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NORTH CAROLINA REGISTER

IE 14 • ISSUE 19 • Pages 1664 - 1807

April 3, 2000

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PUBLISHED BY

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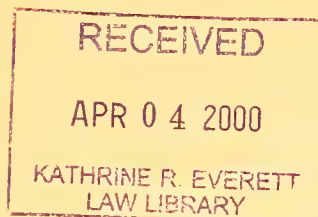
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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

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

Office of Administrative Hearings

Rules Division

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Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

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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

NORTH CAROLINA REGISTER



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This issue contains documents officially filed
through March 13, 2000.

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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	Massage & Bodywork Therapy	30
*21	Occupational Licensing Boards	Marital and Family Therapy	31
22	Administrative Procedures (Repealed)	Medical Examiners	32
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24	Independent Agencies	Mortuary Science	34
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Note: Title 21 contains the chapters of the various occupational licensing boards.

NORTH CAROLINA REGISTER

Publication Schedule For January 2000 - December 2000

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT						TEMPORARY RULE	
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	non-substantial economic impact			substantial economic impact			270 th day from issue date
					end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	
14:13	01/04/00	12/09/99	03/15/00	01/19/00	02/03/00	02/21/00	05/09/00	03/06/00	03/20/00	05/09/00	09/30/00
14:14	01/14/00	12/21/99	03/15/00	01/31/00	02/14/00	02/21/00	05/09/00	03/14/00	03/20/00	05/09/00	10/10/00
14:15	02/01/00	01/10/00	04/03/00	02/16/00	03/02/00	03/20/00	05/09/00	04/03/00	04/20/00	01/26/01	10/28/00
14:16	02/15/00	01/25/00	04/17/00	03/01/00	03/16/00	03/20/00	05/09/00	04/17/00	04/20/00	01/26/01	11/11/00
14:17	03/01/00	02/09/00	05/01/00	03/16/00	03/31/00	04/20/00	01/26/01	05/01/00	05/22/00	01/26/01	11/26/00
14:18	03/15/00	02/23/00	05/15/00	03/30/00	04/14/00	04/20/00	01/26/01	05/15/00	05/22/00	01/26/01	12/10/00
14:19	04/03/00	03/13/00	06/15/00	04/18/00	05/03/00	05/22/00	01/26/01	06/02/00	06/20/00	01/26/01	12/29/00
14:20	04/17/00	03/27/00	07/03/00	05/02/00	05/17/00	05/22/00	01/26/01	06/16/00	06/20/00	01/26/01	01/12/01
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14:22	05/15/00	04/24/00	07/17/00	05/30/00	06/14/00	06/20/00	01/26/01	07/14/00	07/20/00	01/26/01	02/09/01
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15:03	08/01/00	07/11/00	10/02/00	08/16/00	08/31/00	09/20/00	01/26/01	10/02/00	10/20/00	01/26/01	04/28/01
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15:09	11/01/00	10/11/00	01/02/01	11/16/00	12/01/00	12/20/00	05/2002	01/02/01	01/22/01	05/2002	07/29/01
15:10	11/15/00	10/24/00	01/16/01	11/30/00	12/15/00	12/20/00	05/2002	01/16/01	01/22/01	05/2002	08/12/01
15:11	12/01/00	11/07/00	02/01/01	12/18/00	01/02/01	01/22/01	05/2002	01/30/01	02/20/01	05/2002	08/28/01
15:12	12/15/00	11/22/00	02/15/01	01/02/01	01/16/01	01/22/01	05/2002	02/13/01	02/20/01	05/2002	09/11/01

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING 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.

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

NOTICE OF TEXT

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

END OF REQUIRED COMMENT PERIOD

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

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

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

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

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.

**CORRECTED SUMMARY OF NOTICE OF
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY**

CK LAND DEVELOPMENT, INC.

Pursuant to G.S. 130A-310.34, CK Land Development, Inc. has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Charlotte, Mecklenburg County, North Carolina. The Property consists of tax parcels 123-041-14 through 123-041-21, which comprise 2.84 acres at the northeast corner of the intersection of South Boulevard and East Park Avenue. Environmental contamination exists on the Property in groundwater and soil. CK Land Development, Inc. has committed itself to make no other use of the Property than for shops, offices and residences. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and CK Land Development, Inc., which in turn includes (a) a legal description of the Property, (b) a map showing the location of the Property, (c) a description of the contaminants involved and their concentrations in the media of the Property, (d) the above-stated description of the intended future use of the Property, and (e) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed in the Carolina Room at the Main Branch of the Public Library of Charlotte and Mecklenburg County, 310 N. Tryon Street, Charlotte, NC 28202, (704) 336-2980; or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Scott Ross at that address, at scott.ross@ncmail.net, or at (919) 733-2801, ext. 328. Written public comments may be submitted to DENR within 60 days of the date of this Notice. Written requests for a public meeting may be submitted to DENR within 30 days of the date of this Notice. All such comments and requests, and/or requests to view the full Notice of Intent, should be addressed as follows:

Mr. Bruce Nicholson
Head, Special Remediation Branch
Superfund Section
Division of Waste Management
NC Department of Environment and Natural Resources
401 Oberlin Road, Suite 150
Raleigh, North Carolina 27605

This Corrected Summary corrects the Mecklenburg County location for reviewing the full Notice of Intent which was listed incorrectly in the summary published March 5, 2000 in this newspaper.

STATE BOARD OF ELECTIONS

133 Fayetteville Street Mall
Suite 100
Raleigh, North Carolina 27601

GARY O. BARTLETT
Executive Secretary-Director

Mailing Address:
P.O. Box 2129
RALEIGH, NC 27602
(919) 733-7173
FAX (919) 715-0135

February 17, 2000

Mr. Ray C. Tutterow, Advertising Director
Davie County Enterprise Record
Post Office Box 99
Mocksville, North Carolina 27028

Re: Campaign Advertising

Dear Mr. Tutterow:

Your letter asks several questions about disclosure for the media advertisement portion of the 1999 Campaign Reform Act. You seek an opinion pursuant to G.S. 163-278.23 because you are a candidate for Davie County Register of Deeds.

After careful review by staff and counsel with the General Assembly and the Office of the Attorney General, the undersigned officer offers the following answers to your questions and provides the attached opinion.

The answer to your first question is yes. All advertisements in the print media require disclosure in the form of a "legend" or the statement: "Paid for by _____ (Name of candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor)." The legend must be 5% of the height of the printed space of the advertisement, but can be no smaller than 12 point type (This is 12 point type).

The second question has several parts. In answer to the first part: small "business" or "palm" cards require a legend if the card includes support or opposition to clearly identified candidates or the candidates of a clearly identified political party. A card of any size that expressly advocates the election or defeat of a candidate must have a legend that is 5% of the height of the card, but no smaller than 12 point type.

The final part of the second question asks about posters displayed in yards and in windows. Yard signs and window signs (approximately 14 x 22 inches), and barn signs (3 x 5 foot or similarly sized, posters used on the sides of buildings, on walls, etc., generally without paying rental costs) are not considered media advertisements and do not require a legend.

Campaign paraphernalia such as balloons, bumper stickers, shopping bags, and nail files, etc., imprinted with a campaign message are not considered media advertisements and do not require a legend.

I trust these answers and the opinion provide the information you are seeking. Do not hesitate to contact this office any time you have questions.

Sincerely,

Gary O. Bartlett
Executive Secretary-Director

MEDIA ADVERTISEMENTS

Media is defined as

- "print media" meaning billboards, cards, newspapers, newspaper inserts, magazines, mass mailings (more than 500 pieces), pamphlets, fliers, periodicals, and outdoor advertising facilities;
- "radio" meaning any radio broadcast station that is subject to the provisions of the Federal Communications Act; and
- "television" meaning any television broadcast station, cable system, satellite company, or telephone company transmitting video programming that is subject to the Federal Communications Act.

Media advertisements should be made through the treasurer of the political committee after an Organizational Report is filed or as independent expenditures. Any media advertisement made by a treasurer, candidate, political party, political or referendum committee must:

- (1) Bear the legend or include the statement: **"Paid for by.... (or sponsored by).... (Name of candidate, political, or referendum committee, individual)".** In television advertisements, this disclosure shall be made by visual legend.
- (2) The name used in the labeling required immediately above is the name that appears on the statement of organization if the sponsor is a political or referendum committee.
- (3) The sponsor must state in the advertisement its position for or against the candidate. This requirement applies only if the advertisement supports or opposes the nomination or election of one or more clearly identified candidates.
- (4) The sponsor states in the advertisement its position for or against a ballot measure, provided that these requirements apply only if the advertisement is made for or against a ballot measure.
- (5) In a print media advertisement supporting or opposing the nomination or election of one or more clearly identified candidates, the sponsor must state whether it is authorized by a candidate. The visual legend in the advertisement shall state either "Authorized by (name of candidate), for (name of office)" or "Not Authorized by a candidate." These requirements do not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.
- (6) In a print media advertisement that identifies a candidate the sponsor is opposing, the sponsor must disclose in the advertisement the name of the candidate who is intended to benefit from the advertisement. This requirement applies only when the sponsor coordinates or consults about the advertisement or the expenditure for it with the candidate who is intended to benefit.
- (7) In a television ad, visual disclosure that constitutes 32 scan lines in size is required. The person making the disclosure statement must appear in a full-screen image, using either a photograph or actual appearance. This picture must be seen throughout the disclosure.
- (8) In a radio ad, verbal disclosure that lasts at least 3-seconds is required.
- (9) In radio and television ads, the sponsoring candidate must speak the disclosure statement, "I am ____ candidate for ____ office, and I (or my campaign) sponsored this ad." This is required only when the advertisement mentions the name of, shows the picture of, transmits the voice of, or otherwise refers to an opposing candidate for the same office as the sponsoring candidate.
- (10) In radio and television ads, political party ads must include a disclosure statement spoken by the chair, executive director, or treasurer of the party organization. "The ____ Party organization sponsored this ad opposing/supporting ____ candidate for ____ office." The party name shall be as it appears on the ballot. The same disclosure must be included when the sponsor is a political action committee, individual or any sponsor.
- (11) In radio and television ads, a sponsor may place the disclosure statement at any time during the ad, except if the duration of the ad is more than 5 minutes, the statement shall be made both at the beginning and end of the advertisement.
- (12) Placement of the visual and oral disclosure must comply with the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

If an advertisement described above is jointly sponsored, The disclosure statement must name all the sponsors.

No **declared** candidate for Council of State offices effective January 1 in the election year for those offices shall use or permit the use of State funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains that declared candidate's name, picture, or voice, except in case of State or national emergency and only if the announcement is reasonably necessary to that candidate's official function. Declared means a public announcement of an intention to run.

Simplified lists of the specific items that both require and do not require a legend and other disclosure are below.

Legend required:

- ✓ Newspaper ads
- ✓ Newspaper inserts
- ✓ Magazines
- ✓ Periodicals

- ✓ Outdoor advertising facilities
- ✓ Radio ads
- ✓ TV ads
- ✓ Billboards
- ✓ Sound-truck advertising
- ✓ Airplane Streamers
- ✓ Portable Signs (lighted or non-lighted; some on wheels to be pulled around)
- ✓ Pamphlets*
- ✓ Fliers*
- ✓ Mass mailings (over 500 pieces)*
- ✓ Cards*

Legend not required:

- x Buttons, and bumper stickers
- x Yard signs and window posters (approximately 14 x 22 inches and posters used in stores, on states in yards, etc.)
- x Barn posters (3 x 5 feet, or similarly sized, used on the sides of buildings, on walls, etc., generally at no cost)
- x Campaign paraphernalia such as balloons, shopping bags, nail files, etc., imprinted with a campaign message.

*These types of media advertisements are added to those requiring a legend and other additional disclosure for the first time in 2000 Elections. In these now considered media advertisements, the legend and other disclosure is required if the item, the pamphlet, flier, mailing, or card includes support or opposition to clearly identified candidates or the candidates of a clearly identified political party. A card, regardless of the size, that expressly advocates the election or defeat of a candidate must have a legend that is 5% of the height of the card, but no smaller than 12 point type.(This is 12-point type) Refer to N.C.G.S. 163-278.14A to determine advocacy.

Campaign Reporting Opinion issued pursuant to N.C.G.S. 163-278.23

By Gary O. Bartlett, Executive Secretary-Director, State Board of Elections

DAVIE COUNTY
ENTERPRISE RECORD

Davie County's Choice For
NEWS • SPORTS • ADVERTISING

January 6, 2000

To: Gary O. Bartlett
Executive Secretary - Director
State Board of Elections

Re: Campaign Advertising

Mr. Bartlett:

I am the Advertising Director for the Davie County Enterprise Record and have recently filed to run for the Davie County Register of Deeds position. I am writing for some clarification on information contained in a brochure I received entitled "Stand By Your Ad, Campaign Reform Act of 1999." I would like an opinion to G.S. 163-278.23.

My concerns are:

1) The brochure states that ads in print media must have a disclosure statement at least 5% of the height of the ad and it must be at least 12 point type.

- **DOES THIS APPLY TO EVEN THE SMALLEST OF ADS?**

Often candidates will run small 1 or 2 inch tall ads and this point size would be very large for that size ad.

2) Also, since the definition of "print media" has been expanded to include more items...

- **DO THE SMALL "BUSINESS CARD" SIZED CARDS THAT MANY CANDIDATES USE TO HAND OUT NOW REQUIRE A DISCLAIMER?**

- **DOES THE DISCLAIMER NEED TO BE ON SMALL POSTERS THAT ARE PUT IN YARDS AND IN WINDOWS?**

- **IF THE DISCLAIMER IS REQUIRED FOR THESE ITEMS DOES THE 12 POINT MINIMUM SIZE REQUIREMENT STILL APPLY?**

I would appreciate a response as soon as possible. For your convenience I have enclosed a copy of the parts of the brochure I am referring to. In addition to this fax I am also sending a copy by mail. If possible, please fax your response to me at (336) 751-9760 as soon as possible. A mailed copy would also be appreciated.

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STATE OF NORTH CAROLINA

**BEFORE THE
TAX REVIEW BOARD**

**COUNTY OF WAKE
IN THE MATTER OF:**

**The Proposed Assessment of Additional
Income Tax for the Taxable Year 1997
by the Secretary of Revenue**

vs.

**Charles E. Schmidt
Taxpayer**

**ADMINISTRATIVE DECISION
Number: 357**

This matter was heard before the Regular Tax Review Board in the City of Raleigh, Wake County, North Carolina, on Friday, October 8, 1999, upon Taxpayer's petition for administrative review of the Final Decision of the Assistant Secretary of Revenue entered on April 15, 1999, sustaining the proposed assessment of additional income tax, as modified, for tax year 1997.

The Taxpayer did not appear at the hearing. Marilyn R. Mudge, Assistant Attorney General appeared at the hearing on behalf of the Secretary of Revenue.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

Taxpayer timely filed a 1997 North Carolina individual income tax return, attaching wage and tax statements reflecting compensation received from Lake Norman C-P-D, Inc., in the amount of \$53,575.58. On the face of the return the taxpayer reported each of the following as \$0.00: federal taxable income, North Carolina taxable income, and North Carolina tax. The Taxpayer also requested a refund of \$1,486.00, the entire amount of North Carolina income tax withheld by his employer.

Pursuant to G.S. 105-241.1, a Notice of Individual Income Tax Assessment for the taxable year 1997 was mailed to the Taxpayer on August 2, 1998, proposing additional income tax and accrued interest. The Taxpayer objected to the proposed assessment and timely requested a hearing before the Secretary of Revenue. From the Assistant Secretary's decision sustaining the proposed assessment of additional income tax, as modified, and pursuant to G.S. 105-241.2, Taxpayer timely filed a notice of intent and petition for administrative review of the Assistant Secretary's final decision with the Tax Review Board.

ISSUE

The issue to be decided in this matter is as follows:

1. Is the individual income tax assessment proposed against Taxpayer for the taxable year 1997 lawful and proper?

EVIDENCE

The evidence presented at hearing before the Secretary of Revenue and included in the record transmitted to the Board is stated as follows:

1. Memorandum dated April 18, 1996, from the Secretary of Revenue to the Assistant Secretary of Revenue, a copy designated as Exhibit PT-1.
2. Taxpayer's North Carolina income tax return for the taxable year 1997, a copy designated as Exhibit PT-2.
3. Notice of Individual Income Tax Assessment for the taxable year 1997 dated August 2, 1998, a copy designated as Exhibit PT-3.
4. Notice of Amended Individual Income Tax Assessment for taxable year 1997 dated September 24, 1998, a copy designated as Exhibit PT-4.
5. Letter dated September 1, 1998, from the Taxpayer to the North Carolina Department of Revenue, a copy designated as Exhibit PT-5.

6. Letter dated September 23, 1998, from Carolina A. Smith, Administrator Officer in the Personal Taxes Division, to Taxpayer, a copy designated as Exhibit PT-6.
7. Letter dated October 23, 1998, from Taxpayer to the North Carolina Department Revenue, a copy designated as Exhibit PT-7.
8. Letter dated October 28, 1998, from Caroline A. Smith to the Taxpayer, a copy designated as Exhibit PT-8.
9. Letter dated November 19, 1998, from Caroline A. Smith to the Taxpayer, a copy designated as Exhibit PT-9.
10. Letter dated December 1, 1998, from Caroline A. Smith to the Taxpayer, a copy designated as Exhibit PT-10.
11. Letter dated January 5, 1999, from Michael A. Hannah to the Taxpayer, a copy designated as Exhibit PT-11.

At the hearing, the Assistant Secretary allowed the Taxpayer time to submit any additional pertinent information for the record to support his objection to the proposed assessment. The following evidence was subsequently entered into record:

1. Letter dated February 11, 1999, from Michael A. Hannah to the Taxpayer, a copy designated as Exhibit S-1.
2. Letter dated March 15, 1999, from Michael A. Hannah to the Taxpayer, a copy designated as Exhibit S-2.

FINDINGS OF FACT

The Board reviewed the following findings of fact in the Assistant Secretary's decision:

1. Taxpayer is and at all material times was a natural person, sui juris, and citizen and resident of North Carolina.
2. Taxpayer was employed by Lake Norman C-P-D, Inc., during the taxable year 1997. His wage and tax statements reflect wages tips, and other compensation of \$53,575.58.
3. The employer withheld State income tax of \$1,486.00.
4. Taxpayer timely filed his North Carolina individual income tax return for tax year 1997. The return reflected federal taxable income of \$-0-, North Carolina income of \$-0-, North Carolina income tax withheld of \$1,486.00 and an overpayment of \$1,486.00 which taxpayer requested to be refunded to him.
5. The Department calculated taxpayer's North Carolina taxable income based on the wages reported on the wage and tax statements, allowing the standard deduction for married person filing separately and one personal exemption.
6. A Notice of Individual Income Tax Assessment proposing an assessment of additional income tax and accrued interest was mailed to taxpayer on August 2, 1998.
7. Taxpayer objected to the proposed assessment and timely requested a hearing before the Secretary of Revenue.
8. A Notice of Amended Individual Income Tax Assessment was mailed to Taxpayer on September 24, 1998, reducing the State income tax and standard deduction/personal exemption adjustments from \$1,600 to \$1,100.
9. In error, the Department allowed Taxpayer the standard deduction for a married person filing separately.
10. A Taxpayer may not claim the standard deduction when he is married and filing a separate return and his spouse claims itemized deduction. The corrected North Carolina taxable income resulted in North Carolina income tax of \$3,294.00. Taxpayer was assessed the difference in the tax of \$3,294.00 and the State tax withheld of \$1,486.00 for additional tax of \$1,808.00 plus interest of \$128.11.

