary chamber, for the secondary chamber. The Director may require a temperature monitoring device for incinerators meeting the requirements of Parts .1201(c)(4)(A) through (D) of this Section. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(f) Excess Emissions and Start-up and Shut-down. Any incinerator subject to this Rule shall comply with Rule .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.

(a) Municipal Waste Combustors:

- (1) By January 1, 2000, or six months after the date of startup of a municipal waste combustor located at a small municipal waste combustor plant, whichever is later, and by July 1, 1999 or six months after the date of startup of a municipal waste combustor located at a large municipal waste combustor plant, whichever is later:
 - (A) Each facility operator and shift supervisor of a municipal waste combustor shall obtain and maintain a current provisional operator certification from the American Society of Mechanical Engineers (ASME QRO-1-1994).
 - (B) Each facility operator and shift supervisor of a municipal waste combustor shall have completed full certification or shall have scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994).
 - (C) The owner or operator of a municipal waste combustor plant shall not allow the facility to be operated at any time unless one of the following persons is on duty at the affected facility:
 - (i) a fully certified chief facility operator.
 - (ii) a provisionally certified chief facility operator who is scheduled to take full certification exam according to the

schedule specified in Part (B) of this Subparagraph;

- (iii) a fully certified shift supervisor; or
- (iv) a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in Part (B) of this Subparagraph;

If one of the persons listed in this Part leaves the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirements in this Part.

(2) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall develop and update on a yearly basis a site-specific operating manual that shall at the minimum address the elements of municipal waste combustor unit operation specified in Paragraphs (e)(1) through (e)(11) of 40 CFR 60.54b.

(3) By July 1, 1999, or six months after the date of startup of a municipal waste combustor located at a small or large municipal waste combustor plant, whichever is later, the owner or operator of the municipal waste combustor plant shall comply with the following requirements:

(A) All chief facility operators, shift supervisors, and control room operators shall complete the EPA municipal waste combustor training course:

(i) The requirements specified in Part (A) of this Subparagraph shall not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before July 1, 1998;

(ii) The owner or operator may request that the Administrator waive the requirement specified in Part (A) of this Subparagraph for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before July 1, 1998.

(B) The owner or operator of a municipal waste combustor located at a small or large municipal waste combustor plant shall establish a training program to review the operating manual, according to the schedule specified in Subparts (i) and (ii) of this Part, with each person who has responsibilities

affecting the operation of an affected facility, including the chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane-load handlers:

(i) Each person specified in Part (B) of this Subparagraph shall undergo initial training no later than the date specified in Items (I) through (III) of this Subpart, whichever is later.

(I) The date six months after the date of startup of the affected facility;

(II) July 1, 1999; or

(III) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(ii) Annually, following the initial training required by Subpart (i) of this Part.

(C) The operating manual required by Subparagraph (2) of this Paragraph shall be kept in a readily accessible location for all persons required to undergo training under Part (B) of this Subparagraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request:

(4) The referenced ASME exam in this Rule is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty-nine dollars (\$49.00).

(b) Hospital, Medical and Infectious Waste Incinerators:

(1) The owner or operator of a HMIWI shall not allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor on one or more HMIWI operators:

(2) Operator training and qualification shall be obtained by completing the requirements of Paragraphs (c) through (g) of 40 CFR Part 60.53c:

(3) The owner or operator of a HMIWI shall maintain, at the facility, all items required by Subparagraphs (h)(1) through (h)(10) of 40 CFR Part 60.53c:

(4) The owner or operator of a HMIWI shall establish a program for reviewing the information required by Subparagraph (3) of this Paragraph annually with each HMIWI operator. The initial review of the information shall be conducted by January 1, 2000:

Subsequent reviews of the information shall be conducted annually:

- (5) The information required by Subparagraph (3) of this Paragraph shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by Division personnel upon request.
- (6) All HMIWI operators shall be in compliance with this Paragraph by July 1, 2000.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10).

.1209 COMPLIANCE SCHEDULES

(a) Except for any municipal waste combustor located at a small or large municipal waste combustor plant or any HMIWI, the owner or operator of any incinerator for which construction began after September 30, 1991, shall be in compliance with this Section or Rule .1110 of this Subchapter, whichever is applicable, before beginning operation.

(b) Municipal Waste Combustors:

(1) The owner or operator of a large municipal waste combustor plant shall choose one of the following three compliance schedule options:

(A) comply with all the requirements or close before August 1, 2000;

(B) comply with all the requirements after one year but before three years following the date of issuance of a revised construction and operation permit, if permit modification is required, or after August 1, 2000 but before August 1, 2002, if a permit modification is not required. If this option is chosen, then the owner or operator of the facility shall submit to the Director measurable and enforceable incremental steps of progress towards compliance which include:

- (i) a date by which contracts for the emission control system or equipment shall be awarded or orders issued for purchase of component parts;
- (ii) a date by which on-site construction, installation, or modification of emission control equipment shall begin;
- (iii) a date by which on-site construction, installation, or modification of emission control equipment shall be completed;
- (iv) a date for initial startup of emissions control equipment;
- (v) a date for initial performance test(s) of emission control equipment; and
- (vi) a date by which the facility shall be in compliance with this Section, which shall be no later than three years from the issuance of the permit; or

(C) close between August 1, 2000 and August 1, 2002. If this option is chosen then the owner or operator of the facility shall submit to the Director a closure agreement which includes the date of the plant closure.

(2) The owner or operator of a small municipal waste combustor plant shall comply with all requirements; or close, within three years following the date of issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2002, if a permit modification is not required.

(3) All municipal waste combustors located within large municipal waste combustor plant for which construction, modification, or reconstruction commenced after June 26, 1987, but before September 19, 1994, shall comply with the emission limit for mercury specified in Paragraph (g)(1) of Rule .1205 of this Section and the emission limit for dioxin and furan specified in Paragraph (m)(2) of Rule .1205 of this Section within one year following issuance of a revised construction and operation permit, if a permit modification is required, or by August 1, 2000, whichever is later.

(4) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress, whether the required increment of progress has been met.

(c) Hospital, Medical, and Infectious Waste Incinerators:

(1) Title V Application Date. All HMIWI's subject to these rules shall have submitted an application for a permit under the procedures of 15A NCAC 2Q .0500, Title V Procedures, by January 1, 2000.

(2) Final Compliance Date. Except for those HMIWIs described in Subparagraphs (3) and (4) of this Paragraph, all HMIWIs subject to this Rule shall be in compliance with this Rule or close on or before July 1, 2000.

(3) Installation of Air Pollution Control Equipment. Any HMIWI planning to install the necessary air pollution control equipment to comply with the emission standards in Rule .1205 of this Section shall be in compliance with Rule .1205 of this Section by September 15, 2002. If this option is chosen, then the owner or operator of the HMIWI shall submit to the Director measurable and enforceable incremental steps of progress towards compliance which include:

- (A) the submission of a petition for site-specific operating parameters under 40 CFR 63.56c(i);
- (B) the obtaining of services of an architectural and engineering firm regarding the air pollution control device(s);
- (C) the obtaining of design drawings of the air pollution control device(s);

- ~~(D) the ordering of air pollution control device(s);~~
- ~~(E) the obtaining of the major components of the air pollution control device(s);~~
- ~~(F) the initiation of site preparation for the installation of the air pollution control device(s);~~
- ~~(G) the initiation of installation of the air pollution control device(s);~~
- ~~(H) the initial startup of the air pollution control device(s); and~~
- ~~(I) the initial compliance test(s) of the air pollution control device(s).~~
- (4) Petition for Extension of Final Compliance Date.
 - (A) The owner or operator of an affected HMIWI may petition the Director for an extension of the compliance deadline of Subparagraph (2) of this Paragraph provided that the following information is submitted by January 1, 2000; to allow the Director adequate time to grant or deny the extension by July 1, 2000:
 - ~~(i) documentation of the analyses undertaken to support the need for an extension, including an explanation of why up to July 1, 2002 is sufficient time to comply with this Rule while July 1, 2000 is not sufficient. The documentation shall also include an evaluation of the option to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent bases; and~~
 - ~~(ii) documentation of the measurable and enforceable incremental steps of progress listed in Subparagraph (3) of this Paragraph to be taken towards compliance with the emission standards in Rule .1205 of this Section.~~
 - (B) The Director may grant the extension if all the requirements in Part (A) of this Subparagraph are met.
 - (C) If the extension is granted, the HMIWI shall be in compliance with this Section by July 1, 2002.

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

SUBCHAPTER 2Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

- (a) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (b) of this Rule do not apply:
 - (1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
 - (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units located at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (B) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels located at a facility not required to be permitted under Section .0500 of this Subchapter; or
 - (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;
 - (2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
 - (3) prevention of significant deterioration under 15A NCAC 2D .0530;
 - (4) new source review under 15A NCAC 2D .0531 or .0532;
 - (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with according to 15A NCAC 2D .0902;
 - (6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter; or
 - (7) sources at facilities subject to 15A NCAC 2D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (b) of this Rule).
- (b) The following activities do not need a permit or permit modification under this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:
 - (1) activities exempted because of category (These activities shall not be included on the permit application or in the permit.):
 - (A) maintenance, upkeep, and replacement:
 - (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;

- (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
 - (iii) use of office supplies, supplies to maintain copying equipment, or blueprint machines,
 - (iv) use of fire lighting equipment;
 - (v) paving parking lots; or
 - (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (C) laboratory activities:
- (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
- (D) storage tanks:
- (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquified petroleum gas;
 - (ii) storage tanks used to store gasoline for which there are no applicable requirements except Stage I controls under 15A NCAC 2D .0928;
 - (iii) storage tanks used solely to store inorganic liquids; or
 - (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;
- (E) combustion and heat transfer equipment:
- (i) space heaters burning distillate oil, kerosene, natural gas, or liquified petroleum gas operating by direct heat transfer and used solely for comfort heat;
 - (ii) residential wood stoves, heaters, or fireplaces;
 - (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;
- (F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;
- (G) gasoline distribution:
- (i) gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter; or
 - (ii) gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;
- (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
- (I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
- (i) The portable solvent distillation system is not:
 - (I) owned by the facility, and
 - (II) operated at the facility for more than seven consecutive days; and
 - (ii) The material recycled is:
 - (I) recycled at the site of origin,
 - (II) the original material is non-photochemically reactive in

accordance with according to 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and

- (III) all make up material is non-photochemically reactive in accordance with according to 15A NCAC 2D .0518;
- (J) processes:
 - (i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (ii) small electric motor bake-on ovens;
 - (iii) burn-off ovens for paint-line hangers with afterburners;
 - (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
 - (v) blade wood planers planing only green wood;
- (K) miscellaneous:
 - (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;
 - (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
 - (iii) equipment used for the preparation of food for direct on-site human consumption;
 - (iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;
 - (v) exit gases from in-line process analyzers;
 - (vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;
 - (viii) equipment not vented to the outdoor atmosphere with the exception of

equipment that emits volatile organic compounds;

- (ix) equipment that does not emit any regulated air pollutants;
 - (x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.); or
 - (xi) sources for which there are no applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter.
- (2) activities exempted because of size or production rate (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):
- (A) storage tanks:
 - (i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or
 - (ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;
 - (B) combustion and heat transfer equipment located at a facility not required to be permitted under Section .0500 of this Subchapter:
 - (i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed with natural gas or liquified petroleum gas with a heat input of less than:
 - (I) 10 million BTU per hour for which construction, modification, or reconstructed commenced after June 9, 1989; or
 - (II) 30 million BTU per hour for which construction, modification, or reconstruction commenced before June 10,

1989;

- (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquified petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU per hour;
- (iii) space heaters burning waste oil if:
 - (I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;
 - (II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and
 - (III) The combustion gases from the heater are vented to the ambient air;
- (iv) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:
 - (I) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,
 - (II) 830 kilowatts (electric) or 1150 horsepower for liquified petroleum gas-fired engines,
 - (III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired engines, or
 - (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;
- (v) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation;
- (vi) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained

to verify the energy production on a monthly basis and on a 12-month basis;

- (C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons, that is not required to be permitted under Section .0500 of this Subchapter;
- (D) processes:
 - (i) printing, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices) located at a facility whose facility-wide actual emissions of:
 - (I) Volatile organic compounds are less than five tons per year, and
 - (II) Photochemically reactive solvent emissions under 15A NCAC 2D .0518 are less than 30 pounds per day;
 provided the facility is not required to be permitted under Section .0500 of this Subchapter;
 - (ii) saw mills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
 - (iii) perchloroethylene dry cleaners that consume less than 13,000 pounds (965 gallons) of perchloroethylene per year;
 - (iv) electrostatic dry powder coating operations equipped with powder recovery including curing ovens with a heat input of less than 10,000,000 BTU per hour;
- (E) miscellaneous:
 - (i) any source without an air pollution control device whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:
 - (I) storage tanks,
 - (II) fuel combustion equipment, excluding fuel combustion equipment at facilities required to have a permit under Section .0500 of this Subchapter, firing

exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas, liquified petroleum gas, or a mixture of these fuels,

- (III) space heaters burning waste oil,
- (IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,
- (V) bulk gasoline plants,
- (VI) printing, paint spray booths, or other painting or coating operations,
- (VII) saw mills,
- (VIII) perchloroethylene dry cleaners, or
- (IX) electrostatic dry powder coating operations,

provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit;

- (ii) any facility without an air pollution control device whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates, and which is not required to have a permit under Section .0500 of this Subchapter;
 - (iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or
 - (iv) any incinerator covered under Paragraph (d) Subparagraph (c)(4) of 15A NCAC 2D .1201.
- (F) case-by-case exemption:
- (i) for activities located at facilities not required to have a permit under Section .0500 of this Subchapter, activities that the applicant demonstrates to the satisfaction of the Director:

- (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device, and
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater; or
- (ii) for activities located at facilities required to have a permit under Section .0500 of this Subchapter: activities that the applicant demonstrates to the satisfaction of the Director:
- (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device,
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater,
 - (IV) the potential emissions of each criteria pollutant is less than five tons per year, and
 - (V) the potential emissions of each hazardous air pollutant is less than 1000 pounds per year.

(c) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(d) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700.

(e) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108.

SECTION .0300 - CONSTRUCTION AND OPERATION PERMITS

.0306 PERMITS REQUIRING PUBLIC PARTICIPATION

(a) The Director shall provide for public notice for comments with an opportunity to request a public hearing on draft permits for the following:

- (1) any source that may be designated by the Director based on significant public interest relevant to air quality;
- (2) a source to which 15A NCAC 2D .0530 or .0531 applies;
- (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds the height defined in 15A NCAC 2D .0533(a)(4)(A), (B), or (C);
- (4) a source required to have controls more stringent than the applicable emission standards in 15A NCAC 2D .0500 ~~in accordance with~~ according to 15A NCAC 2D .0501 when necessary to comply with an ambient air quality standard under 15A NCAC 2D .0400;
- (5) any physical or operational limitation on the capacity of the source to emit a pollutant, including air cleaning device and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, when such a limitation is necessary to avoid the applicability of rules in 15A NCAC 2D .0900 or 15A NCAC 2Q .0500;
- (6) alternative controls different than the applicable emission standards in 15A NCAC 2D .0900 ~~in accordance with~~ according to 15A NCAC 2D .0952;
- (7) an alternate compliance schedule promulgated in ~~accordance with~~ according to 15A NCAC 2D .0910;
- (8) a limitation on the quantity of solvent-borne ink that may be used by a printing unit or printing system in ~~accordance with~~ according to 15A NCAC 2D .0936;
- (9) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an incinerator constructed before July 1, 1987, ~~in accordance with~~ according to 15A NCAC 2D .1205(b)(2); .1204(c)(2)(B) or .1207(b)(2)(C);
- (10) an alternative mix of controls under 15A NCAC 2D .0501(f);
- (11) a source that is subject to the requirements of 15A NCAC 2D .1109 or .1112; or
- (12) the owner or operator who requests that the draft permit go to public notice with an opportunity to request a public hearing.

(b) Failure of the owner or operator of a source permitted pursuant to this Rule to adhere to the terms and limitations of the permit shall be grounds for:

- (1) enforcement action;
- (2) permit termination, revocation and reissuance, or modification; or
- (3) denial of permit renewal applications.

(c) All emissions limitations, controls, and other requirements imposed by a permit issued pursuant to this Rule shall be at least as stringent as any other applicable requirement as defined under Rule .0103 (effective date of July 1, 1994) of

this Subchapter. The permit shall not waive or make less stringent any limitation or requirement contained in any applicable requirement.

(d) Emissions limitations, controls and requirements contained in permits issued pursuant to the rule shall be permanent, quantifiable, and otherwise enforceable as a practical matter under G.S. 143-215.114A, 143-215.114B, and 143-215.114C.

(e) If EPA requires the State to submit a permit as part of the North Carolina State Implementation Plan for Air Quality (SIP) and if the Commission approves a permit containing any of the conditions described in Paragraph (a) of this Rule as a part of the SIP, the Director shall submit the permit to the EPA on behalf of the Commission for inclusion as part of the federally approved SIP.

Authority G.S. 143-215.3(a)(1),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C.

SECTION .0700 - TOXIC AIR POLLUTANT PROCEDURES

.0702 EXEMPTIONS

(a) A permit to emit toxic air pollutants shall not be required under this Section for:

- (1) residential wood stoves, heaters, or fireplaces;
- (2) hot water heaters that are used for domestic purposes only and are not used to heat process water;
- (3) maintenance, structural changes, or repairs that do not change capacity of that process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of any regulated air pollutant or toxic air pollutant;
- (4) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or non-asbestos bearing insulation removal;
- (5) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
- (6) paving parking lots;
- (7) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emissions of any regulated air pollutant or toxic air pollutant and that does not affect compliance status and, with replacement that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes to the permit;
- (8) comfort air conditioning or comfort ventilation

- systems that does not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (9) equipment used for the preparation of food for direct on-site human consumption;
 - (10) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
 - (11) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (12) use of fire fighting equipment;
 - (13) 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 according to agronomic practices acceptable to the North Carolina Department of Agriculture and the Commission;
 - (14) asbestos demolition and renovation projects that comply with 15A NCAC 2D .1110 and that are being done by persons accredited by the Department of Health and Human Services under the Asbestos Hazard Emergency Response Act;
 - (15) ~~farm and pet incinerators used only to dispose of dead animals as identified in 15A NCAC 2D .1201(d) and (e);~~ incinerators used only to dispose of dead animals or poultry as identified in 15A NCAC 2D .1201(c)(4) or incinerators used only to dispose of dead pets as identified in 15A NCAC 2D .1207(a)(2)(A);
 - (16) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or with air pollution control equipment;
 - (17) laboratory activities:
 - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (B) bench scale experimentation, chemical or physical analyses, training or instruction from nonprofit, non-production educational laboratories;
 - (C) bench scale experimentation, chemical or physical analyses, training or instruction from hospital or health laboratories pursuant to the determination or diagnoses of illnesses; and
 - (D) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
 - (18) combustion sources as defined in 15 NCAC 2Q .0703 until 18 months after promulgation of the MACT or GACT standards for combustion sources. (Within 18 months following promulgation of the MACT or GACT standards for combustion sources, the Commission shall decide whether to keep or remove the combustion source exemption. If the Commission decides to remove the exemption, it shall initiate rulemaking procedures to remove this exemption.)
 - (19) storage tanks used only to store:
 - (A) inorganic liquids with a true vapor pressure less than 1.5 pounds per square inch absolute;
 - (B) fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas, liquefied petroleum gas, or petroleum products with a true vapor pressure less than 1.5 pounds per square inch absolute;
 - (20) dispensing equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
 - (21) portable solvent distillation systems that are exempted under 15A NCAC 2Q .0102(b)(1)(I);
 - (22) processes:
 - (A) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (B) small electric motor bake-on ovens;
 - (C) burn-off ovens for paint-line hangers with afterburners;
 - (D) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
 - (E) blade wood planers planing only green wood;
 - (F) saw mills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
 - (G) perchloroethylene drycleaning processes with 12-month rolling average consumption of:
 - (i) less than 1366 gallons of perchloroethylene per year for facilities with dry-to-dry machines only;
 - (ii) less than 1171 gallons of perchloroethylene per year for facilities with transfer machines only; or
 - (iii) less than 1171 gallons of perchloroethylene per year for facilities with both transfer and dry-to-dry machines;
 - (23) gasoline dispensing facilities or gasoline service station operations that comply with 15A NCAC 2D .0928 and .0932 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;

(24) the use of ethylene oxide as a sterilant in the production and subsequent storage of medical devices or the packaging and subsequent storage of medical devices for sale if the emissions from all new and existing sources at the facility described in 15A NCAC 2D .0538(d) are controlled at least to the degree described in 15A NCAC 2D .0538(d) and the facility complies with 15A NCAC 2D .0538(e) and (f);

(25) bulk gasoline plants, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding 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 Section for a particular bulk gasoline plant; or

(26) bulk gasoline terminals, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding 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 Section 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).

(b) Emissions from the activities identified Subparagraphs (a)(23) through (a)(26) of this Rule shall be included in determining compliance with the toxic air pollutant requirements in this Section and shall be included in the permit if necessary to assure compliance.

(c) The addition or modification of an activity identified in Paragraph (a) of this Rule shall not cause the source or facility to be evaluated for emissions of toxic air pollutants.

(d) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 2D .1801-.1804 and

amend the rule cited as 15A NCAC 2Q .0102. Notice of Rule-making Proceedings was published in the Register on March 15, 1999 and May 14, 1999.

Proposed Effective Date: July 1, 2000

A Public Hearing will be conducted at the following times and locations:

Wednesday, August 18, 1999
7:00 p.m.

J.H. Rose High School Auditorium
600 Arlington Blvd.
Greenville, NC

Wednesday, August 25, 1999
7:00 p.m.

Cumberland County Coliseum Complex
Agri-Expo Center
121 East Mountain Drive
Fayetteville, NC 28306

Monday, August 30, 1999
7:00 p.m.

Sampson County Agri Exposition Center
Heritage Hall
414 Warsaw Road
Clinton, NC

Wednesday, September 1, 1999
7:00 p.m.

Mooresville Citizen Center
Joe V. Knox Auditorium
215 North Main Street
Mooresville, NC

Reason for Proposed Action: To adopt permanent rules to control odorous emissions from animal operations with liquid animal waste management systems. House Bill 515 requires the Environmental Management Commission to adopt temporary rules by March 1, 1999 to regulate the emission of odors from animal operations. These permanent rules will replace the adopted temporary rules.

Comment Procedures: All persons interested in these matters are invited to attend the public hearings. Any person desiring to comment for more than three minutes is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing record will remain open until October 1, 1999. Comments should be sent to and additional information concerning the hearing or the

proposals may be obtained by contacting Mr. Thomas C. Allen, Division of Air Quality, 2728 Capital Blvd., 1641 Mail Service Center, Raleigh, NC 27699-1641, or at (919) 733-1489 (phone), (919) 715-7476 (fax) or at thom_allen@ncair.net.

Fiscal Note: This Rule, 15A NCAC 2Q .0102, does not affect the expenditures or revenues of state or local government funds and does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

Fiscal Note: These Rules, 15A NCAC 2D .1801-.1804 do not affect the expenditures or revenues of state or local government funds. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1800 - CONTROL OF ODORS

.1801 DEFINITIONS

For the purpose of this Section, the following definitions apply:

- (1) "~~Control technology~~" means ~~economically feasible control devices installed to effectively reduce objectionable odors from animal operations.~~
- (2)(1) "Animal operation" means animal operation as defined in at G.S. 143-215.10B.
- (2) "Child care center" means child care centers as defined in G.S. 110-86 licensed under G. S. 110, Article 7.
- (3) "Construction" means any physical change (including fabrication, erection, installation, replacement, demolition, excavation, or other modification) at any contiguous area under common control.
- (4) "Control technology" means economically feasible control devices installed to effectively reduce objectionable odors from animal operations.
- (4)(5) "Existing animal operation" means an animal operation that is in operation or commences construction on or before February 28, 1999.
- (6) "Historic properties" means historic properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1.
- (5)(7) "Modified animal operation" means an animal operation that commences construction after February 28, 1999, to increase the number of animals that can be housed at that animal operation.

Modified animal operation does not include renovating existing barns, relocating barns, or replacing existing lagoons or barns if the new barn or lagoon is no closer to the nearest property line. Activities ~~exempted from the moratorium on construction or expansion of swine farms in S.L. 1997, c. 458, s. 1.1,~~ do not constitute a modified animal operation provided that the owner or operator demonstrates to the Director that the activity will not result in an objectionable odor.

- (6)(8) "New animal operation" means an animal operation that commences construction after February 28, 1999.
- (7)(9) "Objectionable odor" means any odor present in the ambient air that by itself, or in combination with other odors, is or may be harmful or injurious to human health or welfare, or may unreasonably interfere with the comfortable use and enjoyment of life or property. Odors are harmful or injurious to human health if they tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of nausea, or if their chemical or physical nature is, or may be, detrimental or dangerous to human health.
- (10) "Occupied residence" means occupied residence as defined in G.S. 106-802.
- (11) "State Parks" means State Parks as defined in G.S. 113-44.9.
- (8)(12) "Technologically feasible" means that an odor control device or a proposed solution to an odor problem has previously been demonstrated to accomplish its intended objective, and is generally accepted within the technical community. It is possible for technologically feasible solutions to have demonstrated their suitability on similar, but not identical, sources for which they are proposed to control.