CONCLUSIONS OF LAW

The Board reviewed the following conclusions of law in the Assistant Secretary's decision:

1. Division II of Article 4 in Chapter 105 of the North Carolina General Statute imposes and individual income tax upon the taxable income of (1) every resident of this State and (2) every nonresident individual deriving income from North Carolina sources attributable to the ownership of any interest in real or tangible personal property in this State or deriving income from a business, trade, profession, or occupation carried on in this State.
2. A "taxpayer" is defined as an individual subject to the tax imposed by Division II of Article 4 in Chapter 105. An "individual" is defined as a human being.
3. For residents of this State, "North Carolina taxable income" is defined as the taxpayer's taxable income as determined under the Internal Revenue Code, adjusted for differences in State and Federal law.
4. Federal taxable income is defined in section 63 of the Internal Revenue Code as gross income less deductions and personal exemptions. Gross income is defined in section 61 of the Code as all income from whatever source derived unless specifically excepted. Gross income includes compensation for services rendered (Reg. Sec. 61 (a)(1).) Wages, salaries, commissions paid salesmen, compensation for services on the basis of a percentage of profits, tips, and bonuses are all includable in gross income (Reg. Sec. 1.61-2(a)(1).) If taxpayer files his return as married filing separately and his spouse claims itemized deductions, he may not claim the standard deduction. A

- married taxpayer filing separately with no dependents is entitled to one personal exemption. The deduction for each exemption was established as \$2,000 for tax years prior to 1990 and is increased each year for inflation (Reg. Sec. 151). For tax year 1997, the allowable deduction for each exemption for federal income tax purposes was \$2,650.
5. An addition to federal taxable income is required for the amount by which a taxpayer's standard deduction has been increased for inflation and for the amount by which the taxpayer's personal exemption has been increased for inflation.
 6. Assessments proposed by the Department must be based on the best information available and are presumed to be correct.
 7. The Secretary of Revenue, or her designated agent, has the power to examine any records relevant to the purpose of ascertaining the correctness of an income tax return or the proper amount of income tax liability.
 8. The duties of the Secretary of Revenue include administering the laws enacted by the General Assembly relating to the assessment and collection of individual income taxes. As an official of the Executive Branch of the government, the Secretary lacks the authority to determine the constitutionality of legislative acts. The question of constitutionality of a statute is for the judicial branch.
 9. The proposed assessment, as modified, for the taxable year 1997 was properly issued and, under the facts, is lawful and proper.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

Assessments of tax are presumed to be correct and the taxpayer has the burden to show that the assessment is not proper. From a review of the record, Taxpayer failed to furnish evidence to show that the proposed assessment in this matter was in error. Thus, the Board having conducted a hearing in this matter, and having considered the petition, the brief, the record and the Assistant Secretary's final decision, concludes that there exist sufficient evidence in the record to confirm the Assistant Secretary's final decision.

WHEREFORE, the Tax Review Board Orders that the Assistant Secretary's final decision sustaining the proposed assessment of additional income tax, as modified, for the taxable year 1997 against the Taxpayer is hereby **confirmed**.

Made and entered into the 2nd day of February, 2000.

Signature _____
Harlan E. Boyles, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARDCOUNTY OF WAKE
IN THE MATTER OF:

The Proposed Assessment of Additional
Sales and Use Tax for the period of March
1, 1995, through May 31, 1996, by the
Secretary of Revenue
vs.

Hydro Pure, Inc
Taxpayer

ADMINISTRATIVE DECISION
Number: 358

This matter was heard before the Tax Review Board in the city of Raleigh, on October 8, 1999, upon Taxpayer's petition for administrative review of the Final Decision of the Secretary of Revenue entered on March 10, 1999, sustaining the assessment of additional sales and use tax for the period of March 1, 1995, through May 31, 1996.

Attorney C. B. McLean, Jr., appeared at the hearing on behalf of the Taxpayer. Marilyn R. Mudge, Assistant Attorney General, appeared at the hearing on behalf of the Secretary of Revenue.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

Hydro Pure, Inc. (hereinafter "Taxpayer") appeals from the Final Decision of the Secretary of Revenue entered on March 10, 1999, sustaining the proposed assessment of additional sales and use tax. Taxpayer is engaged in the business of selling and installing water treatment equipment that treats and conditions all water coming into a residential household water system. The Taxpayer was registered with the Department for sales and use tax purposes during the audit period and Taxpayer remitted tax to the Department based on its cost of equipment sold. Taxpayer filed a claim for refund for the difference between the tax paid on receipts and tax computed on the cost price of the equipment. On March 10 1999, the Secretary of Revenue entered a decision sustaining the proposed assessment of additional sales and use tax for the period of March 1, 1995 through May 31, 1991. Pursuant to G.S. 105-241.2, Taxpayer timely filed notice and petition for administrative review of the Assistant Secretary's final decision with the Tax Review Board.

ISSUE

The issue to be decided on appeal of this matter is:

1. Did the Secretary properly conclude that the Taxpayer is making retail sales of water conditioning equipment, which sales are subject to sales tax on the selling price of the equipment?

EVIDENCE

The evidence presented at hearing before the Secretary of Revenue and included in the record presented to the Board is as follows:

1. Fact sheet of field auditor's report and explanation of changes, a copy designated as Exhibit E-1.
2. Notice of Tax Assessment for the period March 31, 1995, through May 31, 1996, dated March 30, 1998, a copy designated as Exhibit E-2.
3. Information furnished by Taxpayer to Department of Revenue on January 22, 1998, which relates to Taxpayer's business, a copy designated Exhibit E-3.
4. Information furnished by Taxpayer to the Department on Revenue on February 6, 1998, a copy designated as Exhibit E-4.
5. Letter dated February 6, 1998, from the Department of Revenue to Taxpayer, a copy, designated Exhibit E-5.
6. Letter dated February 24, 1998, from the Taxpayer to Department of Revenue, a copy designated as Exhibit E-6.
7. Letter dated February 25, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-7.

8. Letter dated April 8, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-8.
9. Letter dated April 15, 1998, from Taxpayer to Department of Revenue, a copy designated as Exhibit E-9.
10. Letter dated April 22, 1998, from the Department of Revenue to the Taxpayer, a copy designated as Exhibit E-10.
11. Refund claim for tax remitted to the Department which was denied, a copy designated as Exhibit E-11.
12. Taxpayer's application for registration with the Department for sales and use tax purposes, a copy designated as Exhibit E-12.
13. Sales and use tax report reflecting transactions reported as sales transactions, a copy designated as Exhibit E-13.
14. Taxpayer's 1995 U.S. Income Tax Return for an S Corporation, a copy designated as Exhibit E-14.
15. Taxpayer's 1995 N.C. Income and Franchise Tax Return for an S Corporation, a copy designated as Exhibit E-15.
16. Letter dated July 14, 1998, from the Assistant Secretary for Legal and Financial Services, a copy designated as Exhibit E-16.
17. Copy of Memorandum dated April 18, 1996, a copy designated as Exhibit E-17.
18. Division's brief for Tax Hearing, a copy designated as Exhibit E-18.

At the hearing, the Assistant Secretary authorized the Sales and Use Tax Division and Taxpayer to submit any additional pertinent information within thirty days of the hearing. The following items were submitted by the Taxpayer and were a part of the record transferred to the Board:

1. Memorandum dated October 27, 1998, from the Division to the Assistant Secretary, a copy designated as Exhibit E-19.
2. Letter dated September 9, 1998, from the Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-1.
3. Letter dated October 6, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-2.
4. Letter dated December 10, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-3.
5. Letter dated August 13, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-1.
6. Letter dated August 14, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-2.
7. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-3.
8. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-4.
9. Letter dated September 15, 1998, from Assistant Secretary to Taxpayer, a copy designated as Exhibit S-5.
10. Letter dated November 3, 1998, from Assistant Secretary to Taxpayer, a copy designated as Exhibit S-6.

FINDINGS OF FACT

The Board considered the following findings of fact made by the Assistant Secretary in determining its decision:

1. Taxpayer provides water treatment equipment to users or consumers. Treatment and conditioning of the Taxpayer's customer's water are performed by the equipment itself, not by the Taxpayer.
2. Water treatment equipment is affixed to the real property.
3. Taxpayer was registered with the Department for sales and use tax purposes during the audit period and the Taxpayer remitted tax to the Department on receipts reported. Taxpayer filed a claim for refund for the difference between tax paid on receipts and tax computed on the cost price of the equipment.
4. Taxpayer's claim for refund was denied by the Department.
5. Taxpayer was assessed tax on unreported receipts for water treatment equipment.
6. The invoice and supporting documentation classifies Taxpayer's activities as a distributor of the United States Commercial Water Processor and reflects terms such as "Buyer" and "Seller."
7. Taxpayer's invoices reflects a typed list price for the water treatment system, tax, normal installation, total, down payment and the balance. The sales representative, when meeting with a customer, routinely draws a line through each charge and writes on the face of the invoice a customary total figure which is less than the balance shown. The preprinted tax figure is 6% of the list price, which is the applicable rate. The representative writes "Incl." or "Include" on the tax line and "N/C" on the installation line.
8. The auditor determined the sales price of the water treatment equipment based on the reduction in the total charges.
9. Taxpayer's 1995 U.S. Income Tax Return for an S Corporation reflects the business activity of the Taxpayer as sales of water purification products.

CONCLUSIONS OF LAW

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. Taxpayer's agreement with its customers constitutes a sales contract as opposed to a performance or service contract.
2. Taxpayer is a retailer as defined in G.S. 105-164.3(14).
3. Taxpayer is "engaged in business" in this State in "selling" "tangible personal property" (water treatment equipment) as these terms are defined in G.S. 105-164.3(5), G.S. 105-164.3(15) and G.S. 105-164.3(20), respectively.
4. Taxpayer properly collected and remitted to the Department tax on its retail sales of water treatment equipment.
5. Taxpayer is liable for collection and payment of the State and local sales or use tax on the gross receipts derived from the sale of tangible personal property (water treatment equipment) in accordance with G.S. 105-164.4 and G.S. 105-164.6.
6. The notice of proposed assessment for the period March 1, 1995, through May 31, 1996, was properly issued pursuant to G.S. 105-241.1.
7. The Taxpayer's refund claim for the difference between tax paid to the Department on receipts and tax computed on the cost price was properly denied.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

On October 8, 1999, the Board conducted a hearing in this matter wherein the Board considered the petition filed by the Taxpayer, the Secretary's brief, the record filed in this matter, the final decision of Assistant Secretary. The Board also considered the arguments of counsel presented at the hearing. Based upon the Board's review this matter, there exist sufficient evidence in the record, to confirm the Assistant Secretary's decision as to the assessment of sales and use tax for the period of March 1, 1995, through May 31, 1996, against the Taxpayer.

IT IS THEREFORE ORDERED that the Assistant Secretary's final decision that sustained the assessment of additional sales and use tax imposed against the Taxpayer for the period of March 1, 1995, through May 31, 1996 be hereby **confirmed** in every respect.

Made and entered into this 2nd day of, February, 2000.

Signature _____
Harlan E. Boyles, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARDCOUNTY OF WAKE
IN THE MATTER OF:

The Proposed Assessment of Additional
Sales and Use Tax for the period of June
1, 1996, through November 30, 1997, by the
Secretary of Revenue
vs.

Hydro Pure of Raleigh, Inc
Taxpayer

ADMINISTRATIVE DECISION
Number: 359

This matter was heard before the Tax Review Board in the city of Raleigh, on October 8, 1999, upon Taxpayer's petition for administrative review of the Final Decision of the Secretary of Revenue entered on March 10, 1999, sustaining the assessment of additional sales and use tax for the period of June 1, 1996 through November 30, 1997.

Attorney C. B. McLean, Jr., appeared at the hearing on behalf of the Taxpayer. Marilyn R. Mudge, Assistant Attorney General, appeared at the hearing on behalf of the Secretary of Revenue.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

Hydro Pure, Inc. (hereinafter "Taxpayer") appeals from the Final Decision of the Secretary of Revenue entered on March 10, 1999, sustaining the proposed assessment of additional sales and use tax. Taxpayer is engaged in the business of selling and installing water treatment equipment that treats and conditions all water coming into a residential household water system. The Taxpayer was registered with the Department for sales and use tax purposes during the audit period and Taxpayer remitted tax to the Department based on its cost of equipment sold. Taxpayer filed a claim for refund for the difference between the tax paid on receipts and tax computed on the cost price of the equipment. On March 10 1999, the Secretary of Revenue entered a decision sustaining the proposed assessment of additional sales and use tax for the period of June 1, 1996 through November 30, 1997. Pursuant to G.S. 105-241.2, Taxpayer timely filed notice and petition for administrative review of the Assistant Secretary's final decision with the Tax Review Board.

ISSUE

The issue to be decided on appeal of this matter is:

1. Did the Secretary properly conclude that the Taxpayer is making retail sales of water conditioning equipment, which sales are subject to sales tax on the selling price of the equipment?

EVIDENCE

The evidence presented at hearing before the Secretary of Revenue and included in the record presented to the Board is as follows:

1. Fact sheet of field auditor's report and explanation of changes, a copy designated as Exhibit E-1.
2. Notice of Tax Assessment for the period June 1, 1996, through November 30, 1997, dated March 23, 1998, a copy designated as Exhibit E-2.
3. Notice of Assessment for the month of December 1996, dated May 25, 1998, a copy designated as Exhibit E-3.
4. Notice of Assessment for the month of February 1997, dated May 25, 1998, a copy designated as Exhibit E-4.
5. Information furnished by Taxpayer to Department of Revenue on January 22, 1998, which relates to Taxpayer's business, a copy designated Exhibit E-5.
6. Information furnished by Taxpayer to the Department on Revenue on February 6, 1998, a copy designated as Exhibit E-6.
7. Letter dated February 6, 1998, from the Department of Revenue to Taxpayer, a copy, designated Exhibit E-7.
8. Letter dated February 24, 1998, from the Taxpayer to Department of Revenue, a copy designated as Exhibit E-8.

9. Letter dated February 25, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-9.
10. Letter dated April 6, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-10.
11. Letter dated April 8, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-11.
12. Letter dated April 15, 1998, from Taxpayer to Department of Revenue, a copy designated as Exhibit E-12.
13. Letter dated April 22, 1998, from the Department of Revenue to the Taxpayer, a copy designated as Exhibit E-13.
14. Letter dated May 11, 1998, from Taxpayer to Department of Revenue, a copy designated as Exhibit E-14.
15. Refund claim for tax remitted to the Department which was denied, a copy designated as Exhibit E-15.
16. Taxpayer's application for registration with the Department for sales and use tax purposes, a copy designated as Exhibit E-16.
17. Sales and use tax report reflecting transactions reported as sales transactions, a copy designated as Exhibit E-17.
18. Taxpayer's 1995 U.S. Income Tax Return for an S Corporation, a copy designated as Exhibit E-18.
19. Copy of Memorandum dated April 18, 1996, a copy designated as Exhibit E-19.
20. Division's brief for Tax Hearing, a copy designated as Exhibit E-20.

At the hearing, the Assistant Secretary authorized the Sales and Use Tax Division and Taxpayer to submit any additional pertinent information. The following items were submitted after the hearing and were part of the record transferred to the Board:

1. Memorandum dated October 27, 1998, from the Division to the Assistant Secretary, a copy designated as Exhibit E-21.
2. Letter dated September 9, 1998, from the Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-1.
3. Letter dated October 6, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-2.
4. Letter dated December 10, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-3.
5. Letter dated August 13, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-1.
6. Letter dated August 14, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-2.
7. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-3.
8. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-4.
9. Letter dated September 15, 1998, from Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-5.
10. Letter dated November 3, 1998, from Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-6.

FINDINGS OF FACT

The Board considered the following findings of fact made by the Assistant Secretary in determining its decision:

1. Taxpayer provides water treatment equipment to users or consumers. Treatment and conditioning of the Taxpayer's customer's water are performed by the equipment itself, not by the Taxpayer.
2. Water treatment equipment is affixed to the real property.
3. Taxpayer was registered with the Department for sales and use tax purposes during the audit period and the Taxpayer remitted tax to the Department on receipts reported. Taxpayer filed a claim for refund for the difference between tax paid on receipts and tax computed on the cost price of the equipment.
4. Taxpayer's claim for refund was denied by the Department.
5. Taxpayer was assessed tax on unreported receipts for water treatment equipment.
6. The invoice and supporting documentation classifies Taxpayer's activities as a distributor of the United States Commercial Water Processor and reflects terms such as "Buyer" and "Seller."
7. Taxpayer's invoices reflects a typed retail list price for the water treatment system, tax, normal installation, total, down payment and the balance. The sales representative, when meeting with a customer, routinely draws a line through each charge and writes on the face of the invoice a customary total figure which is less than the balance shown. The preprinted tax figure is 6% of the list price, which is the applicable rate. The representative writes "Incl." or "Include" on the tax line and "N/C" on the installation line.
8. The auditor determined the sales price of the water treatment equipment based on the reduction in the total charges.

CONCLUSIONS OF LAW

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. Taxpayer's agreement with its customers constitutes a sales contract as opposed to a performance or service contract.
2. Taxpayer is a retailer as defined in G.S. 105-164.3(14).
3. Taxpayer is "engaged in business" in this State in "selling" "tangible personal property" (water treatment equipment) as these terms are defined in G.S. 105-164.3(5), G.S. 105-164.3(15) and G.S. 105-164.3(20), respectively.
4. Taxpayer properly collected and remitted to the Department tax on its retail sales of water treatment equipment.
5. Taxpayer is liable for collection and payment of the State and local sales or use tax on the gross receipts derived from the sale of tangible personal property (water treatment equipment) in accordance with G.S. 105-164.4 and G.S. 105-164.6.
6. The notice of proposed assessment for the period June 1, 1996, through November 30, 1997, was properly issued pursuant to G.S. 105-241.1.
7. The Taxpayer's refund claim for the difference between tax paid to the Department on receipts and tax computed on the cost price was properly denied.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing, this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

On October 8, 1999, the Board conducted a hearing in this matter wherein the Board considered the petition filed by the Taxpayer, the Secretary's brief, the record filed in this matter, and the final decision of Assistant Secretary. The Board also considered the arguments of counsel presented at the hearing. Based upon the Board's review of this matter, there exist sufficient evidence in the record, to confirm the Assistant Secretary's decision as to the assessment of sales and use tax for the period of June 1, 1996, through November 30, 1997, against the Taxpayer.

IT IS THEREFORE ORDERED that the Assistant Secretary's final decision that sustained the assessment of additional sales and use tax imposed against the Taxpayer for the period of June 1, 1996, through November 30, 1997 be hereby **confirmed** in every respect.

Made and entered into this 2nd day of February, 2000.

Signature _____
Harlan E. Boyles, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

9. Letter dated February 24, 1998, from the Taxpayer to Department of Revenue, a copy designated as Exhibit E-9.
10. Letter dated February 25, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-10.
11. Letter dated April 8, 1998, from the Department of Revenue to Taxpayer, a copy designated as Exhibit E-11.
12. Letter dated April 15, 1998, from Taxpayer to Department of Revenue, a copy designated as Exhibit E-12.
13. Letter dated April 22, 1998, from the Department of Revenue to the Taxpayer, a copy designated as Exhibit E-13.
14. Letter dated May 11, 1998, from the Department of Revenue to the Taxpayer, a copy designated as Exhibit E-14.
15. Refund claim for tax remitted to the Department which was denied, a copy designated as Exhibit E-15.
16. Taxpayer's application for registration with the Department for sales and use tax purposes, a copy designated as Exhibit E-16.
17. Sales and use tax report reflecting transactions reported as sales transactions, a copy designated as Exhibit E-17.
18. Letter dated July 14, 1998, from the Assistant Secretary for Legal and Financial Services, a copy designated as Exhibit E-18.
19. Copy of Memorandum dated April 18, 1996, a copy designated as Exhibit E-19.
20. Division's brief for Tax Hearing, a copy designated as Exhibit E-20.

At the hearing, the Assistant Secretary authorized the Sales and Use Tax Division and Taxpayer to submit any additional pertinent information within thirty days of the hearing. The following items were submitted by the Taxpayer and were a part of the record transferred to the Board:

1. Memorandum dated October 27, 1998, from the Division to the Assistant Secretary, a copy designated as Exhibit E-21.
2. Letter dated September 9, 1998, from the Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-1.
3. Letter dated October 6, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-2.
4. Letter dated December 10, 1998, from Taxpayer's attorney to the Assistant Secretary, a copy designated as Exhibit T-3.
5. Letter dated August 13, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-1.
6. Letter dated August 14, 1998, from the Assistant Secretary to Taxpayer's attorney, a copy designated as Exhibit S-2.
7. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-3.
8. Redacted copy of a prior Secretary's Decision relating to water treatment equipment, a copy designated as Exhibit S-4.
9. Letter dated September 15, 1998, from Assistant Secretary to Taxpayer, a copy designated as Exhibit S-5.
10. Letter dated November 3, 1998, from Assistant Secretary to Taxpayer, a copy designated as Exhibit S-6.

FINDINGS OF FACT

The Board considered the following findings of fact made by the Assistant Secretary in determining its decision:

1. Taxpayer provides water treatment equipment to users or consumers. Treatment and conditioning of the Taxpayer's customer's water are performed by the equipment itself, not by the Taxpayer.
2. Water treatment equipment is affixed to the real property.
3. Taxpayer was registered with the Department for sales and use tax purposes during the audit period and the Taxpayer remitted tax to the Department on receipts reported. Taxpayer filed a claim for refund for the difference between tax paid on receipts and tax computed on the cost price of the equipment.
4. Taxpayer's claim for refund was denied by the Department.
5. Taxpayer was assessed tax on unreported receipts for water treatment equipment.
6. The invoice and supporting documentation classifies Taxpayer's activities as a distributor of the United States Commercial Water Processor and reflects terms such as "Buyer" and "Seller."
7. Taxpayer's invoices reflects a typed list price for the water treatment system, tax, normal installation, total, down payment and the balance. The sales representative, when meeting with a customer, routinely draws a line through each charge and writes on the face of the invoice a customary total figure which is less than the balance shown. The preprinted tax figure is 6% of the list price, which is the applicable rate. The representative writes "Incl." or "Include" on the tax line and "N/C" on the installation line.
8. The auditor determined the sales price of the water treatment equipment based on the reduction in the total charges.

CONCLUSIONS OF LAW

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. Taxpayer's agreement with its customers constitutes a sales contract as opposed to a performance or service contract.
2. Taxpayer is a retailer as defined in G.S. 105-164.3(14).
3. Taxpayer is "engaged in business" in this State in "selling" "tangible personal property" (water treatment equipment) as these terms are defined in G.S. 105-164.3(5), G.S. 105-164.3(15) and G.S. 105-164.3(20), respectively.
4. Taxpayer properly collected and remitted to the Department tax on its retail sales of water treatment equipment.
5. Taxpayer is liable for collection and payment of the State and local sales or use tax on the gross receipts derived from the sale of tangible personal property (water treatment equipment) in accordance with G.S. 105-164.4 and G.S. 105-164.6.
6. The notice of proposed assessment for the period March 1, 1995, through May 31, 1996, was properly issued pursuant to G.S. 105-241.1.
7. The Taxpayer's refund claim for the difference between tax paid to the Department on receipts and tax computed on the cost price was properly denied.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

On October 8, 1999, the Board conducted a hearing in this matter wherein the Board considered the petition filed by the Taxpayer, the Secretary's brief, the record filed in this matter, the final decision of the Assistant Secretary. The Board also considered the arguments of counsel presented at the hearing. Based upon the Board's review of this matter, there exist sufficient evidence in the record, to confirm the Assistant Secretary's decision as to the assessment of sales and use tax for the period of June 1, 1996, through November 30, 1997, against the Taxpayer.

IT IS THEREFORE ORDERED that the Assistant Secretary's final decision that sustained the assessment of additional sales and use tax imposed against the Taxpayer for the period of June 1, 1996, through November 30, 1997 be hereby **confirmed** in every respect.

Made and entered into this 2nd day of February, 2000.

Signature _____
Harlan E. Boyles, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

STATE OF NORTH CAROLINA

**BEFORE THE
TAX REVIEW BOARD**

**COUNTY OF WAKE
IN THE MATTER OF:**

**The Proposed Assessment of Additional
Sales and Use Tax for the period of
January 1, 1994, through November 30,
1996 by the Secretary of Revenue
vs.**

**Jefferson-Pilot Life Insurance Co.
Taxpayer**

ADMINISTRATIVE DECISION
Number: 361

This matter was first heard before the Regular Tax Review Board on Taxpayer's petition for administrative review from the Assistant Secretary of Revenue's final decision entered on August 18, 1998, Docket No. 97-590. On November 16, 1998, the Board issued Administrative Decision No. 349, remanding the case to the Secretary of Revenue for further consideration. On remand, the Secretary entered a Final Decision on March 9, 1999, referenced as Docket No. 97-590(2), sustaining the proposed assessment. From that decision, Taxpayer filed a petition for administrative review with the Board.

On October 8, 1999, the Board considered the Taxpayer's petition for administrative review in the city of Raleigh, Wake County, North Carolina in the office of the State Treasurer. Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating. C.B. McLean, Jr. appeared at the hearing on Taxpayer's behalf. Kay Miller Hobart, Assistant Attorney General appeared at the hearing for the Department of Revenue.

STATEMENT OF FACTS

The facts of this matter are not in dispute. Taxpayer is an insurance company and paid gross premiums taxes under Article 8B of the Revenue Act during the period January 1, 1994 through November 30, 1996. Taxpayer purchased tangible personal property for storage, use or consumption from out-of-state retailers who did not collect state or local use tax on the sales price of the property. Taxpayer failed to accrue and remit state and local use tax on such purchases. Upon audit, Taxpayer remitted state use tax, but contested the local use tax portion. On its in-state purchases, Taxpayer paid both state and local sales tax to its vendors. At issue in this matter is the Taxpayer's liability for local use tax for the period of January 1, 1994 through November 30, 1996.

ISSUE

The issue to be decided in this matter is as follows:

1. Did the Secretary properly conclude that insurance companies are granted no specific exemption from sales or use tax under the Sales and Use Tax Laws?

EVIDENCE

The evidence presented at hearing before the Secretary of Revenue and included in the record presented to the Board is as follows:

1. Exhibits E-1 through E-10 and T-1 through T-4 from the Secretary's final decision, Docket No. 97-590, dated October 20, 1997, and incorporated by reference herein.
2. Secretary's final decision, Docket No. 97-590, dated October 20, 1997, a copy designated as E-11.
3. Taxpayer's petition for review before the Tax Review Board dated January 13, 1998, a copy designated as E-12.
4. Brief for the Secretary of Revenue before the Tax Review Board, dated August 10, 1998, a copy designated as Exhibit E-13.
5. Tax Review Board Decision No. 349, dated November 16, 1998, and letter dated November 16, 1998, from the Tax Review Board to the Secretary of Revenue, a copy designated Exhibit E-14.
6. Ratified Senate Bill 1226, dated August 14, 1998, a copy designated as Exhibit E-15.
7. Memorandum dated June 25, 1998, with the Explanation of Senate Bill 1226 from the Legislative Staff to the House Finance Committee, a copy designated as Exhibit E-16.

8. Letter dated February 8, 1999, from the Assistant Secretary to Taxpayer's representative, a copy designated as Exhibit E-17.
9. Brief for the Tax Hearing on Remand submitted by the Division, a copy designated as Exhibit E-18.

FINDINGS OF FACT

The Board reconsidered the Findings of Fact as stated in the Assistant Secretary's Final Decision No. 97-590, dated October 20, 1997, as incorporated by reference in the Assistant Secretary's Final Decision, Docket No.97-590, entered March 9, 1999.

CONCLUSIONS OF LAW

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. The Conclusions of Law in the Secretary's Final Decision No. 97-590, dated October 20, 1997, and incorporated by reference herein.
2. There was no specific exemption from sales or use tax for insurance companies contained in Article 5 of the North Carolina Revenue Act, Sales and Use Tax Act, either prior to or after the amendment of N.C.G.S. 105-228.10 by Senate Bill 1226.
3. N.C.G.S. 105-228.10 is not contained within Article 5 of the North Carolina Revenue Act, the Sales and Use Tax Act.
4. N.C.G.S. 105-228.10 is contained within Article 8B of the North Carolina Revenue Act, Taxes upon Insurance Companies.
5. Insurance companies are granted no specific exemption from sales or use tax under Article 5 of the North Carolina Revenue Act, the Sales and Use Tax Act.
6. Insurance companies are therefore granted no specific exemption from sales or use tax under the Sales and Use Tax Law.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing, this statute provides in pertinent part: "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

By Administrative Decision No. 349, entered on November 16, 1998, this Board determined that the Assistant Secretary did not properly conclude that "[i]nsurance companies are granted no specific exemption from sales or use tax under the Sales and Use Tax Law." Upon making this determination, the Board entered its order remanding this matter to the Secretary of Revenue for further consideration. On March 9, 1999, the Assistant Secretary entered a Final Decision, sustaining the proposed assessment of additional sales and use tax for the period of January 1, 1994 through November 30, 1996. From that decision, Taxpayer filed a petition for administrative review with this Board. On October 8, 1999, a hearing on Taxpayer's petition was conducted and this Board considered the arguments of counsel and documents filed that pertained to the Assistant Secretary's decision that sustained the proposed assessment of additional sales and use taxes for the period at issue.

The statute at issue is G.S. 105-228.10, which is part of Chapter 105, of the Revenue Laws of North Carolina and the sales and use tax articles are part of Chapter 105 of the General Statutes. This statute stated, prior to the 1998 amendment, effective August 14, 1998, that "No county, city, or town shall be allowed to impose any additional tax, license, or fee, other than ad valorem taxes, upon any insurance company or association paying the fees and taxes levied in this Article."

At the hearing, Taxpayer contended that the statute means exactly what it says, that it is clear, direct, and unambiguous. The Taxpayer further contended that there is no statute that supports the Department's argument that an exemption provision must be contained in the same article as the tax provisions it pertains to in order for the exemption to be applicable.

The Board having conducted a hearing in this matter and having considered the petition, the brief, the record and the final decision of Assistant Secretary, concludes that the Assistant Secretary's decision sustaining the proposed assessment of additional sales and use tax for the period January 1, 1994 through November 30, 1996 should be reversed. In the Board's opinion, G.S. 105-228.10 appears to be more of a prohibition against local imposition of additional taxes rather than an "exemption" from a tax. Although the taxes in dispute are collected by the state, the counties, cities and towns impose the taxes. Ordinarily, exemptions and exclusions are separately denominated as such. See, for example, G.S. 105-228(g) and G.S. 105-228.5(c). As a limitation on local governments more than an exclusion or exemption, any ambiguity would more likely be construed in favor of the Taxpayer. Since the Board does not find as compelling the argument that an exemption provision must be contained within the same article, as the tax provision it pertains to, it therefore determines that the Assistant Secretary's decision should be reversed.

IT IS THEREFORE ORDERED that the Assistant Secretary's final decision, entered on March 9, 1999, sustaining the proposed assessment of additional sales and use tax for the period of January 1, 1994 through November 30, 1996 be reversed.

Made and entered into this 8th day of February 2000.

Signature _____
Harlan E. Boyles, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

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 2 - DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

**CHAPTER 34 - STRUCTURAL PEST CONTROL
DIVISION**

Notice of Rule-making Proceedings is hereby given by the North Carolina Structural Pest Control Committee 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: 2 NCAC 34 .0505-.0506 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 106-65.29

Statement of the Subject Matter: Establish standards for termite prevention treatment of buildings under construction. Proposed rule changes would permit the use of topically applied wood treatment termiticides in lieu of conventional treatment methods.

Reason for Proposed Action: This rule-making proceeding was initiated as a result of a petition submitted by Ron Schwalb, Nisus Corporation.

Comment Procedures: Written comments may be submitted to Carl Falco, Secretary, North Carolina Structural Pest Control Committee, PO Box 27647, Raleigh, NC 27611.

CHAPTER 52 - VETERINARY DIVISION

Notice of Rule-making Proceedings is hereby given by the North Carolina Board of Agriculture 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: 2 NCAC 52B .0208-.0209 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 106-307.5; 106-396

Statement of the Subject Matter: These rules establish requirements for importation of goats and sheep into the state.

Proposed changes would require negative brucellosis and tuberculosis tests prior to importation.

Reason for Proposed Action: Brucellosis and tuberculosis are known to exist in goat and sheep herds in other states. The proposed change is necessary to prevent the introduction and spread of these diseases in North Carolina.

Comment Procedures: Written comments may be submitted to David S. McLeod, Secretary, North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

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

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

Notice of Rule-making Proceedings is hereby given by the North Carolina Medical Care 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: 10 NCAC 42B; 42C; 42C .2401; 42D - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 131D-2; 131D-4.5; 131D-4.6; 131D-7; 143B-165; S.L. 99-334

Statement of the Subject Matter: The subject matter will include admission criteria for adult care homes but shall not be limited to this matter.

Reason for Proposed Action: On March 9, 2000 the North Carolina Medical Care Commission adopted a resolution to give public notice of proposed rule making to include changes to the rule establishing admissions criteria for adult care homes.

Comment Procedures: Written comments concerning the rule-making action must be submitted to Jackie Sheppard, Rule-making Coordinator, Division of Facility Services, 2701 Mail Service Center, Raleigh, NC 27699-2701.

CHAPTER 46 - DAY CARE RULES

Notice of Rule-making Proceedings is hereby given by the Social Services 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: 10 NCAC 46A; 46C; 46D; 46E; 46F; 46G; 46H - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143B-153

Statement of the Subject Matter: These rules pertain to the purchase of subsidized child care for needy families.

Reason for Proposed Action: SL 99-0237 made changes to the payment policies of the state's subsidized child care program. The rules pertaining to the subsidized child care program will be reviewed and revised, as needed, to reflect this change and other areas that may need to be updated.

Comment Procedures: Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, 2401 Mail Service Center, Raleigh, NC 27699-2401, phone 919/733-3055. Written comments will be received through June 3, 2000.

TITLE 13 - DEPARTMENT OF LABOR

CHAPTER 12 - WAGE AND HOUR

Notice of Rule-making Proceedings is hereby given by the NC Department of Labor 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: 13 NCAC 12 .0102 - .0103, .0202, .0301 - .0310, .0401 - .0406, .0501, .0601 - .0602, .0604, .0701 - .0703, .0801 - .0807. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 95-25.3, 95-25.5, 95-25.15, 95-25.19

Statement of the Subject Matter: Rules regarding the enforcement of the Wage and Hour Act; youth employment, including detrimental occupations for youth under age 18; and records to be maintained by employers.

Reason for Proposed Action: To amend and propose Wage and Hour rules to embody enforcement positions for the Department of Labor and to help employers more fully understand their responsibilities under the Wage and Hour Act. To amend and propose rules under the Wage and Hour Act regarding youth the employment to clarify and add detrimental occupations for youth in order to provide for their health and well-being and to help youth, parents and employers more fully understand their responsibilities.

As part of the process of revising these rules, the Department may propose a rearrangement of the rule numbers in certain sections to clarify the rules.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make known their views with regard to this proposed rule-making. Written comments, data, or other information relevant to this proposal should be submitted to Ann B. Wall, Legal Specialist, Department of Labor, Legal Affairs Division, 4 West Edenton Street, Raleigh, NC 27601-1092. Fax transmittals may be directed to (919) 715-5629.

CHAPTER 17 - PRIVATE PERSONNEL SERVICES

Notice of Rule-making Proceedings is hereby given by the NC Department of Labor 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: 13 NCAC 17 .0101 - .0111; 18 .0101 - .0110 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 95-47.3A, 95-47.8, 95-47.9, 95-47.21, 95-47.22, 95-47.23, 95-47.24, 95-47.25, 95-47.29, 95-47.30.

Statement of the Subject Matter: Rules regarding the enforcement of the regulation of Private Personnel Services and the regulation of Job Listing Services. Other rules may be proposed in the course of the rule-making process.

Reason for Proposed Action: To amend and propose rules regarding the enforcement of the regulation of Private Personnel Services and the regulation of Job Listing Services in order to embody enforcement positions of the Department of Labor and to clarify the rules to help applicants, employees, employers and services more fully understand their responsibilities.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected person or parties to make known their views with regard to this proposed rule-making. Written comments, data, or other information relevant to this proposal should be submitted to Ann B. Wall, Legal Specialist, Department of Labor, Legal Affairs Division, 4 West Edenton Street, Raleigh, NC 27601-1092. Fax transmittals may be directed to 919/715-5629.