Authority: G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-213.

.1802 CONTROL OF ODORS FROM ANIMAL OPERATIONS USING LIQUID ANIMAL WASTE MANAGEMENT SYSTEMS

- (a) Purpose. The purpose of this Rule is to control objectionable odors from animal operations beyond the boundaries of animal operations.
- (b) Applicability. This Rule shall apply to all animal operations.
- (c) Required management practices. All animal operations shall be required to implement applicable management practices for the control of odors as follows:

PROPOSED RULES

- (1) The discharge point of the flush water discharge pipe pipe, including discharge pipes from lift stations, shall extend to a point below the surface of the animal wastewater lagoons or wastewater holding ponds; or a method approved by the Director as equivalently effective at reducing odors from discharge into lagoons or holding ponds may be used in place of a submerged discharge point; this Subparagraph does not apply to milking parlor waste or egg laying operations; lagoon;
- (2) The carcasses of dead animals shall be properly stored at all times and disposed of within 24 hours after becoming aware of the death of the animal according to the methods approved by the State Veterinarian for disposal of dead domesticated animals under G. S. 106-403; 48 hours;
- (3) Waste from animal wastewater application spray systems shall be applied in such a manner and under such conditions to prevent not be applied when there is danger of drift from the irrigation field of the wastewater spray beyond the boundary of the animal operation, except waste from application spray systems may be applied in an emergency to maintain safe lagoon freeboard if the owner or operator notifies the Department and resolves the emergency with the Department as written in Section III.6 of the Swine Waste Operation General Permit;
- (4) Animal wastewater application spray system intakes

shall be located near the liquid surface of the animal wastewater lagoon;

- (5) Ventilation fans shall be maintained according to the manufacturer's specifications;
- (6) Animal feed storage containers located outside of animal containment buildings shall be covered except when necessary to remove or add feed; this Subparagraph does not apply to the storage of silage or hay or to commodity boxes with roofs; and
- (7) Animal wastewater flush tanks shall be covered with a device that is designed for ready access to prevent overflow or shall have installed a fill pipe that extends below the surface of the tank's wastewater; wastewater, or a method approved by the Director as equivalently effective at reducing odors from flush tanks may be used in place of a cover or submerged fill pipe.

All animal operations shall be in compliance with this Paragraph by June 1, 1999.

(d) Odor management plan for existing animal operations for swine. Animal operations for swine that meet the criteria in the table in this Paragraph shall submit an odor management plan to the Director according to the schedule in the table in this Paragraph. The odor management plan shall describe how odors are currently being controlled and how these odors will be controlled in the future. The odor management plan shall contain the elements described in Rule .1803(a) of this Section.

<u>100 pounds steady state live weight of swine</u>		<u>Distance in feet to the boundary of the nearest neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center</u>	<u>Date by when the odor management plan is to be submitted</u>
<u>at least</u>	<u>but less than</u>		
<u>10,000</u>	<u>20,000</u>	<u>less than or equal to 3,000</u>	<u>January 15, 2002</u>
<u>20,000</u>	<u>40,000</u>	<u>less than or equal to 4,000</u>	<u>July 15, 2001</u>
<u>40,000</u>		<u>less than or equal to 5,000</u>	<u>January 15, 2001</u>

For the purposes of this Rule, the distance shall be measured from the edge of the barn or lagoon, whichever is closest, to the boundary of the neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center. All animal operations for swine that are of the size in the table in this Paragraph shall either submit by the date specified in this table either an odor management plan or documentation that no neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center are within the distances specified in the table as of the date that the submittal is due. After July 15, 2002, the Director may require

existing animal operations for swine with a steady state live weight of swine between 1,000 to 10,000 hundredweights to submit an odor management plan if the Director determines that these animal operations may cause or contribute to an objectionable odor. The Director may require an existing animal operation to submit a best management plan under Paragraph (h) of this Rule if the existing animal operation fails to submit an odor management plan by the schedule in this Paragraph of this Rule.

(d)(e) Location of objectionable odor determinations.

- (1) For an existing animal operation that does not meet the following siting requirements:

(A) at least 1500 feet from any occupied residence

not owned by the owner of the animal operation;

(B) at least 2500 feet from any school, hospital, church, outdoor recreation facility, national park, State Park, historic property, or child care center; and

(C) at least 500 feet from any property boundary; requirements in Subparagraph (k)(1)(1); objectionable odors shall be determined at neighboring occupied property that is affected and not owned by the owner of the animal operation, businesses, schools, hospitals, churches, outdoor recreation facilities, national parks, State Parks as defined in G.S. 113-44.9, historic properties, properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1, or child care centers as defined in G.S. 110-86 that are licensed under Article 7 of Chapter 110 of the General Statutes; that are affected.

(2) For a new animal operation or existing animal operation that meets the siting requirements in Subparagraph (1) of this Paragraph, Subparagraph ~~(k)(1)(1)~~; objectionable odors shall be determined beyond the boundary of the animal operation.

(e)(f) Complaints. The Director shall respond to complaints about objectionable odors from animal operations as follows:

- (1) Complaints shall be investigated to the extent practicable.
- (2) Complaints may be used to assist in determination of a best management plan failure or a control technology failure.
- (3) The Director shall respond to complaints within 60 30 days.
- (4) Complaint response shall at least include a written response of the Director's evaluation of the complaint.

(f)(g) Determination of the existence of an objectionable odor. In deciding if an animal operation is causing or contributing to an objectionable odor, the Director may consider one or more of the following:

- (1) the nature, intensity, frequency, pervasiveness, and duration of the odors from the animal operation;
- (2) ~~the potential of emissions from~~ the animal operation of to emit known odor causing compounds, such as ammonia, total volatile organics, or hydrogen sulfide sulfide, or other sulfur compounds, at levels that could cause or contribute to an objectionable odor;
- (3) any epidemiological studies associating health problems with odors from the animal operation or documented health problems associated with odors from the animal operation provided by the State Health Director; or
- (4) any other evidence, including complaints; complaints

and records maintained by neighbors, that show shows that the animal operation is causing or contributing to an objectionable odor.

(g)(h) Requirement for a best management plan for controlling odors from existing animal operations. If the Director finds that an existing animal operation is causing or contributing to an objectionable odor, the owner or operator of the animal operation shall:

- (1) submit to the Director as soon as practical, but not to exceed 90 days after receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor, a best management plan for odor control as described in Rule .1803 of this Section; and
- (2) be in compliance with the terms of the plan within 30 days after the Director approves the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).

(h)(i) Requirement for amendment to best management plan. No later than 60 days from completion of a compliance schedule in an approved best management plan plan; or if the best management plan contains no compliance schedule, no later than 60 days from the implementation date of the best management plan, the Director shall determine whether the plan has been properly implemented, adequately controls objectionable odors from the animal operation. If the Director determines that a plan submitted under Paragraph (h) of this Rule does not control objectionable odors from the animal operation, the Director shall require the owner or operator of the animal operation to amend the plan to incorporate additional or alternative measures to control objectionable odors from the animal operation. The owner or operator shall:

- (1) submit a revised best management plan to the Director as soon as practical but not later than 60 days of after receipt of written notification from the Director that the plan is inadequate; and
- (2) be in compliance with the revised plan within 30 days after the Director approves the revisions to the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).

(i)(j) Plan failure. Any of the following conditions shall constitute failure of a best management plan:

- (1) failing to submit the initial best management plan required under Paragraph ~~(g)~~ (h) of this Rule within 90 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
- (2) failing to submit a revised best management plan required under Paragraph ~~(h)~~ (i) of this Rule within 60 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
- (3) failing to correct all deficiencies in a submitted best

management plan under Rule .1803(b)(c) of this Section within 30 days of receipt of written notification from the Director to correct these deficiencies;

- (4) failing to implement the best management plan after it has been approved; or
- (5) finding by the Director, using the criteria under Paragraph (f) (g) of this Rule, that, after the best management plan has been implemented and revised no more than one time; ~~two times~~; the best management plan does not adequately control objectionable odors from the animal operation and will not adequately control objectionable odors even with further amendments.

(j)(k) Requirements for control technology. If a plan failure occurs, the Director shall require the owner or operator of the animal operation to install control technology to control odor from the animal operation. The owner or operator shall submit within 90 days from receipt of written notification from the Director of a plan failure, a permit application for control technology and an installation schedule. If the owner or operator demonstrates to the Director that a permit application cannot be submitted within 90 days, the Director may extend the time for submittal up to an additional 90 days. Control technology shall be determined according to Subparagraph (1) of this Paragraph. The installation schedule shall contain the increments of progress described in Subparagraph (2) of this Paragraph. The owner or operator may at any time request adjustments in the installation schedule and shall in his request explain why the schedule cannot be met. If the Director finds that the reason for not meeting the schedule is valid, the Director shall revise the installation schedule as requested; however, the Director shall not extend the final compliance date beyond 24 months from the date that the permit was first issued for the control technology. The owner or operator shall certify to the Director within five days after the deadline for each increment of progress described in Subparagraph (2) of this Paragraph whether the required increment of progress has been met.

- (1) Control technology. The owner or operator of an animal operation shall identify control technologies that are technologically feasible for his animal operation and shall select the control technology or control technologies that the owner or operator identifies as most effective for his operation results in the greatest reduction of odors considering human health, energy, environmental, and economic impacts and other costs. The owner or operator shall explain the reasons for selecting the control technology or control technologies. If the Director finds that the selected control technology or control technologies will effectively control odors following the procedures in 15A NCAC 2Q .0300 or .0500, he shall approve the installation of the control technology or control technologies for this animal operation. The owner or operator of the animal

operation shall comply with all terms and conditions in the permit.

- (2) Installation schedule. The installation schedule for control technology shall contain the following increments of progress:
 - (A) a date by which contracts for odor control technology systems and equipment shall be awarded or orders shall be issued for purchase of component parts;
 - (B) a date by which on-site construction or installation of the odor control technology systems and equipment shall begin;
 - (C) a date by which on-site construction or installation of the odor control technology systems and equipment shall be completed; and
 - (D) a date by which final compliance shall be achieved.

Control technology shall be in place and operating as soon as practical but not to exceed 12 months from the date that the permit is issued for control technology.

(k)(1) New or modified animal operations. This Paragraph does not apply to activities exempted from the moratorium on construction or expansion of swine farms in S.L. 1997, c. 458, s. 1.1 provided that the owner or operator demonstrates to the Director that the activity will not result in an objectionable odor.

- (1) Before beginning construction, the owner or operator of a new or modified animal operation raising or producing swine shall submit and have an approved best management plan and shall meet of the following: A house or lagoon that is a component of an animal operation shall be constructed:
 - (A) at least 1500 feet from any occupied residence not owned by the owner of the animal operation;
 - (B) at least 2500 feet from any school, hospital, church, outdoor recreation facility, facility; national park, park; State Park, as defined in G.S. 113-44.9; historic property, property acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1; or child care center; center, as defined in G.S. 110-86, that is licensed under Article 7 of Chapter 110 of the General Statutes; and
 - (C) at least 500 feet from any property boundary;
- (2) Before beginning construction, the owner or operator of a new or modified animal operation other than swine shall submit and have an approved best management plan.
- (3) For new or modified animal operations raising or producing swine, operation; the outer perimeter of

the land area onto which waste is applied from a lagoon that is a component of an animal operation shall be:

- (A) at least 75 feet from any boundary of property on which an occupied residence not owned by the owner of the animal operation is located, and
 - (B) at least 200 feet from any occupied residence not owned by the owner of the animal operation.
- (4) The Director shall either approve or disapprove the best management plan submitted under this Paragraph within 90 days after receipt of the plan. If the Director disapproves the plan, he shall identify the plan's deficiency.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-215.108(a).

.1803 BEST MANAGEMENT PLANS FOR ANIMAL OPERATIONS

(a) Contents of a best management plan. The best management plan for animal operations shall:

- (1) identify the name, location, and owner of the animal operation;
- (2) identify the name, title, address, and telephone number of the person filing the plan;
- (3) identify the sources of odor within the animal operation;
- (4) describe how odor will be controlled from:
 - (A) the animal houses;
 - (B) the animal wastewater lagoon, if used;
 - (C) the animal wastewater application lands, if used;
 - (D) waste conveyances and temporary accumulation points; and
 - (E) other possible sources of odor within the animal operation;
- (5) contain a diagram showing all structures and lagoons at the animal operation, forced air directions, and approximate distances to structures or groups of structures within 3000 feet of the property line of the animal operation; a recent or updated aerial photograph may be submitted in place of a diagram provided the items required under this Subparagraph of this Rule are shown;
- (6) for existing animal operations, contain a schedule not to exceed ± six months by which the plan will be implemented (a new animal operation is to have and be in compliance with its best management plan when it begins operation); for an amended best management plan, the implementation schedule shall not exceed six months; 30 days;

- (7) describe how the plan will be implemented, including training of personnel;
- (8) describe inspection and maintenance procedures; and
- (9) describe methods of monitoring and recordkeeping to verify compliance with the plan.

(b) The Division shall review all best management plan submittals within 30 days of receipt of the submittal to determine if the submittal is complete or incomplete for processing purposes. To be complete, the submittal shall contain all the elements listed in Paragraph (a) of this Rule. The Division shall notify the person submitting the plan by letter stating that:

- (1) the submittal is complete.
- (2) the submittal is incomplete and identifying the missing elements and a date by which the missing elements need to be submitted to the Division, or
- (3) the best management plan is incomplete and requesting that the person rewrite and resubmit the plan.

(b)(c) Approval of the best management plan. The Director shall approve the plan if he finds that:

- (1) the plan contains all the required elements in Paragraph (a) of this Rule;
- (2) the proposed schedule contained in the plan will reduce objectionable odors in a timely manner;
- (3) the methods used to control objectionable odors are likely to prevent objectionable odors beyond the property lines of the animal operation (the Director shall not consider impacts of objectionable odors on neighboring property if the owner of the neighboring property agrees in writing that he does not object to objectionable odors on his property and this written statement is included with the proposed best management plan; this agreement becomes void if the neighboring property changes ownership); and
- (4) the described compliance verification methods are sufficient to verify compliance with the plan.

Within 90 days after receipt of a plan, the The Director shall have 90 days to determine whether the proposed plan meets the requirements of this Paragraph of this Rule. If the Director finds that the proposed plan does not meet the requirements of this Paragraph, he shall notify the owner or operator of the animal operation in writing of the deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies. If the Director finds that the proposed plan is acceptable, he shall notify the owner or operator in writing that the proposed plan has been approved.

Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(11).

.1804 REPORTING REQUIREMENTS FOR

ANIMAL OPERATIONS

If the Department receives an odor complaint about an animal operation, the Department may require the owner or operator of the animal operation to submit the following information:

- (1) the name and location of the animal operation;
- (2) the name, title, address, and telephone number of the person filing the report;
- (3) the type and number of animals at the animal operation;
- (4) potential sources of odors, such as animal housing structures, lagoons, collection and handling devices, and storage containers, with a physical description of these sources;
- (5) waste water land application procedures; and
- (6) measures taken to reduce odors.

This information shall be submitted to the Division within 15 days after receipt of the request.

Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215-215.107(a)(11).

SUBCHAPTER 2Q - AIR QUALITY PERMIT PROCEDURES

SECTION .0100 - GENERAL

.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (b) of this Rule do not apply:

- (1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
 - (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units located at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (B) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels located at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters; or
 - (D) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter;
- (2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation

activities;

- (3) prevention of significant deterioration under 15A NCAC 2D .0530;
- (4) new source review under 15A NCAC 2D .0531 or .0532;
- (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with 15A NCAC 2D .0902;
- (6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter; or
- (7) sources at facilities subject to 15A NCAC 2D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (b) of this Rule).

(b) The following activities do not need a permit or permit modification under this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:

- (1) activities exempted because of category (These activities shall not be included on the permit application or in the permit.):
 - (A) maintenance, upkeep, and replacement:
 - (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;
 - (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
 - (iii) use of office supplies, supplies to maintain copying equipment, or blueprint machines,
 - (iv) use of fire fighting equipment;
 - (v) paving parking lots; or
 - (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment

- that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems which do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
 - (C) laboratory activities:
 - (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter provided the activity produces no commercial product or feedstock material;
 - (D) storage tanks:
 - (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;
 - (ii) storage tanks used to store gasoline for which there are no applicable requirements except Stage I controls under 15A NCAC 2D .0928;
 - (iii) storage tanks used solely to store inorganic liquids; or
 - (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;
 - (E) combustion and heat transfer equipment:
 - (i) space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;
 - (ii) residential wood stoves, heaters, or fireplaces;
 - (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;
 - (F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;
 - (G) gasoline distribution:
 - (i) gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter; or
 - (ii) gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;
 - (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
 - (I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
 - (i) The portable solvent distillation system is not:
 - (J) owned by the facility, and
 - (II) operated at the facility for more than seven consecutive days; and
 - (ii) The material recycled is:
 - (J) recycled at the site of origin,
 - (II) the original material is non-photochemically reactive in accordance with 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and
 - (III) all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;
 - (J) processes:
 - (i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (ii) small electric motor bake-on ovens;
 - (iii) burn-off ovens for paint-line hangers with afterburners;
 - (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;

- (v) blade wood planers planing only green wood;
 - (K) solid waste landfills: municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter (This Part does not apply to flares and other sources of combustion at solid waste landfills.);
 - (L) miscellaneous:
 - (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;
 - (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
 - (iii) equipment used for the preparation of food for direct on-site human consumption;
 - (iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;
 - (v) exit gases from in-line process analyzers;
 - (vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;
 - (viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;
 - (ix) equipment that does not emit any regulated air pollutants;
 - (x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);
 - (xi) sources for which there are no applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (xii) sources for which there are no applicable requirements and that are at a facility required to be permitted under Section .0500 of this Subchapter following the procedures in Paragraph (c) of this Rule; or
 - (xiii) animal operations not required to have control technology under 15A NCAC 2D .1800 or not required to be permitted under Section .0500 of this Subchapter. (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter.)
- (2) activities exempted because of size or production rate (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):
- (A) storage tanks:
 - (i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or
 - (ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;
 - (B) combustion and heat transfer equipment located at a facility not required to be permitted under Section .0500 of this Subchapter:
 - (i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed of with natural gas or liquefied petroleum gas with a heat input of less than:
 - (I) 10 million BTU per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or
 - (II) 30 million BTU per hour for which construction, modification, or reconstruction

- commenced before June 10, 1989;
- (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU per hour;
 - (iii) space heaters burning waste oil if:
 - (I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;
 - (II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and
 - (III) The combustion gases from the heater are vented to the ambient air;
 - (iv) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:
 - (I) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,
 - (II) 830 kilowatts (electric) or 1150 horsepower for liquefied petroleum gas-fired engines,
 - (III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired engines, or
 - (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;
 - (v) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation;
 - (vi) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;
- (C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons that is not required to be permitted under Section .0500 of this Subchapter;
 - (D) processes:
 - (i) printing, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices) located at a facility whose facility-wide actual emissions of:
 - (I) Volatile organic compounds are less than five tons per year, and
 - (II) Photochemically reactive solvent emissions under 15A NCAC 2D .0513 are less than 30 pounds per day;
 provided the facility is not required to be permitted under Section .0500 of this Subchapter;
 - (ii) sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
 - (iii) perchloroethylene dry cleaners that emits less than 13,000 pounds of perchloroethylene per year;
 - (iv) electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped curing ovens with a heat input of less than 10,000,000 BTU per hour;
 - (E) miscellaneous:
 - (i) any source, whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:
 - (I) storage tanks,
 - (II) fuel combustion equipment, excluding fuel combustion equipment at facilities required

to have a permit under Section .0500 of this Subchapter, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas, liquefied petroleum gas, or a mixture of these fuels,

- (III) space heaters burning waste oil,
- (IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,
- (V) bulk gasoline plants,
- (VI) printing, paint spray booths, or other painting or coating operations,
- (VII) sawmills,
- (VIII) perchloroethylene dry cleaners, or
- (IX) electrostatic dry powder coating operations,

provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit;

- (ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide before air pollution control devices, i.e., uncontrolled emissions, are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates, and which is not required to have a permit under Section .0500 of this Subchapter;
- (iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or
- (iv) any incinerator covered under Subparagraph (c)(4) of 15A NCAC 2D .1201.

(F) case-by-case exemption:

- (i) for activities located at facilities not required to have a permit under Section .0500 of this Subchapter, activities that the applicant demonstrates to the satisfaction of the Director:
 - (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device, and
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater; or
- (ii) for activities located at facilities required to have a permit under Section .0500 of this Subchapter: activities that the applicant demonstrates to the satisfaction of the Director:
 - (I) to be negligible in their air quality impacts,
 - (II) not to have any air pollution control device,
 - (III) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater,
 - (IV) the potential emissions of each criteria pollutant is less than five tons per year, and
 - (V) the potential emissions of each hazardous air pollutant is less than 1000 pounds per year.

(c) The Director shall exempt a source for which there are no applicable requirements at a facility required to have a permit under Section .0500 of this Subchapter from needing a permit if:

- (1) The Director finds that emissions from the source are not likely to cause or contribute to any violation of an ambient air quality standard under Section 15A NCAC 2D .0400, or 40 CFR Part 50; and
- (2) The proposed permit exemption is noticed along with the initial draft permit or the next draft permit revision requiring public notice or draft permit renewal, whichever occurs first, and is subject to public comment procedures in Section .0500 of this Subchapter.

If during the comment period EPA or any other person provides a satisfactory explanation to the Director of why the source should be permitted, the Director shall include the source in the facility's permit; otherwise, the Director shall not include the source in the facility's permit.

SUBCHAPTER 18A - SANITATION

SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

.1952 SEPTIC TANK, EFFLUENT FILTER, DOSING TANK AND LIFT STATION DESIGN

(d) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(e) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700 according to 15A NCAC 2Q .0702 (exemptions from air toxic permitting).

(f) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Commission for Health Services intends to amend the rules cited as 15A NCAC 18A .1952-.1955. Notice of Rule-making Proceedings was published in the Register on December 15, 1998.

Proposed Effective Date: August 1, 2000

A Public Hearing will be conducted at 1:00 p.m. on August 18, 1999 at the Parker-Lincoln Building, Training Room (RM 1A224), 2728 Capital Boulevard, Raleigh, NC 27604.

Reason for Proposed Action: The 1998 "short" session of the North Carolina General Assembly ratified and the Governor signed into law HB 1462 which requires the Commission for Health Services to adopt rules governing effluent filters and access devices for septic tank systems. Temporary rules became effective January 1, 1999, (Ref. Section 3, S.L. 1998-126). These amendments will make the current temporary rules permanent.

Comment Procedures: Written comments should be submitted to Steve Steinbeck, On-Site Wastewater Section, 1642 Mail Service Center, Raleigh, NC 27699-1642, or emailed to steve_steinbeck@mail.enr.state.nc.us. Comments will be accepted through September 1, 1999.

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

(a) A septic tank or dosing tank shall be watertight, structurally sound, and not subject to excessive corrosion or decay. Septic tanks shall be of two-compartment design. The inlet compartment of a two-compartment tank shall hold between two-thirds and three-fourths of the total tank capacity. Septic tanks shall have an approved effluent filter and access devices. The effluent filter shall function without a bypass of unfiltered wastewater, sludge or scum. The effluent filter case shall be designed to function as a sanitary tee with the inlet extending down to between 25 and 40 percent of the liquid depth. The requirement(s) for an effluent filter and access devices shall apply to septic tanks for which a Construction Authorization is issued on or after January 1, 1999. A properly designed dosing siphon or pump shall be used for discharging sewage effluent into nitrification lines when the total length of such lines exceeds 750 linear feet in a single system and as required for any pressure-dosed system. When the design daily flow from a single system exceeds 3,000 gallons per day or when the total length of nitrification lines exceeds 2,000 linear feet in a single system, alternating siphons or pumps shall be used which shall discharge to separate nitrification fields. The dose volume from pump or siphon systems shall be of such design so as to fill the nitrification lines from 66 percent to 75 percent of their capacity at each discharge except as required for low-pressure distribution systems. The discharge rate from dosing systems shall be designed to maximize the distribution of the effluent throughout the nitrification field. Septic tanks installed where the top will be deeper than six inches below the finished grade shall have an access manhole over each compartment with cover, extending to within six inches of the finished grade, having a minimum opening adequate to accommodate the installation or removal of the septic tank lid, septage removal, and maintenance of the effluent filter. When the top of the septic tank or access manhole is below the finished grade, the location of each manhole shall be visibly marked at finished grade. Any system serving a design unit with a design sewage flow greater than 3,000 gallons per day shall have access manholes over each compartment and over the outletsanitary tee. The access manholes shall that extend at least to finished grade and be designed and maintained to prevent surface water inflow. The manholes shall be sized to allow proper inspection and maintenance. All dosing tanks shall have a properly functioning high-water alarm. The alarm shall be audible and visible by system users and weatherproof if installed outdoors. The alarm circuit shall be provided with a manual disconnect in a watertight, corrosion-resistant outside enclosure (NEMA 4X or equivalent) adjacent to the dosing tank.