Notice of Rule-making Proceedings is hereby given by the NC Department of Labor 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: *None - Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 95-234*

Statement of the Subject Matter: *Rules regarding the enforcement of controlled substances examination regulation.*

Reason for Proposed Action: *To propose rules regarding the enforcement of controlled substances examination regulation in order to embody enforcement positions of the Department of Labor and to clarify the rules to help applicants, employees, employers and laboratories more fully understand their responsibilities.*

Comment Procedures: *The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make known their views with regard to this proposed rule-making. Written comments, data, or other information relevant to this proposal should be submitted to Ann B. Wall, Legal Specialist, Department of Labor, Legal Affairs Division, 4 West Edenton Street, Raleigh, NC 27601-1092. Fax transmittals may be directed to (919) 715-5629.*

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

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 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 .0311 - Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)*

Statement of the Subject Matter: *The Environmental Management Commission (EMC) is proposing to reclassify Mill Creek (in Moore County) and its tributaries to include the supplemental HQW (High Quality Waters) classification. Class WS-III and Class WS-III B are the existing classifications of the waterbodies proposed for reclassification.*

Reason for Proposed Action: *Several residents along Mill Creek in Moore County have requested that Mill Creek (Cape Fear River Basin) be reclassified to include the supplemental High Quality*

Waters (HQW) classification. The waters were sampled for this purpose and meet the criteria for HQW, which is defined in 15A NCAC 2B .0101(e)(5) as waters which are rated as excellent based on Division monitoring, native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission, PNAs designated by the Marine Fisheries Commission and other functional nursery areas designated by the Marine Fisheries Commission, all water supply watersheds which are either classified as WS-I or WS-II or those waters for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality and all Class SA waters. Therefore, Mill Creek and its tributaries are proposed to be reclassified from WS-III and WS-III B to WS-III HQW and WS-III B HQW, respectively. New and expanding wastewater dischargers to High Quality Waters have additional treatment requirements. Projects which require a Sedimentation and Erosion Control Plan and which drain to and are within one mile of HQWs will have more stringent land use development criteria as defined in 15A NCAC 2H .1006. Under the low density development option, 1 dwelling unit per acre or a 12% built upon area would be allowed for projects which require a Sedimentation and Erosion Control Plan.

Comment Procedures: *The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments may be submitted to Jeff Manning, DWQ Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 or by calling Jeff Manning at (919) 733-5083 ext. 579.*

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

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 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 .0313 - Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)*

Statement of the Subject Matter: *The Environmental Management Commission is proposing to reclassify Fullers Creek (in Caswell County) from Class Water Supply-II to Class Water Supply-III.*

Reason for Proposed Action: *The Town of Yanceyville has requested that Fullers Creek Water Supply Watershed in Caswell County be reclassified from WS-II Classification to WS-III Classification. NC Public Water Supply has confirmed that the Town of Yanceyville no longer uses the reservoir on Fullers Creek as their primary water supply intake. The Public Water Supply*

office in the region (Winston-Salem) would prefer that the Fuller Creek water supply classification be retained for use as an emergency water supply intake and do not object to Fullers Creek watershed being reclassified to WS-III. Reclassification would change the permitted density of development in the Critical Area (1/2 mile and draining to the intake) to 1 dwelling unit per acre or 12% built upon area for the low density development option. For the rest of the watershed the permitted development density under low density option would be 1 dwelling unit per 0.5 acre or 24% built upon area. Under the high density development option, the reclassification would allow 12-30% built upon area in the Critical Area and also allow 24-50% built upon area in the rest of the watershed. Domestic and non-process industrial wastewater discharges would not be allowed in the Critical Area, but would be allowed in the rest of the watershed.

Comment Procedures: The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments may be submitted to Jeff Manning, DWQ Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 or by calling Jeff Manning at (919) 733-5083 ext. 579.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

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 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 .0315 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: The Environmental Management Commission is proposing to reclassify a segment of the Neuse River below Falls Lake dam from Class C NSW to Water Supply-IV NSW and Water Supply-IV CA (Critical Area) NSW.

Reason for Proposed Action: The Town of Wake Forest has requested that a segment of the Neuse River in Wake County (Neuse River Basin) be reclassified to WS-IV as a water supply for Wake Forest. The river segment to be reclassified begins immediately downstream of the Fall's Lake Dam and, as is currently proposed, would extend to a point no further downstream than the US-1 bridge (Capitol Boulevard in Raleigh at the Burlington Mill Plant). This segment of the river is currently Class C NSW, and includes the tributary named Richland Creek which originates near the Town of Youngsville. Under the current proposal, the land area that is within 10 miles and draining to the intake (Protected Area) would be reclassified to WS-IV NSW and the area 0.5 mile and draining to

the river intake would be reclassified to WS-IV CA (Critical Area) NSW. However, a possibility still exists that the intake will be positioned upstream of the currently proposed intake location. This second alternative would not include Richland Creek (or the land area draining to Richland Creek) in the Protected Area of the watershed, and would greatly reduce the land area affected by the reclassification. If reclassified, additional regulations will be required of the local governments with jurisdiction in the area. Low Density and High Density development options are available. Under Low Density development, one dwelling unit per 0.5 acre or 24% built upon area and 30 foot buffers are permitted. Under High Density development, 24-70% built upon area is allowed and 100 foot buffers are required. The High Density option also requires the control of runoff from the first 1" of rainfall by engineered stormwater controls. Three dwelling units per acre or 36% built upon area are options under Low or High Density outside of the designated Critical Area if there is no curb and gutter street system used. Within the designated Critical Area of the water supply, new industrial wastewater dischargers will require additional treatment.

Comment Procedures: The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments may be submitted to Jeff Manning, DWQ Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 or by calling Jeff Manning at (919) 733-5083 ext. 579.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

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 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 .0315 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: The Environmental Management Commission is proposing to reclassify Fantasy Lake (in Wake County) from Class Water Supply-II NSW to Class Water Supply-II CA (Critical Area) NSW.

Reason for Proposed Action: The Town of Rolesville and Mr. Doye Sherrill (lake's owner) have jointly requested that Fantasy Lake near Rolesville in Wake County be reclassified to add a Critical Area (CA) to the existing WS-II NSW classification. Fantasy Lake, located within the Little River watershed is a quarry, abandoned for mining purposes when it filled with water. The sole source of water, other than rainfall, is believed to be groundwater. The quarry is on a ridge line and has no observable surface water

flowing into it. Overland drainage is minimal, and the land around the lake is mainly undeveloped. Reclassification will essentially allow a water supply intake for the Town of Rolesville to be placed in the lake.

Comment Procedures: The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments may be submitted to Jeff Manning, DWQ Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 or by calling Jeff Manning at (919) 733-5083 ext. 579.

CHAPTER 18 - ENVIRONMENTAL HEALTH

Notice of Rule-making Proceedings is hereby given by DENR/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 18C .1211 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 130A-315; 130A-320

Statement of the Subject Matter: The Commission for Health Services is considering repeal or amendment of the Rule 15A NCAC 18C .1211 regarding siting of ground absorption sewage disposal systems in watersheds of Class I or Class II water supply reservoirs.

Reason for Proposed Action: Rule 15A NCAC 18C .1211 was promulgated prior to the development of: (1) the On-Site Wastewater General Statutes and Rules; (2) the Water Supply Watershed Protection Rules requiring local governments to adopt ordinances protecting water supply watersheds; and (3) the Source Water Assessment and Protection Program. The Rule will be changed to make it more consistent with these other rules and

programs. To determine whether repeal or amendment is appropriate, DENR is studying the Rule and inviting written comments regarding how the rule is currently used to protect drinking water sources.

Comment Procedures: Written comments may be submitted to the Division of Environmental Health, Public Water Supply Section, Attention: Robert W. Midgette, 1634 Mail Service Center, Raleigh, NC 27699-1634.

TITLE 21- OCCUPATIONAL LICENSING BOARDS

CHAPTER 14 - COSMETIC ART EXAMINERS

Notice of Rule-making Proceedings is hereby given by the NC State Board of Cosmetic Art Examiners 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 14I .0401 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 88B-4

Statement of the Subject Matter: Qualifications for convicted felons applying for a license.

Reason for Proposed Action: To update the curriculum for all schools.

Comment Procedures: Written comments concerning this rule-making action must be submitted to Dee Williams, Rule-Making Coordinator, NC State Board of Cosmetic Art Examiners, 1201-110 Front St., 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 12 - DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Criminal Justice Education & Training Standards Commission intends to amend the rule cited as 12 NCAC 9A .0103. Notice of Rule-making Proceedings was published in the Register on December 23, 1999.

Proposed Effective Date: April 1, 2001

A Public Hearing will be conducted at 10:00 am on May 25, 2000 at Room G-22, Old Education Building, 114 West Edenton Street, Raleigh, NC.

Reason for Proposed Action: The North Carolina Criminal Justice Education and Training Standards Commission has authorized rule-making authority to amend the definition of "Class B Misdemeanor" to comply with the Third Edition of the Class B. Misdemeanor Manual as published by the North Carolina Department of Justice.

Comment Procedures: Written comments should be directed to Elizabeth L. Thompson, Criminal Justice Standards Division, Room G-27, Old Education Building, 114 West Edenton Street, PO Drawer 149, Raleigh, North Carolina 27602-0149. Comments will be accepted through May 25, 2000.

Fiscal Impact

State	Local	Sub.	None
			✓

CHAPTER 9 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 9A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

Note: Text in bold print represents rule changes with an effective date of August 1, 2000 approved by Rules Review Commission September 1999

.0103 DEFINITIONS

The following definitions apply throughout this Chapter, except as modified in 12 NCAC 9A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(b).
- (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of Crime

Control and Public Safety as authorized by G.S. 18B-500.

- (3) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (5) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (6) "Correctional Officer" means any employee of the North Carolina Department of Correction who is responsible for the custody or treatment of inmates.
- (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(c) and further includes probation and parole intake officers; probation/parole officers-surveillance; probation/parole intensive officers; and, state parole case analysts.
- (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (1) of this Rule.
- (9) "Criminal Justice Training Points" means points earned toward the Criminal Justice Officers' Professional Certificate Program by successful completion of commission-approved criminal justice training courses. Twenty classroom hours of commission-approved criminal justice training equals one criminal justice training point.
- (10) "Department Head" means the chief administrator of any criminal justice agency and specifically includes any chief of police or agency director. "Department Head" also includes a designee formally appointed in writing by the Department head.
- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Educational Points" means points earned toward the Professional Certificate Programs for studies satisfactorily completed for semester hour or quarter hour credit at an accredited institution of higher education. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (13) "Enrolled" means that an individual is currently actively

participating in an on-going formal presentation of a commission-accredited basic training course which has not been concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

- (a) for law enforcement officers, that the officer is then attending an approved course presentation averaging a minimum of twelve hours of instruction each week; and
 - (b) for Youth Services and Department of Correction personnel, that the officer is then attending the last or final phase of the approved training course necessary for fully satisfying the total course completion requirements.
- (14) "High School" means **a school accredited as a high school by:**
- (a) **the Department or board of education of the state in which the school is located; or**
 - (b) **the recognized regional accrediting body; or**
 - (c) **the state university of the state in which the school is located. graduation from a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.**
- (15) "In-Service Training" means any and all training prescribed in Subchapter 9E Rule .0102 which must be satisfactorily completed by all certified law enforcement officers during each full calendar year of certification.
- (16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal justice agency, based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.
- (17) "Law Enforcement Code of Ethics" means that code adopted by the Commission on September 19, 1973, which reads:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

- (18) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any political subdivision of the State who, by virtue of his office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from this title are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of Chapter 17E of the General Statutes.
- (19) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of commission-approved law enforcement training courses. Twenty classroom hours of commission-approved law enforcement training equals one law enforcement training point.
- (20) "LIDAR" means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.
- (21) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- (22) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (22)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal

offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving which is expressly included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [G.S. 20-179(I)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice which is hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended: suspended,

and those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor manual. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (23) "Parole Case Analyst" means an employee of the North Carolina Department of Correction who works under the supervision of the North Carolina Parole Commission, whose duties include analyzing and processing cases under consideration for parole, preparing and presenting parole recommendations, analyzing and processing executive clemency matters and interviewing inmates.
- (24) "Pilot Courses" means those courses developed consistent with the curriculum development policy adopted by the Commission on May 30, 1986. This policy shall be administered by the Education and Training Committee of the Commission consistent with 12 NCAC 9C .0404.
- (25) "Probation/Parole Officer" means an employee of the Division of Adult Probation and Parole whose duties include supervising, evaluating, treating, or instructing offenders placed on probation or parole or assigned to any other community-based program operated by the Division of Adult Probation and Parole.
- (26) "Probation/Parole Intake Officer" means an employee of the Division of Adult Probation and Parole, other than a regular Probation/Parole officer, whose duties include conducting, preparing, or delivering investigations, reports, and recommendations, either before or after sentencing, upon the request or referral of the court, the Parole Commission, or the Director of the Division of Adult Probation and Parole.
- (27) "Probation/Parole Intensive Officer" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole officer, probation/parole intake officer, and probation/parole officer-surveillance who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole, whose duties include supervising, investigating, reporting, counseling, treating, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who serves as the lead officer in such a unit.
- (28) "Probation/Parole Officer - Surveillance" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole and a probation/parole intake officer who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina

and the Department of Correction, Division of Adult Probation and Parole whose duties include supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who is trained in community corrections and law enforcement techniques.

(29) **"Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when an accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited course.**

(29)(30) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) band and either of which operates in the stationary and/or moving mode. "Radar" further means a speed-measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(30)(31) "Resident" means any youth committed to a facility operated by the North Carolina Division of Youth Services.

(31)(32) "School" or "criminal justice school" means an institution, college, university, academy, or agency which offers criminal justice, law enforcement, penal, correctional, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(32)(33) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.

(33)(34) "Speed-Measuring Instruments" (SMI) means those devices or systems, including radar time-distance, and LIDAR, formally approved and recognized under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as specifically referenced in the approved list of 12 NCAC 9C .0601.

(34)(35) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(35)(36) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

(36)(37) "State Youth Services Officer" means an employee of the North Carolina Division of Youth Services whose duties include the evaluation, treatment, instruction, or supervision of juveniles committed to that agency.

Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend rules cited as 15A NCAC 18A .1809, 1811, and 1812. Notice of Rule-making Proceedings was published in the Register on December 15, 1999.

Proposed Effective Date: April 1, 2001

A Public Hearing will be conducted at 9:00 a.m. on May 4, 2000 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh, NC 27604.

Reason for Proposed Action: The Rules are required by legislation the General Assembly passed and were originally put in place as temporary rules with an effective date of January 31, 2000. We are now moving forward with the permanent process with an effective date of April 1, 2001.

Comment Procedures: Written comments will be received until May 4, 2000. Please send all comments to: Susan C. Grayson, DENR/Environmental Health Services, 1632 Mail Service Center, Raleigh, NC 27699-1632.

Fiscal Impact

State	Local	Sub.	None
			✓

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1800 - SANITATION OF LODGING PLACES

.1809 LAVATORIES AND BATHS

(a) Baths, lavatories, and toilets shall be provided for each room or unit in establishments constructed on or after December 1, 1988. Such fixtures shall be kept clean and in good repair.

(b) All lavatory and bathing facilities shall include hot and cold running water under pressure with a mixing faucet, a clean towel in good repair and provided daily for each guest, and soap. The lavatory, its handles, faucet, and vanity shall be washed using an all purpose cleaner and rinsed daily if the room has been occupied. A sanitizer shall be applied to the lavatory and vanity using a method such as a wipe-on chemically-treated disposable sanitizing towel or equivalent. The sanitizer shall be left to air dry. Sanitizing solutions shall consist of iodophors, quaternary ammonium or other chemicals or methods that are equivalent to the action of 50 parts per million chlorine solution. A method or equipment for testing the sanitizer shall be available and used to insure minimum prescribed sanitizer strength.

(c) Floors, walls, and ceilings shall be cleanable, durable, and shall be kept clean and in good repair.

(d) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by

a sanitary system of sewage treatment and disposal constructed and operated in accordance with 15A NCAC 18A .1900.

Authority G.S. 130A-248.

.1811 DRINKING WATER FACILITIES

(a) Facilities for the dispensing of drinking water shall be of sanitary design. If drinking fountains are provided, they shall be of angle-jet type.

(b) Multi-use or single-service; utensils such as glasses, cups, pitchers or ice buckets, ice buckets, or ice bucket lids may be when used, provided all multi-use utensils are shall be washed, rinsed and washed thoroughly; subjected to a an approved sanitizing treatment, and stored and handled in a sanitary manner before being given to succeeding guests: manner to prevent contamination. For the washing, sanitizing treatment, and storage of multi-use utensils, equipment and methods facilities meeting the requirements of the "Sanitation "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" 15A NCAC 18A .2600 shall be provided: provided; except, when properly fitting disposable food grade liners are provided, ice buckets shall be treated as non-food contact surfaces and shall be washed, using an all purpose cleaner suitable for food contact surfaces, and rinsed. The lid used with the lined ice bucket shall be washed, rinsed and subjected to an approved sanitizing treatment in place. The lavatory shall be cleaned and treated with an approved sanitizer prior to using the water from the lavatory to clean. Submersion of ice buckets and lids during in-place cleaning procedures is not required. These utensils shall not be washed in room lavatories. Single-service items shall be stored and handled in a sanitary manner. Clean glasses shall be individually wrapped or fitted with a single-service cap that covers the edge of the glass. If disposable or single-service plastic liners are provided for ice buckets, the sanitization of buckets is not required.

(c) Ice used for room service shall be manufactured from an approved water supply and shall be stored and handled in a sanitary manner. Ice storage bins shall not be used for any other purpose and shall be kept clean and in good repair. Where ice is made on the premises, the machines shall be located in a protected place. Scoops shall be provided so guests or employees can dispense ice in a sanitary manner. Machines, equipment, utensils, and the room or area in which the machines are located shall be kept clean and in good repair. All ice machines for use by guests installed after January 1, 1996, shall dispense ice without exposing stored ice to guests.

(d) Ice storage bins shall not be used for any other purpose and shall be kept clean and in good repair. Employees cleaning ice buckets, ice bucket lids, coffee or tea makers, shall have washed their hands immediately prior to cleaning these item.

(e) Single service glasses, cups, ice buckets, ice bucket lids, or food grade ice bucket liners may be used, if discarded after each use. Single service items, including clean disposable towels, shall be stored and handled in a manner to prevent contamination.

Authority G.S. 130A-248.

.1812 GUESTROOMS

(a) Guestrooms and bathrooms shall have lighting with a minimum of 30 foot-candles of light at 30 inches above the floor.