CHAPTER 18 - ENVIRONMENTAL HEALTH

(b) Minimum liquid capacities for septic tanks shall be in accordance with the following:

(1) Residential Septic Tanks (for each individual residence or dwelling unit):

Number of Bedrooms	Minimum Liquid Capacity	Equivalent Capacity Per Bedroom
3 or less	900 gallons	300 gallons
4	1,000 gallons	250 gallons
5	1,250 gallons	250 gallons

(2) Septic tanks for large residences, multiple dwelling units, or places of business or public assembly shall be in accordance with the following:

- (A) The minimum liquid capacity of septic tanks for places of business or places of public assembly with a design sewage flow of 600 gallons per day or less shall be determined in accordance with the following: $V = 2Q$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.
- (B) Individual residences with more than five bedrooms, multiple-family residences, individual septic tank systems serving two or more residences, or any place of business or public assembly where the design sewage flow is greater than 600 gallons per day, but less than 1,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following: $V = 1.17Q + 500$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow. The minimum liquid capacity of a septic tank serving two or more residences shall be 1,500 gallons.
- (C) Where the design sewage flow is between 1,500 gallons per day and 4,500 gallons per day, the liquid capacity of the septic tank shall be designed in accordance with the following: $V = 0.75Q + 1,125$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.
- (D) Where the design sewage flow exceeds 4,500 gallons per day, the septic tank shall be designed in accordance with the following: $V = Q$; where V is the liquid capacity of the septic tank and Q is the design daily sewage flow.
- (E) The minimum liquid capacity requirements of Subparagraph (b)(2) of this Rule shall be met by use of a single two-compartment septic tank or by two tanks installed in series, provided the first tank is constructed without a baffle wall and contains at least two-thirds of

the total required liquid capacity.

(3) The minimum capacity of any septic tank shall be 750 gallons.

(c) The following are minimum standards of design and construction of pump tanks and pump dosing systems:

(1) The liquid capacity of a pump tank shall be considered as the entire internal volume with no additional requirement for freeboard. Pump tanks shall have a minimum liquid capacity in accordance with the following:

- (A) Pump tanks for systems with nitrification fields installed in Soil Group I, II, or III soils, as defined in these Rules, shall have a minimum liquid capacity equal to two-thirds of the required septic tank liquid capacity.
- (B) Pump tanks for systems installed in Group IV soils shall have a minimum liquid capacity equal to the required septic tank liquid capacity.
- (C) The minimum liquid capacity of any pump tank shall be 750 gallons.
- (D) An alternate method to determine minimum liquid capacity of a pump tank shall be to provide for the minimum pump submergence requirement (Subparagraph (c)(5) of this Rule), the minimum dose volume requirement (Paragraph (a) of this Rule), and the minimum emergency storage capacity requirement. The emergency storage capacity requirement is determined based on the type of facility served, the classification of surface waters which would be impacted by a pump tank failure, and the availability of standby power devices and emergency maintenance personnel. The emergency storage capacity shall be the freeboard space in the pump tank above the high-water alarm activation level plus the available freeboard space in previous tankage and in the collection system below the lowest ground elevation between the pump tank and the lowest connected building drain invert. The minimum emergency storage capacity for residential systems and other

systems in full-time use on sites draining into WS-I, WS-II, WS-III, SA, SB, and B waters shall be 24 hours, without standby power, or 12 hours with standby power manually activated, or four hours with standby power automatically activated or with a high-water alarm automatically contacting a 24-hour maintenance service. The minimum emergency storage capacity for systems not in full-time use and for all systems at sites draining into all other surface waters shall be 12 hours without standby power, or eight hours with standby power manually activated, or four hours with standby power automatically activated or with a high-water alarm automatically contacting a 24-hour maintenance service.

- (E) Notwithstanding Paragraphs (c)(1) (A)-(D), other criteria for pump tank capacity may be approved by the local health department and the State for raw sewage lift stations, pressure sewer systems, and systems with design flows exceeding 3,000 gallons per day.
- (2) The effluent pump shall be capable of handling at least one-half inch solids and designed to meet the discharge rate and total dynamic head requirements of the effluent distribution system. The pump shall be listed by Underwriter's Laboratory or an equivalent third party electrical testing and listing agency, unless the proposed pump model is specified by a registered professional engineer.
- (3) Pump discharge piping shall be of Schedule 40 PVC or stronger material and adequately secured. Fittings and valves shall be of compatible corrosion-resistant material. A threaded union, flange, or similar disconnect device shall be provided in each pump discharge line. All submersible pumps shall be provided with a corrosion-resistant rope or chain attached to each pump enabling pump removal from the ground surface without requiring dewatering or entrance into the tank. Valves shall also be readily accessible from the ground surface.
- (4) Antisiphon holes (three-sixteenth inch) shall be provided when the discharge or invert elevation of the distribution system is below the high-water alarm elevation in the pump tank, or in accordance with pump manufacturer's specifications. Check valves shall be provided when the volume of the supply line is greater than 25 percent of the dosing volume, or in accordance with pump manufacturer's specifications. When provided, the antisiphon hole shall be located between the pump and the check valve.
- (5) Sealed mercury control floats or similar devices designed for detecting liquid levels in septic tank effluent shall be provided to control pump cycles. A separate level sensing device shall be provided to

activate the high-water alarm. Pump-off level shall be set to keep the pump submerged at all times or in accordance with the manufacturer's specifications. A minimum of 12 inches of effluent shall be maintained in the bottom of the pump tank. The high-water alarm float shall be set to activate within six inches of the pump-on level. The lag pump float switch, where provided, shall be located at or above the high-water alarm activation level.

- (6) Pump and control circuits shall be provided with manual circuit disconnects within a watertight, corrosion-resistant, outside enclosure (NEMA 4X or equivalent) adjacent to the pump tank, securely mounted at least 12 inches above the finished grade. The pump(s) shall be manually operable without requiring the use of special tools or entrance into the tank for testing purposes. Conductors shall be conveyed to the disconnect enclosure through waterproof, gasproof, and corrosion-resistant conduits, with no splices or junction boxes provided inside the tank. Wire grips, duct seal, or other suitable material shall be used to seal around wire and wire conduit openings inside the pump tank and disconnect enclosure.
- (7) For systems requiring duplex and multiplex pumps, a control panel shall be provided which shall include short-circuit protection for each pump and for the control system, independent disconnects, automatic pump sequencer, hand-off-automatic (H-O-A) switches, run lights, and elapsed time counters for each pump. Alarm circuits shall be supplied ahead of any pump overload or short circuit protective devices. The control panel must be in a watertight, corrosion-resistant enclosure (NEMA 4X or equivalent) unless installed within a weathertight building. The panel shall be protected from intense solar heating.
- (8) Dual and multiple fields shall be independently dosed by separate pumps which shall automatically alternate. The supply lines shall be "H" connected to permit manual alternation between fields dosed by each pump. "H" connection valving shall be readily accessible from the ground surface, either from the pump tank access manhole or in a separate valve chamber outside the pump tank. Other equivalent methods of dosing dual or multiple fields may be approved by the State.
- (9) The pump tank shall have a properly functioning high-water alarm. The alarm circuit shall be supplied ahead of any pump overload and short circuit protective devices. The alarm shall be audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).
- (d) Siphons and siphon dosing tanks may be used when at least two feet of elevation drop can be maintained between the

siphon outlet invert and the inlet invert in the nitrification field distribution system.

- (1) Siphon dosing tanks shall be designed in accordance with the minimum dose requirements in this Rule and shall meet the construction requirements of this Section. The siphon dose tank shall provide at least 12 inches of freeboard, and the inlet pipe shall be at least three inches above the siphon trip level. The high-water alarm shall be set to activate within two inches of the siphon trip level.
- (2) Siphon dosing tanks shall have a watertight access opening over each siphon with a minimum diameter of 24 inches and extending to finished grade and designed to prevent surface water inflow.
- (3) The slope and size of the siphon discharge line shall be sufficient to handle the peak siphon discharge by gravity flow without the discharge line flowing full. Vents for the discharge lines shall be located outside of the dosing tank or otherwise designed to not serve as an overflow for the tank.
- (4) All siphon parts shall be installed in accordance with the manufacturer's specifications. All materials must be corrosion-resistant, of cast iron, high density plastic, fiberglass, stainless steel, or equal.
- (5) Siphon dosing tanks shall have a properly functioning high-water alarm that is audible and visible by system users and weatherproof if installed outdoors in an enclosure (NEMA 4X or equivalent).

(e) Raw sewage lift stations shall meet the construction standards of this Section and all horizontal setback requirements for sewage treatment and disposal systems in accordance with Rule .1950(a) of this Section unless the station is a sealed, watertight chamber, in which case the setback requirements for collection sewers in Rule .1950(e) of this Section shall apply. Sealed, watertight chambers shall be of a single, prefabricated unit, such as fiberglass, with sealed top cover, and preformed inlet and outlet pipe openings connected with solvent welds, O-ring seals, rubber boots, stainless steel straps, or equivalent. Dual pumps shall be provided for stations serving two or more buildings or for a facility with more than six water closets. Pumps shall be listed by Underwriter's Laboratories or an equivalent third party electrical testing and listing agency, and shall be grinder pumps or solids-handling pumps capable of handling at least three-inch spheres unless the station serves no more than a single water closet, lavatory, and shower, in which case two-inch solids handling pumps shall be acceptable. Minimum pump capacity shall be 2.5 times the average daily flow rate. The dosing volume shall be set so that the pump-off time does not exceed 30 minutes, except for stations serving single buildings, and pump run-time shall be from three to ten minutes at average flow. Pump station emergency storage capacity and total liquid capacity shall be determined in accordance with Paragraph (c)(1)(D) of this Rule except for a sealed, watertight chamber serving an individual building, in

which case a minimum storage capacity of eight hours shall be required. All other applicable requirements for pump tanks and pump dosing systems in accordance with Paragraph (c) of this Rule shall also apply to raw sewage lift stations.

Authority G.S. 130A-335 (e), (f) and (f1)[2nd].

.1953 PREFABRICATED SEPTIC TANKS AND PUMP TANKS

When prefabricated concrete tanks or tanks of other material are used, they shall be constructed in accordance with the plans which have been approved by the State and shall comply with all requirements of this Section. At least three complete sets of plans and specifications for the initial design of the prefabricated septic tank or subsequent changes and modifications shall be submitted to the Department of Environment, Health, and Natural Resources, ~~Division of Environmental Health~~, On-Site Wastewater Section, PO Box 27687 ~~29594~~, Raleigh, North Carolina ~~27611-7687~~ 27626-0594. Separate plans and specifications for the design of each septic tank or pump tank to be produced shall be submitted to the ~~Division of Environmental Health~~, On-Site Wastewater Section for approval. These plans and specifications shall show the design of the septic tank in detail, including:

- (1) All pertinent dimensions;
- (2) Reinforcement material and location;
- (3) Material strength;
- (4) Liquid depth;
- (5) Pipe penetration, joint ~~Joint~~ material and method of sealing;
- (6) Access manhole ~~and riser, detail, lid, and other~~ proposed appurtenances to the septic tank;
- (7) Approved effluent filter(s), filter support detail and filter access detail; and
- (7)(8) Other design features.

Authority G.S. 130A-335 (e), (f) and (f1)[2nd].

.1954 MINIMUM STANDARDS FOR PRECAST REINFORCED CONCRETE TANKS

(a) The following are minimum standards of design and construction of precast reinforced concrete septic tanks:

- (1) The minimum requirement for the liquid depth is 36 inches.
- (2) A minimum of nine inches freeboard is required, the freeboard being the air space between the top of the liquid and the bottom side of the lid or cap of the tank.
- (3) The length of the septic tank shall be at least twice as long as the width.
- (4) There shall be three inlet openings in the tank, one on the tank end and one on each sidewall of the inlet

end of the tank. The blockouts for these openings shall leave a concrete thickness of not less than one inch in the tank wall. The blockouts shall be made for a minimum of four-inch pipe or a maximum of six-inch pipe. ~~No blockouts or openings~~ The outlet pipe penetration of the tank shall be through a resilient, watertight, sealed, non-corrosive and flexible connective sleeve. The outlet pipe penetration shall be precast to be compatible with the connective sleeve. No pipe penetration points or openings shall be permitted below the tank liquid level.

- (5) The inlet pipe in the tank shall be a straight pipe.
- (6) The outlet shall be through an approved effluent filter secured in place in an effluent filter support case. The effluent filter support case shall serve as a functioning sanitary tee with the bottom inlet extending down between 25 and 40 percent of the liquid depth. ~~A cast-in-place concrete sanitary tee, a polyvinyl chloride (PVC) sanitary tee, or a polyethylene (PE) sanitary tee, made of not less than class 160 pipe or equivalent fittings and pipe. Class 160 pipe shall have a wall thickness of not less than two inches. The tee shall extend down one-fourth of the liquid depth. The tee approved effluent filter and support case shall be furnished by the septic tank manufacturer. The invert of the outlet shall be at least two inches lower in elevation than the invert of the inlet.~~
- (7) Other equivalent methods of supporting the effluent filter and for making the pipe penetrations shall be approved by the On-Site Wastewater Section.
- (8) In order to obtain approval of an effluent filter, the filter manufacturer shall submit to the State the following information with supporting documentation:
 - (a) For each septic tank system that is designed to treat 3,000 gallons per day or less of sewage, a written certification that the effluent filter is designed, constructed, and performs in compliance with G.S. 130A-335.1(a)(1)(2)(3), and (4);
 - (b) Sizing as to capacity and wastewater strength for all models of proposed filters to be approved; and
 - (c) Specifications for application, installation, operation, and maintenance.

(9)(7) All tanks shall be manufactured with a cast-in-place partition so that the tank contains two compartments. The partition shall be located at a point not less than two-thirds nor more than three-fourths the length of the tank from the inlet end. The top of the partition shall terminate two inches below the bottom side of the tank top in order to leave space for air or gas passage between compartments. The top and bottom

halves of the partition shall be cast in such manner as to leave a water passage slot four inches high for the full width of the tank. The partition (both halves) shall be reinforced by the placing of six-inch by six-inch No. 10 gage welded reinforcing wire. The reinforcing wire shall be bent to form an angle of 90 degrees on the ends in order to form a leg not less than four inches long. When the wire is placed in the mold the four-inch legs should lay parallel with the sidewall wire and adjacent to it. It is recognized that there are other methods of constructing a partition or two-compartment tank. Any method other than the one described will be considered on an individual basis for approval by the Division of Environmental Health, On-Site Wastewater Section. However, the tank wall thickness must remain not less than two and one-half inches thick throughout the tank except for blockouts: the pipe penetrations.

(10)(8) Adequate access openings must be provided in the tank top. Access shall be provided for cleaning or rodding out of the inlet pipe, for cleaning or clearing the air or gas passage space above the partition, an entrance for inserting the suction hose for tank pumping, and for entrance of a person if internal repairs are needed ~~after pumping, for pumping of each compartment, and for the maintenance of the effluent filter.~~ This shall be accomplished by properly locating two manholes or access openings with each having a minimum opening of 18 1/2 inches by 18 1/2 inches or 17 inches in diameter as the opening cuts the plane of the bottom side of the top of the tank or other equidimensional opening with at least 225 square inches. The manhole covers shall be beveled on all sides in such manner as to accommodate a uniform load of 150 pounds per square foot without damage to the cover or the top of the tank. If the top of the tank is to be multislab construction, the slabs over the inlet of the tank, partition, and outlet of the tank must not weigh in excess of 150 pounds each. Multislab construction allows for the elimination of the manholes. Manhole covers, tank lids, access opening covers, or slabs shall have a handle of steel or other rot-resistant material equivalent in strength to a No. 3 reinforcing rod (rebar).

(11)(9) The concrete tank and tank lid shall be reinforced by using a minimum reinforcing of six-inch by six-inch No. 10 gage welded steel reinforcing wire in the top, bottom ends, and sides of the tank. The reinforcing wire shall be lapped at least six inches. Concrete cover shall be required for all reinforcement. Reinforcement shall be placed to maximize the structural integrity of the tank. The tank, tank lid, riser and riser cover shall be able to withstand a uniform live loading of 150 pounds per square foot in addition to all loads to which an underground tank

tanks, riser, or riser cover is normally subjected, such as the dead weight of the concrete and soil cover, active soil pressure on tank walls, and the uplifting force of the ground water. Additional reinforcement shall be required when the loads on a concrete tank tank, riser, or riser cover are exceeded by subjecting it to vehicular traffic or when the top of the tank is placed deeper than three feet below the finished grade.

(12)(+0) The top, bottom, ends, and sides of the tank must have a minimum thickness of two and one-half inches.

(13)(+1) A minimum 28-day concrete compressive strength of 3,500 pounds per square inch shall be used in the construction of the septic tank: tank, concrete access riser and riser cover. The concrete shall achieve a minimum compressive strength of 3,000 pounds per square inch prior to removal of the tank from the place of manufacture. It shall be the responsibility of the manufacturer to certify that this condition has been met prior to shipment. A septic tank shall be subject to testing to ascertain the strength of the concrete prior to its being approved for installation. Recognized devices for testing the strength of concrete include a properly calibrated Schmidt Rebound Hammer or Windsor Probe Test. Accelerated curing in the mold by use of propane gas or other fuels is prohibited, except in accordance with accepted methods and upon prior approval of the State.

(14)(+2) After curing, tanks manufactured in two sections and as required, concrete risers shall be joined and sealed at the joint by using a mastic, butyl rubber, or other pliable sealant that is waterproof, corrosion-resistant, and approved for use in septic tanks. The sealant shall have a minimum size of one inch nominal diameter or equivalent. Before sealing, the joint shall be smooth, intact, and free of all deleterious substances. Tank halves shall be properly aligned to ensure a tight seal. The sealant shall be provided by the manufacturer.

(15)(+3) All tanks produced shall bear an imprint identifying the manufacturer, the serial number assigned to the manufacturer's plans and specifications approved by the State, and the liquid or working capacity of the tanks. This imprint shall be located to the right of the blockout made for the outlet pipe on the outlet end of the tank. All tanks shall also be permanently marked with the date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.

(16) Risers and access covers shall have a clear opening sized to allow for maintenance and removal of internal devices of the septic tank and shall not allow accidental entry. The access cover and tank lid shall be designed, constructed, and maintained to prevent

unauthorized access. Risers shall be sealed watertight where they join the top of the septic tank, and constructed to prevent water inflow through the lid or cover.

(b) Pump tanks shall meet the construction requirements of Paragraph (a) of this Rule with the following modifications.

- (1) Tanks shall be cast with a single compartment, or, if a partition is provided, the partition shall be cast to contain a minimum of two four-inch diameter circular openings, or equivalent, located no more than 12 inches above the tank bottom.
- (2) There shall be no requirement as to tank length, width, or shape, provided the tank satisfies all other requirements of this Section.
- (3) The invert of the inlet openings shall be located within 12 inches of the tank top. No freeboard shall be required in the pump tank.
- (4) After joining, tanks manufactured in two sections shall be plastered along the joint with hydraulic cement, cement mortar, or other waterproofing sealant. Other methods of waterproofing tanks may be used as specifically approved in the plans and specifications for the tank. Prior to backfilling, the local health department shall make a finding that a two section tank is watertight if a soil wetness condition is present within five feet of the elevation of the top of the tank.
- (5) Tanks shall be vented and accessible for routine maintenance. A watertight access manhole with removable lid shall be provided over the pump with a minimum diameter of 24 inches. The access manhole shall extend at least to six inches above finished grade and be designed and maintained to prevent surface water inflow. Larger or multiple manholes shall be provided when two or more pumps are required. Pumps shall be removable without requiring entrance into the tank. Manhole lids and electrical controls shall be secured against unauthorized access. Manhole risers shall be joined to the tank top and sealed in accordance with Paragraphs (a)(12) and (b)(4) of this Rule.
- (6) All pump tanks shall bear an imprint identifying the manufacturer, pump tank serial number assigned by the Division of Environmental Health, and the liquid or working capacity of the tank. The imprint shall be located to the left of the outlet blockout. All tanks shall also be permanently marked with the date of manufacture adjacent to the tank imprint or on the top of the tank directly above the imprint.

(c) Plans for prefabricated tanks tanks, risers and riser covers, other than those approved under Paragraph (a) or (b) of this Rule for ~~precast reinforced concrete tanks~~ shall be approved on an individual basis as determined by the information furnished by the designer which indicates the tank tank, riser or riser cover will provide equivalent effectiveness

as those designed in accordance with the provisions of Paragraphs (a) and (b) of this Rule.

(d) Tanks other than approved prefabricated tanks shall be constructed consistent with the provisions of this Rule except as follows:

- (1) Cast-in-place concrete septic and pump tanks shall have a minimum wall thickness of six inches.
- (2) Concrete block or brick masonry tanks shall have a minimum wall thickness of at least six inches when the design volume is less than 1,000 gallons and a minimum wall thickness of at least eight inches when the design volume is 1,000 gallons or more. All joints between masonry units shall be mortared using masonry cement mortar or equivalent. The joints shall have a nominal thickness of three-eighths inch. All concrete block masonry tanks shall have a minimum wall reinforcement of number three reinforcing bars on 20-inch centers, or equivalent. The maximum allowable reinforcement spacing in either direction shall be four feet. All block wall cores shall be filled with concrete with a minimum compressive strength of 3,000 pounds per square inch. All tanks constructed of block or brick shall be plastered on the inside with a 1:3 mix (one part cement, three parts sand) of Portland cement at least three-eighths inch thick or the equivalent using other approved waterproofing material.
- (3) The bottom of the built-in-place tank shall be poured concrete with a minimum thickness of four inches. All built-in-place tanks shall be reinforced to satisfy the structural strength requirements of Paragraph (a)(9) of this Rule. Reinforcement shall be placed in both directions throughout the entire tank, including top, bottom, walls, and ends.

(e) Manufacturers of septic tanks, effluent filters, pump tanks, risers, and riser locators shall comply with the General Statutes, this Section, and Approval conditions. If the approved products or materials are found to be in non-compliance, the Operation Permit shall not be issued or shall be denied. The State shall suspend or revoke the product approval upon a finding that the information submitted is falsified, the product has been subsequently altered, or

subsequent experience with the product results in altered conclusions about its design or performance. Suspension or revocation of the product approval shall not affect systems previously installed pursuant to the approval.

Authority G.S. 130A-335 (e), (f) and (f1)[2nd].

.1955 DESIGN AND INSTALLATION CRITERIA FOR CONVENTIONAL SEWAGE SYSTEMS

(a) Conventional septic tank systems shall utilize a septic tank of approved construction with an approved effluent filter and support case, access devices, and design volume which provides primary treatment of the sewage in accordance with the provisions of these Rules. The effluent filter support case shall be solvent welded to a PVC Schedule 40 outlet pipe with a minimum diameter of three inches inserted through the outlet connective sleeve creating a watertight and mechanically sound joint and shall extend at least 24 inches beyond the tank outlet. The filter and support case shall be installed and maintained in accordance with the filter manufacturer's specifications. The effluent filter shall be accessible without the operator entering the septic tank and removable by hand. The effluent filter shall be secured in the support case and located under the outlet access opening or manhole. When the top of the septic tank or access manhole is installed below finished grade, the location of each access opening or manhole shall be visibly marked at finished grade. The visible marker(s) shall be located over or within a five foot radius of each access opening or manhole. The marker(s) shall be identified as a septic tank locator. When not placed over each access opening or manhole, the marker(s) shall indicate location of tank access opening(s) or manhole(s). The filtered effluent from the septic tank shall be conveyed to an approved nitrification line where the soil provides for final treatment and disposal of the sewage.

(b) Table II shall be used in determining the maximum long-term acceptance rate for septic tank systems of conventional trench design. The long-term acceptance rate shall be based on the most hydraulically limiting naturally occurring soil horizon within three feet of the ground surface or to a depth of one foot below trench bottom, whichever is deeper.

TABLE II

SOIL GROUP	SOIL TEXTURE CLASSES (USDA CLASSIFICATION)		LONG-TERM
			ACCEPTANCE RATE gpd/ft ²
I	Sands (With S or PS structure and clay mineralogy)	Sand Loamy Sand	1.2 - 0.8

II	Coarse Loams (With S or PS structure and clay mineralogy)	Sandy Loam Loam	0.8 - 0.6
III	Fine Loams (With S or PS structure and clay mineralogy)	Sandy Clay Loam Silt Loam Clay Loam Silty Clay Loam Silt	0.6 - 0.3
IV	Clays (With S or PS structure and clay mineralogy)	Sandy Clay Silty Clay Clay	0.4 - 0.1

The long-term acceptance rate shall not exceed the mean rate for the applicable soil group for food service facilities, meat markets, and other places of business where accumulation of grease can cause premature failure of a soil absorption system. Long-term acceptance rates up to the maximum for the applicable soil group may be permitted for facilities where data from comparable facilities indicates that the grease and oil content of the effluent will be less than 30 mg/l and the chemical oxygen demand (COD) will be less than 500 mg/l.