Where natural ventilation only is provided, outside openings shall be screened. Windows and glass doors shall be kept clean and in good repair. In the absence of windows, air conditioning and artificial lighting constitutes satisfactory compliance.

(b) Window coverings shall be kept clean and in good repair.

(c) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The upper sheet shall be folded under the mattress at the lower end and folded over the cover for at least six inches at the top end. Bed linens, including sheets, pillow cases, blankets and bedspreads, shall be kept clean and in good repair.

(d) The floors, walls and ceilings of bedrooms, closets and storage areas shall be kept clean and in good repair. Furniture, fixtures, carpets and other accessories shall be kept clean and in good repair.

(e) All lodging establishments shall be kept free of roaches, flies and other pests. Guestrooms having outside openings shall be effectively screened unless air conditioned.

(f) Coffee and tea makers shall be kept clean. Coffee or tea pots and other multi-use items exposed to heat during use may be washed and rinsed in place.

Authority G.S. 130A-248;

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend rules cited as 15A NCAC 18A .2802, .2806, .2810, .2812, .2815, .2825. Notice of Rule-making Proceedings was published in the Register on December 15, 1999.

Proposed Effective Date: April 1, 2001

A Public Hearing will be conducted at 9:00 a.m. on May 4, 2000 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St, Raleigh, NC 27604.

Reason for Proposed Action: Agency staff recognized the immediate need to amend the Rules (15A NCAC 18A .2800) to address compliance feasibility issues concerning child care centers licensed for fewer than 13 children and located in a residence.

Comment Procedures: Written comments will be accepted through May 4, 2000. Please submit written comments to Ed Norman, Department of Environment and Natural Resources, Division of Environmental Health, Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632.

Fiscal Impact

State	Local	Sub.	None
			✓

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2800 - SANITATION OF CHILD DAY CARE FACILITIES

.2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

(a) Plans drawn to scale and specifications for new child care centers shall be submitted to the local health department for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to construction. Plans drawn to scale and specifications for prototype "franchise" or "chain" child care centers shall be submitted to DENR, Division of Environmental Health, Environmental Health Services Section, Children's Environmental Health Branch, PO Box 29534, Raleigh, North Carolina 27626-0534. The initial inspection for new construction or the first inspection following modifications to existing child care centers shall not be made by the local health department unless these plans have been approved. For new or proposed child care centers licensed for fewer than 13 children and located in a residence, a site visit to evaluate and assist in meeting the requirements of this Section may be requested by the child care operator prior to submission of plans and shall be conducted by the local health department within 30 days of the request.

(b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.

(c) Construction and modifications shall comply with the approved plans.

Authority G.S. 110-91.

.2806 FOOD STORAGE

(a) Food products shall be stored in approved, clean, tightly covered, storage containers once the original package is opened. Container covers shall be impervious and nonabsorbent.

(b) Foods not stored in the product container or package in which it was obtained, shall be stored in a tightly covered, approved food storage container identifying the food by common name.

(c) Food shall be stored above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.

(d) Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. Food shall not be stored in toilet or laundry rooms, or other areas where there is a potential for contamination. Child care centers licensed for fewer than 13 children and located in a residence may store properly protected food in laundry rooms.

(e) All food shall be stored in a manner to protect it from dust, insects, drip, splash and other contamination.

(f) Packaged food such as milk or other fluid containers may be stored in undrained ice as long as any individual units are not submerged in water. Wrapped sandwiches shall not be stored in direct contact with ice.

(g) Refrigerated storage:

(1) Refrigeration equipment shall be provided in such

number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage. Each refrigerator shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$, ($\pm 1.5^{\circ}\text{C}$) located to measure the air temperature in the warmest part of the refrigerator and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers;

(2) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 45°F (7°C), or below. Cooling of potentially hazardous foods shall be initiated upon completion of preparation or a period of hot storage. Methods such as shallow pans, agitation, quick chilling or water circulation external to the food containers shall be used to cool large quantities of potentially hazardous food. Potentially hazardous food to be transported cold shall be prechilled and held at a temperature of 45°F (7°C) or below;

(3) Ice used for cooling stored food and food containers shall not be used for human consumption.

(h) Hot storage:

(1) Hot food storage equipment shall be provided in such number and of such capacity to assure the maintenance of food at the required temperature during storage. Each hot food unit shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), located to measure the air temperature in the coolest part of the unit and located to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a metal stem-type numerically scaled indicating product thermometer shall be available and used to check internal food temperature;

(2) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation and service. Potentially hazardous food to be transported hot shall be held at a temperature of 140°F (60°C) or above.

Authority G.S. 110-91.

.2810 SPECIFICATIONS FOR KITCHENS

(a) For child care centers licensed for or serving food to fewer than 30 children:

(1) Domestic kitchen equipment may be used. Domestic kitchen equipment shall include at least a two-compartment sink, drainboards or countertop space of adequate size, refrigeration equipment and adequate cooking equipment. Child care centers using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink with drainboards or counterspace countertop space of adequate size on each end may be used;

(2) A separate lavatory for handwashing is required in food

preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel; and

- (3) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.
- (b) For child care centers licensed for or serving food to 30 or more children:
 - (1) Approved food service equipment shall be used. When domestic refrigeration equipment is used the following provisions shall apply:
 - (A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
 - (B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day;
 - (C) Salads containing potentially hazardous food shall not be prepared on-site; and
 - (D) All meats, poultry, and fish shall be purchased in pre-portioned, ready-to-cook form.
 - (2) Food service equipment shall include:
 - (A) Where meals are prepared and multi-service articles are used, at least a three-compartment sink with drainboards or countertop space of adequate size on each end, refrigeration equipment, and cooking equipment;
 - (B) Where meals are prepared and only single-service articles are used, at least a two-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment; or
 - (C) Where no meals are prepared and only single-service articles are used, refrigeration equipment, and at least a domestic two-compartment sink with drainboards or countertop space of adequate size on each end.
 - (3) A separate food preparation sink with drainboards shall be provided for the washing and processing of foods except where plan review shows that volume and preparation frequency do not require separate facilities.
 - (4) A separate lavatory for handwashing is required in food preparation and food service areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel.
 - (5) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.
 - (c) If baby food is prepared in the infant or toddler area, an infant/toddler food service area shall be provided. The infant/toddler food service area shall be used exclusively for the storage of infant bottles, warming of bottles, storage of fully prepared baby foods in their containers and the mixing of dry cereals

with formula or with potable water from a source other than a lavatory used for handwashing. The food preparation counters, bottle warming equipment, food and food contact surfaces shall not be within reach of children. The infant/toddler food service area shall contain at least an adequate refrigerator, bottle warming equipment, an easily cleanable counter top and a separate lavatory for food service handwashing only. Domestic food service equipment may be used in infant/toddler food service areas regardless of child care center size.

- (1) All equipment shall be cleaned at least daily. Warming equipment shall be cleaned and sanitized as required in Rule .2812 or .2813 of this Section.
- (2) After each use, all multi-use and multi-service eating and drinking articles shall be cleaned and sanitized in the child care center kitchen.
- (3) Single-service articles shall be handled as required in Rule .2814 of this Section.
- (4) Counter, shelf or cabinet space shall be provided for food storage. All dry cereal shall be stored in closed, labeled containers. Food supplies shall be stored in accordance with this Section.
- (d) Equipment that was installed in a child care center prior to July 1, 1991 that does not meet all the design and fabrication requirements of this Section shall be deemed acceptable if it is in good repair, capable of being maintained in accordance with the rules of this Section and the food-contact surfaces are nontoxic. This exception shall not apply to equipment in Paragraph (c) of this Rule or to commercial hoods that are required for frying foods. Replacement equipment and new equipment acquired after July 1, 1991 shall meet the requirements of Paragraphs (a), (b) and (c) of this Rule. Licensed child care centers that increase the number licensed for or that increase the number of children to whom they serve food, shall comply with all the rules of this Section. Upon change of ownership, or the closing of the operation and the issuance of a new license, the child care center shall comply with all the rules of this Section.

Authority G.S. 110-91.

.2812 MANUAL CLEANING AND SANITIZING

- (a) Child care centers licensed for or serving food to 30 or more children, shall provide and use a three-compartment sink with drainboards or counter top space of adequate size on each end if utensils and equipment are manually cleaned and sanitized.
- (b) Child care centers licensed for or serving food to fewer than 30 children may that use a domestic dishwasher and two compartment sink with drainboards or countertop space of adequate size on each end for sanitizing multi-service articles shall sanitize washing and rinsing of multi-use and multi-service articles and equipment. Utensils and equipment shall then be sanitized in the sink as required in Subparagraph (e)(4) of this Rule. Sink compartments shall be large enough to submerge the largest items to be washed and each compartment shall be supplied with hot and cold running water.
- (c) If required under Rule 18A .2810 of this Section, Drainboards drainboards or countertop space of adequate size shall be provided for proper handling of soiled utensils prior to washing and cleaned utensils following sanitizing. For child care centers originally

licensed on or after April 15, 1998, drainboards or countertop space shall be no less than 24" long. For child care centers licensed for fewer than 13 children and located in a residence, a domestic dishwasher may be used to provide the equivalent of 24" of drainboard space, and other designated areas not contiguous with the sink may be utilized to meet drainboard or countertop space requirements. Replacement equipment and new equipment acquired on or after April 15, 1998 shall meet the requirements of this Paragraph. Upon change of ownership, or the closing of the operation and the issuance of a new license, a child care center shall also comply with this Paragraph.

(d) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(e) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

- (1) Sinks shall be cleaned and sanitized prior to use.
- (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
- (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (4) The food-contact surfaces of equipment and utensils shall be sanitized in the third compartment by:
 - (A) Immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C);
 - (B) Immersion for at least two minutes in a clean solution containing at least 50 parts per million (ppm) of available chlorine at a temperature of at least 75°F (24°C);
 - (C) Immersion for at least two minutes in a clean solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C); or
 - (D) Immersion for at least two minutes in a clean solution containing at least 200 ppm of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.

(f) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer shall be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for sanitizing multi-use eating and drinking utensils. Spray-on or wipe-on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.

(g) When hot water is used for sanitizing, the following facilities shall be provided and used:

- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (77°C); and
- (2) A numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), convenient to the sink for frequent checks of water temperature; and

- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(h) An approved testing method or equipment shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

(i) After sanitization, all equipment and utensils shall be air dried.

Authority G.S. 110-91.

.2815 WATER SUPPLY

(a) Running water under pressure shall be provided in sufficient quantities to meet the needs of cooking, cleaning, drinking, toilets, and outside uses without producing water pressure lower than that required by the North Carolina Plumbing Code.

(b) The water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC 18A .1700 Protection of Water Supplies. Samples of water shall be collected by the Environmental Health Specialist and submitted to a state certified laboratory for bacteriological analysis annually. Other tests of water quality, as indicated by possible sources of contamination, may be collected by the Environmental Health Specialist.

(c) No cross-connections with an unapproved water supply shall exist. If potential back-flow conditions exist, an approved back-flow prevention device shall be provided.

(d) Water heating equipment that is sufficient to meet the maximum expected requirements of the child care center shall be provided. For child care centers not located in a residence, Capacity capacity and recovery rates of hot water heating equipment shall be based on number and size of sinks, capacity of dishwashing machines, capacity of laundering machines, diaper changing facilities, and other food service and cleaning needs. For child care centers licensed for fewer than 13 children and located in a residence, an existing water heater, or the equivalent replacement, shall be adequate if all required temperatures are maintained. Hot and cold water under pressure shall be easily accessible to all rooms where food is processed or handled, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including lavatories and diaper changing areas.

(e) Hot water heating equipment shall provide hot water at a minimum temperature of 130°F (54°C) at the point of use when hot water is not used for sanitizing. When hot water is used for sanitizing, a minimum temperature of 140°F (60°C) shall be provided at the point of use. However, hot water to those areas accessible to children, including lavatories serving diaper changing areas, shall be no less than 90°F (32°C) and shall not exceed 110°F (43°C), except that for child care centers serving only school-aged children the 90°F (32°C) minimum temperature requirement shall not apply.

Authority G.S. 110-91.

.2825 WALLS AND CEILINGS

(a) The walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean and in good repair. All walls shall be nonabsorbent and easily cleanable.

(b) Ceilings in rooms in which food is stored, handled or

prepared, utensil-washing rooms, and toilet rooms shall be non-absorbent and easily cleanable. Acoustic ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption. For child care centers licensed for fewer than 13 children and located in a residence, ceilings of residential construction are acceptable if kept clean and in good repair.

(c) Walls and ceilings, including doors and windows in areas accessible to children, shall be free of peeling, flaking, or chalking paint.

(d) Walls and ceilings, including doors and windows, of all rooms and areas shall be free of identified lead poisoning hazards as defined under 15A NCAC 18A .3101.

Authority G.S. 110-91.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 16 - BOARD OF DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC State Board of Dental Examiners intends to adopt rules cited as 21 NCAC 16W .0101 - .0103; amend rules cited as 21 NCAC 16I .0102 - .0105; 16M .0102; 16R .0102 - .0105; 16S .0101 - .0102, .0201, .0203, .0205. Notice of Rule-making Proceedings was published in the Register on September 15, 1999, October 15, 1999 and February 1, 2000.

Proposed Effective Date: April 1, 2001

A Public Hearing will be conducted at 10:00 am on April 29, 2000 at 3716 National Drive, Suite 221, Chatham Building of Glenwood Place, Raleigh, NC.

Reason for Proposed Action:

21 NCAC 16M .0102 - The amendment is necessary because without an increase in funds, the Caring Dentist Program cannot accept new participants.

21 NCAC 16S .0101 - .0102, .0201, .0203, .0205 - The amendments are necessary to integrate dental hygienists into the Caring Dentist Program.

21 NCAC 16W .0101 - The adoption is necessary to define the term "direction" as used in G.S. 90-233(a).

21 NCAC 16W .0102 - The adoption is necessary to set out training requirements for public health hygienists performing clinical procedures pursuant to G.S. 90-233(a).

21 NCAC 16W .0103 - The adoption is necessary to set out training requirements for public health hygienists performing primary preventive procedures.

21 NCAC 16I .0102 - The amendment is necessary to set out procedures for dental hygienists requesting a reduced number of continuing education hours.

21 NCAC 16I .0103; 16R .0102 - The amendments are necessary to increase approved continuing education sponsors for dental hygienists and dentists and to clarify under what circumstances home study courses are accepted.

21 NCAC 16I .0104; 16R .0103 - The amendments are necessary

to clarify continuing education reporting requirements for dental hygienists and dentists.

21 NCAC 16I .0105; 16R .0105 - The amendments are necessary to clarify consequences if the dental hygienist or dentist fails to comply with the continuing education requirement.

21 NCAC 16R .0104 - The amendment is necessary to set out procedures for dentists requesting exemption from continuing education hours.

Comment Procedures: Any person desiring to present oral data, views, or arguments on the proposed rules must, at least 10 days prior to the proposed hearing, file a notice with the Board. Notice of such request to appear or failure to give timely notice may be waived by the Board in its discretion. Comments should be limited to five minutes. Any person permitted to make an oral presentation is directed to submit a written statement of such presentation to the Board prior to or at the time of such hearing. The Board's address is PO Box 32270, Raleigh, NC 27622-2270. Any person may file written submission of comments or arguments at any time up to and including May 4, 2000.

Fiscal Impact

State	Local	Sub.	None
			✓

SUBCHAPTER 16I - ANNUAL RENEWAL OF DENTAL HYGIENIST LICENSE

SECTION .0100 - ANNUAL RENEWAL

.0102 CONTINUING EDUCATION REQUIRED

(a) As a condition of license renewal, each dental hygienist must complete a minimum of six clock hours of continuing education each calendar year. Two of the six clock hours may be acquired through home study courses. For home study courses to be counted towards this continuing education requirement, the hygienist must successfully complete a test following the course and obtain a certificate of completion. Current certification in CPR is required in addition to the mandatory continuing education hours.

(b) A dental hygienist who can demonstrate a disabling condition or extenuating circumstance may request a reduced number of required continuing education hours during a particular period. Written documentation of a disabling condition or extenuating circumstance that interferes with the hygienist's ability to complete the required hours shall be provided to the Board. The Board may grant or deny such requests on a case by case basis. In considering the request, the Board may require additional documentation substantiating any specified disability or extenuating circumstance.

Authority G.S. 90-225.1.

.0103 APPROVED COURSES AND SPONSORS

(a) Courses in satisfaction of this requirement must be directly related to clinical patient care. Hours spent reviewing dental or dental hygiene publications or videos shall not count toward fulfilling the continuing education requirement: requirement, with the exception of home study courses as described in Rule .0102 of

this Subchapter.

- (b) Approved continuing education course sponsors include:
- (1) providers recognized by the American Dental Association's Continuing Education Recognition Program, the Academy of General Dentistry, the American Dental Hygienists' Association, or components of such organizations;
 - (2) North Carolina Area Health Education Centers;
 - (3) educational institutions with dental dental, or dental hygiene or dental assisting schools or departments; and
 - (4) national, state or local societies or associations: associations; and
 - (5) local, state or federal governmental entities.

Authority G.S. 90-225.1.

.0104 REPORTING CONTINUING EDUCATION

(a) The number of hours completed to satisfy this requirement shall be indicated on the renewal application form submitted to the Board and confirmed by the hygienist's signature. Upon request by the Board or its authorized agent, the hygienist shall provide official documentation of attendance at courses indicated. Such documentation shall be provided by the organization offering or sponsoring the course. Such documentation Documentation must include:

- (1) the title and a course description; title;
- (2) the number of hours of instruction;
- (3) the date and location of the course attended;
- (4) the name(s) of the course instructor(s); and
- (5) the name of the organization offering or sponsoring the course.

(b) All records, reports and certificates relative to continuing education hours must be maintained by the licensee for at least three years and shall be produced upon request of the Board or its authorized agent.

(c) Dental hygienists may receive a maximum of four hours credit per year for continuing education when engaged in the following:

- (1) service on a full-time basis on the faculty of an educational institution with direct involvement in education, training, or research in dental or dental auxiliary programs; or
- (2) affiliation with a federal, state or county government agency whose operation is directly related to dentistry or dental auxiliaries.

Verification of credit hours shall be maintained in the manner specified in this Rule.

(d) Evidence of service or affiliation with an agency as specified in Paragraph (c) of this Rule shall be in the form of verification of affiliation or employment which is documented by a director or an official acting in a supervisory capacity.

Authority G.S. 90-225.1.

.0105 PENALTY/NON-COMPLIANCE/CONTINUING EDUCATION REQUIREMENT

If the applicant for a renewal certificate fails to provide proof of completion of reported continuing education hours as required by Rules :0002 .0102 and :0004 .0104 of this Subchapter, the Board

may refuse to issue a renewal certificate until such time as the licensee completes the required hours of education and meets all other qualifications for renewal. Should the applicant fail to meet the qualifications for renewal, including completing the required hours of continuing education, by March 31st, the license becomes void and must be reinstated. If the applicant applies for credit for continuing education hours and fails to provide the required documentation upon request, the Board may refuse to issue a certificate of renewal until such time as the applicant meets the qualifications for credit. Should the applicant fail to provide the required documentation by March 31st, the license becomes void and must be reinstated.

Authority G.S. 90-225.1; 90-227.

SUBCHAPTER 16M - FEES PAYABLE

SECTION .0100 - FEES

.0102 DENTAL HYGIENISTS

(a) The following fees shall be payable to the Board:

- | | |
|-------------------------------------------------------------------------------------------------|----------|
| (1) Application for examination | \$125.00 |
| (2) Reinstatement of license after retirement from practice in this State | \$60.00 |
| (3) Application for provisional licensure | \$60.00 |
| (4) Certificate to a resident dental hygienist desiring to change to another state or territory | \$25.00 |

(b) ~~The fee payable to the Board for each dental hygienist renewal certificate shall be annually fixed by the Board. Each year the Board shall give written notice of the amount of said renewal fee to each dental hygienist licensed to practice in this state by mailing such notice no later than November 30 to the last address of record for each such dental hygienist. This renewal fee shall not exceed sixty dollars (\$60.00):~~

(b) Each dental hygienist renewing his or her license to practice dental hygiene in North Carolina shall be assessed a fee of fifteen dollars (\$15.00), in addition to the annual renewal fee, to be contributed to the operation of the Caring Dentist Program.

Authority G. S. 90-232.

SUBCHAPTER 16R - CONTINUING EDUCATION REQUIREMENTS: DENTISTS

SECTION .0100 - CONTINUING EDUCATION

.0102 APPROVED COURSES AND SPONSORS

(a) Courses allowed to satisfy this requirement must be directly related to clinical patient care and shall include at least one course in ~~CPR every two years.~~ care. Hours spent reviewing dental journals, publications or videos shall not count toward fulfilling the continuing education requirement: requirement, with the exception of home study courses as described in .0101 of this Subchapter.

(b) Approved continuing education course sponsors include:

- (1) those recognized by the Continuing Education Recognition Program Of the American Dental Association;

- (2) the Academy of General Dentistry;
- (3) North Carolina Area Health Education Centers;
- (4) educational institutions with dental, dental, or dental hygiene or dental assisting schools or departments; and
- (5) national, state or local societies or associations: associations; and
- (6) local, state or federal governmental entities.

Authority G.S. 90-31.1.

.0103 REPORTING OF CONTINUING EDUCATION

(a) The number of hours completed shall be indicated on the renewal application form submitted to the Board and confirmed by the dentist's signature. Upon request by the Board or its authorized agent, the dentist shall provide official documentation of attendance at courses indicated. Such documentation shall be provided by the organization offering or sponsoring the course. Such documentation Documentation must include:

- (1) the title and a description of the course; title;
- (2) the number of hours of instruction;
- (3) the date and location of the course attended;
- (4) the name(s) of the course instructor(s); and
- (5) the name of the organization offering or sponsoring the course.

(b) All records, reports and certificates relative to continuing education hours must be maintained by the licensee for at least three years and shall be produced upon request of the Board or its authorized agent. Evidence of service or affiliation with an agency or institution as specified in 21 NCAC 16R-.0004 21 NCAC 16R.0104 shall be in the form of verification of affiliation or employment which is documented by a director or an official acting in a supervisory capacity.

Authority G.S. 90-31.1.

.0104 EXEMPTION FROM AND CREDIT FOR CONTINUING EDUCATION

(a) Dentists may request exemption from continuing education requirements by submitting evidence in writing to the Board of retirement or semi-retirement from the practice of dentistry. A retired dentist is a dentist who never practices dentistry. A semi-retired dentist is a dentist who practices on an occasional basis not to exceed 100 clock hours in a calendar year. A dentist who can demonstrate a disabling condition or extenuating circumstance may request an exemption from continuing education hours during a particular period. Written documentation of a disabling condition or extenuating circumstance that interferes with the dentist's ability to complete the required hours shall be provided to the Board. The Board may grant or deny such requests on a case by case basis. In considering the request, the Board may require additional documentation substantiating any specified disability or extenuating circumstance. The Board will determine, on a case by case basis, whether a dentist may be exempted from the requirement for continuing education.

(b) In those instances where continuing education is waived and the exempt individual wishes to resume practice, the Board shall require continuing education courses in accordance with 21 NCAC 16R-.0001 .0101 when reclassifying the licensee.

(c) Dentists may receive a maximum of 10 hours credit per year for continuing education when engaged in any of the following:

- (1) service on a full-time basis on the faculty of an educational institution with direct involvement in education, training, or research in dental or dental auxiliary programs; or
- (2) affiliation with a federal, state or county government agency whose operation is directly related to dentistry or dental auxiliaries.

Verification of credit hours shall be maintained in the manner specified in 21 NCAC 16R .0103.

Authority G.S. 90-31.1.

.0105 PENALTY/NON-COMPLIANCE/CONTINUING EDUCATION REQUIREMENTS

If the applicant for a renewal certificate fails to provide proof of completion of reported continuing education hours as required by Rules -.0001 .0101 and -.0003 .0103 of this Subchapter, the Board may refuse to issue a renewal certificate until such time as the licensee completes the required hours of education and meets all other qualifications for renewal. Should the applicant fail to meet the qualifications for renewal, including completing the required hours of continuing education, by March 31st, the license becomes void and must be reinstated. If the applicant applies for credit for or exemption from continuing education hours and fails to provide the required documentation upon request, the Board shall refuse to issue a certificate of renewal until such time as the applicant meets the qualifications for exemption or credit. Should the applicant fail to provide the required documentation by March 31st, then the license becomes void and must be reinstated.

Authority G.S. 90-31; 90-31.1.

SUBCHAPTER 16S - IMPAIRED DENTIST PROGRAM

SECTION .0100 - GENERAL

.0101 DEFINITIONS

The following definitions are applicable to impaired dentist programs established in accordance with G.S. 90-48.2:

- (1) "Board" means the North Carolina State Board of Dental Examiners;
- (2) "Impairment" means chemical dependency or mental illness;
- (3) "Board of Directors" means individuals comprising the oversight panel consisting of representatives from the North Carolina Dental Society, the Board, licensed dental hygienists, and the UNC School of Dentistry established to function as a supervisory body to the Caring Dentist Program;
- (4) "Director" means the person designated by the Board of Directors to organize and coordinate the activities of the Caring Dentist Program;
- (5) "Caring Dentist Program" means the program established through agreements between the Board and special impaired dentist peer review organizations formed by the North Carolina Dental Society made up of Dental

Society members designated by the Society, the Board, a licensed dental hygienist upon recommendation of the dental hygienist member of the Board, and the UNC School of Dentistry to conduct peer review activities as provided in G.S. 90-48.2(a).

- (6) Caring Dentist Program members" means volunteer Dental Society members selected by the Board of Directors from peer review organizations to serve as parties to interventions, to direct impaired dentists into treatment, and as monitors of those individuals receiving treatment. Peer liaisons and volunteers participating in programs for impaired dental hygienists shall be dental hygienists.

Authority G.S. 90-48; 90-48.2; 90-48.3.

.0102 BOARD AGREEMENTS WITH PEER REVIEW ORGANIZATIONS

The Board shall enter into agreements with special impaired dentist peer review organizations, pursuant to G.S. 90-48.2, to establish the Caring Dentist Program to be supervised by the Board of Directors. Such agreements shall provide for:

- (1) investigation, review and evaluation of records, reports, complaints, litigation, and other information about the practice and practice patterns of licensed dentists and dental hygienists as may relate to impaired dentists; dentists and dental hygienists;
- (2) identification, intervention, treatment, referral, and follow up care of impaired dentists; dentists and dental hygienists; and
- (3) due process rights for any subject dentist: dentist or dental hygienist.

Authority G. S. 90-48; 90-48.2; 90-48.3.

SECTION .0200 - GUIDELINES FOR PROGRAM ELEMENTS

.0201 RECEIPT AND USE OF INFORMATION OF SUSPECTED IMPAIRMENT

(a) Information concerning suspected impairment may be received by the Caring Dentist Program through any of the following sources:

- (1) reports of physicians, psychologists or counselors;
- (2) reports from family members, staff or other individuals;
- (3) self-referral; or
- (4) referral by the Board.

(b) When information of suspected impairment is received, the Program shall conduct an investigation and routine inquiries to determine the validity of the report.

(c) Dentists and dental hygienists suspected of impairment may be required to submit to personal interviews if the investigation and inquiries indicate the report of impairment may be valid.

Authority G.S. 90-48; 90-48.2; 90-48.3.

.0203 INTERVENTION AND REFERRAL

(a) Following an investigation, if an impairment is determined to

exist and confirmed, an intervention shall be conducted using specialized techniques designed to assist the dentist or dental hygienist in acknowledging responsibility for dealing with the impairment. The dentist or dental hygienist shall be referred to an appropriate treatment source.

(b) Following an investigation, intervention, treatment, or upon receipt of a complaint or other information, a peer review organization participating in the Caring Dentist Program shall report to the Board detailed information about any dentist or dental hygienist licensed by the Board, if it is determined that:

- (1) the dentist or dental hygienist constitutes an imminent danger to the public or himself, public or himself or herself;
- (2) the dentist or dental hygienist refuses to cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or
- (3) it reasonably appears that there are other grounds for disciplinary action.

(c) Program members may consult with medical professionals and treatment sources as necessary in carrying out the Program's directives.

(d) Interventions shall be arranged and conducted as expeditiously as possible. When interventions are conducted as a direct result of a Board-initiated referral, a Board representative may be present.

(e) Treatment sources shall be evaluated and determined applicable before an individual is referred for treatment, and any treatment contracts or aftercare agreements shall be documented and recorded by the Program.

Authority G.S. 90-48; 90-48.2; 90-48.3.

.0205 MONITORING REHABILITATION AND PERFORMANCE AFTER TREATMENT

(a) Program members shall monitor dentists and dental hygienists following treatment. Testing for impairment shall be conducted until rehabilitation has been accomplished.

(b) Treatment sources shall submit reports to the Director concerning a dentist's or dental hygienist's rehabilitation and performance.

(c) Impaired dentists and dental hygienists shall submit to periodic personal interviews before the Director or Program members designated by the Director; or, for those referred to the Program by the Board, before the Board's agents. The frequency of personal interviews shall be determined by the dentist's or dental hygienist's ability to accomplish rehabilitation and adequately perform after treatment.

(d) Complete records shall be maintained by the Program on all dentists and dental hygienists reporting for assistance, treatment, or monitoring and such records shall remain confidential in accordance with G.S. 90-48.2(e).

(e) The Program shall maintain statistical information regarding impairment, to be reported to the Board periodically, but no less than once a year.

(f) The Program shall compile and report information periodically to the Board regarding investigations, reports, complaints, intervention, treatment, referral, rehabilitation and follow up care of

impaired dentists; dentists and dental hygienists. Such reports shall not identify the subject dentist or dental hygienist unless the dentist or dental hygienist was referred by the Board or a determination under Rule .0203(b) of this Section has been made.

(g) An audit of the Caring Dentist Program funds shall be conducted in conjunction with the Board's annual audit.

Authority G.S. 90-48; 90-48.2.

SUBCHAPTER 16W - PUBLIC HEALTH HYGIENISTS

SECTION .0100 - PUBLIC HEALTH HYGIENISTS

.0101 DIRECTION DEFINED

Pursuant to G.S. 90-233(a), a public health hygienist may perform clinical procedures under the direction of a licensed dentist who is employed by a State government dental public health program or a local health department as a public health dentist. The specific clinical procedures delegated to the hygienist must be completed, in accordance with a written order from the dentist, within 60 days of the dentist's in-person evaluation of the patient. The dentist's evaluation of the patient shall include a complete oral examination, thorough health history and diagnosis of the patient's condition.

Authority G.S. 90-223; 90-233(a).

.0102 TRAINING FOR PUBLIC HEALTH HYGIENISTS

(a) Prior to performing clinical procedures pursuant to G.S. 90-233(a) under the direction of a duly licensed dentist, a public health hygienist must have:

- (1) five years of experience in clinical dental hygiene;

- (2) CPR certification, updated annually;
- (3) six hours of continuing education in medical emergencies each year; and
- (4) such other training as may be required by the Dental Health Section of the Department of Health and Human Services.

(b) For purposes of this Rule, a minimum of 4000 hours performing primarily prophylaxis or periodontal debridement under the supervision of a duly licensed dentist shall be equivalent to five years experience in clinical dental hygiene.

Authority G.S. 90-223; 90-233(a).

.0103 TRAINING FOR PUBLIC HEALTH HYGIENISTS PERFORMING PREVENTIVE PROCEDURES

(a) Public health hygienists who provide only education and preventive procedures such as application of fluorides, fluoride varnishes and sealants shall be subject to the training provisions set out in Paragraph (b) of this Rule instead of the training provisions required by 21 NCAC 16W .0102.

(b) A public health hygienist may perform preventive clinical procedures such as application of fluoride, fluoride varnishes and sealants under the direction of a duly licensed public health dentist if the hygienist:

- (1) maintains CPR certification; and
- (2) completes such other training as may be required by the Dental Health Section of the Department of Health and Human Services.

Authority G.S. 90-223; 90-233(a).

This Section includes temporary rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code and includes, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 2C .0500 for adoption and filing requirements. 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 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: Social Services Commission

Rule Citation: 10 NCAC 29C .0102-.0103, .0203-.0204

Effective Date: March 13, 2000

Findings Reviewed and Approved by: Julian Mann

Authority for the rule-making: G.S. 108A-25; 143B-153

Reason for Proposed Action: 21 NCAC 29C .0102-.0103 - Current payment levels are not adequate to meet the needs of households with a heating or cooling-related crisis. The costs of heating fuel and electricity have increased over the years such that the payment level does not alleviate the crisis. The recent increase in fuel oil prices and the snowstorm have further necessitated the need to examine the income limits and the payment level for this Program. The Division of Social Services proposes to amend the rules in order to allow the county departments of social services to provide increased assistance for energy related crisis situations. This will ensure households that were effected by recent cold weather and increased fuel prices are appropriately served. The Division of Social Services proposes to amend the rules to allow the county departments of social services to serve households up to 150% of the non-farm poverty income guidelines and increase the maximum payment level from Two Hundred Dollars (\$200.00) to Three Hundred Dollars (\$300.00) in a state fiscal year, unless emergency contingency funds are released and then an additional payment up to Three Hundred Dollars (\$300.00) may be authorized. 21 NCAC 29C .0203-.0204 - County departments of social services in the hurricane affected counties report a higher need for assistance than the current rules allow. Families continue to reside in temporary housing, and repair and replacement of heating equipment is more costly than first anticipated. Also, families remain on waiting lists for home repair due to the high demand on contractors. The increase in fuel oil prices and recent cold weather have created additional needs in these counties. The Division of Social Services proposed to amend the rules in order to allow the county departments of social services the flexibility they need to serve families beyond June 30, 2000. The extension of the rules to June 30, 2001 will ensure that energy needs are met with these funds and the potential loss of much needed federal funds is minimized. Funds obligated by September 30, 2000, will be available to the county in the next federal fiscal year; therefore counties will have the opportunity to spend these funds into next year to address the ongoing needs for their citizens.

Comment Procedures: If you wish to make comments please

contact Ms. Sharnese Ransome, APA Coordinator, Division of Social Services, 2401 Mail Service Center, Raleigh, NC 27699-2401; (919) 733-3055. Verbal comments may be presented at the public hearing. Written comments must be received by Ms. Ransome not later than May 3, 2000.

CHAPTER 29 - INCOME MAINTENANCE: GENERAL

SUBCHAPTER 29C - CRISIS INTERVENTION PROGRAM

SECTION .0100 - CRISIS INTERVENTION PROGRAM

.0102 ELIGIBILITY REQUIREMENTS

A household must meet the following requirements to be eligible for the Crisis Intervention Program:

- (1) **Income:** A household must have income at or below 150 percent of the current non-farm poverty income guidelines. The rules in 10 NCAC 29B .0003 will govern for the definition and computation of income.
- (2) **Crisis:** A household must be in a heating or cooling related crisis. A household is in a crisis if it is experiencing or is in danger of experiencing a life threatening or health-related emergency and sufficient, timely and appropriate assistance is not available from any other source.
- (3) **Citizenship:** Individuals who are illegal aliens are not eligible for the Crisis Intervention Program.

History Note: Filed as a Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982; Authority G.S. 108A-25; 143B-153; 150B-13; 42 U.S.C. 82621(a); 8622(2); 8624(b); P.L. 93-66; P.L. 93-233; P.L. 96-265; Eff. January 1, 1982; Amended Eff. October 1, 1990; August 1, 1985; Temporary Amendment Eff. March 13, 2000.

.0103 BENEFIT LEVELS

The maximum payment to a household is two three hundred dollars (~~\$200.00~~) (\$300.00) in a state fiscal year. Except, when the federal government releases emergency contingency funds for severe weather conditions an additional payment up to two three hundred dollars (~~\$200.00~~) (\$300.00) may be authorized. Payments may vary based upon the severity of the crisis and the services needed.

History Note: Filed as a Temporary Regulation Eff. November 24, 1981, for a period of 38 Days to Expire on January 1, 1982; Authority G.S. 108A-25; 143B-153; Eff. January 1, 1982; Amended Eff. March 1, 1992; August 1, 1985;

Temporary Amendment Eff. March 13, 2000.

SECTION .0200 - MODIFIED CRISIS INTERVENTION PROGRAM

.0203 BENEFIT LEVELS

Payments may vary based upon the severity of the crisis and the services needed. The maximum payment to a household is as follows:

- (1) Utility Payments: Maximum payment of two three hundred dollars (\$200) (\$300) per application not to exceed six nine hundred dollars (\$600) (\$900) over the state fiscal year.
- (2) Temporary Shelter: Maximum of four eight hundred dollars (\$400) (\$800) per month with a three six month maximum over the state fiscal year.
- (3) Home Repair/Appliance Replacement or Repair: Maximum of two thousand five hundred dollars five thousand dollars (\$2,500) (\$5,000) over the state fiscal year.
- (4) Miscellaneous: Maximum of two four hundred dollars (\$200) (\$400) over the state fiscal year.

History Note: Authority G.S. 108A-25; 143B-153; S.L. 1999-463; Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000;

Temporary Amendment Eff. March 13, 2000 to Expire on June 30, 2001.

.0204 METHOD OF PAYMENT

Methods of payment include direct payments to recipients, fuel payments on behalf of recipients, provision of in-kind services or temporary shelter and minor home repairs. The maximum direct payment to recipients is two four hundred dollars (\$200). (\$400).