(c) The design daily sewage flow shall be divided by the long-term acceptance rate to determine the minimum area of nitrification trench bottom. The total length of the nitrification line shall be determined by dividing the required area of nitrification trench bottom by the trench width, not to exceed 36 inches. Trenches shall be located not less than three times the trench width on centers with a minimum spacing of five feet on centers.

(d) The local health department may permit the use of a bed system on sites where the soil texture can be classified into either Soil Groups I, II, or III, meeting the other requirements of this Section, and only on lots which are limited by topography, space, or other site-planning considerations. In such cases, the number of square feet of bottom area needed shall be increased by 50 percent over what would be required for a trench system. Nitrification lines shall be at least 18 inches from the side of the bed and shall have lines on three-foot centers. When the design daily flow exceeds 600 gallons per day, bed systems shall not be used.

(e) The pipe or tubing used between the septic tank and the nitrification line shall be a minimum of three-inch nominal size Schedule 40 polyvinyl chloride (PVC), polyethylene (PE), or acrylonitrile-butadiene-styrene (ABS) or equivalent with a minimum fall of one-eighth inch per foot. However, three-inch or greater nonperforated polyethylene (PE) corrugated tubing may be substituted for Schedule 40 pipe between a distribution device and the nitrification line if the following conditions are met:

- (1) the trench has a minimum bottom width of one foot;
- (2) the trench bed is compacted, smooth, and at a uniform grade;
- (3) the pipe is placed in the middle of the trench with a minimum of three inches of clearance between the pipe and the trench walls;
- (4) washed stone or washed gravel envelope is placed in the trench on both sides of the pipe and up to a point at least two inches above the top of the pipe;
- (5) a minimum of six inches of soil cover is placed and compacted over the stone or gravel envelope; and
- (6) earthen dams consisting of two feet of undisturbed or compacted soil are placed at both ends of the trench separating the trench from the distribution device and the nitrification line.

All joints from the septic tank to the nitrification line shall be watertight.

(f) When four or six-inch diameter corrugated plastic tubing is used for nitrification lines, it shall be certified as complying with ASTM F 405, Standard Specification for Corrugated Polyethylene (PE) Tubing and Fittings, which is hereby adopted by reference in accordance with G.S. 150B-21.6. The corrugated tubing shall have three rows of holes, each hole between one-half inch and three-fourths inch in diameter, and spaced longitudinally approximately four inches on centers. The rows of holes may be equally spaced 120 degrees on centers around the periphery, or three rows may be located in the lower portion of the tubing, the outside rows being approximately on 120-degree centers. The holes may be located in the same corrugation or staggered in adjacent corrugations. Other types of pipe may be used for nitrification lines provided the pipe satisfies the requirements of this Section for hole size and spacing and the pipe has a stiffness equivalent to corrugated polyethylene tubing (ASTM F-405) or stronger. The nitrification line shall be located in the center of the nitrification trench.

(g) Nitrification trenches shall be constructed as level as

possible but in no case shall the fall in a single trench bottom exceed one-fourth inch in 10 feet as determined by an engineer's level or equivalent. When surface slopes are greater than two percent, the bottom of the nitrification trenches shall follow the contour of the ground. An engineer's level or equivalent shall be used for installation and inspection. The nitrification trench shall not exceed a width of three feet and a depth of three feet, except as approved by the local health department.

(h) Rock used in soil absorption systems shall be clean, washed gravel or crushed stone and graded or sized in accordance with size numbers 3, 4, 5, 57, or 6 of ASTM D-448 (standard sizes of coarse aggregate) which is hereby adopted by reference in accordance with G.S. 150B-21.6. Copies may be inspected in, and copies obtained from the Division of Environmental Health, PO Box 27687, Raleigh, North Carolina 27611-7687. The rock shall be placed a minimum of one foot deep with at least six inches below the pipe and two inches over the pipe and distributed uniformly across the trench bottom and over the pipe.

(i) The soil cover over the nitrification field shall be to a depth of at least six inches. The finished grade over the nitrification field shall be landscaped to prevent the ponding of surface water and runoff of surface water shall be diverted away from the nitrification field. Soil cover above the original grade shall be placed at a uniform depth over the entire nitrification field, except as required to prevent the ponding of surface water, and shall extend laterally five feet beyond the

nitrification trench. The soil cover shall be placed over a nitrification field only after proper preparation of the original ground surface. The type of soil cover and placement shall be approved by the local health department.

(j) Effluent distribution devices, including distribution boxes, flow dividers, and flow diversion devices, shall be of sound construction, watertight, not subject to excessive corrosion, and of adequate design as approved by the local health department. Effluent distribution devices shall be separated from the septic tank and nitrification lines by a minimum of two feet of undisturbed or compacted soil and shall be placed level on a solid foundation of soil or concrete to prevent differential settlement of the device. The installer shall demonstrate that the distribution devices perform as designed.

(k) Grease traps or grease interceptors shall be required at food service facilities, meat markets, and other places of business where the accumulation of grease can cause premature failure of a soil absorption system. The following design criteria shall be met:

- (1) The grease trap shall be plumbed to receive all wastes associated with food handling and no toilet wastes;
- (2) The grease trap liquid capacity shall be sufficient to provide for at least five gallons of storage per meal served per day, or at least two-thirds of the required septic tank liquid capacity, or a capacity as determined in accordance with the following:

$$LC = D \times GL \times ST \times HR/2 \times LF$$

where LC = grease trap liquid capacity (gallons)

D = number of seats in dining area

GL = gallons of wastewater per meal (1.5 single-service; 2.5 full service)

ST = storage capacity factor = 2.5

HR = number of hours open

LF = loading factor = (1.25 interstate highway

= 1.0 other highways and recreational areas

= 0.8 secondary roads)

- (3) Two or more chambers must be provided, with total length-to-width ratio at least 2:1. Chamber opening and outlet sanitary tee must extend down at least 50 percent of the liquid depth.
- (4) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent surface water infiltration. The manholes shall also have readily removable covers to facilitate inspection, filter maintenance, and grease removal.
- (5) One tank or multiple tanks, in series, shall be constructed in accordance with Rules .1952, .1953, and .1954 of this Section, and the provisions of

Paragraphs (k)(3) and (k)(4) of this Rule.

- (6) Where it has been demonstrated that specially designed grease interceptors will provide improved performance, the grease trap liquid capacity may be reduced by up to 50 percent.

(l) Stepdowns or drop boxes may be used where it is determined by the local health department that topography prohibits the placement of nitrification trenches on level grade. Stepdowns shall be constructed of two linear feet of undisturbed soil and constructed to a height which fully utilizes the upstream nitrification trench. Effluent shall be conveyed over the stepdown through nonperforated pipe or tubing and backfilled with compacted soil. Drop boxes shall be constructed so that the invert of the inlet supply pipe is one inch above the invert of the outlet supply pipe which is

connected to the next lower drop box. The top of the trench outlet laterals, which allow effluent to move to the nitrification lines, shall be two inches below the invert of the outlet supply line. Area taken up by stepdowns and drop boxes shall not be included as part of the minimum area required for nitrification trench bottoms.

(m) Nitrification trenches shall be installed with at least one foot of naturally occurring soil between the trench bottom and saprolite, rock, or any soil horizon unsuitable as to structure, clay mineralogy or wetness. If the separation between the bottom of the nitrification trench and any soil wetness condition is less than 18 inches, and if more than six inches of this separation consists of Group I soils, a low pressure pipe system shall be required.

(n) If sewage effluent pumps are used, the applicable requirements of Rule .1952 of this Section shall apply.

(o) Collection sewers shall be designed and constructed in accordance with the following minimum criteria:

- (1) Building drains and building sewers shall be in accordance with the state plumbing code and approved by the local building inspector.
- (2) Pipe material shall be specified to comply with the applicable ASTM standards, with methods of joining and other special installation procedures specified which are appropriate for the pipe to be used.
- (3) Gravity sewers shall be designed to maintain scour velocities of at least two feet per second with the pipe half full and a minimum of one foot per second at the peak projected instantaneous flow rate. Force mains shall be sized to obtain at least a two-foot per second scour velocity at the projected pump operating flow rate.
- (4) Infiltration and exfiltration shall not exceed 100 gallons per day per inch diameter per mile of gravity sewer pipe or 20 gallons per day per inch diameter per mile of pressure pipe in force mains and supply lines.
- (5) Three-foot minimum cover shall be provided for all sewers unless ferrous material pipe is specified. Ferrous material pipe or other pipe with proper bedding to develop design-supporting strength shall be provided where sewers are subject to traffic-bearing loads.
- (6) Manholes shall be used for sewers at any bends, junctions, and at least every 425 feet along the sewer lines. Drop manholes are required where the inlet to outlet elevation difference exceeds 2.5 feet. Manhole lids shall be watertight if located below the 100-year flood elevation, within 100 feet of any public water supply source, or within 50 feet of any private water supply source or any surface waters classified WS-I, WS-II, WS-III, SA, SB, or B.
- (7) Cleanouts may be used instead of manholes for four-inch and six-inch sewers serving one or two buildings or as otherwise allowed by the North

Carolina Plumbing Code. When used, cleanouts are required at least every 50 feet for four-inch sewers and every 100 feet for six-inch sewers and at all junctions and bends which exceed 45 degrees.

(8) Additional ventilation provisions may be required for collection sewers. Air relief valves shall be provided as needed for force mains.

(p) Alternating dual field nitrification systems may be utilized where soils are limited by high clogging potentials (Soil Groups III and IV) and where the potential for malfunction and need for immediate repair is required. Alternating dual nitrification fields shall be designed with two complete nitrification fields, each sized a minimum of 75 percent of the total area required for a single field and separated by an effluent flow diversion valve. The diversion valve shall be constructed to resist 500 pounds crushing strength, structurally sound, and shall be resistant to corrosion. Valves placed below ground level shall be provided with a valve box and suitable valve stem so that they may be operated from the ground surface.

Authority G.S. 130A-335 (e), (f) and (f1)[2nd].

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 1 - ACUPUNCTURE LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Acupuncture Licensing Board intends to amend the rule cited as 21 NCAC 1 .0101. Notice of Rule-making Proceedings was published in the Register on May 14, 1999.

Proposed Effective Date: July 1, 2000

A Public Hearing will be conducted at 10:30 a.m. on August 2, 1999 at Management Concepts, Inc., 893 U.S. Hwy. 70 West, Suite 202, Garner, NC 27529.

Reason for Proposed Action: This Rule will contain additional procedures allowing for licensure for those who do not meet the current qualifications.

Comment Procedures: All written comments must be submitted to Diana Mills, NCALB, 893 U.S. Hwy 70 West, Suite 202, Garner, NC 27529-2597 by September 1, 1999.

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

SECTION .0100 - LICENSURE

.0101 QUALIFICATIONS FOR LICENSURE

In addition to and for the purposes of meeting the requirements of G.S. 90-455 an applicant for licensure to practice acupuncture shall:

- (1) Submit a completed application,
- (2) Submit fees as required by Rule .0103 of this Section,
- (3) Submit proof of a score of not less than 70% on the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) acupuncture written & point location exams or a score of not less than 70% from any state utilizing the NCCAOM examination,
- (4) Submit a certified copy, certified by the issuing institution, of a transcript including evidence of graduation from a three-year postgraduate acupuncture college, accredited by, or in candidacy status by, the Accreditation Commission for Acupuncture and Oriental Medicine, or, if outside of the US, the California Acupuncture Committee, Committee, or
 - (a) Submit proof that the candidate has been continuously licensed to practice acupuncture by an agency of a state of the United States of

America for at least the previous 10 years, and no disciplinary actions have been taken or are pending against the candidate, and

- (b) Submit proof that candidate has fulfilled at least 20 continuing education credits each of those years in acupuncture or health-care related studies.
- (5) Submit proof of successful completion of the Clean Needle Technique course offered by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM),
- (6) With any document that is not in English in its original form, submit a translation of it into English by someone other than the applicant. Each translated document shall have affixed to it a notarized statement of the translator certifying that he or she is competent in both the language of the original document and English and that the translation is a true and complete translation of the foreign language original. The applicant shall assume the cost of any document necessary for a complete application,
- (7) Submit all correspondence to North Carolina Acupuncture Licensing Board, 1418-Aversboro Road, US Highway 70 West, Suite 202, Garner, NC 27529.

Authority G.S. 90-454; 90-455.

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 9 - OFFICES OF THE GOVERNOR
AND LIEUTENANT GOVERNOR**

Rule-making Agency: *Office of the Governor*

Rule Citation: *9 NCAC 5G .0101-.0104*

Effective Date: *July 7, 1999*

Findings Reviewed and Approved by: *Julian Mann, III*

Authority for the rule-making: *G.S. 147-33.36*

Reason for Proposed Action: *Section 7B-3100 of Senate Bill 1260 requires the Office of Juvenile Justice to draft rules which designate the agencies that are allowed to share information concerning the juveniles in the care of the State.*

Comment Procedures: *Please forward any comments to Tara Minter, APA Coordinator, Office of Juvenile Justice, 410 S. Salisbury Street, PO Box 29527, Raleigh, NC 27626.*

CHAPTER 5 - JUVENILE JUSTICE

**SUBCHAPTER 5G - SHARING OF INFORMATION
REGARDING ABUSED, NEGLECTED, DEPENDENT,
UNDISCIPLINED, OR DELINQUENT JUVENILES**

SECTION .0100 - GENERAL INFORMATION

.0101 PURPOSE AND SCOPE

(a) These Rules:

- (1) designate agencies that are authorized to share with each other, upon request, information in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent; and
- (2) establish procedures for the sharing of information among designated agencies.

(b) Nothing in these Rules precludes any other necessary sharing of information among agencies.

(c) Nothing in these Rules requires the disclosure or release of any information in the possession of a district attorney.

(d) Nothing in these Rules authorizes or requires a

designated agency to share information with another designated agency if that sharing would violate federal law or regulations.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 7, 1999.*

.0102 DEFINITIONS

Unless the context clearly requires a different meaning,

- (1) "Designated agency" means an agency designated by these Rules as an agency authorized to share information pursuant to these rules and G.S. 7B-3100, and includes any person or entity that is employed by a designated agency, works under contract with a designated agency, or functions in a volunteer, student, intern, or similar capacity in or for a designated agency.
- (2) "Information" means any confidential or nonconfidential information, whether or not recorded, including information stored in computer data banks or computer files, that is relevant to:
 - (a) a case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent, and
 - (b) the protection, treatment of or educational opportunities of the juvenile in regard to whom the petition is filed or the protection of others.
- (3) "Juvenile" means a person who has been alleged or adjudicated to be an abused, neglected, dependent, undisciplined, or delinquent juvenile, as defined in G.S. 7B-101 or 7B-1500, and who is subject to the continuing jurisdiction of the juvenile court.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 7, 1999.*

**.0103 AGENCIES AUTHORIZED TO SHARE
INFORMATION**

The following agencies are authorized and required to share information concerning juveniles pursuant to these Rules and G.S. 7B-3100:

- (1) local mental health facilities,
- (2) area mental health authorities,
- (3) local health departments,
- (4) county departments of social services.

- (5) local law enforcement agencies,
- (6) local school administrative units,
- (7) district attorneys' offices,
- (8) the Office of Juvenile Justice,
- (9) the Office of Guardian ad Litem Services of the Administrative Office of the Courts,
- (10) a local agency that has been designated by a standing order issued by the chief district court judge of the district court district in which the agency is located as an agency authorized to share information pursuant to these Rules and G.S. 7B-3100.

History Note: Authority G.S. 7B-3100;
 Temporary Adoption Eff. July 7, 1999.

.0104 SHARING OF INFORMATION AMONG DESIGNATED AGENCIES

(a) Except as provided in Paragraph (c) of these Rules, a designated agency shall provide information to the designated agency making a request.

(b) Except as provided in Paragraph (c) of these Rules, a district attorney may provide information to the designated agency making a request.

(c) When the disclosure of requested information is prohibited or restricted by federal law or regulations, a designated agency shall share the information only in conformity with the applicable federal law and regulations. At the request of the initiating designated agency, the designated agency refusing the request shall inform that agency of the specific law or regulation that is the basis for the refusal.

(d) At the request of a designated agency from which information is requested, the initiating agency shall provide documentation or other support for its claim that the sharing of the requested information is authorized or required by this Subchapter.

(e) When a designated agency shares confidential information with another designated agency pursuant to this Subchapter, the designated agency sharing the confidential information shall document the date on which the information was shared and the agency to which the information was provided.

(f) Information received by a designated agency pursuant to this Subchapter may be used only to protect the juvenile or others or to improve the educational opportunities of the juvenile.

(g) Information received by a designated agency pursuant to this Subchapter, if otherwise confidential, may not be redisclosed except as authorized or required by law.

(h) A designated agency that receives otherwise confidential information pursuant to this Subchapter shall:

- (1) develop written policies and procedures regarding controlled access to the information, including policies regarding the discipline or dismissal of

persons who fail to comply with the requirements of this Subchapter;

- (2) update these procedures as necessary;
- (3) ensure that only authorized persons have access to the information;
- (4) ensure that the information is stored in a secure manner; and
- (5) use best management practices for computer security with respect to information included in a computer database, including but not limited to, computer security measures to block entry into the system by individuals who are not authorized to have access to the information.

History Note: Authority G.S. 7B-3100;
 Temporary Adoption Eff. July 7, 1999.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: *DHHS - Division of Medical Assistance*

Rule Citation: *10 NCAC 50B .0305*

Effective Date: *August 5, 1999*

Findings Reviewed and Approved by: *Beecher R. Gray*

Authority for the rule-making: *G.S. 108A-528; 108A-54; 42 CFR 435.510; 89 CVS 922*

Reason for Proposed Action: *Unemployment was previously defined as working 100 hours or less per month. The revised regulation allows states to develop a reasonable definition of unemployment as long as it is not more restrictive than the former definition.*

Comment Procedures: *Written comments concerning this rule-making must be submitted to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

CHAPTER 50 - MEDICAL ASSISTANCE

SUBCHAPTER 50B - ELIGIBILITY DETERMINATION

SECTION .0300 - CONDITIONS FOR ELIGIBILITY

.0305 DEPRIVATION

Deprivation shall be due to:

- (1) Death of either parent.
- (2) Physical or mental incapacity of either parents based on a physical or mental defect, illness, or impairment of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child; provided, that the defect, illness, or impairment shall be expected to last for at least 30 days.
- (3) Continued absence of parent for reason other than death or hospitalization, and this absence interferes with the child's receipt of maintenance, physical care, or guidance from his parent and precludes the parent's being counted on for support or care for the child. Such continued absence may be due to any of the following:
 - (a) Divorce.
 - (b) Separation.
 - (c) Desertion or abandonment.
 - (d) Absence from the home for treatment or medical care and the expected duration of the absence will exceed 12 months.
 - (e) Incarceration in an institution.
 - (f) Temporary absence of the payee relative or of the child from the home shall not affect eligibility, if the absent member of the household has not established another abode of a permanent nature, and the reasons for absence indicate that the absence will be temporary. A child may be temporarily absent from the home for various reasons, but the responsible relative shall have a definite plan for bringing the child back into the home when the need for his absence has passed. The exercise of parental control and guidance by the relative, rather than the physical presence of the relative or the child in the home, shall be the important factor to be considered.
- (4) Parents living together and not married to each other where the putative father's duty to support the child has not been established.
- (5) Unemployed Parent Status for Two-Parent Families. The child shall be deprived if both parents are in the home and:
 - (a) ~~The principle wage earner (the parent who earns the greater amount of income in the 24 months prior to the month of application) is unemployed;~~ The parents are eligible for Medicaid because countable income is equal to or less than the appropriate categorically needy income limit as defined in Paragraph (e) of Rule .0313 of this Section; or
 - (b) ~~If the gross wages of both parents are equal;~~

~~the parent who worked the lesser number of hours shall be considered the principle wage earner.~~ The parents are eligible for Medicaid under medically needy eligible criteria by virtue of meeting a deductible based upon income which exceeds the appropriate income limit as defined in Paragraph (e) of Rule .0313 of this Section.

(c) If the hours worked are equal, the parents must designate in writing the principle wage earner.

History Note: Authority G.S. 108A-28; 108A-54; 42 C.F.R. 435.510; 89 C.V.S. 922;

Eff. September 1, 1984;

Amended Eff. October 1, 1991; August 1, 1990;

Temporary Amendment Eff. August 5, 1999.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: *Commission for Health Services*

Rule Citation: *15A NCAC 18C .0301-.0309, .1304*

Effective Date of Temporary Rules: *October 1, 1999*

Proposed Effective Date of Permanent Rules: *August 1, 2000*

Findings Reviewed and Approved by: *Beecher R. Gray*

A Public Hearing *will be conducted at 2:00 p.m. on September 21, 1999 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC.*

Authority for the rule-making: *G.S. 90A-29; 130A-315; 130A-317; P.L. 93-523*

Reason for Proposed Action: *These temporary rules must be established as permanent rules to satisfy federal statutory requirements in the Safe Drinking Water Act Amendments of 1996. If North Carolina fails to establish permanent authority to prevent the formation of new, non-viable water systems, EPA will be required to withhold 20% of North Carolina's annual Drinking Water State Revolving Fund Allotment.*

Comment Procedures: *All interested parties are invited to attend the public hearing. Written comments will be accepted through September 21, 1999 and should be directed to James McGuire, Environmental Engineer, DENR, Public Water*

Supply Section, PO Box 29536, Raleigh, NC 27626-0536, (919) 715-3269.

Fiscal Note: *These Rules, 15A NCAC 18C .0306, .1304, do not affect the expenditures or revenues of local government funds and do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

Fiscal Note: *These Rules, 15A NCAC 18C .0301-.0305, .0307-.0309, do affect the expenditures or revenues of local and state government funds and do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18C - WATER SUPPLIES

**SECTION .0300 - SUBMISSION OF PLANS:
SPECIFICATIONS: AND REPORTS**

.0301 APPLICABILITY: PRIOR NOTICE

(a) All persons, including units of local government, intending to construct, alter, or expand a community or non-transient, non-community water system shall give written notice thereof, including submission of applicable Water System Management Plan, engineering reports, and engineering plans and plans, specifications and engineering reports; to the Division of Environmental Health, Department, as required by the rules of this Section. Any construction, alteration, or expansion which affects capacity, hydraulic conditions, operating units, the functioning of water treatment processes or the quality of water to be delivered shall require submission of the documents described in this Paragraph. A non-community water system using surface water or ground water under the direct influence of surface water shall be subject to the provisions of this Rule. An adjacent water system shall not be subject to the provisions of this Rule unless the adjacent water system is constructed, altered or expanded on or after July 31, 1987. Non-transient, non-community water systems shall not be subject to the provisions of this Rule unless constructed, altered, or expanded on or after July 1, 1994.

(b) Water System Management Plan and Engineer's Report shall be submitted to the Department at least 60 days prior to the date upon which action by the Department is desired.

(b)(c) All reports, other than those in Paragraph (b) of this Rule, plans and engineering plans and specifications and other data intended for approval shall be submitted to the Division Department at least 30 days prior to the date upon which action by the Division Department is desired.

(d) If revisions to the Water System Management Plan are necessary, the system applicant will be notified. A revised Water System Management Plan will constitute a resubmittal

and additional time will be required for review.

(c)(e) If revisions to the engineering plans or specifications are necessary, the engineer who prepared them will be notified. Revised engineering plans and specifications will constitute a resubmittal and additional time will be required for review.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; September 1, 1990; March 1, 1989; June 30, 1980; September 1, 1979;

Temporary Amendment Eff. October 1, 1999.

.0302 SUBMITTALS

(a) ~~Procedure Applicable to all Projects, Extensions, or Changes:~~ All plans, specifications specifications, reports or other data intended for submission to the Division of Environmental Health shall be submitted in triplicate for review by the Public Water Supply Section, Division of Environmental Health, P.O. Box 29536, Raleigh, North Carolina 27626-0536.

(b) Plans: Engineering plans shall consist of legible prints having black, blue, or brown lines on a white background suitable for microfilming. The engineering plans shall not be more than 36 inches wide and 48 inches long; long and not be less than 24 inches wide and 36 inches long.

(c) An applicant subject to G.S. 143-355(l) shall submit three copies of the adopted Local Water Supply Plan. If information required in the Engineer's Report or the Water System Management Plan is included in an adopted Local Water Supply Plan, a submittal to the Department may incorporate this information by referencing the location in the adopted Local Water Supply Plan.

(d) Existing systems that have previously submitted an Engineer's Report and a Water System Management Plan in accordance with Rule .0307 of this Section shall document any changes either as revised reports and plans or addendums.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; December 1, 1991; September 1, 1990; June 30, 1980; September 1, 1979;

Temporary Amendment Eff. October 1, 1999.

**.0303 SUBMISSIONS REQUIRED BY
ENGINEER AND APPLICANT**

(a) Detailed Engineer's Reports and engineering plans and specifications shall be prepared by a professional engineer licensed to practice in the State of North Carolina. The plans These documents shall bear an imprint of the registration seal

of the engineer. Upon completion of the construction or modification, the water supplier applicant shall submit a certification statement signed and sealed by a registered professional engineer and affixed with his professional engineering seal stating that construction was completed in accordance with approved engineering plans and specifications, including any provisions stipulated in the Department's plan approval letter or authorization to construct letter, and revised only in accordance with the provisions of Rule .0306 of this Section. The statement shall be based upon observations during and upon completion of construction by the engineer or a representative of the engineer's office who is under the engineer's supervision.

(b) A Water System Management Plan as required in Paragraph (c) of Rule .0307 of this Section shall include a signed certification stating that the information submitted is true, accurate, and complete. This certification shall be in accordance with Paragraph (d) of this Rule.

(c) The applicant shall submit a signed certification, prior to Final Approval, stating that the requirements in Paragraph (d) (Operation and Maintenance Plan) and Paragraph (e) (Emergency Management Plan) of Rule .0307 of this Section, and Section .1300 of this Subchapter, have been satisfied. This certification shall be in accordance with Paragraph (d) of this Rule.

(d) The certifications required in Paragraphs (b) and (c) of this Rule shall be provided on a form provided by the Department and shall be signed by the following individual or their duly authorized representative:

- (1) for a corporation, limited liability company, home owner association or a non-profit organization: a president, vice president, secretary, or treasurer;
- (2) for a partnership or sole proprietorship: by a general partner or the proprietor; or
- (3) for a municipality, State, Federal or other agency: by either a principal executive officer or ranking elected official.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; December 1, 1987; September 1, 1979;

Temporary Amendment Eff. October 1, 1999.

.0304 APPLICATION FOR APPROVAL: BY WHOM MADE

Applications for approval shall be filed by the proper unit of local government or person for whom the work is to be done: current owner on blanks which will be supplied by the Division: Department. If ownership changes before Final Approval, the new owner shall submit a new Water System Management Plan in accordance with Rule .0307 of this

Section. One copy of the plans and specifications, upon approval, will be certified and returned to the person or persons making application for approval.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. September 1, 1990;

Temporary Amendment Eff. October 1, 1999.

.0305 APPROVALS NECESSARY BEFORE CONTRACTING OR CONSTRUCTING

(a) No construction shall be undertaken, and no contract for construction, alteration, or installation shall be entered into prior to approval of plans and specifications by the Department: unless the Department determines the system complies with G.S. 130A-317(e) and the Department issues the authorization to construct letter. This authorization will be issued following completion and submittal of the Engineer's Report and Water System Management Plan and approval of the engineering plans and specifications by the Department. Authorization to construct from the Department shall be valid for 24 months from the date of the letter. Authorization to construct may only be extended if the rules governing a public water supply and site conditions have not changed. The authorization to construct and approval letter for engineering plans and specifications from the Department shall be posted at the primary entrance of the job site before construction begins.

(b) Upon request, permission to drill test wells at approved sites in order to establish quality and quantity may be granted by the Department prior to completion and submittal of the Engineer's Report and Water System Management Plan and approval of engineering plans and specifications. All wells abandoned, either temporarily or permanently, shall be abandoned in accordance with 15A NCAC 2C .0113 (Well Construction Standards) and all local ordinances.

(b) (c) Units of local government which have an adopted water system extension policy, upon submission to and approval of a copy of their policy by the Department, may be excluded from the requirements of submitting engineering plans and specifications for water main extensions, and that would not have adverse effect upon the existing system supply or pressure, provided the following requirements are met:

- (1) Engineering plans Plans and specifications for all such extensions shall be prepared by or under the direct supervision of an engineer licensed to practice in the State of North Carolina.
- (2) All engineering plans shall be approved by the units of local government engineering department or its consulting engineers prior to the commencement of construction.
- (3) The Department shall have approved the extension policy submitted by the unit of local government

prior to construction commencing.

- (4) The extension policy submitted for review and approval by the Department shall provide for establishing ownership, operation and maintenance of water system extensions, and shall constitute prior notice of proposed construction.
- (5) Where design is to be based on a local government's standard specifications in lieu of written separate specifications for each extension project, the standard specifications shall have been previously approved by the Department.
- (6) The local government shall have obtained from the Department a letter stating they have met the aforementioned requirement and are excluded from the requirement for submitting detailed engineering plans and specifications for each minor extension in keeping with the intent of this Rule.
- (7) Where such minor additions or extensions have been made an annual up-to-date plan of the entire system shall be submitted for review and approval by the Division: Department.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; September 1, 1990; September 1, 1979;

Temporary Amendment Eff. October 1, 1999.

.0306 CHANGES IN ENGINEERING PLANS OR SPECIFICATIONS AFTER APPROVAL

Deviations from the approved engineering plans and specifications or changes in site conditions affecting capacity, hydraulic conditions, operating units, the functioning of water treatment processes, the quality of water to be delivered, or any provisos stipulated in the Department's original and subsequent letters of approval must be approved by the Department before any construction or installation. Revised engineering plans and specifications shall be submitted in time to permit the review and approval of such plans or specifications before any construction work affected by such deviations is begun. The Secretary may seek injunctive relief under G.S. 130A-18, assess an administrative penalty under G.S. 130A-22(b), or revoke or suspend engineering plan approval under G.S. 130A-23 for any violation of this Rule.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. November 1, 1987;

Temporary Amendment Eff. October 1, 1999.

.0307 ENGINEER'S REPORT AND WATER SYSTEM MANAGEMENT PLAN

(a) The owner, when required, shall submit to the Division, an engineering report in duplicate covering the basic factors and principles considered in planning of the project.

(b) Such engineering reports shall be required for projects involving new water systems, modification of existing water systems, development or modification of surface water sources and other water system projects requiring engineering.

(a) The applicant shall submit to the Department an Engineer's Report and Water System Management Plan covering the basic factors and principles considered in planning of the project.

(b) Engineer's Report. The Engineer's Report shall contain a system description for the entire project, including scheduled phase development and the following information, where applicable:

- (1) description of any existing water system related to this project;
- (2) identification of the municipality, community, area, or facility to be served by the proposed water system;
- (3) the name and address of the applicant;
- (4) a description of the nature of the establishments and of the area to be served by the proposed water system;
- (5) a description of the future service areas of the public water system for 5, 10, 15 and 20 years;
- (6) consideration of alternative plans for meeting the water supply requirements of the area, including, for new systems, obtaining water service from an existing system;
- (7) for applicants seeking State loan or grant support for the project, financial considerations, including,
 - (A) any technical alternatives,
 - (B) costs of integral units; and
 - (C) total costs;
- (8) population records and trends, present and anticipated future water demands, present and future yield of source or sources of water supply, including provisions to supply water to other systems;
- (9) character of source or sources of water supply, including:
 - (A) hydrological or hydrogeological data;
 - (B) stream flow rates or well yields;
 - (C) for surface sources, analytical results for chemical, mineral, bacteriological, and physical qualities; and
 - (D) location and nature of sources of pollution;
- (10) proposed water treatment processes, including:
 - (A) criteria and basis of design of units,
 - (B) methods or procedures used in arriving at recommendation; and

(C) reasons or justifications for any deviations from conventional or indicated process or method;

- (11) for purchased water, a copy of the agreement with the supplier and the hydraulic analysis showing the supplier's capabilities for supplying the purchased water;
- (12) a description of the design basis of the source, treatment, and distribution system, and the useful life of all sources, treatment, and transmission facilities including pipes, pumping stations, and storage facilities;
- (13) for existing system projects intending to alter or expand a distribution system, provide a statement of maximum daily treated water supply and maximum daily demand. Provide supporting documentation and calculations; and
- (14) for existing systems, a prioritized list of infrastructure improvements.

(c) Water System Management Plan. The Water System Management Plan shall document, where applicable, the ability to finance, operate, and manage the system in accordance with this Subchapter for the current owner and for any entity that assumes ownership of the water system within the first 24 months of operation:

(1) Organization:

- (A) description of organizational structure or a chart showing all aspects of water system management and operation;
- (B) identification of positions responsible for policy decisions ensuring compliance with State rules and the day-to-day operation of the system; and
- (C) copies of any contracts for management or operation of the water system by persons or agencies other than the system's owner.

(2) Ownership:

- (A) identify the ownership structure (sole proprietor, partnership, corporation, limited liability company, homeowner association, nonprofit organization, local government unit, state or federal agency, or other legal entity) and disclose if the ownership of the system is expected to change once the system is constructed, and if known, identify the future owners;
- (B) provide mailing address and street address of the owner, and physical location of the water system;
- (C) disclose any encumbrances, trust indentures, bankruptcy decrees, legal orders or proceedings, or other items that may affect or limit the owner's control over the system and document how the owner will comply with the

requirements of this Subchapter; and

(D) provide copies of any leases or recorded easements for land, water supply sources, or physical facilities used in the operation of the system.

(3) Management qualifications:

- (A) describe the qualifications of the owners and managers of the water system, including any training and experience in owning or managing a water system; and
- (B) provide the name and Public Water Supply Identification Number of all public water systems owned within the last five years as well as any systems operated under contract for another owner within the last five years. For systems with administrative penalties assessed, describe how the owner will prevent similar violations at this system.

(4) Management training. Describe plans to keep management current with regulatory requirements for managing and operating a public water system.

(5) Policies. At a minimum, the system shall have policies regarding the following procedures:

- (A) cross-connection control;
- (B) customer information, complaints, and public education;
- (C) budget development and rate structure;
- (D) response and notification if water quality violations occur;
- (E) customer connection, disconnection, billing, and collection; and
- (F) safety procedures.

(6) System monitoring, reporting and record keeping. At a minimum the applicant shall provide:

- (A) A summary of the applicable system monitoring and reporting requirements; and
- (B) A description of procedures for keeping and compiling records and reports in accordance with Rule .1526 of this Subchapter.

(7) Financial Plans. The plan shall contain the following financial information, where applicable:

- (A) Units of Local Government:
 - (i) For projects that require the unit of local government to incur debt, the unit of local government shall submit a statement from the Local Government Commission stating that debt issue has been approved; or
 - (ii) For projects that do not require the unit of local government to incur debt, the unit of local government shall submit the following:
 - (1) a statement from the unit of local

government documenting that they are in compliance with G. S., Chapter 159, Article 3, The Local Government Budget and Fiscal Control Act; and

- (II) estimated revenues, expenditures and rate structure for the construction, operation and maintenance, administration and reasonable expansion of the project. This information shall be provided on a form designated by the Department and shall demonstrate that revenues are greater than expenses.

(B) The North Carolina Utilities Commission's financial determination may be used as the financial plan for systems subject to its regulations:

- (i) submit a copy of the Order Granting Franchise and Approving Rates from the North Carolina Utility Commission, or
- (ii) submit a copy of the Order Recognizing Continuous Extension and Approving Rates from the North Carolina Utilities Commission.

(C) All other community and non-transient non-community water systems shall document the following:

- (i) analysis that compares anticipated revenues with planned expenditures for a five year period that demonstrates a positive cash flow in each year, and a 20-year equipment replacement cost plan documenting the method(s) to finance equipment replacement;
- (ii) the creation and funding of a continuous operating cash reserve greater than or equal to one-eighth of the annual operating, maintenance and administrative expenses for the water system. The reserve shall be fully funded by the end of the first year of operation;
- (iii) the creation and funding of an emergency cash reserve greater than or equal the cost of replacing the largest capacity pump. The reserve shall be fully funded by the end of the fifth year of operation;
- (iv) a description of the budget and expenditure control procedures that assure budget control for the applicant

which includes procedures or policies to prevent misuse of funds and a demonstration that the system has adopted generally accepted accounting procedures; and

- (v) in lieu of Sub-Items (ii) and (iii) of this Paragraph, substitute documentation may be accepted in the following instances:

- (I) an applicant with multiple water systems showing reserves affording greater or equal capabilities, or
- (II) an applicant showing equivalent financial capacity to comply with requirements of this Section.

- (8) One Water System Management Plan may be submitted on behalf of an applicant owning and operating multiple water systems or an applicant pursuing multiple alterations or expansions and may include future projected construction or system acquisitions. The applicant shall submit a new Water System Management Plan for a project not covered under the existing Water System Management Plan or when violations of this Subchapter occur or continue at a system under an applicant's ownership or control.

(d) Operation and Maintenance Plan does not have to be submitted to the Department but shall be completed prior to submitting the applicant's certification in accordance with Paragraph (c) of Rule .0303 of this Section. This plan shall be accessible to operator on duty at all times and available to the Department upon request. The Operation and Maintenance Plan shall include, at a minimum, a description of the location and routine operation and maintenance procedures for:

- (1) components of the treatment facility;
- (2) pumps, meters, valves, blowoffs, and hydrants;
- (3) backflow devices;
- (4) storage tanks; and
- (5) all other appurtenances requiring routine operation and maintenance.

(e) Emergency Management Plan. The plan does not have to be submitted to the Department, but shall be completed prior to submitting the applicant certification required in Paragraph (c) of Rule .0303 of this Section. The Emergency Management Plan shall be available to personnel responsible for emergency management and operator on duty at all times and available to the Department upon request. The plan shall contain the following information where applicable:

- (1) For community water systems, a plan with the following elements is required:
 - (A) identification and phone numbers of personnel responsible for emergency management, including system, local, state, and federal

emergency contacts;

- (B) identification of foreseeable natural and human-caused emergency event including water shortages and outages;
- (C) description of the emergency response plan for each identified event;
- (D) description of the notification procedures; and
- (E) identification and evaluation of all facilities and equipment whose failure would result in a water outage or water quality violations.

- (2) For non-transient, non-community water systems, the plan shall contain the positions and phone numbers of responsible persons to contact in the event of an emergency, including system, local, state, and federal emergency contacts.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; September 1, 1990; June 30, 1980; September 1, 1979;

Temporary Amendment Eff. October 1, 1999.

.0308 ENGINEERING PLANS AND SPECIFICATIONS

(a) Engineer's Report. The engineer's report (including any preliminary plans) shall contain the following information where applicable:

- (1) description of any existing water system related to the project;
- (2) identification of the municipality, community, area, or facility to be served by the proposed water system;
- (3) the name and address of the owner;
- (4) a description of the nature of the establishments and of the area to be served by the proposed water system;
- (5) provisions for future extension or expansion of the water system;
- (6) a projection of future water demand or requirements for service;
- (7) any alternate plans for meeting the water supply requirements of the area;
- (8) financial considerations of the project including:
 - (A) any alternate plans;
 - (B) costs of integral units;
 - (C) total costs;
 - (D) operating expenses; and
 - (E) methods of financing costs of construction, operation and maintenance;
- (9) population records and trends, present and

anticipated future water demands, present and future yield of source or sources of water supply;

- (10) character of source or sources of water supply, including:
 - (A) hydrological data;
 - (B) stream flow rates;
 - (C) chemical, mineral, bacteriological, and physical qualities; and
 - (D) location and nature of sources of pollution; and
- (11) proposed water treatment processes including:
 - (A) criteria and basis of design of units;
 - (B) methods or procedures used in arriving at recommendations; and
 - (C) reasons or justifications for any deviations from conventional or indicated process or method.

(b) (a) Engineering Plans. Engineering Plans for water supply systems shall consist of the following:

- (1) title information including the following:
 - (A) name of the city, town, board, commission or other owner for whom the plans were prepared;
 - (B) the locality of the project;
 - (C) the general title of the set of drawings and prints;
 - (D) the specific title of each sheet;
 - (E) the date; and
 - (F) the scales used;
- (2) a preliminary plat plan or map showing the location of proposed sources of water supply;
- (3) a general map of the entire water system showing layout and all pertinent topographic features;
- (4) detail map of source or sources of water supply;
- (5) layout and detail plans for intakes, dams, reservoirs, elevated storage tanks, standpipes, pumping stations, treatment plants, transmission pipelines, distribution mains, valves, and appurtenances and their relation to any existing water system, and the location of all known existing structures or installations and natural barriers that might interfere with the proposed construction; and
- (6) the north point.

(c) (b) Specifications. Complete detailed specifications for materials, equipment, workmanship, test procedures and specified test results shall accompany the plans. The specifications shall include, where applicable:

- (1) the design and number of chemical feeders, mixing devices, flocculators, pumps, motors, pipes, valves, filter media, filter controls, laboratory facilities and equipment, and water quality control equipment and devices;

- (2) provision for continuing with minimum interruption the operation of existing water supply facilities during construction of additional facilities;
- (3) safety devices and equipment; and
- (4) procedure for disinfection of tanks, basins, filters, wells and pipes; pipes; and
- (5) identification of type, brand name, and model number for all back flow devices.

(d) A supplier of water which has submitted a local water supply plan in accordance with G.S. 143-355(t) shall also provide a copy to the Division of Environmental Health.

(c) One copy of the engineering plans and specification, upon approval, will be returned to the person or persons making application for approval.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Eff. January 1, 1977;

Readopted Eff. December 5, 1977;

Amended Eff. July 1, 1994; July 1, 1993;

Temporary Amendment Eff. October 1, 1999.

.0309 FINAL APPROVAL

(a) No construction, alteration, or expansion of a water system, subject to approval as described in Section .0300 of this Subchapter, shall be placed into service and no service connections shall be made until the applicant has complied

fully with Section .0300 of this Subchapter and received Final Approval from the Department.

(b) Temporary approval may be granted by the Department for system alterations required to remedy an imminent hazard as determined by the Department.

History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;

Temporary Adoption Eff. October 1, 1999.

SECTION .1300 - OPERATION OF PUBLIC WATER SUPPLIES

.1304 WATER SYSTEM OPERATION AND MAINTENANCE

(a) Water systems shall be operated and maintained in accordance with applicable approved engineering plans and specifications and a completed Water System Management Plan.

(b) Water systems shall be operated and maintained in accordance with 15A NCAC 18D, Rules Governing Water Treatment Facility Operators, Rule .0206 and G.S. 90A-29.

History Note: Authority G.S. 90A-29; 130A-315; P.L. 93-523;

Temporary Adoption Eff. October 1, 1999.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, August 19, 1999, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, August 16, 1999, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Teresa L. Smallwood, Vice Chairman
 John Arrowood
 Laura Devan
 Jim Funderburke
 David Twiddy

Appointed by House

Paul Powell, Chairman
 Anita White, 2nd Vice Chairman
 Mark Garside
 Steve Rader
 George Robinson

RULES REVIEW COMMISSION MEETING DATES

August 19, 1999	November 18, 1999
September 16, 1999	December 16, 1999
October 21, 1999	

LOG OF FILINGS

RULES SUBMITTED: JUNE 20, 1999 THROUGH JULY 20, 1999

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DEPARTMENT OF COMMERCE/COMMERCE FINANCE CENTER			
	Background and Objectives	4 NCAC 11 .0101	Amend
	Definitions	4 NCAC 11 .0102	Amend
	Date of Receipt of Applications	4 NCAC 11 .0201	Amend
	Application Categories and Requirements	4 NCAC 11 .0202	Amend
	Review of Applications and Funding	4 NCAC 11 .0301	Amend
	Eligibility Requirements	4 NCAC 11 .0302	Amend
	Review: APP Funding	4 NCAC 11 .0303	Repeal
	Eligibility Requirements	4 NCAC 11 .0304	Repeal
	General	4 NCAC 11 .0401	Repeal
	Required Findings	4 NCAC 11 .0402	Amend
	Formal Applications Procedures: Denial	4 NCAC 11 .0403	Amend
	Formal Application Procedures: Approval	4 NCAC 11 .0404	Amend
	Findings Requirements	4 NCAC 11 .0405	Repeal
	General	4 NCAC 11 .0501	Amend
	Limitations	4 NCAC 11 .0502	Amend
	Reversion of Funds	4 NCAC 11 .0503	Amend
	Reporting Requirements	4 NCAC 11 .0601	Repeal
	Annual Designation	4 NCAC 11 .0701	Amend
	Compliance with NC Env. Rules	4 NCAC 11 .0801	Adopt

DEPARTMENT OF LABOR

Workplace Retaliatory Disc. Office	13 NCAC 19 .0101	Amend
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DENR/SEDIMENTATION CONTROL COMMISSION

Basic Control Objectives	15 NCAC 4B .0106	Amend
Mandatory Standards	15 NCAC 4B .0107	Amend
Plan Approval Certificate	15 NCAC 4B .0127	Amend

DENR/WILDLIFE RESOURCES COMMISSION

Scope and Purpose	15 NCAC 10C .0501	Amend
Primary Nursery Areas Defined	15 NCAC 10C .0502	Amend
Descriptive Boundaries	15 NCAC 10C .0503	Amend
Pender County	15 NCAC 10F .0321	Amend
Burke County	15 NCAC 10F .0323	Amend
McDowell County	15 NCAC 10F .0339	Amend
Hoke County	15 NCAC 10F .0367	Adopt

DENR/COMMISSION FOR HEALTH SERVICES

Water Supply	15 NCAC 18A .1611	Amend
Cleaning of Equipment and Utensils	15 NCAC 18A .2618	Amend

DENR/WELL CONTRACTORS CERTIFICATION COMMISSION

Duties of a Certified Well Contractor	15 NCAC 27 .0101	Adopt
Definitions	15 NCAC 27 .0110	Adopt
Schedule of Certification Fees	15 NCAC 27 .0201	Adopt
Application Req. for Certification	15 NCAC 27 .0301	Adopt
Submittal and Processing of Applications	15 NCAC 27 .0401	Adopt
Well Contractor Examinations	15 NCAC 27 .0410	Adopt
Time and Place of Examination	15 NCAC 27 .0420	Adopt
Conducting and Grading Examination	15 NCAC 27 .0430	Adopt
Examination Results and Issuance of Cert.	15 NCAC 27 .0440	Adopt
Certification by Legislative Exemption	15 NCAC 27 .0501	Adopt
Reciprocal Waiver of Exam for Cert.	15 NCAC 27 .0510	Adopt
Temporary Certification	15 NCAC 27 .0520	Adopt
Conditions/Limitations/Renewal of Cert.	15 NCAC 27 .0601	Adopt
Establishment of Types of Certification	15 NCAC 27 .0701	Adopt
Requirements	15 NCAC 27 .0801	Adopt
Units	15 NCAC 27 .0810	Adopt
Determination of Credit	15 NCAC 27 .0820	Adopt
Recordkeeping	15 NCAC 27 .0830	Adopt
Exemptions	15 NCAC 27 .0840	Adopt
Revocation, Relinquishment or Expiration	15 NCAC 27 .0901	Adopt
Recert. Following Revocation/Relinquish	15 NCAC 27 .0910	Adopt
Notification to the Department	15 NCAC 27 .0920	Adopt
Civil Penalties	15 NCAC 27 .0930	Adopt

STATE BOARDS/NC LICENSING BOARD FOR GENERAL CONTRACTORS

Increase in Limitation	21 NCAC 12 .0504	Amend
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STATE BOARDS/NC BOARD OF PHARMACY

Emergency Prescription Refill

21 NCAC 46 .1815

Adopt

RULES REVIEW COMMISSION

July 15, 1999

MINUTES

The Rules Review Commission met on June 17, 1999, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Teresa Smallwood, Steven P. Rader, Jim Funderburk, John Arrowood, Laura Devan, R. Palmer Sugg, and Mark Garside.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Harry Wilson	State Board of Education
Dedra Alston	DENR
Dee Williams	State Board of Cosmetic Art Examiners
Emily Lee	TRANSPORTATION/Division of Motor Vehicles

APPROVAL OF MINUTES

The meeting was called to order at 10:01 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the June 17, 1999 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

12 NCAC 9A .0103: JUSTICE/Criminal Justice Education & Training Standards Commission - This Commission will meet on August 20, 1999 and the agency will respond after their Commission meets.

12 NCAC 9B .0107, .0113, .0201, .0202, .0203, .0204, .0205, .0206, .0226, .0227, .0228, .0232, .0233 and .0305: JUSTICE/Criminal Justice Education & Training Standards Commission - The Commission will meet on August 20, 1999 and the agency will respond after their Commission meets.

12 NCAC 9C .0211, .0212, and .0213: JUSTICE/Criminal Justice Education & Training Standards Commission - This Commission will meet on August 20, 1999 and the agency will respond after the Commission meets.

12 NCAC 10B .0103: JUSTICE/Sheriffs' Education & Training Standards - This Commission will meet on September 16, 1999 and the agency will respond after the Commission meets.

21 NCAC 14I .0104 and .0107: State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 14J .0208 and .0501 - State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 14L .0101 - State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 14N .0113 - State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 14O .0101 and .0104 - State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 14P .0105, .0111, .0112, .0113, .0114, and .0116 - State Board of Cosmetic Art Examiners - No response was received from the agency.

21 NCAC 16M .0101: State Board of Dental Examiners - The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 18B .0208: State Board of Examiners of Electrical Contractors - The rewritten rule submitted by the agency was approved by the Commission.

LOG OF FILINGS

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

2 NCAC 20B .0104: AGRICULTURE/Board of Agriculture - The Commission objected to this rule due to ambiguity. In (f), it is not clear what the amount of the reduced rate for exhibitors or concessionaires is, or conversely what standards the State Fair Manager will use in offering it. This objection applies to existing language in the rule.