History Note: Authority G.S. 108A-25; 143B-153; S.L. 1999-463; Temporary Adoption Eff. October 13, 1999 to Expire on June 30, 2000;

Temporary Amendment Eff. March 13, 2000 to Expire on June 30, 2001.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: North Carolina Wildlife Resources Commission

Rule Citation: 15A NCAC 10F .0332, .0353

Effective Date: April 1, 2000

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rule-making: G.S. 75A-3; 75A-15

Reason for Proposed Action:

15A NCAC 10F .0332 - The Alexander County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the areas by restricting vessel speed.

15A NCAC 10F .0353 - The Mountain Island Lake Marine Commission initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the areas by restricting vessel speed.

Comment Procedures:

15A NCAC 10F .0332 - The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). This temporary rule is adopted following the public hearing and public comment period established for permanent rule adoption. A public hearing was held on January 20, 2000 for the permanent rule and the record of hearing for public comment was closed on February 3, 2000. The submission for permanent rule is on file with the Rules Review Commission.

15 NCAC 10F .0353 - The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). This temporary rule is adopted following the public hearing and public comment period established for permanent rule adoption. A public hearing was held on January 6, 2000 for the permanent rule and the record of hearing for public comment was closed on January 14, 2000. The submission for permanent rule is on file with the Rules Review Commission.

CHAPTER 10 - WILDLIFE RESOURCES COMMISSION

SUBCHAPTER 10F - MOTOR BOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0332 ALEXANDER COUNTY

(a) Regulated Area. This Rule applies only to those waters of Lake Hickory set out in this Rule which are located in Alexander County.

- (1) the waters beginning 50 yards from the southeast end of the marina and ending at Rink Dam;
- (2) the waters within 50 yards of the Taylorsville Beach Marina; Marina; and
- (3) the waters within 50 yards of the Bethlehem Marina.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within 50 yards of any public boat launching ramp or while on the waters of any regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Alexander County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. March 25, 1979;

Amended Eff. February 1, 1995; February 1, 1987;

Temporary Amendment Eff. April 1, 2000.

.0353 MOUNTAIN ISLAND LAKE: MECKLENBURG, GASTON AND LINCOLN COUNTIES

(a) Regulated Area. This Rule applies to Mountain Island Lake which is located in Mecklenburg, Gaston and Lincoln counties. the cove of Mountain Island Lake lying north of and adjacent to the Latta Plantation Park and adjacent to the Mecklenburg County Park and Duke Power Company properties:

- (1) Latta Plantation Park - The cove lying north of and adjacent to the Latta Plantation Park and adjacent to the Mecklenburg County Park and Duke Power Company properties.
- (2) Duck Cove - The waters of Duck Cove as delineated by appropriate markers. Duck Cove is adjacent to Mecklenburg County's Cowan's Ford Wildlife Refuge and west of the portion of Neck Road that runs through Cowan's Ford Wildlife Refuge.
- (3) Nance Cove
 - (A) The waters of the southern portion of Nance Cove extending north from the back of the cove, at or near Shuffletown Landing, up the cove toward the main channel of Mountain Island Lake, extending to a point that is roughly even with the boundary line between Lots 166 and 167 in the Overlook subdivision, which lots are just north of the

Overlook Swim & Tennis Club, and where the cove is approximately Three Hundred and Sixty-Eight feet wide.

- (B) The waters of the western arm or sub-cove of Nance Cove, which lies west of Shadow Cove Lane and the northern-most portion of Nance Cove Road and east of Haymarket Road.

- (4) North Carolina Highway 16 Bridge - An area extending approximately 50 yards in all directions from the NC Highway 16 Bridge also known as the Rozelles Ferry Bridge.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within the regulated area described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Mecklenburg County Each of the boards of Commissioners of the above-named counties is designated a suitable agency for placement and maintenance of markers implementing this Rule: Rule for regulated areas within their territorial jurisdiction in accordance with the Uniform System.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1988;
Temporary Amendment Eff. April 1, 2000.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of January 20, 2000 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules, unless otherwise noted, will become effective on the 31st legislative day of the 2000 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION				REGISTER CITATION TO THE NOTICE OF TEXT
2	NCAC	52B	.0207*	14:03 NCR 128
2	NCAC	52B	.0302*	14:03 NCR 129
2	NCAC	52E	.0209*	14:03 NCR 130
7	NCAC	4S	.0103	14:09 NCR 657
10	NCAC	3R	.0212*	not required G.S. 150B-21.5(a)(3) Eff. February 1, 2000
11	NCAC	6B	.0201-.0205	14:10 NCR 752
11	NCAC	6B	.0301-.0304	14:10 NCR 752
11	NCAC	6B	.0401-.0405	14:10 NCR 752
11	NCAC	12	.0308*	not required G.S. 150B-21.5(b)(1) Eff. July 1, 2000
11	NCAC	13	.0406*	not required G.S. 150B-21.5(b)(1) Eff. July 1, 2000
15A	NCAC	1J	.0402*	13:22 NCR 1830
15A	NCAC	1J	.0504*	13:22 NCR 1831
15A	NCAC	1J	.0604*	13:22 NCR 1831
15A	NCAC	1J	.0701*	13:22 NCR 1832
15A	NCAC	1J	.0903*	13:22 NCR 1835
15A	NCAC	1L	.0503*	13:22 NCR 1837
15A	NCAC	1L	.0604*	13:22 NCR 1838
15A	NCAC	1L	.0701*	13:22 NCR 1838
15A	NCAC	1L	.1003*	13:22 NCR 1841
15A	NCAC	2B	.0233*	14:04 NCR 287
15A	NCAC	2B	.0259*	14:03 NCR 171
15A	NCAC	2B	.0303-.0304	13:20 NCR 1727
15A	NCAC	2B	.0306	13:20 NCR 1731 & 13:23 NCR 1929
15A	NCAC	2B	.0308	13:20 NCR 1732
15A	NCAC	2B	.0310	13:23 NCR 1935
15A	NCAC	2B	.0317	13:23 NCR 1935
15A	NCAC	2D	.0523	14:03 NCR 187
15A	NCAC	2D	.1202-.1206*	14:03 NCR 189
15A	NCAC	2D	.1208*	14:03 NCR 211
15A	NCAC	2D	.1209	14:03 NCR 215
15A	NCAC	2Q	.0102*	14:03 NCR 216
15A	NCAC	2Q	.0202	14:07 NCR 532
15A	NCAC	2Q	.0306	14:03 NCR 220
15A	NCAC	2Q	.0502-.0503	14:07 NCR 532
15A	NCAC	2Q	.0507	14:07 NCR 532
15A	NCAC	3I	.0106*	14:06 NCR 448
15A	NCAC	3O	.0101*	14:06 NCR 457
15A	NCAC	3O	.0404*	14:06 NCR 467
15A	NCAC	7H	.0209*	13:23 NCR 1938
15A	NCAC	7H	.1103	14:09 NCR 662
15A	NCAC	7H	.1203	14:09 NCR 662
15A	NCAC	7H	.1303	14:09 NCR 662
15A	NCAC	7H	.1403	14:09 NCR 662

15A	NCAC	7H	.1503	14:09 NCR 662
15A	NCAC	7H	.1603	14:09 NCR 662
15A	NCAC	7H	.1803	14:09 NCR 662
15A	NCAC	7H	.1903	14:09 NCR 663
15A	NCAC	7H	.2003	14:09 NCR 663
15A	NCAC	7H	.2103	14:09 NCR 663
15A	NCAC	7H	.2203	14:09 NCR 663
15A	NCAC	7H	.2303	14:09 NCR 663
15A	NCAC	7J	.0204*	14:09 NCR 663
15A	NCAC	7J	.0404-.0405*	14:09 NCR 664
15A	NCAC	7M	.0401-.0402	14:09 NCR 667
15A	NCAC	16A	.1104*	14:01 NCR 12
18	NCAC	6	.1212	14:08 NCR 645
18	NCAC	6	.1304	14:08 NCR 645
18	NCAC	6	.1502	14:08 NCR 645
21	NCAC	16G	.0101*	13:05 NCR 1218
21	NCAC	16G	.0102	13:15 NCR 1219
21	NCAC	16G	.0103*	13:15 NCR 1219
21	NCAC	16H	.0103-.0104*	13:15 NCR 1219
21	NCAC	16H	.0201-.0203*	13:15 NCR 1220
21	NCAC	16H	.0204	13:15 NCR 1221
21	NCAC	16H	.0205*	13:15 NCR 1221
21	NCAC	16Q	.0201-.0202*	13:15 NCR 1221
21	NCAC	16Q	.0301-.0302*	13:15 NCR 1222
21	NCAC	16V	.0101-.0102*	13:15 NCR 1222
21	NCAC	48F	.0102	14:10 NCR 771
23	NCAC	2B	.0104	13:22 NCR 1849
23	NCAC	2C	.0503-.0505*	13:22 NCR 1850

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 52 - VETERINARY DIVISION

SUBCHAPTER 52B - ANIMAL DISEASE

SECTION .0200 - ADMISSION OF LIVESTOCK TO NORTH CAROLINA

.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 or tattoo number of each animal. Swine imported for feeding or breeding purposes shall be moved in clean and disinfected trucks or other conveyances. "Accredited veterinarian" means a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations.

(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 a pseudorabies serological test approved pursuant to Title 9, Part 85.1 of the Code of Federal Regulations 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) 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 originated from a pseudorabies-free area as determined by the State Veterinarian; or
- (3) The swine originated from a Qualified Pseudorabies Negative Herd; or
- (4) The swine originated from a monitored feeder pig 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. 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 under State or Federal inspection, or to a state-federal approved livestock market or stockyard for sale to a slaughtering establishment under State or Federal inspection 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 Class 2 misdemeanor under G.S. 106-307.6.

*Authority G.S. 106-307.5; 106-316.1; 106-317; 106-318;
Amended Eff. July 1, 2000.*

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 or state; or

(7) heifers under 12 months of age purchased for feeding purposes; provided, however, that if the State Veterinarian determines that the heifers originated from a herd of unknown brucellosis status, 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;
Amended Eff. July 1, 2000.*

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 a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations 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

a numbered ear tag or tattoo in accordance with Title 9, Part 78.1 of the Code of Federal Regulations. No brucellosis test shall 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 calfhood vaccinates must be identified by ear tag, tattoo or official vaccination certificate.

(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 a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations 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;
Amended Eff. July 1, 2000.*

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .0200 - EXEMPTIONS

.0212 RESEARCH ACTIVITY

(a) Under G.S. 131E-179 a health care facility may apply to the agency for an exemption from obtaining a certificate of need for any of the following if they are to be used solely for research:

- (1) acquisition of major medical equipment;
- (2) the offering of institutional health services; or
- (3) the incurring of the obligation of a capital expenditure.

If any of the foregoing is used to provide patient care on an occasional and irregular basis and not as a part of the research program, the agency will not deny any request for an exemption solely on that basis.

(b) The exemption shall be granted if notice is filed in accordance with this Rule and if the notice shows that the proposed new institutional health service will not:

- (1) affect the charges of the health care facility for the provision of medical or other patient care services other

than the services which are included in research;

- (2) substantially change the bed capacity of the facility; or
- (3) substantially change the medical or other patient care services of the facility.

(c) The notice required by G.S. 131E-179 shall be given on a form "Notice of Proposed Research Activity." This form may be obtained by contacting the agency at the address and telephone number stated in Rule .0111 of this Subchapter.

(d) The notice must be completed and delivered to the agency before the new institutional health service is offered or developed. The notice is not filed in accordance with this Rule until the notice is deemed complete.

(e) The agency shall promptly acknowledge in writing receipt of the notice. The notice shall be deemed complete unless the agency, within seven days after receipt, mails a letter to the person submitting the notice which states that the notice was incomplete and specifies what information is necessary to make it complete. As soon as the requested information is delivered to the agency, the notice shall be deemed complete and filed in accordance with this Rule.

(f) Within 30 days after receipt of a completed notice, the agency shall notify the health care facility submitting the notice whether the agency has granted the exemption. If the exemption has been granted, the health care facility may proceed to offer and develop the new institutional health service. If a certificate of need is required, the notice and review under this Rule shall be deemed to be in compliance with Rule .0303 of this Subchapter.

(g) Any affected person, as defined in G.S. 131E-188(c), may obtain a contested case hearing on a decision of the agency under this Rule by following procedures set forth in G.S. 150B and G.S. 131E-188.

*Authority G.S. 131E-177; 131E-179;
Amended Eff. February 1, 2000; January 1, 1990; November 1, 1989; February 1, 1986.*

TITLE 11 - DEPARTMENT OF INSURANCE

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .0300 - GENERAL PROVISIONS

.0308 BANK CREDIT CARD FACILITY AVAILABLE FOR PREMIUM PAYMENT

*Authority G.S. 58-61.2;
Repealed Eff. July 1, 2000.*

CHAPTER 13 - SPECIAL SERVICES DIVISION

SECTION .0400 - MOTOR CLUBS

.0406 USE OF CREDIT CARDS PROHIBITED

*Authority G.S. 66-49.13(5); 58-61.2;
Repealed Eff. July 1, 2000.*

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

**SUBCHAPTER 1J - STATE CLEAN WATER
REVOLVING LOAN AND GRANT PROGRAM**

**SECTION .0400 - CRITERIA FOR EVALUATION OF
ELIGIBLE APPLICATIONS**

**.0402 CRITERIA FOR PLANNING AND WATER
CONSERVATION**

Maximum value- 80 points:

- (1) An applicant may receive a maximum of 15 bonus points for meeting the following criteria as applicable:
 - (a) An applicant demonstrates it has a continuing I/I program in its wastewater sewer maintenance program. (Wastewater Projects Only) 5 points
 - (b) An applicant demonstrates it has a continuing water loss reduction program in its water supply system program. (Water Supply Projects Only) 5 points
 - (c) An applicant demonstrates it has a continuing program of water conservation education and information. 5 points
 - (d) An applicant demonstrates it has established a water conservation incentive rate structure; created incentives for new or replacement installation of low flow faucets, shower heads, and toilets; or has a water reclamation or reuse system. 5 points
- (2) An applicant may receive a maximum of 25 bonus points for meeting the following criteria:
 - (a) An applicant demonstrates that it has adopted a comprehensive land-use plan that meets the requirements of G.S. 153A, Article 18 or G.S. 160A, Article 19, or applicant is a local government unit that is not authorized to adopt a comprehensive land-use plan but that is located in whole or in part in another local government unit that has adopted a comprehensive land-use plan, and that the proposed project is consistent with the plan. 7 points
 - (b) An applicant demonstrates that the comprehensive land-use plan exceeds the minimum state standards for the protection of water resources. 8 points
 - (c) An applicant demonstrates that actions have been taken toward implementation of the comprehensive land-use plan. These actions may include the adoption of a zoning ordinance or any other measure that results in the implementation of the comprehensive land-use plan. 10 points
- (3) An applicant may receive a maximum of 20 bonus points for the following criteria:
 - (a) An Applicant has developed a capital improvement plan as defined in Session Laws

- 1998 Chapter 132. 15 points
- (b) Proposed project is consistent with the water supply watershed protection requirements of G.S. 143-214.5. 5 points
- (4) An applicant may receive a maximum of 20 bonus points for the following criteria:
 - (a) An applicant demonstrates voluntary water supply watershed protection activities in excess of the minimum requirements of G.S. 143-214.5, or 15 points
 - (b) An applicant demonstrates it has developed a wellhead protection program approved by the Division of Environmental Health under the agency's voluntary "N.C. Wellhead Protection Program," or 15 points
 - (c) An applicant demonstrates it has both Subparagraphs (1) and (2) of this Paragraph. 20 points

*Authority G.S. 159G-10; 159G-15;
Eff. August 1, 2000.*

**SECTION .0500 - PRIORITY CRITERIA FOR
WASTEWATER TREATMENT WORK PROJEC**

.0504 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) of this Rule plus the value assigned to Items (3) and (4) of this Rule:

- (1) The applicant has adopted a sewer use ordinance approved by the Division of Water Quality which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project, or 6 points
- (2) The applicant has developed a draft sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) The applicant has established by resolution of its governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application. 4 points
- (4) The applicant has followed proper accounting and fiscal reporting procedures as evidenced by the applicant's most recent report of audit and the applicant is in

compliance with provisions of the general fiscal control laws of the state. 15 points

The Environmental Management Commission may seek the comments of the Secretary of the Local Government Commission in determining whether to assign values to Items (3) and (4) of this Rule.

*Authority G.S. 159G-10; 159G-15;
Eff. August 1, 2000.*

SECTION .0600 - PRIORITY CRITERIA FOR WASTEWATER COLLECTION SYSTEM PROJECTS

.0604 FISCAL RESPONSIBILITY OF THE APPLICANT Maximum Value-- 25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) plus the value assigned to Items (3) and (4) of this Rule:

- (1) The applicant has adopted a sewer use ordinance approved by the Division of Water Quality which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay its proportional part of the total cost of the operation, and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project, or 6 points
- (2) The applicant has developed a draft sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) The applicant has established by resolution of the governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) 4 points
- (4) The applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the applicant's most recent report of audit, and the applicant is in compliance with provisions of the general fiscal control laws of the state. 15 points

The Division of Environmental Management may seek the comments of the Secretary of the Local Government Commission in determining whether to assign values to Items (3) and (4) of this Rule.