2 NCAC 43L .0309: AGRICULTURE/Board of Agriculture - The Commission objected to this rule due to ambiguity. In (f), it is not clear what the amount of the reduced rate for gate admission to the North Carolina Mountain State Fair for exhibitors and concessionaires is, or conversely, what standards the Western North Carolina Agricultural Center Manager is to use in setting it. This objection applies to existing language in the rule.

2 NCAC 54 .0103: AGRICULTURE/Agriculture and Consumer Services - The Commission objected to this rule due to lack of necessity. It merely repeats S.L. 1998-212 s. 13.5(d) and is therefore unnecessary.

2 NCAC 54 .0105: AGRICULTURE/Agriculture and Consumer Services - The Commission objected to this rule due to ambiguity. S.L. 1998 - 212 s. 13.5(c) requires the department to adopt rules that establish guidelines for distributing the funds in a fair and equitable manner. This rule purportedly implements that provision. It is totally unclear how the Commissioner will divide the money.

10 NCAC 19G .0823: DHHS/Commission for the Blind - The Commission voted to return the rule to the agency because of its failure to adopt the rule in accordance with Article 2A of Chapter 150B of the General Statutes. Apparently this rule has never been adopted by the Commission. The Submission form indicates the rule was adopted August 1, 2000 which is not possible. The agency has not responded to a written request to correct the form and in a telephone conversation the staff was not sure if the Commission had adopted the rule. If it has been correctly adopted, the agency may refile the rule at a later date.

15A NCAC 7H .0309: DENR/Coastal Resources Commission - The Commission objected to this rule due to ambiguity. In (a)(1), it is not clear what constitutes a "substantial" permanent structure. Also in (a), it is not clear what constitutes a "significant" alteration. This objection applies to existing language in the rule.

15A NCAC 7H .1805: DENR/Coastal Resources Commission - The Commission objected to this rule due to lack of statutory authority and ambiguity. In (d), it is not clear what is meant by "significantly" increase erosion or "significant adverse effect on important natural and cultural resources." In (f), the added provision allowing the division to approve work from May 1 through November 15 is a waiver provision without specific guidelines in violation of G.S. 150B-19(6). This objection applies to existing language in the rule.

15A NCAC 7H .2105: DENR/Coastal Resources Commission - The Commission objected to this rule due to ambiguity. In (k), it is not clear what "other suitable materials" will be approved by division personnel. This objection applies to existing language in the rule.

16 NCAC 6C .0100, .0200, and .0300: STATE BOARD OF EDUCATION - The Commission voted to return the rules to the agency for failure to comply with the rulemaking procedures in Article 2A of Chapter 150B of the General Statutes. The Board did

not publish a notice of rulemaking proceedings for these rules in accordance with G.S. 150B-21.2(a)(1). Presumably the basis for the failure to publish was Section 28 of Chapter 716 of the 1995 (Reg. Sess. 1996) Session laws, codified as G.S. 115C-17, which allows rules directly related to the implementation of that act to be adopted omitting part of the process. The commission found that there is no direct relationship.

16 NCAC 6C .0501: STATE BOARD OF EDUCATION – The Commission objected to this rule due to lack of statutory authority and ambiguity. In (g), it is not clear what rating scale is recommended by the State Board of Education. In (h), apparently the job descriptions and performance standards and criteria have not been adopted as rules. G.S. 115C-326 requires that they be adopted and there is no authority to have them otherwise.

16 NCAC 6E .0202: STATE BOARD OF EDUCATION – The Commission voted to return the rule to the agency for failure to comply with the rulemaking procedures in Article 2A of Chapter 150B of the General Statutes. The Board did not publish a notice of rulemaking proceedings for this rule in accordance with G.S. 150B-21.2(a)(1). Presumably the basis for the failure to publish was Section 28 of Chapter 716 of the 1995 (Reg. Sess. 1996) Session laws, codified as G.S. 115C-17, which allows rules directly related to the implementation of that act to be adopted omitting part of the process. The commission found that there is no direct relationship.

16 NCAC 6G .0502: STATE BOARD OF EDUCATION – The Commission voted to return the rule to the agency for failure to comply with the rulemaking procedures in Article 2A of Chapter 150B of the General Statutes. The Board did not publish a notice of rulemaking proceedings for this rule in accordance with G.S. 150B-21.2(a)(1). Presumably the basis for the failure to publish was Section 28 of Chapter 716 of the 1995 (Reg. Sess. 1996) Session laws, codified as G.S. 115C-17, which allows rules directly related to the implementation of that act to be adopted omitting part of the process. The commission found that there is no direct relationship.

16 NCAC 6H Rules: STATE BOARD OF EDUCATION – The Commission voted to return the rules to the agency for failure to comply with the rulemaking procedures in Article 2A of Chapter 150B of the General Statutes. The Board did not publish a notice of rulemaking proceedings for these rules in accordance with G.S. 150B-21.2(a)(1). Presumably the basis for the failure to publish was Section 28 of Chapter 716 of the 1995 (Reg. Sess. 1996) Session laws, codified as G.S. 115C-17, which allows rules directly related to the implementation of that act to be adopted omitting part of the process. The commission found that there is no direct relationship.

19A NCAC 3I .0307: TRANSPORTATION/Division of Motor Vehicles – The Commission objected to this rule due to ambiguity. In (3)(d)(viii), it is not clear what reports are required by the division. This objection applies to existing language in the rule.

19A NCAC 3I .0402: TRANSPORTATION/Division of Motor Vehicles – The Commission objected to this rule due to lack of statutory authority and ambiguity. It is not clear what manner of inspection is required for each vehicle in (c). There is no authority to set requirements by form. This objection applies to existing language in the rule.

19A NCAC 3I .0804: TRANSPORTATION/Division of Motor Vehicles – The Commission objected to this rule due to lack of statutory authority. There does not appear to be authority for the Commissioner to assess fines.

COMMISSION PROCEDURES AND OTHER MATTERS

Mr. DeLuca reported that the President Pro Tempore would reappoint all Commissioners to the Rules Review Commission, the Speaker would reappoint George Robinson, and that Commissioners Rader and Garside would not likely be reappointed. He also reported that the NASS conference in St. Louis went very well. Mr. Bryan read all of the rules for this month and Mr. DeLuca will read all of the rules next month since Mr. Bryan is being married in two weeks.. Commissioner Rader made the motion and Commissioner Sugg made the second that the Commission go into Executive Session to discuss the Board of Pharmacy v. the Rules Review Commission. The Commission returned from Executive Session to adjourn at 11:52 a.m.

The next meeting will be on August 19, 1999.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens

Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Beryl E. Wade

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Laidlaw Transit Svcs, Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
CRIME CONTROL AND PUBLIC SAFETY				
William Samuel McCraw v. Crime Victims Compensation Commission	98 CPS 1626	Morrison	06/09/99	
Anson D. Looney v. Crime Victims Compensation Commission	99 CPS 0096	Morrison	05/25/99	
ENVIRONMENT AND NATURAL RESOURCES				
R. J. Reynolds Tobacco Co. v. Dept. of Environment & Natural Resources	98 EHR 1315	Wade	06/04/99	14:02 NCR 110
Charles H. Jordan v. Brunswick County Health Department	99 EHR 0201	Morrison	06/28/99	
<i>Division of Air Quality</i>				
Terrance W. Bache, Pres., Terhane Group, Inc. v. DENR, Div/Air Quality	98 EHR 1790	Mann	06/23/99	
<i>Division of Land Resources</i>				
Buel B. Barker, Jr. and Hubbard Realty of Winston-Salem, a NC Corp., jointly and severally v. Dept. of Environment and Natural Resources, Div. of Land Resources	98 EHR 1457	Morrison	06/09/99	
<i>Division of Water Quality</i>				
J. Todd Yates and Teresa B. Yates v. DENR, Div. of Water Quality	98 EHR 1456	Wade	06/22/99	
BOARD OF GEOLOGISTS				
Andrew M. Raring, Ph D v. Board for the Licensing of Geologists	99 BOG 0150	Mann	06/16/99	
HEALTH AND HUMAN SERVICES				

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Ernest Clyde Absher and Dianna B. Absher v. Health & Human Resources	98 DHR 1622	Reilly	06/17/99	
Andrew Gainey v. Office of the Chief Medical Examiner	98 DHR 1761	Owens	05/12/99	14:01 NCR 69
J.P. Lynch v. Department of Health & Human Services	99 DHR 0111	Reilly	05/25/99	
New Hope Living Centers, Eric D. Lewis v. Health & Human Services	99 DHR 0170	Owens	05/25/99	
Lonnie Herring v. Department of Health & Human Services	99 DHR 0350	Reilly	06/03/99	
<i>Division of Facility Services</i>				
Kelly M. Poole v. Health & Human Services, Div. of Facility Services	97 DHR 0629	Chess	06/14/99	
Della C. Jones v. Health & Human Services, Div. of Facility Services	98 DHR 1680	Gray	06/09/99	
Carolyn Grant v. Health & Human Services, Div. of Facility Services	99 DHR 0145	Mann	06/11/99	
Sarah Frances Alford v. Health & Human Svcs., Div. of Facility Svcs.	99 DHR 0220	Phupps	06/08/99	
<i>Division of Social Services</i>				
Joanna Price v. Caldwell County Social Services	99 DHR 0520	Morrison	06/10/99	
<i>Child Support Enforcement Section</i>				
Lindy Teachout v. Department of Health & Human Services	98 CRA 0727	Reilly	06/24/99	
Thomas Ashley Stewart II v. Department of Health & Human Services	99 CRA 0628	Reilly	06/14/99	
Richard Arnold Collins v. Jones County DSS	96 CSE 1810	Reilly	06/28/99	
Kenneth Wayne Adair v. Department of Human Resources	98 CSE 0229	Morrison	06/30/99	
G.S. Hall v. Department of Health & Human Services	98 CSE 1392	Reilly	06/24/99	
Donald Edward Law II v. Department of Human Resources	98 CSE 1586	Morrison	06/25/99	
Robert M. Chandler Jr. v. Department of Health & Human Services	98 CSE 1789	Phupps	05/27/99	
Grady L. Chosewood v. Department of Health & Human Services	99 CSE 0301	Mann	07/01/99	
Fulton Allen Tillman v. Department of Health & Human Services	99 CSE 0311	Reilly	06/30/99	
Nathaniel Alston v. Department of Health & Human Services	99 CSE 0317	Mann	07/01/99	
Dane Wesley Ware v. Department of Health & Human Services	99 CSE 0359	Gray	06/28/99	
Oscar Wilham Willoughby Sr. v. Dept. of Health & Human Services	99 CSE 0371	Morrison	06/28/99	
Billy J. Young v. Department of Health & Human Services	99 CSE 0374	Reilly	06/14/99	
Beverly K. Thompson v. Department of Health & Human Services	99 CSE 0435	Reilly	06/14/99	
Michael L. Timmer v. Department of Health & Human Services	99 CSE 0437	Wade	06/08/99	
Elizabeth F. West v. Department of Health & Human Services	99 CSE 0451	Morrison	05/25/99	
Roy D. Washington v. Department of Health & Human Services	99 CSE 0481	Reilly	06/25/99	
Gerald Scott Saucier v. Department of Health & Human Services	99 CSE 0576	Mann	06/09/99	
Lawrence Gordon Soles v. Department of Health & Human Services	99 CSE 0581	Morrison	06/09/99	
Kathryn P. Fagan v. Department of Health & Human Services	98 DCS 1769	Morrison	06/25/99	
Deborah Seegars v. Department of Health & Human Services	99 DCS 0505	Phupps	06/30/99	
JUSTICE				
<i>Alarm Systems Licensing Board</i>				
Terry Allen Brickley v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Brian Anthony Bartimac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Melvin T. Lohr v. Alarm Systems Licensing Board	99 DOJ 0490	Morrison	05/24/99	
Bradford D. Penny v. Alarm Systems Licensing Board	99 DOJ 0522	Morrison	06/08/99	
Benny L. Shaw v. Alarm Systems Licensing Board	99 DOJ 0523	Morrison	06/08/99	
<i>Education and Training Standards Division</i>				
Rock Steven Edwards v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0906	Chess	05/13/99	
Anthony Scott Hughes v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1530	Chess	05/12/99	
Hal Pilgreen v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1775	Chess	06/09/99	
Emma J. Kiser v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1793	Gray	06/07/99	
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
<i>Private Protective Services Board</i>				
Michael Lynn Arter v. Private Protective Services Board	99 DOJ 0262	Wade	05/25/99	
Jeffrey S. Moore v. Private Protective Services Board	99 DOJ 0488	Morrison	05/24/99	
Bonnie Marie Keller v. Private Protective Services Board	99 DOJ 0491	Morrison	05/24/99	
Ronald E. Sulloway v. Private Protective Services Board	99 DOJ 0493	Morrison	05/24/99	
Raymond Solomon v. Private Protective Services Board	99 DOJ 0494	Morrison	05/25/99	

CONTESTED CASE DECISIONS

Charles E. Evans, Jr. v. Private Protective Services Board	99 DOJ 0496	Morrison	05/25/99	
William E. Ellis, Sr. v. Private Protective Services Board	99 DOJ 0527	Morrison	06/08/99	
PUBLIC INSTRUCTION				
S.H. by and through her guardian and custodian, H.H. and H.H. v. Henderson County Board of Education	98 EDC 1124	Mann	06/11/99	
S.L.F. and S.F.F. v. Charlotte-Mecklenburg Board of Education	98 EDC 1649	Mann	06/04/99	
STATE PERSONNEL				
<i>Community Colleges</i>				
Thomas Michael Chamberlin v. Department of Community Colleges	99 OSP 0286	Phipps	06/25/99	
<i>Correction</i>				
E. Wayne Irvin v. Department of Correction	94 OSP 1791	Morrison	05/18/99	14:01 NCR 60
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMilhan v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	
DeCarlos Stanley v. Department of Correction	99 OSP 0027	Morrison	06/22/99	
Harry E. Kenan v. Capt. B.F. Lewis, Polk Youth Institution	99 OSP 0257	Phipps	06/07/99	
Richmond Fulmore v. Department of Correction, Wake Correctional	99 OSP 0416	Mann	06/04/99	
Jerry D. Crawford v. Department of Correction	99 OSP 0577	Reilly	06/02/99	
<i>North Carolina School for the Deaf</i>				
Eric Arden Hurley v. North Carolina School for the Deaf	99 OSP 0087	Reilly	06/24/99	
<i>Employment Security Commission</i>				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
<i>Health and Human Services</i>				
Doris Virginia Wearing v. Durham County Health Department	98 OSP 1432	Reilly	06/18/99	
Julia A. Cameron v. John Umstead Hospital, Health & Human Services	99 OSP 0053	Morrison	06/22/99	
<i>Johnston County</i>				
Lili Romane Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
<i>Justice</i>				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
<i>Transportation</i>				
Charles W. McAdams v. Dept. of Transportation, Div/Motor Vehicles	99 OSP 0034	Mann	06/23/99	
Larry R. Lane v. Department of Transportation	99 OSP 0105	Mann	06/11/99	
Ronald Roberson v. Dept. of Transportation, Right-of-Way Branch	99 OSP 0142	Morrison	06/08/99	
Shelvia Davis v. Department of Transportation	99 OSP 0156	Owens	06/23/99	
<i>University of North Carolina</i>				
Jackie S. Flowers v. East Carolina University	98 OSP 1618	Reilly	06/24/99	
UNIVERSITY OF NORTH CAROLINA				
Stephanie A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99	

Consolidated Cases.

CUMULATIVE INDEX

(Updated through July 26, 1999)

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

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

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

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101 13:22 NCR 1820 14:03 NCR 243 *

ADMINISTRATION

Council for Women, North Carolina

1 NCAC 17 13:19 NCR 1606

Indian Affairs, Commission of

1 NCAC 15 .0201 13:02 NCR 175

1 NCAC 15 .0205 13:02 NCR 175

1 NCAC 15 .0206 13:02 NCR 175

1 NCAC 15 .0212 13:02 NCR 175

1 NCAC 15 .0213 13:02 NCR 175

Non-Public Education

1 NCAC 40 .0101 13:05 NCR 521

1 NCAC 40 .0102 13:05 NCR 521

1 NCAC 40 .0103 13:05 NCR 521

1 NCAC 40 .0201 13:13 NCR 1057

1 NCAC 40 .0202 13:13 NCR 1057

1 NCAC 40 .0203 13:05 NCR 521

1 NCAC 40 .0204 13:13 NCR 1057

1 NCAC 40 .0204 13:05 NCR 521

1 NCAC 40 .0204 13:13 NCR 1057

Purchase and Contract Division

1 NCAC 05B .0401 12:17 NCR 1611 13:08 NCR 627 *

CUMULATIVE INDEX

(Updated through July 26, 1999)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
1 NCAC 05B .0403	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05C	13-04 NCR 360									
1 NCAC 05D	13-04 NCR 360									
State Employees Combined Campaign										
1 NCAC 35 .0101	13-04 NCR 360		13-08 NCR 647	*						
1 NCAC 35 .0103	13-04 NCR 360		13-08 NCR 647	*						
1 NCAC 35 .0202	13-04 NCR 360		13-08 NCR 647	*						
1 NCAC 35 .0304	13-04 NCR 360		13-08 NCR 647	*						
1 NCAC 35 .0308	13-04 NCR 360		13-08 NCR 647	*						
AGRICULTURE										
2 NCAC 20B .0104	13-13 NCR 1040		13-18 NCR 1503	*	Object		07/15/99			
2 NCAC 43L 0309	13-14 NCR 1109		13-20 NCR 1718	*	Object		07/15/99			
Consumer Services										
2 NCAC 54 .0101	13-14 NCR 1119	13-14 NCR 1119	13-20 NCR 1718	*	Approve		07/15/99			
2 NCAC 54 .0102	13-14 NCR 1119	13-14 NCR 1119	13-20 NCR 1718	*	Approve		07/15/99			
2 NCAC 54 .0103	13-14 NCR 1119	13-14 NCR 1119	13-20 NCR 1718	*	Object		07/15/99			
2 NCAC 54 .0104	13-14 NCR 1119	13-14 NCR 1119	13-20 NCR 1718	*	Approve		07/15/99			
2 NCAC 54 .0105	13-14 NCR 1119	13-14 NCR 1119	13-20 NCR 1718	*	Object		07/15/99			
Pesticide Board										
2 NCAC 09K .0214	13-14 NCR 1109		13-20 NCR 1717	*	Approve		07/15/99			
2 NCAC 09L .0502	14-01 NCR 4									
2 NCAC 09L .1201	14-01 NCR 4									
Veterinary Board										
2 NCAC 52B .0207	13-23 NCR 1946	13-23 NCR 1946	14-03 NCR 128	*						
2 NCAC 52B .0302	13-23 NCR 1901		14-03 NCR 128	*						
2 NCAC 52E .0209	13-23 NCR 1901		14-03 NCR 128	*						
APPRAISAL BOARD										

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21 NCAC 57A .0305	13-01 NCR 3		13-05 NCR 513	*	Object Approve	11/19/98 03/18/99	*		14-01 NCR 48	
CHIROPRACTIC										
21 NCAC 10 .0203		12-23 NCR 2098	13-14 NCR 1117	*	Approve	04/15/99	*		14-02 NCR 84	
COMMERCE										
4 NCAC 01E .0104	11-09 NCR 569		13-08 NCR 652	*	Object Approve	12/17/98 01/21/99	*		13-22 NCR 1868	
4 NCAC 01F	11-09 NCR 569									
4 NCAC 01H	11-09 NCR 569									
4 NCAC 01I .0101	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0101	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01I .0102	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0102	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0201	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0201	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0202	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0202	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01I .0301	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0301	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0302	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0302	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0303	11-09 NCR 569		13-08 NCR 652	L/S						
4 NCAC 01I .0303	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0304	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0401	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0401	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0402	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0402	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01I .0403	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0403	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0404	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0404	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0405	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0405	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01I .0501	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01I .0501	11-09 NCR 569	13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01I .0502	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				

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4 NCAC 01H .0502		13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01H .0503	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01H .0503		13-15 NCR 1224	13-20 NCR 1719	L/S						
4 NCAC 01H .0601	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01H .0601		13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01H .0701	11-09 NCR 569		13-08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 01H .0701		13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01H .0801	11-09 NCR 569		13-20 NCR 1719	*						
4 NCAC 01J		13-15 NCR 1224	13-20 NCR 1719	*						
4 NCAC 01K .0102	11-09 NCR 569		13-08 NCR 652	*	Object	12/17/98	*		13-22 NCR 1868	
4 NCAC 01K .0103	11-09 NCR 569		13-08 NCR 652	*	Approve	01/21/99				
4 NCAC 01K .0302	11-09 NCR 569		13-08 NCR 652	*	Object	12/17/98	*		13-22 NCR 1868	
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*	Approve	01/21/99				
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*	Object	12/17/98	*		13-22 NCR 1868	
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*	Approve	01/21/99				
Banking Commission										
4 NCAC 03B .0101	N/A		N/A	N/A	Object	10/22/98			14-01 NCR 48	
4 NCAC 03B .0102	N/A		N/A	N/A	Approve	03/18/99				
4 NCAC 03B .0103	N/A		N/A	N/A	Object	10/22/98			14-01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Approve	03/18/99				
4 NCAC 03B .0103	N/A		N/A	N/A	Object	10/22/98			14-01 NCR 48	
4 NCAC 03H .0102	N/A		N/A	N/A	Approve	03/18/99				
4 NCAC 03H .0102	N/A		N/A	N/A	Object	10/22/98			14-01 NCR 48	
4 NCAC 03L	13-24 NCR 1997				Approve	03/18/99				
Cape Fear River Navigation and Pilotage Commission										
4 NCAC 15 .0119	14-03 NCR 125				Object	10/22/98				
4 NCAC 15 .0120	14-03 NCR 125				Approve	03/18/99				
4 NCAC 15 .0121	14-03 NCR 125				Object	10/22/98				
4 NCAC 15 .0121	14-03 NCR 125				Approve	03/18/99				
4 NCAC 15 .0121	14-03 NCR 125				Object	10/22/98				
4 NCAC 15 .0121	14-03 NCR 125				Approve	03/18/99				
Industrial Commission										
Public Notice - Hospital Fees for Workers' Compensation Cases					Object	10/22/98				
23 NCAC 02B .0104	13-10 NCR 804		13-22 NCR 1849	*	Approve	03/18/99				
23 NCAC 02C .0307		13-05 NCR 524			Approve	10/22/98				
					Approve	03/18/99				

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23 NCAC 02C .0503		13-10 NCR 815	13-22 NCR 1849	*						
23 NCAC 02C .0504		13-10 NCR 815	13-22 NCR 1849	*						
23 NCAC 02C .0505		13-10 NCR 815	13-22 NCR 1849	*						
23 NCAC 02D .0323	13-19 NCR 1609									
23 NCAC 02D .0324	13-19 NCR 1609									
COSMETIC ART EXAMINERS										
21 NCAC 14A .0101	13-14 NCR 1114	13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14A .0103	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14A .0104	13-14 NCR 1114									
21 NCAC 14A .0105		13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14C .0202	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14F .0101	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14F .0105	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14G .0103		13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14G .0113	N/A		N/A	N/A	Approve	03/18/99			14.01 NCR 48	
21 NCAC 14H .0112		13-16 NCR 1263	13-21 NCR 1794	*	Approve	07/15/99	*			
21 NCAC 14H .0118		13-16 NCR 1263	13-21 NCR 1794	*	Approve	07/15/99				
21 NCAC 14I .0104	13-14 NCR 1114		13-19 NCR 1652	*	Object	06/17/99				
21 NCAC 14I .0107	13-14 NCR 1114		13-19 NCR 1652	*	Object	06/17/99				
21 NCAC 14I .0109	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14J .0103		13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14J .0208	13-14 NCR 1114		13-19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14J .0501	13-14 NCR 1114		13-19 NCR 1652	*	Object	06/17/99				
21 NCAC 14K .0102		13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14K .0107		13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14L .0101	13-14 NCR 1114		13-19 NCR 1652	*	Object	06/17/99				
21 NCAC 14L .0105	13-14 NCR 1114	13-14 NCR 1157	13-19 NCR 1652	*	Approve	06/17/99				

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21 NCAC 14L .0109		13:14 NCR 1157								
21 NCAC 14L .0210	N/A		N/A	N/A	Approve	03/18/99			14 01 NCR 48	
21 NCAC 14L .0214	N/A		N/A	N/A	Approve	03/18/99			14 01 NCR 48	
21 NCAC 14L .0216		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14L .0303	13:14 NCR 1114		13:19 NCR 1652	*	Agcy Withdraw	06/17/99				
21 NCAC 14N .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0102	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0104		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0108	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0110		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0112	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14N .0601		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0602		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0701		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14N .0702		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0101		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 14O .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0104		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0105		13:14 NCR 1157	13:19 NCR 1652	*	Agcy Withdraw	06/17/99				
21 NCAC 14O .0106		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14O .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14P .0101		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*			
21 NCAC 14P .0102		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			

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21 NCAC 14P .0103		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0104		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0105		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0106		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0107		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0108		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0109		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99				
21 NCAC 14P .0110		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0111		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0112		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0113		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0114		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
21 NCAC 14P .0115		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*			
21 NCAC 14P .0116		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
DENTAL EXAMINERS										
21 NCAC 16G .0101	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*						
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*						

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21 NCAC 16H .0206	12.24 NCR 2203									
21 NCAC 16I .0004	11.20 NCR 1538									
21 NCAC 16I .0005	11.20 NCR 1538									
21 NCAC 16M .0101		13.11 NCR 910	13.15 NCR 1218	*	Object Approve	06/17/99 07/15/99	*			
21 NCAC 16P .0101	13.10 NCR 804									
21 NCAC 16P .0102	13.10 NCR 804									
21 NCAC 16P .0103	13.10 NCR 804									
21 NCAC 16P .0104	13.10 NCR 804									
21 NCAC 16P .0105	13.10 NCR 804									
21 NCAC 16Q .0101	12.24 NCR 2203									
21 NCAC 16Q .0201	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0202	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0301	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16Q .0302	12.24 NCR 2203		13.15 NCR 1218	*						
21 NCAC 16R .0002	11.20 NCR 1538									
21 NCAC 16R .0003	11.20 NCR 1538									
21 NCAC 16R .0005	11.20 NCR 1538									
21 NCAC 16S .0205	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16V .0101	13.10 NCR 804		13.15 NCR 1218	*						
21 NCAC 16V .0102	13.10 NCR 804		13.15 NCR 1218	*						
ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS										
21 NCAC 18B .0208	N/A		N/A	N/A	Object Approve	06/17/99 07/15/99				
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99	*		13.22 NCR 1868	
21 NCAC 11 .0102	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0103	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0104	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L	Approve	01/21/99	*		13.22 NCR 1868	

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21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Object	01/21/99				
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	02/18/99	*		13:24 NCR 2037	
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Approve	01/21/99			13:22 NCR 1868	
					Approve	01/21/99	*		13:22 NCR 1868	

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15A NCAC 01J .0101		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0102		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0202		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0303		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0402		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0502		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0504		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0601		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0604		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01J .0701		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0703		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0803		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0903		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01J .0904		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01L .0101		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0102		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .0203		13:18 NCR 1528	13:22 NCR 1827	*						

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15A NCAC 01L .0303		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0501		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .0503		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0601		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0604		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0701		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .0801		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .0902		13:18 NCR 1528	13:22 NCR 1827	S/L						
15A NCAC 01L .1003		13:18 NCR 1528	13:22 NCR 1827	*						
15A NCAC 01L .1004		13:18 NCR 1528	13:22 NCR 1827	*						
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0200	13:22 NCR 1818									
15A NCAC 07H .0201	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873		13:23 NCR 1937	S/L						14:02 NCR 74
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0300	13:05 NCR 436									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									
15A NCAC 07M .0307	13:22 NCR 1818									
15A NCAC 07H .0309	13:05 NCR 436		13:13 NCR 1044	S						
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1301	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74

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15A NCAC 07H 1400	12:21 NCR 1873									
15A NCAC 07H 1500	12:21 NCR 1873									
15A NCAC 07H 1601	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07H 1600	11:15 NCR 1200									
15A NCAC 07H 1700	12:21 NCR 1873									
15A NCAC 07H 1805		13:07 NCR 593	13:16 NCR 1259	*	Object	07/15/99				
15A NCAC 07H 1901	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H 2101	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*			
15A NCAC 07H 2102	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*			
15A NCAC 07H 2105	13:05 NCR 436		13:13 NCR 1044	S	Object	07/15/99				
15A NCAC 07H 2301	12:21 NCR 1873		13:23 NCR 1937	*						
15A NCAC 07H 2401	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*			14:02 NCR 74
15A NCAC 07H 2402	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*			
15A NCAC 07H 2403	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99				
15A NCAC 07H 2404	13:05 NCR 436		13:13 NCR 1044	S	Object	05/20/99	*			
15A NCAC 07H 2405	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*			
15A NCAC 07H 0200	12:24 NCR 2202									
15A NCAC 07H 0204		13:07 NCR 593								
15A NCAC 07H 0405	12:24 NCR 2202									
15A NCAC 07K 0203	12:21 NCR 1873		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07K 0208	12:21 NCR 1873									
15A NCAC 07K 0209	12:21 NCR 1873									
15A NCAC 07L 0202	12:21 NCR 1874		13:23 NCR 1937	*						14:02 NCR 74
15A NCAC 07L 0203	12:21 NCR 1874									
15A NCAC 07L 0206	12:21 NCR 1874									
15A NCAC 07L 0302	12:21 NCR 1874									
15A NCAC 07L 0304	12:21 NCR 1874									

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15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0401	14:01 NCR 44	14:01 NCR 44								
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0402	14:01 NCR 44	14:01 NCR 44								
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*						
15A NCAC 07M .0403	14:01 NCR 44	14:01 NCR 44								
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0100	13:08 NCR 621		11:30 NCR 2303	*						
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0200	13:08 NCR 621									
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0225	13:19 NCR 1606		13:23 NCR 1929	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0320	11:31 NCR 1812		11:30 NCR 2303							
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136	L						
		12:02 NCR 77								
		12:14 NCR 1348								
		12:20 NCR 1836								
								Object Approve	01/15/98 02/19/98	
							*			
									12:22 NCR 2012	Disapproved (HB 1402)

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15A NCAC 02B .0241	14-03 NCR 125	13-24 NCR 2017	12-06 NCR 462	S/L/SE						
15A NCAC 02B .0242		13-24 NCR 2017								
15A NCAC 02B .0245	12-23 NCR 2088		13-04 NCR 368	*						
15A NCAC 02B .0246	12-23 NCR 2088		13-04 NCR 368	*						
15A NCAC 02B .0247	12-23 NCR 2088		13-04 NCR 368	L/SE						
15A NCAC 02B .0255	13-23 NCR 1901		14-03 NCR 162	SE						
15A NCAC 02B .0256	13-23 NCR 1901		14-03 NCR 162	SE						
15A NCAC 02B .0257	13-23 NCR 1901		14-03 NCR 162	SE						
15A NCAC 02B .0258	13-23 NCR 1901		14-03 NCR 162	L/SE						
15A NCAC 02B .0259	13-23 NCR 1901		14-03 NCR 162	L/SE						
15A NCAC 02B .0260	13-23 NCR 1901		14-03 NCR 162	SE						
15A NCAC 02B .0261	13-23 NCR 1901		14-03 NCR 162	SE						
15A NCAC 02B .0262	13-23 NCR 1901									
15A NCAC 02B .0303	13-14 NCR 1111		13-20 NCR 1727	*						
15A NCAC 02B .0304	13-14 NCR 1111		13-20 NCR 1727	*						
15A NCAC 02B .0306	13-14 NCR 1111		13-20 NCR 1727	*						14-02 NCR 73
15A NCAC 02B .0306	13-19 NCR 1606		13-23 NCR 1929	*						
15A NCAC 02B .0308	12-16 NCR 1489									
15A NCAC 02B .0308	13-14 NCR 1111		13-20 NCR 1727	*						
15A NCAC 02B .0310	13-19 NCR 1606		13-23 NCR 1929	*						
15A NCAC 02B .0316	11-26 NCR 1976		12-01 NCR 6	*	Approve	01/15/98	*	12-21 NCR 1886		Disapproved (HB 1402)
15A NCAC 02B .0317	13-19 NCR 1606		13-23 NCR 1929	*						
15A NCAC 02D	13-12 NCR 943									
15A NCAC 02D .0101	12-02 NCR 52									
15A NCAC 02D .0101	12-16 NCR 1482									
15A NCAC 02D .0108	11-15 NCR 1200									

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15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0523	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0524	13:08 NCR 621		14:03 NCR 162	*						
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0541	13:08 NCR 621									
15A NCAC 02D .0541	13:16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .0542	13:24 NCR 1994									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									

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15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1104	13:16 NCR 1252									
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1201	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1202	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1203	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1204	13:12 NCR 943		14:03 NCR 162	*						

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15A NCAC 02D .1205	13.12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1206	13.12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1207	13.12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1208	13.12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1209	13.12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1201	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1202	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1203	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1204	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1205	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1206	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1207	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1208	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D .1209	13.16 NCR 1252		14:03 NCR 162	*						
15A NCAC 02D 1400	13.24 NCR 1994									
15A NCAC 02D .1404	11.15 NCR 1200									
15A NCAC 02D 1700	12:02 NCR 52									
15A NCAC 02D 1703	13.16 NCR 1252									
15A NCAC 02D 1801		13:18 NCR 1545	14:03 NCR 162	SE						
15A NCAC 02D 1802		13:22 NCR 1860	14:03 NCR 162	SE						
15A NCAC 02D 1803		13.18 NCR 1545	14:03 NCR 162	SE						
15A NCAC 02D 1803		13:22 NCR 1860	14:03 NCR 162	SE						
15A NCAC 02D 1804		13:18 NCR 1545	14:03 NCR 162	SE						
15A NCAC 02D 1804		13:22 NCR 1860	14:03 NCR 162	SE						
15A NCAC 02D 1805		13:18 NCR 1545	14:03 NCR 162	SE						
15A NCAC 02D 1805		13:18 NCR 1545								
15A NCAC 02D 1805		13:24 NCR 2017								
15A NCAC 02D 1903	12.16 NCR 1482									
15A NCAC 02D 1903	13.12 NCR 943									
15A NCAC 02D 1904	12:16 NCR 1482									

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15A NCAC 02D .2100	13-04 NCR 356									
15A NCAC 02D .2200	11-26 NCR 1976									
15A NCAC 02E .0102	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0103	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0106	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0107	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0201	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0202	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0205	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0501	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0502	13-20 NCR 1715		13-24 NCR 1998	S/L/SE						14-01 NCR 3
15A NCAC 02E .0503	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02E .0504	13-20 NCR 1715		13-24 NCR 1998	*						14-01 NCR 3
15A NCAC 02H .0226	12-20 NCR 1817	13-04 NCR 426	13-05 NCR 491	*						14-01 NCR 3
15A NCAC 02H .0610	12-02 NCR 52	12-02 NCR 77								14-01 NCR 3
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15A NCAC 02H .0806	13-04 NCR 356		14-02 NCR 80	L						
15A NCAC 02H .0800	13-08 NCR 621									
15A NCAC 02H .1202	11-15 NCR 1200									
15A NCAC 02H .1203	11-15 NCR 1200									
15A NCAC 02H 1204	11-15 NCR 1200									
15A NCAC 02H 1205	11-15 NCR 1200									
15A NCAC 02L	11-15 NCR 1200									
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15A NCAC 02L .0106		12-08 NCR 713								
15A NCAC 02L .0115	11-15 NCR 1204	12-08 NCR 713								
15A NCAC 02L .0202	10-20 NCR 2591									
15A NCAC 02L .0202	13-04 NCR 356									

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15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02P .0402	13:24 NCR 1994									
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621		14:03 NCR 162	*						
15A NCAC 02Q .0102	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02Q .0102		13:18 NCR 1545	14:03 NCR 162	*						
15A NCAC 02Q .0102	13:24 NCR 1994									
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0306	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02Q .0502	13:24 NCR 1994									
15A NCAC 02Q .0508	13:08 NCR 621									
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943									
			13:20 NCR 1727	*						
			14:03 NCR 162	*						
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0711	13:16 NCR 1252									
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0600	12:02 NCR 52									
15A NCAC 02S	13:18 NCR 1502									
Health Services, Commission for										
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									

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15A NCAC 18A .11.04	NCR 183									
15A NCAC 18A .0425		12:14 NCR 1352								
15A NCAC 18A .0432		12:14 NCR 1352								
15A NCAC 18A .1000	13:16 NCR 1252									
15A NCAC 18A .1300	13:16 NCR 1252									
15A NCAC 18A .1600	13:16 NCR 1252									
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1700	13:16 NCR 1252	13:12 NCR 979	13:20 NCR 1738	*						
15A NCAC 18A .1720	12:16 NCR 1482									
15A NCAC 18A .1808	13:08 NCR 621	12:18 NCR 1713								
15A NCAC 18A .1810		12:21 NCR 1882								
15A NCAC 18A .1812	13:08 NCR 621	12:24 NCR 2228								
15A NCAC 18A .1952		12:24 NCR 2228	13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1953		13:12 NCR 979	13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1954		13:12 NCR 979	13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1955		13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .2308	12:03 NCR 168	13:12 NCR 979	14:03 NCR 234	*						
15A NCAC 18A .2309	12:03 NCR 168	12:07 NCR 519	14:03 NCR 234	*						
15A NCAC 18A .2400	13:16 NCR 1252	12:07 NCR 519	12:07 NCR 519	*	Ext. Review Object	12/18/97 01/15/98				
15A NCAC 18A .2600	12:04 NCR 240				Ext. Review Object	12/18/97 01/15/98				
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2807	12:16 NCR 1482									
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15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18C .0301	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0302	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0303	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0305	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0306	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18C .0307	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0308	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .0309	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L						
15A NCAC 18C .1304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*						
15A NCAC 18D .0201	13:23 NCR 1928									
15A NCAC 18D .0203	13:23 NCR 1928									
15A NCAC 18D .0205	13:23 NCR 1928									
15A NCAC 18D .0206	13:23 NCR 1928									
15A NCAC 18D .0304	13:23 NCR 1928									
15A NCAC 18D .0307	13:23 NCR 1928									
15A NCAC 18D .0308	13:23 NCR 1928									
15A NCAC 18D .0309	13:23 NCR 1928									
15A NCAC 18D .0403	13:23 NCR 1928									

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15A NCAC 19A .0101	12.02 NCR 88	12.02 NCR 88								
15A NCAC 26C .0001	11.19 NCR 1408									
15A NCAC 26C .0002	11.19 NCR 1408									
15A NCAC 26C .0003	11.19 NCR 1408									
15A NCAC 26C .0004	11.19 NCR 1408									
15A NCAC 26C .0005	11.19 NCR 1408									
15A NCAC 26C .0006	11.19 NCR 1408									
15A NCAC 26C .0007	11.19 NCR 1408									
Land Resources/Land Quality/Sedimentation Control Commission										
15A NCAC 04B .0106	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04B .0107	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04B .0127	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04C .0107	13.12 NCR 943		13.19 NCR 1651	*						
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15A NCAC 03	11.11 NCR 881									
15A NCAC 03	11.20 NCR 1537									
15A NCAC 03	11.26 NCR 1985									
15A NCAC 03	13.14 NCR 1113									
15A NCAC 03	13.17 NCR 1377									
15A NCAC 03H .0101	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 03H .0103	12.23 NCR 2089									
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15A NCAC 031 .0101	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 031 .0105	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 031 .0106	13.14 NCR 1113	14.01 NCR 18								
15A NCAC 031 .0107	N/A		N/A	N/A				Approve		06/17/99
15A NCAC 031 .0114	13.14 NCR 1113	14.01 NCR 18								

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15A NCAC 03J .0103	13:08 NCR 739	13:08 NCR 739								
15A NCAC 03J .0103	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0104	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0110	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
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15A NCAC 03J .0301	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0302	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03J .0305	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0101	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0105	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0106	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0202	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03K .0502	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03L .0206	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0202	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0301	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0501		13:08 NCR 739								
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15A NCAC 03M .0503	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0504	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0506		13:22 NCR 1865								
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0507	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0511	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						

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15A NCAC 03M .0513	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0513	13:19 NCR 1666	13:19 NCR 1666								
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03M .0515	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0516	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0101	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0102	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0103	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0104	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0105	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0106	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0107	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0108	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0109	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0110	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0111	13:14 NCR 1113	14:01 NCR 18								
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15A NCAC 030 .0301	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0302	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0303	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0304	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0305	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0306	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0307	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0308	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0309	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 030 .0310	13:14 NCR 1113	14:01 NCR 18								

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15A NCAC 030 .0401	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 030 .0402	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 030 .0403	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 030 .0404	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 030 .0405	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 030 .0406	13:14 NCR 1113	13:18 NCR 1553								
15A NCAC 03P .0101	N/A		N/A	N/A	Approve	07/15/99				
15A NCAC 03P .0102	N/A		N/A	N/A	Approve	07/15/99				
15A NCAC 03Q .0106	N/A		N/A	N/A	Approve	06/17/99				
15A NCAC 03Q .0107	11:26 NCR 1985		13:13 NCR 1043	*	Approve	05/20/99				
Parks and Recreation Commission										
15A NCAC 12A .0001	12:13 NCR 1097									
15A NCAC 12A .0004	12:13 NCR 1097									
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0603	12:13 NCR 1007									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									

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15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B 1201	12:13 NCR 1097									
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15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08F 0406	13:16 NCR 1252									
15A NCAC 08F 0407	13:16 NCR 1252									
Waste Management										
Hazardous Waste Section										
Well Contractors Certification Commission										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						

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15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*						
Wildlife Resources Commission										
15A NCAC 10B .0105	13:07 NCR 595	13:07 NCR 595	13:12 NCR 948	*	Object	04/15/99	*			
15A NCAC 10B .0109	N/A		N/A	N/A	Approve	05/20/99				
15A NCAC 10B .0113	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	06/17/99	*		14:02 NCR 84	
15A NCAC 10B .0115	13:18 NCR 1502		13:22 NCR 1842	*						
15A NCAC 10B .0202	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0203	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0204	N/A		N/A	N/A	Approve	06/17/99				
15A NCAC 10B .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0209	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0212	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Object	04/15/99	*			
15A NCAC 10B .0302	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	05/20/99	*		14:02 NCR 84	
15A NCAC 10B .0403	13:23 NCR 1928									
15A NCAC 10C .0107	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0205	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0305	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0401	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0501	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10C .0502	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10C .0503	13:14 NCR 1113		13:20 NCR 1737	*						
15A NCAC 10D .0102	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	

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15A NCAC 10D .0102	13:19 NCR 1609									
15A NCAC 10D .0103	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10D .0103	13:19 NCR 1609		14:01 NCR 6	*						
15A NCAC 10F .0201	NA		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
15A NCAC 10F .0300	13:14 NCR 1113									
15A NCAC 10F .0300	14:01 NCR 5									
15A NCAC 10F .0303	12:19 NCR 1763									
15A NCAC 10F .0303	14:02 NCR 79									
15A NCAC 10F .0310	13:07 NCR 595	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*		13:24 NCR 2037	
15A NCAC 10F .0317	13:08 NCR 625		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10F .0321	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L						
15A NCAC 10F .0323	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L						
15A NCAC 10F .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L						
15A NCAC 10F .0330	13:11 NCR 855	13:15 NCR 1217	13:15 NCR 1231	L	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10F .0333	14:02 NCR 79									
15A NCAC 10F .0339	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L						
15A NCAC 10F .0339	13:23 NCR 1928									
15A NCAC 10F .0342	13:07 NCR 585	13:15 NCR 1231	13:11 NCR 905	L	Approve	02/18/99	*		13:24 NCR 2037	
15A NCAC 10F .0353	14:02 NCR 79									
15A NCAC 10F .0354	14:02 NCR 79									
15A NCAC 10F .0359	12:19 NCR 1763									
15A NCAC 10F .0367	13:14 NCR 1113	13:19 NCR 1666	13:19 NCR 1666	L						

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Voting Rights Act

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21 NCAC 20 .0101

*

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21 NCAC 20 .0103		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0104		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0105		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0106		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0117		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0120		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0122		13:19 NCR 1695	13:23 NCR 1942	*						
21 NCAC 20 .0123		13:19 NCR 1695	13:23 NCR 1942	*						
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21 NCAC 12 .0202	13:22 NCR 1821									
21 NCAC 12 .0204		13:06 NCR 568	13:13 NCR 1048	*	Approve	05/20/99				
21 NCAC 12 .0204	13:22 NCR 1821									
21 NCAC 12 .0205	13:22 NCR 1821									
21 NCAC 12 .0307	13:22 NCR 1821									
21 NCAC 12 .0402	13:22 NCR 1821									
21 NCAC 12 .0405	13:22 NCR 1821									
21 NCAC 12 .0410	13:22 NCR 1821									
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0504	13:13 NCR 1040		13:18 NCR 1524 13:24 NCR 2015	*						
21 NCAC 12 .0901	13:22 NCR 1821									
21 NCAC 12 .0902	11:28 NCR 2117									
21 NCAC 12 .0905	11:28 NCR 2117									
21 NCAC 12 .0906	11:28 NCR 2117									
21 NCAC 12 .0907	11:28 NCR 2117									
21 NCAC 12 .0907	13:22 NCR 1821									
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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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9 NCAC 05G .0101		14-03 NCR 245								14-01 NCR 1
9 NCAC 05G .0102		14-03 NCR 245								14-02 NCR 72
9 NCAC 05G .0103		14-03 NCR 245								
9 NCAC 05G .0104		14-03 NCR 245								
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10 NCAC 22		10-23 NCR 2956								
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10 NCAC 19G .0823		13-17 NCR 1378	13-21 NCR 1785	*					Return to agency	07/15/99
10 NCAC 19G .0827		13-17 NCR 1378	13-21 NCR 1785	*						
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10 NCAC 03U .0102	12-21 NCR 1873		14-03 NCR 154	*						
10 NCAC 03U .0602	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0604	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0605	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0705	11-14 NCR 1108		11-27 NCR 2054	*						
10 NCAC 03U .0705	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .2000	12-21 NCR 1873									
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10 NCAC 03U .2502	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .2510	12:21 NCR 1873		14:03 NCR 154	L						
10 NCAC 03U .2804	12:21 NCR 1873		14:03 NCR 154	*						
10 NCAC 03U .2811	12:21 NCR 1873		14:03 NCR 154	S						
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10 NCAC 01B .0418	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*			
10 NCAC 01B .0419	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*			
10 NCAC 01B .0420	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*			
Facility Services										
10 NCAC 03R .1613		13:14 NCR 1119								
10 NCAC 03R .1615		13:14 NCR 1119								
10 NCAC 03R .1713		13:14 NCR 1119								
10 NCAC 03R .1714		13:14 NCR 1119								
10 NCAC 03R .1715		13:14 NCR 1119								
10 NCAC 03R .1912		13:14 NCR 1119								
10 NCAC 03R .1913		13:14 NCR 1119								
10 NCAC 03R .1914		13:14 NCR 1119								
10 NCAC 03R .2113		13:14 NCR 1119								
10 NCAC 03R .2713		13:14 NCR 1119								
10 NCAC 03R .2715		13:14 NCR 1119								
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001	10:23 NCR 2056		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3053		11:22 NCR 1713								

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10 NCAC 03R .3053		12.06 NCR 481								
10 NCAC 03R .3060		12.06 NCR 481								
10 NCAC 03R .3061		12.06 NCR 481								
10 NCAC 03R .3063		12.06 NCR 481								
10 NCAC 03R .3065		12.06 NCR 481								
10 NCAC 03R .3072		12.06 NCR 481								
10 NCAC 03R .4203		13.14 NCR 1119								
10 NCAC 03R .6001	11.22 NCR 1704									
10 NCAC 03R .6112		12.15 NCR 1431	13.02 NCR 178		S/L/SE					
10 NCAC 03R .6201		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6202		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6203		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6204		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6205		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6206		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6207		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6208		13.14 NCR 1119	14.03 NCR 130		S/L/SE					
10 NCAC 03R .6209		13.14 NCR 1119	14.03 NCR 130		S/L/SE					
10 NCAC 03R .6210		13.14 NCR 1119	14.03 NCR 130		S/L/SE					
10 NCAC 03R .6211		13.14 NCR 1119	14.03 NCR 130		S/L/SE					
10 NCAC 03R .6212		13.14 NCR 1119	14.03 NCR 130		S/L/SE					
10 NCAC 03R .6213		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6214		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6215		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6216		13.14 NCR 1119	14.03 NCR 130		*					
10 NCAC 03R .6217		13.14 NCR 1119	14.03 NCR 130		*					

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10 NCAC 03R 6218		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6219		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6220		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6221		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6222		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6223		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6224		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6225		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6226		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6227		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6228		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6229		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6230		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6231		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6232		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6233		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6234		13:14 NCR 1119	14:03 NCR 130	S/L/SE						
10 NCAC 03R 6235		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6236		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6237		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6238		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6239		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6240		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03R 6241		13:14 NCR 1119	14:03 NCR 130	*						
10 NCAC 03S	12, 24 NCR 2194									
Health Services										
15A NCAC 16A 1104	13:14 NCR 1114		14:01 NCR 12	*						

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15A NCAC 16A .1106	13.14 NCR 1114		14:01 NCR 12	*						
15A NCAC 19A .0401	13.11 NCR 855	13.24 NCR 2034	13:24 NCR 2004	*						
15A NCAC 19A .0401	13.22 NCR 1818	13.24 NCR 2034	13:24 NCR 2004	*						
15A NCAC 19A .0404	13.11 NCR 855		13:24 NCR 2004	*						
15A NCAC 19A .0404	13.22 NCR 1818		13:24 NCR 2004	*						
15A NCAC 19A .0406	13.11 NCR 855		13:24 NCR 2004	*						
15A NCAC 19A .0406	13.22 NCR 1818		13:24 NCR 2004	*						
15A NCAC 19A .0502	13.11 NCR 855	13.13 NCR 1059	13:24 NCR 2004	*						
15A NCAC 19A .0502	13.22 NCR 1818		13:24 NCR 2004	*						
15A NCAC 21F 1201	14.03 NCR 126									
15A NCAC 21F 1202	14.03 NCR 126									
15A NCAC 21F 1203	14.03 NCR 126									
15A NCAC 21F 1204	14.03 NCR 126									
15A NCAC 21H 0110	12.20 NCR 1822		13:07 NCR 591	S	Extended Rev.	01/21/99				
15A NCAC 21H 0111	12.20 NCR 1822		13:07 NCR 591	S	Agcy Withdrew	02/02/99	*		13:22 NCR 1868	
15A NCAC 21H 0113	12.20 NCR 1822		13:07 NCR 591	*	Approve	01/21/99			13:22 NCR 1868	
15A NCAC 21H 0314	14.03 NCR 126				Approve	01/21/99				
15A NCAC 23 0201	13.22 NCR 1820		14:02 NCR 80	*						
15A NCAC 23 0202	13.22 NCR 1820	13.18 NCR 1555	14:02 NCR 80	S/L						
15A NCAC 23 0204	13.22 NCR 1820		14:02 NCR 80	*						
15A NCAC 23 0501	13.22 NCR 1820		14:02 NCR 80	*						
15A NCAC 24A .0402	14.03 NCR 126									
15A NCAC 24A .0403	14.03 NCR 126									
15A NCAC 26C	13.22 NCR 1820									
15A NCAC 26C .0101	13.22 NCR 1820		14:01 NCR 12	*						
15A NCAC 26C .0102	13.22 NCR 1820		14:01 NCR 12	*						
15A NCAC 26C .0103	13.22 NCR 1820		14:01 NCR 12	*						

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15A NCAC 26C 0104	13:22 NCR 1820		14:01 NCR 12	*						
15A NCAC 26C 0105	13:22 NCR 1820		14:01 NCR 12	*						
15A NCAC 26C 0106	13:22 NCR 1820		14:01 NCR 12	*						
15A NCAC 26C 0107	13:22 NCR 1820		14:01 NCR 12	*						
Medical Assistance										
10 NCAC 26B 0113	14:01 NCR 4									
10 NCAC 26D 0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H 0101	11:14 NCR 1108									
10 NCAC 26H 0102	11:14 NCR 1108									
10 NCAC 26H 0212		12:09 NCR 827								
		Temp.Expired 7/31/98								
		12:13 NCR 733								
10 NCAC 26H 0213		11:26 NCR 1997								
10 NCAC 26H 0213		12:09 NCR 827								
		13:08 NCR 733								
10 NCAC 26H 0304		13:03 NCR 316	13:08 NCR 668	S/L						
10 NCAC 26H 0401		13:02 NCR 248	13:12 NCR 947	*					13:22 NCR 1868	
10 NCAC 26I 0101	13:02 NCR 175		13:07 NCR 588	*					13:24 NCR 2037	
10 NCAC 26K 0106	12:05 NCR 337									
10 NCAC 26K 0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M 0203	12:05 NCR 337									
10 NCAC 26M 0204	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 50A 0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B 0102		13:18 NCR 1526								
10 NCAC 50B 0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B 0302	13:02 NCR 175		13:10 NCR 806	*						13:24 NCR 2037
10 NCAC 50B 0305		14:03 NCR 246								

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13:05 NCR 435

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10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0313	13:02 NCR 175	13:10 NCR 806		*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 50B .0313		13:18 NCR 1526								
Medical Care Commission										
10 NCAC 03D 1500	11:23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .0802	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0803	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0804	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .0805	12:20 NCR 1820	13:22 NCR 1853	13:22 NCR 1853	*						
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 14V .4302	12:19 NCR 1762		13:07 NCR 586	*	Object	01/21/99				
10 NCAC 14V .4303	12:19 NCR 1762		13:07 NCR 586	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 14V .4304	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 14V .4305	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99	*		13:22 NCR 1868	
10 NCAC 14V .4306	12:19 NCR 1762		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 14V .5000	12:20 NCR 1820		13:07 NCR 586	*	Approve	01/21/99			13:22 NCR 1868	
10 NCAC 45G .0410	13:23 NCR 1947	13:23 NCR 1947								
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223	13:05 NCR 487	*						
Secretary of Health and Human Services										
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 14V .7201	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7202	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7203	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7204	13:05 NCR 436		13:13 NCR 1042	*						

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10 NCAC 14V .7205	13:05 NCR 436		13:13 NCR 1042	*						
Social Services Commission										
10 NCAC 29C .0103		13:06 NCR 566	13:19 NCR 1611	*	Approve	07/15/99				
10 NCAC 41E .0401	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0403	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0404	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0405	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0406	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0501	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0502	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0503	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0504	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0505	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0506	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0507	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0508	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0509	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0510	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0511	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0512	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0513	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41E .0514	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0515	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0516	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0517	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0518	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0601	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0602	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0603	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0604	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0605	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0606	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0701	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0702	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0703	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41E .0704	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0501	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0502	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0504	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0505	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0506	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0507	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
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10 NCAC 41G 0508	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0509	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0510	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0511	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0512	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0513	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0601	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0602	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0603	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0604	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0605	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0606	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0701	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0702	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0703	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0704	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0705	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0706	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0707	12 11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G 0708	12 11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
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10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0802	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0804	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0806	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0807	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0808	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .0902	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1002	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1005	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1007	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1009	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1010	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1011	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 41G .1013	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1013	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1101	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1102	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1103	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1104	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1104	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1105	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1106	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1106	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1202	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1202	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1203	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1204	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1204	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1205	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1206	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1206	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1207	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1208	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1208	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1301	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1302	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1302	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1303	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1304	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1304	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1305	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41G .1305	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		

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10 NCAC 41G .1306	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1307	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1308	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1309	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41G .1402	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41H 0100	10:17 NCR 2228		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41H 0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R 0101	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0102	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0103	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0104	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0105	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0106	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41R 0107	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S 0101	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
			13:11 NCR 857	*	Object	02/18/99	*			
				*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S 0102	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S 0201	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S 0202	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S 0203	12:11 NCR 919		13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S 0204	12:11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
			13:05 NCR 438	*	Approve	02/18/99	*		13:24 NCR 2037	
			13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	

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10 NCAC 41S .0301	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0302	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0303	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0304	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0305	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0306	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0307	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0401	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0402	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0403	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0404	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0405	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0406	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*	13.24 NCR 2037		
10 NCAC 41S .0407	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0501	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0502	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0503	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99	*	13.24 NCR 2037		
10 NCAC 41S .0504	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0505	12.11 NCR 919		13.05 NCR 438	*	Approve	02/18/99		13.24 NCR 2037		
10 NCAC 41S .0506	12.11 NCR 919		13.11 NCR 857	*	Approve	02/18/99		13.24 NCR 2037		

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10 NCAC 41S .0601	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0602	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0603	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0604	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0605	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0606	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0607	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0608	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0609	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0610	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0611	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0612	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*	13:24 NCR 2037		
10 NCAC 41S .0613	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0614	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0615	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0701	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*	13:24 NCR 2037		
10 NCAC 41S .0702	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0703	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0704	12.11 NCR 919		13:05 NCR 438	*	Object	02/18/99		13:24 NCR 2037		
10 NCAC 41S .0705	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*	13:24 NCR 2037		
10 NCAC 41S .0705	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99		13:24 NCR 2037		

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10 NCAC 41S .0706	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0707	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0708	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41S .0709	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0710	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0711	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0712	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41S .0713	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0101	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0102	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0103	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0104	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0105	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0106	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0201	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0202	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0203	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0204	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 41T .0205	12.11 NCR 919		13:11 NCR 857	*	Approve	02/18/99	*		13:24 NCR 2037	
10 NCAC 41T .0206	12.11 NCR 919		13:05 NCR 438	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 42E	13-07 NCR 585		13:11 NCR 857	*	Approve	02/18/99			13:24 NCR 2037	
10 NCAC 42S	13-07 NCR 585									
10 NCAC 42Z	13-07 NCR 585									
Vocational Rehabilitation Services										
10 NCAC 20B 0224		13:17 NCR 1379								
10 NCAC 20B 0228		13:17 NCR 1379								
HOUSING FINANCE AGENCY										
24 NCAC 01H 0103	13:22 NCR 1822		14:02 NCR 82	*						
INSURANCE										
11 NCAC 06	12-09 NCR 744									
11 NCAC 12	12-09 NCR 744									
11 NCAC 12 .1702	14-02 NCR 78									
11 NCAC 13	12-09 NCR 744									
11 NCAC 13 .0514	14-02 NCR 78									
11 NCAC 13 .0518	14-02 NCR 78									
11 NCAC 14	12-09 NCR 744									
11 NCAC 15	12-09 NCR 744									
11 NCAC 16	12-09 NCR 744									
11 NCAC 17	12-09 NCR 744									
11 NCAC 20	12-09 NCR 744									
11 NCAC 21	12-09 NCR 744									
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12 NCAC 09B 0107	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review Return to Agcy	06/17/99 07/15/99				
12 NCAC 09B 0109	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B 0110	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*			

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12 NCAC 09B .0112	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0113	13.14 NCR 1110		13.19 NCR 1611	*	Ext. Review Return to Agcy	06/17/99 07/15/99				
12 NCAC 09B .0115	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0204	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0202	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agcy	07/15/99				
12 NCAC 09B .0203	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0204	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agcy	07/15/99				
12 NCAC 09B .0205	13.14 NCR 1110		13.19 NCR 1611	S/L	Object	06/17/99				
12 NCAC 09B .0206	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agcy	07/15/99				
12 NCAC 09B .0207	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0208	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0226	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agcy	07/15/99				
12 NCAC 09B .0227	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0228	13.14 NCR 1110		13.19 NCR 1611	S	Returned to Agency	06/17/99				
12 NCAC 09B .0232	13.14 NCR 1110		13.19 NCR 1611	S	Object	06/17/99				
12 NCAC 09B .0233	13.14 NCR 1110		13.19 NCR 1611	S	Return to Agcy	07/15/99				
12 NCAC 09B .0302	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99	*			
12 NCAC 09B .0303	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0304	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0305	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09B .0312	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agcy	07/15/99				
12 NCAC 09B .0403	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0404	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				

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12 NCAC 09B .0405	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0406	13.14 NCR 1110		13.19 NCR 1611	S	Approve	06/17/99	*			
12 NCAC 09B .0407	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09B .0414	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99	*			
12 NCAC 09B .0415	13.14 NCR 1110		13.19 NCR 1611	*	Approve	06/17/99				
12 NCAC 09C .0211	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09C .0212	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agency	07/15/99				
12 NCAC 09C .0213	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
12 NCAC 09C .0403	13.14 NCR 1110		13.19 NCR 1611	*	Return to Agency	07/15/99				
12 NCAC 09E .0107	13.14 NCR 1110		13.19 NCR 1611	*	Object	06/17/99				
				*	Return to Agency	07/15/99				
				*	Approve	06/17/99				
				*	Approve	06/17/99				
Private Protective Services Board										
12 NCAC 07D .0800	13.14 NCR 1110									
12 NCAC 07D .1201	11.10 NCR 818		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1202	11.10 NCR 818		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1301	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1302	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1303	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1304	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1305	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1306	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1307	11.16 NCR 1268		12.14 NCR 1263	*	Object	11/19/98				
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0103	13.14 NCR 1110		13.19 NCR 1637	S	Object	06/17/99				
12 NCAC 10B .0502	13.14 NCR 1110		13.19 NCR 1637	L	Return to Agency	07/15/99				
12 NCAC 10B .0505	13.14 NCR 1110		13.19 NCR 1637	*	Object	06/17/99				
12 NCAC 10B .0506	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
				*	Approve	06/17/99				

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12 NCAC 10B .0507	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0508	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0509	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B .0601	13.14 NCR 1110		13.19 NCR 1637	S/L	Object	06/17/99				
12 NCAC 10B .0606	13.14 NCR 1110									
12 NCAC 10B .0607	13.14 NCR 1110									
12 NCAC 10B .0703	13.14 NCR 1110		13.19 NCR 1637	S/L	Approve	06/17/99	*			
12 NCAC 10B .0908	13.14 NCR 1110		13.19 NCR 1637	S/L	Approve	06/17/99				
12 NCAC 10B 1002	13.14 NCR 1110		13.19 NCR 1637	*	Approve	06/17/99				
12 NCAC 10B 1103	12.07 NCR 508	12.18 NCR 1703	12.08 NCR 624							
12 NCAC 10B 1104	12.07 NCR 508	12.18 NCR 1703	12.08 NCR 624							
12 NCAC 10B 1401	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99				
12 NCAC 10B 1402	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B 1403	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B 1404	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B 1405	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99	*			
12 NCAC 10B 1406	13.14 NCR 1110		13.19 NCR 1637	S	Approve	06/17/99				

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Boiler and Pressure Vessel Division

13 NCAC 13 .0406	13.03 NCR 269		13.08 NCR 685	*						
13 NCAC 13 .0409	13.03 NCR 269		13.08 NCR 685	*						

Occupational Safety and Health

13 NCAC 07A .0401	14.02 NCR 78									
13 NCAC 07A .0900	11.11 NCR 881									
13 NCAC 07F	11.03 NCR 106									
13 NCAC 07F .0101	14.02 NCR 78									
13 NCAC 07F .0201	11.03 NCR 106									

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13 NCAC 07F .0201	14.02 NCR 78									
13 NCAC 07F .0301	11.03 NCR 106									
13 NCAC 07F .0410	14.02 NCR 78									
13 NCAC 07F .0601	13.02 NCR 176		13.21 NCR 1786	S/L/SE						
13 NCAC 07F .0602	13.02 NCR 176		13.21 NCR 1786	S/L						
13 NCAC 07F .0603	13.02 NCR 176		13.21 NCR 1786	S/L/SE						
13 NCAC 07F .0604	13.02 NCR 176		13.21 NCR 1786	S/L/SE						
13 NCAC 07F .0605	13.02 NCR 176		13.21 NCR 1786	S/L/SE						
13 NCAC 07F .0606	13.02 NCR 176		13.21 NCR 1786	S/L						
Wage and Hour Division										
13 NCAC 12 .0501	13.03 NCR 268									
13 NCAC 12 .0801	13.03 NCR 268									
13 NCAC 12 .0802	13.03 NCR 268									
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0104		12.08 NCR 730								
21 NCAC 26 .0105		12.08 NCR 730								
21 NCAC 26 .0302		12.08 NCR 730								
21 NCAC 26 .0506		12.08 NCR 730								
21 NCAC 26 .0507		12.08 NCR 730								
21 NCAC 26 .0508		12.08 NCR 730								
21 NCAC 26 .0509		12.08 NCR 730								
MEDICAL BOARD										
21 NCAC 32	13.06 NCR 538									
21 NCAC 32B	11.18 NCR 1369									
21 NCAC 32B	12.04 NCR 245									
21 NCAC 32H .0402		12.04 NCR 314								
21 NCAC 32O .0118	11.18 NCR 1369		13.08 NCR 709	*						

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					Action	Date				
21 NCAC 320 .0119	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 320 .0120	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 320 .0121	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32R .0101	14-03 NCR 127									
21 NCAC 32R .0102	14-03 NCR 127									
21 NCAC 32R .0103	14-03 NCR 127									
21 NCAC 32R .0104	14-03 NCR 127									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34C	12-09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0213	13-22 NCR 1821		14-02 NCR 82	*						
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12-07 NCR 557								
PHARMACY, BOARD OF										
21 NCAC 46 1317	13-22 NCR 1821									
21 NCAC 46 1413	13-22 NCR 1821									
21 NCAC 46 1414	13-22 NCR 1821									
21 NCAC 46 1601	13-22 NCR 1821									
21 NCAC 46 .1608	12-24 NCR 2203									
21 NCAC 46 .1609	12-24 NCR 2203									
21 NCAC 46 1804	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*						
			13-02 NCR 246	SE						
								State Budget	03/20/98	
								Object	12/17/98	
								Object	02/18/99	
								Object	04/15/99	
								Approve	05/20/99	*
21 NCAC 46 1810	13-22 NCR 1821									
21 NCAC 46 1813	13-22 NCR 1821									

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					Action	Date				
21 NCAC 46 .1814	13-22 NCR 1821									
21 NCAC 46 .1815		13-11 NCR 910	13-22 NCR 1848 13-24 NCR 2016	*						
21 NCAC 46 .2103	12-03 NCR 168		12-07 NCR 527	*						
21 NCAC 46 .2301	12-03 NCR 168		12-09 NCR 797	*						
			12-07 NCR 527	*						
			12-09 NCR 797	*						
21 NCAC 46 .2306	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .2506	12-24 NCR 2203		13-04 NCR 419	*	Object	12/17/98				
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0506	12-07 NCR 509	12-07 NCR 557								
21 NCAC 50 .1201	12-07 NCR 509									
21 NCAC 50 .1205	12-07 NCR 509									
21 NCAC 50 .1206	12-07 NCR 509									
21 NCAC 50 .1210	12-07 NCR 509									
21 NCAC 50 .1212	12-07 NCR 509									
21 NCAC 50 .1302	12-07 NCR 509									
PSYCHOLOGY BOARD										
21 NCAC 54 .1611	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .1612	12-05 NCR 338									
21 NCAC 54 .1613	12-05 NCR 338									
21 NCAC 54 .1901	13-21 NCR 1784									
21 NCAC 54 .2006	12-05 NCR 338									
21 NCAC 54 .2010	12-05 NCR 338									
21 NCAC 54 .2104	12-05 NCR 338		13-13 NCR 1050	*						
21 NCAC 54 .2301	12-05 NCR 338									

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					Action	Date				
21 NCAC 54 .2302	12.05 NCR 338									
21 NCAC 54 .2303	12.05 NCR 338									
21 NCAC 54 .2304	12.05 NCR 338									
21 NCAC 54 .2305	12.05 NCR 338									
21 NCAC 54 .2306	12.05 NCR 338									
21 NCAC 54 .2307	12.05 NCR 338									
21 NCAC 54 .2308	12.05 NCR 338									
21 NCAC 54 .2309	12.05 NCR 338									
21 NCAC 54 .2310	12.05 NCR 338									
21 NCAC 54 .2311	12.05 NCR 338									
21 NCAC 54 .2312	12.05 NCR 338									
21 NCAC 54 .2313	12.05 NCR 338									
21 NCAC 54 .2314	12.05 NCR 338									
21 NCAC 54 .2401	12.05 NCR 338									
21 NCAC 54 .2402	12.05 NCR 338									
21 NCAC 54 .2501	12.05 NCR 338									
21 NCAC 54 .2502	12.05 NCR 338									
21 NCAC 54 .2503	12.05 NCR 338									
21 NCAC 54 .2504	12.05 NCR 338									
21 NCAC 54 .2505	12.05 NCR 338									
21 NCAC 54 .2601	12.05 NCR 338									
21 NCAC 54 .2602	12.05 NCR 338									
21 NCAC 54 .2704	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2705	12.05 NCR 338									
21 NCAC 54 .2706	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2801	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2802	12.05 NCR 338		13.13 NCR 1050	*						

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21 NCAC 54 2803	12-05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 2804	12-05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 2805	12-05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 2806	12-05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 2807	12-05 NCR 338		13:13 NCR 1050	*						
PUBLIC EDUCATION										
Public Hearing - Date Change (See 13:18 NCR 1503)										
16 NCAC 06B 0108		13:13 NCR 1061	13:18 NCR 1503	*	Approve	07/15/99				13-19 NCR 1605
16 NCAC 06C 0102			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0103			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0202			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0205			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0205			13:24 NCR 2008	*						
16 NCAC 06C 0206			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0207			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0301			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0302			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0303			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0304			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0305			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0306			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0307			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0308			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0309			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0310		12-03 NCR 210	12-01 NCR 18	*	Return to Agcy	07/15/99				
16 NCAC 06C 0311			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C 0312			13:18 NCR 1503	*	Return to Agcy	07/15/99				

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16 NCAC 06C .0313			13:18 NCR 1503	*		Return to Agency	07/15/99			
16 NCAC 06C .0501			13:18 NCR 1503	*		Return to Agency	07/15/99			
16 NCAC 06D .0103	12.22 NCR 2010		13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0103			13:24 NCR 2008	S						
16 NCAC 06D .0210			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0301			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0302			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0303			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0304			13:24 NCR 2008	S						
16 NCAC 06D .0305			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06D .0501			13:24 NCR 2008	S						
16 NCAC 06D .0502			13:24 NCR 2008	S						
16 NCAC 06D .0503			13:24 NCR 2008	S						
16 NCAC 06D .0504			13:24 NCR 2008	S						
16 NCAC 06D .0505			13:24 NCR 2008	S						
16 NCAC 06D .0506			13:24 NCR 2008	S						
16 NCAC 06D .0507			13:24 NCR 2008	S						
16 NCAC 06E .0202			13:18 NCR 1503	*		Return to Agency	07/15/99			
16 NCAC 06E .0301	13-05 NCR 523									
16 NCAC 06E .0301			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06G .0202			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06G .0309			13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06G .0311	12.22 NCR 2010		13:18 NCR 1503	*		Approve	07/15/99			
16 NCAC 06G .0502			13:18 NCR 1503	*		Return to Agency	07/15/99			
16 NCAC 06H .0101			13:18 NCR 1503	*		Return to Agency	07/15/99			
16 NCAC 06H .0103			13:18 NCR 1503	*		Return to Agency	07/15/99			

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16 NCAC 06H .0105			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0106			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0107			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0108			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0109			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0110			13:18 NCR 1503	*	Return to Agcy	07/15/99				
REVENUE										
17 NCAC 04B .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0107	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						

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17 NCAC 04E .0201	N/A		13-08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13-08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13-08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13-08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13-08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13-08 NCR 690	N/A						
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 06B .0105	N/A		13-08 NCR 694	N/A						
17 NCAC 06B .0118	N/A		13-09 NCR 762	N/A	Object Object Approve	12/17/98 03/18/99 04/15/99		14.02 NCR 84		
17 NCAC 07B .0124	N/A		13-08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13-08 NCR 695	N/A						
17 NCAC 07B .2101	N/A		13-09 NCR 767	N/A						
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A						
SECRETARY OF STATE										
18 NCAC 06 .1212		13:14 NCR 1151								
18 NCAC 06 .1304		13:14 NCR 1151								
18 NCAC 06 .1502		13:14 NCR 1151								
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 10 .0101	13:09 NCR 759	13:14 NCR 1153								
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21 NCAC 64 .0303	11.23 NCR 1780									
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25 NCAC 01B .0354	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01B .0414		13.18 NCR 1560	13.22 NCR 1850	*						
25 NCAC 01B .0434		13.18 NCR 1560	13.22 NCR 1850	*						
25 NCAC 01B .0437	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01C .0214		13.18 NCR 1560	13.22 NCR 1850	*						
25 NCAC 01D .2516		11.13 NCR 1062 Temp Expired	11.19 NCR 1429	*						
25 NCAC 01D .2517		12.09 NCR 835								
25 NCAC 01H .0602	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01H .0605	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01H .0606	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01J .0503	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01J .0506		13.18 NCR 1560	13.22 NCR 1850	*						
25 NCAC 01J .0512	13.05 NCR 436		13.09 NCR 773	*						
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19A NCAC 02D .0415	13:08 NCR 626		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
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19A NCAC 02E .0214	14:03 NCR 126									
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19A NCAC 02E .0221	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99	*		14:01 NCR 48	
19A NCAC 02E .0222	13:04 NCR 361		13:10 NCR 811	*	Approve	03/18/99			14:01 NCR 48	
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19A NCAC 031 .0200	11:19 NCR 1413									
19A NCAC 031 .0207	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99				
19A NCAC 031 .0300	11:19 NCR 1413									

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19A NCAC 031.0302	13.16 NCR 1258		13.22 NCR 1843	*	Approve	07/15/99				
19A NCAC 031.0307	13.16 NCR 1258		13.22 NCR 1843	*	Object	07/15/99				
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19A NCAC 031.0401	13.16 NCR 1258		13.22 NCR 1843	*	Approve	07/15/99				
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19A NCAC 031.0500	11.19 NCR 1413									
19A NCAC 031.0501	13.16 NCR 1258		13.22 NCR 1843	*	Approve	07/15/99				
19A NCAC 031.0600	11.19 NCR 1413									
19A NCAC 031.0601	13.16 NCR 1258		13.22 NCR 1843	*	Approve	07/15/99				
19A NCAC 031.0700	11.19 NCR 1413									
19A NCAC 031.0701	13.16 NCR 1258		13.22 NCR 1843	*	Approve	07/15/99				
19A NCAC 031.0800	11.19 NCR 1413									
19A NCAC 031.0804	13.16 NCR 1258		13.22 NCR 1843	*	Object	07/15/99				

VETERINARY MEDICAL BOARD

21 NCAC 66.0207	12.23 NCR 2089
21 NCAC 66.0208	12.23 NCR 2089



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