*Authority G.S. 159G-10; 159G-15;
Eff. August 1, 2000.*

SECTION .0700 - PRIORITY CRITERIA FOR WATER SUPPLY SYSTEMS PROJECTS

.0701 PUBLIC NECESSITY: HEALTH: SAFETY AND WELFARE

Maximum Value- 130 points:

- (1) System and Service Area Needs (Select one) - (Maximum Points--20):
 - (a) The project is intended to increase the source of water to meet existing service area needs or to alleviate water shortage problems. 12 points
 - (b) The project is intended to improve an existing system with no increase in the area to be served. 12 points
 - (c) The project is intended to increase the existing area to be served without improvement of the existing system. 12 points
 - (d) The project is intended to increase the existing area to be served and includes improvements to the existing system. 16 points
 - (e) The project is intended to increase the existing area to be served and includes improvements to the existing system and either is a component of or will create a regional water supply system. 20 points
 - (f) The project is intended to provide for construction of a basic system for an area which is not presently served by an approved public water supply system and service by an existing system is not feasible. 20 points
- (2) Public health and compliance points may be awarded to a project based on the following criteria. A proposed project shall be necessary to facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act and to alleviate the type of public health concern for which points are awarded. A project shall receive only points in the highest sub-category for which it may qualify:
 - (a) Acute/Imminent Health Hazards. 90 points shall be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:
 - (i) Projects that address documented nitrate, nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R. 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523; or
 - (ii) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-2(3).
 - (b) Immediate Health Hazards. 60 points shall be awarded to projects that propose to eliminate any one or more of the following immediate health

hazards to the consumer:

- (i) Projects that address surface water treatment technique violations occurring for two or more consecutive months;
 - (ii) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;
 - (iii) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;
 - (iv) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A NCAC 18C .2001; or
 - (v) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water shall be considered for award of points under this criteria.
- (c) Chronic Health Hazards. 36 points shall be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:
- (i) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;
 - (ii) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;
 - (iii) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or
 - (iv) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services.
- (d) Potential Health Hazards. 24 points shall be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:
- (i) Projects that address low chlorine residuals in the distribution system;
 - (ii) Projects that address periodic violations of an MCL;
 - (iii) Projects for line installation or extensions to areas with poor water quality or limited quantity;
 - (iv) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or
 - (v) Projects to provide disinfection for a system that currently does not have disinfection.
- (e) System Improvements. 12 points shall be awarded for projects that shall provide any one or more of the following general system improvements when needed for public health purposes:
- (i) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;
 - (ii) Projects that replace undersized or leaking water lines;
 - (iii) Projects that address other water quality concerns such as iron, manganese, taste, and odor;
 - (iv) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;
 - (v) Projects that eliminate dead ends and provide looping in a distribution system.
 - (vi) Projects that increase water storage capacity;
 - (vii) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or
 - (viii) Projects for installation or upgrade of water treatment plant waste disposal facilities.
- (3) Capacity for Future Growth (Select One) - (Maximum Points -20):
- (a) The project is intended to provide for the immediate needs. 6 points
 - (b) The project is intended to provide for the reasonable growth needs of the area during the next 5 to 20 year planning period. 10 points
 - (c) The project is a proposed regional system or a major component of a regional system which is intended to provide for the reasonable growth

needs of the area to be served during the next 20
or more years. 20 points

*Authority G.S. 159G-10; 159G-15;
Eff. August 1, 2000.*

**SECTION .0900 - LOAN AND GRANT AWARD AND
COMMITMENT: DISBURSEMENT OF
LOANS AND GRANTS**

.0903 CRITERIA FOR LOAN ADJUSTMENTS

Upon receipt of bids, a loan commitment may be adjusted as follows:

- (1) The loan commitment may be decreased by the receiving agency provided the project cost as bid is less than the estimated project cost.
- (2) Loan commitments may be increased by the receiving agency to a maximum of five hundred thousand dollars (\$500,000), provided: the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available in the account from which the loan was awarded. Increases greater than ten percent of the loan commitment meeting the above criteria shall be approved jointly by the receiving agency; the Local Government Commission; and, for wastewater projects, the Environmental Management Commission.

*Authority G.S. 159G-12; 159G-15;
Amended Eff. August 1, 2000.*

**SUBCHAPTER 1L - STATE CLEAN WATER BOND
LOAN PROGRAM**

**SECTION .0500 - PRIORITY CRITERIA FOR
WASTEWATER TREATMENT WORKS PROJECTS**

.0503 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) of this Rule plus the value assigned to Items (3) and (4) of this Rule:

- (1) The applicant has adopted a sewer use ordinance approved by the Division of Water Quality which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project, or 6 points
- (2) The applicant has developed a draft sewer use ordinance which will be adopted and placed in effect on or before

the completion date of the proposed project and has established an equitable schedule of fees and charges providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points

- (3) The applicant has established by resolution of its governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4). (Copy of the resolution must be submitted with application.) 4 points
- (4) The applicant has followed proper accounting and fiscal reporting procedures as evidenced by the applicant's most recent report of audit and the applicant is in compliance with provisions of the general fiscal control laws of the state. 15 points

The Environmental Management Commission may seek the comments of the Secretary of the Local Government Commission in determining whether to assign values to Items (3) and (4) of this Rule.

*Authority S.L., 1988, c. 132, s. 10;
Amended Eff. August 1, 2000.*

**SECTION .0600 - PRIORITY CRITERIA FOR
WASTEWATER COLLECTION SYSTEM PROJECTS**

.0604 FISCAL RESPONSIBILITY OF THE APPLICANT

Maximum Value--25 points:

The value of this Rule will be the sum of the points assigned to either Item (1) or (2) plus the value assigned to Items (3) and (4) of this Rule:

- (1) The applicant has adopted a sewer use ordinance approved by the Division of Water Quality which will be placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay its proportional part of the total cost of the operation, and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project, or 6 points
- (2) The applicant is in the process of adopting an acceptable sewer use ordinance which will be adopted and placed in effect on or before the completion date of the proposed project and has established an equitable schedule of fees and charges, providing that each category of users shall pay its proportional part of the total cost of the operation and which will provide sufficient revenues for the adequate operation, maintenance and administration and for reasonable expansion of the project. 2 points
- (3) The applicant has established by resolution of the governing body a capital reserve fund into which all surplus revenues from such charges and fees will be placed for the purposes specified in G.S. 159G-9(4).

(Copy of the resolution must be submitted with application.) 4 points

- (4) The applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the applicant's most recent report of audit, and the applicant is in compliance with provisions of the general fiscal control laws of the state. 15 points

The Division of Environmental Management may seek the comments of the Secretary of the Local Government Commission in determining whether to assign values to Items (3) and (4) of this Rule.

Authority S.L. 1998, c. 132, s. 10;

Amended Eff. August 1, 2000.

SECTION .0700 - PRIORITY CRITERIA FOR WATER SUPPLY SYSTEMS PROJECTS

.0701 PUBLIC NECESSITY: HEALTH: SAFETY AND WELFARE

Maximum Value-- 130 points:

- (1) System and Service Area Needs (Select one) - (Maximum Points--20):

- (a) The project is intended to increase the source of water to meet existing service area needs or to alleviate water shortage problems. 12 points
- (b) The project is intended to improve an existing system with no increase in the area to be served. 12 points
- (c) The project is intended to increase the existing area to be served without improvement of the existing system. 12 points
- (d) The project is intended to increase the existing area to be served and includes improvements to the existing system. 16 points
- (e) The project is intended to increase the existing area to be served and includes improvements to the existing system and either is a component of or will create a regional water supply system. 20 points
- (f) The project is intended to provide for construction of a basic system for an area which is not presently served by an approved public water supply system and service by an existing system is not feasible. 20 points

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

- (a) Acute/Imminent Health Hazards. 90 points shall be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:
 - (i) Projects that address documented nitrate,

nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R. 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523; or

- (ii) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-2(3).

- (b) Immediate Health Hazards. 60 points shall be awarded to projects that propose to eliminate any one or more of the following immediate health hazards to the consumer:

- (i) Projects that address surface water treatment technique violations occurring for two or more consecutive months;
- (ii) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;
- (iii) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;
- (iv) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A NCAC 18C .2001; or
- (v) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water shall be considered for award of points under this criteria.

- (c) Chronic Health Hazards. 36 points shall be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:

- (i) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;
- (ii) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;
- (iii) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or
- (iv) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from

the Division of Epidemiology, Department of Health and Human Services.

- (d) **Potential Health Hazards.** 24 points shall be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:
 - (i) Projects that address low chlorine residuals in the distribution system;
 - (ii) Projects that address periodic violations of an MCL;
 - (iii) Projects for line installation or extensions to areas with poor water quality or limited quantity;
 - (iv) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or
 - (v) Projects to provide disinfection for a system that currently does not have disinfection.
- (e) **System Improvements.** 12 points shall be awarded for projects that shall provide any one or more of the following general system improvements when needed for public health purposes:
 - (i) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;
 - (ii) Projects that replace undersized or leaking water lines;
 - (iii) Projects that address other water quality concerns such as iron, manganese, taste, and odor;
 - (iv) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;
 - (v) Projects that eliminate dead ends and provide looping in a distribution system.
 - (vi) Projects that increase water storage capacity;
 - (vii) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the

maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or

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

(3) **Capacity for Future Growth (Select One) - (Maximum Points -20):**

- (a) The project is intended to provide for the immediate needs. 6 points
- (b) The project is intended to provide for the reasonable growth needs of the area during the next 5 to 20 year planning period. 10 points
- (c) The project is a proposed regional system or a major component of a regional system which is intended to provide for the reasonable growth needs of the area to be served during the next 20 or more years. 20 points

Authority S.L. 1998, c. 132, s. 10;

Amended Eff. August 1, 2000.

SECTION .1000 - LOAN AWARD, COMMITMENT, AND DISBURSEMENT

.1003 CRITERIA FOR LOAN ADJUSTMENTS

Upon receipt of bids, a loan commitment for water supply projects may be adjusted as follows:

- (1) The loan commitment may be decreased by the receiving agency provided the project cost as bid is less than the estimated project cost.
- (2) Loan commitments may be increased by the receiving agency by a maximum of ten percent provided: the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available.
- (3) Increases greater than 10 percent of the loan commitment meeting the above criteria shall be approved jointly by the receiving agency and the Local Government Commission.

Authority S.L. 1998, c. 132, s. 10;

Amended Eff. August 1, 2000.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

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

.0233 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS

The following is the management strategy for maintaining and protecting riparian buffers in the Neuse River Basin.

- (1) **PURPOSE.** The purpose of this Rule shall be to protect and preserve riparian buffers in the Neuse 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 11 .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 hardwoods and 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) 'Surface water' means all waters of the state as defined in G.S. 143-212 except underground waters.
 - (n) '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 Neuse River Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. Except as described in Sub-Item (4)(a)(iii) of this Rule, wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 2H .0506. The riparian buffers protected by this Rule shall be measured pursuant to Item (4) of this Rule. 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 Articles 3 and 4 of G.S. 150B. 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 July 22, 1997. 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 except that grazed or trampled by livestock and existing diffuse flow is maintained. 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 proposed to be 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 converted to a non-agricultural use.
- (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 Rule. 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 Rule. 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, whichever is more restrictive.

- (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 Zone 2 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 exempt, allowable, allowable with mitigation, or prohibited. The requirements for each category are given in Item (7) of this Rule.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Airport facilities: <ul style="list-style-type: none"> Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer 		X	X	
Archaeological activities	X			
Bridges		X		
Dam maintenance activities	X			
Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers: <ul style="list-style-type: none"> 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 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 New drainage ditches, roadside ditches and stormwater outfalls that do not provide control for nitrogen before discharging through the riparian buffer Excavation of the streambed in order to bring it to the same elevation as the invert of a ditch 	X	X		X X
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	X			
Driveway crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> 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 Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X X	X	
Fences provided that disturbance is minimized and installation does not result in removal of forest vegetation	X			

Forest harvesting - see Item (11) of this Rule				
Fertilizer application: <ul style="list-style-type: none"> One-time fertilizer application to establish replanted vegetation Ongoing fertilizer application 	X			X
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	X			
Greenway/hiking trails		X		
Historic preservation	X			
Landfills as defined by G.S. 130A-290				X
Mining activities: <ul style="list-style-type: none"> 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 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 Wastewater or mining dewatering wells with approved NPDES permit 	X	X	X	
Non-electric utility lines: <ul style="list-style-type: none"> Impacts other than perpendicular crossings in Zone 2 only³ Impacts other than perpendicular crossings in Zone 1³ 		X	X	
Non-electric utility line perpendicular crossing of streams and other surface waters subject to this Rule ³ : <ul style="list-style-type: none"> Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer 	X	X X	X X	
On-site sanitary sewage systems - new ones that use ground absorption				X
Overhead electric utility lines: <ul style="list-style-type: none"> Impacts other than perpendicular crossings in Zone 2 only³ Impacts other than perpendicular crossings in Zone 1^{1,2,3} 	X X			

Overhead electric utility line perpendicular crossings of streams and other surface waters subject to this Rule ³	X			
<ul style="list-style-type: none"> Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer¹ Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer^{1,2} 		X		
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		X		

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.

³ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Playground equipment: <ul style="list-style-type: none"> Playground equipment on single family lots provided that installation and use does not result in removal of vegetation Playground equipment installed on lands other than single-family lots or that requires removal of vegetation 	X	X		
Ponds in natural drainage ways, excluding dry ponds: <ul style="list-style-type: none"> New ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond New ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond 		X	X	
Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel		X		
Railroad impacts other than crossings of streams and other surface waters subject to this Rule			X	

Railroad crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X	X	
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X			
Road impacts other than crossings of streams and other surface waters subject to this Rule			X	
Road crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> • Road crossings that impact equal to or less than 40 linear feet of riparian buffer • Road crossings that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X	X	
Scientific studies and stream gauging	X			
Stormwater management ponds excluding dry ponds: <ul style="list-style-type: none"> • New stormwater management ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond • New stormwater management ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond 		X	X	
Stream restoration	X			
Streambank stabilization		X		
Temporary roads: <ul style="list-style-type: none"> • Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads used for bridge construction or replacement provided that restoration activities, such as soil stabilization and revegetation, are conducted immediately after construction 	X	X X		
Temporary sediment and erosion control devices: <ul style="list-style-type: none"> • 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) • 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 	X	X		

buffer • In-stream temporary erosion and sediment control measures for work within a stream channel	X			
Underground electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only • Impacts other than perpendicular crossings in Zone 1 ^{3,4}	X X			
Underground electric utility line perpendicular crossings of streams and other surface waters subject to this Rule: ³ • Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer ^{3,4} • Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer ^{3,4}	X	X		

⁴ Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternatives evaluation by the Division.

- 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, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- 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.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Vegetation management: • Emergency fire control measures provided that topography is restored • Periodic mowing and harvesting of plant products in Zone 2 only • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life • Removal of poison ivy • Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X X X X X X X			
Water dependent structures as defined in 15A NCAC 2B .0202		X		

Water supply reservoirs:		X		
• New reservoirs provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the reservoir			X	
• New reservoirs where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the reservoir				
Water wells	X			
Wetland restoration	X			

(7) **REQUIREMENTS FOR CATEGORIES OF USES.**

Uses designated as exempt, allowable, allowable with mitigation and prohibited in Item (6) of this Paragraph shall have the following requirements:

- (a) **EXEMPT.** Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable. In addition, exempt uses shall meet requirements listed in Item (6) of this Rule for the specific use.
- (b) **ALLOWABLE.** Uses designated as allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Item (8) of this Rule. These uses require written authorization from the Division or the 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 Rule and an appropriate mitigation strategy has been approved pursuant to Item (10) of this Rule. 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 Rule. Mitigation may be required as one condition of a variance approval.

- (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 Rule 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 shall 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 Rule 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 Articles 3 and 4 of G.S. 150B.
- (9) **VARIANCES.** Persons who wish to undertake uses designated as prohibited may pursue 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. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:
 - (A) If the applicant complies with the provisions of this Rule, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Division or delegated local authority shall consider whether the variance is the minimum possible deviation from the terms of this Rule that shall make reasonable use of the property possible.
 - (B) The hardship results from application of this Rule to the property rather than from other factors such as deed restrictions or other hardship.
 - (C) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - (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 Rule 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 Rule, 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 Rule
- (D) The applicant did not cause the hardship by knowingly or unknowingly violating this Rule.
- (E) The applicant did not purchase the property after the effective date of this Rule, and then requesting an appeal.
- (F) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice;

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 Rule 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 Rule.
 - (b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 2B .0242.
- (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 G.S. 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 .0235 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 .0241.
- (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 Rule and either:
 - (A) Has received an on-site determination from the Division pursuant to Sub-Item (3)(a) of this Rule that surface waters are not present;

- (B) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Rule for uses designated as Allowable under this Rule;

- (C) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Rule and obtained the Division's approval on a mitigation plan pursuant to Item (10) of this Rule 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 Rule.

(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); S.L. 1995, c. 572.;

Eff. August 1, 2000.

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

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

- (1) **PURPOSE.** The purpose of this Rule shall be to protect and preserve existing riparian buffers, to maintain their nutrient removal functions, in the entire Tar-Pamlico River Basin, whose surface waters are described in the Schedule of Classifications, 15A NCAC 2B .0316.
- (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 hardwoods and 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 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) 'Surface waters' means all waters of the state as defined in G.S. 143-212 except underground waters.
 - (n) '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. Except as described in Sub-Item (4)(a)(iii) of this Rule, wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 2H .0506. 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 Articles 3 and 4 of G.S. 150B. 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 unless constructed for navigation or boat access.
- (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 January 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, except that grazed or trampled by livestock, and existing diffuse flow is maintained. 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 proposed to be 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 converted to a non-agricultural use.
 - (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 Rule. 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:
 - (A) the normal high water level;
 - (B) the normal water level; or
 - (C) 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, whichever is more restrictive.
 - (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 Rule. 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 Zone 2 of 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 exempt, allowable, allowable with mitigation, or prohibited. The requirements for each category are given in Item (7) of this Rule.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Airport facilities: • Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer		X	X	
Archaeological activities	X			
Bridges		X		
Dam maintenance activities	X			
Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers: • 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 • 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 • New drainage ditches, roadside ditches and stormwater outfalls that do not provide control for nitrogen before discharging through the riparian buffer • Excavation of the streambed in order to bring it to the same elevation as the invert of a ditch	X	X		X X
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	X			
Driveway crossings of streams and other surface waters subject to this Rule: 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 Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer	X	X X	X	
Fences provided that disturbance is minimized and installation does not result in removal of forest vegetation	X			
Forest harvesting - see Item (11) of this Rule				
Fertilizer application: One-time fertilizer application to establish replanted vegetation • Ongoing fertilizer application	X			X
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	X			
Greenway / hiking trails		X		

Historic preservation	X			
Landfills as defined by G.S 130A-290.				X
Mining activities: • 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 • Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements or Items (4) and (5) are not established adjacent to the relocated channels Wastewater or mining dewatering wells with approved NPDES permit	X	X	X	
Non-electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only ³ • Impacts other than perpendicular crossings in Zone 1 ³		X	X	
Non-electric utility line perpendicular crossings of streams and other surface waters subject to this Rule ³ : • Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer	X	X X	X X	
On-site sanitary sewage systems – new ones that use ground absorption				X
Overhead electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only ³ • Impacts other than perpendicular crossings in Zone 1 ^{1,2,3}	X X			
Overhead electric utility line perpendicular crossings of streams and other surface waters subject to this Rule ³ : • Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer ¹ • Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer ^{1,2}	X	X		
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		X		

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 alternative 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 alternative evaluation.

³ Perpendicular crossings are those that intersect the surface water at an angle between 75° and 105°.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Playground equipment: <ul style="list-style-type: none"> • Playground equipment on single family lots provided that installation and use does not result in removal of vegetation • Playground equipment installed on lands other than single-family lots or that requires removal of vegetation 	X	X		
Ponds in natural drainage ways, excluding dry ponds: <ul style="list-style-type: none"> • New ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond • New ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond 		X	X	
Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel		X		
Railroad impacts other than crossings of streams and other surface waters subject to this Rule.			X	
Railroad crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer 	X	X	X	
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X			
Road impacts other than crossings of streams and other surface waters subject to this Rule			X	

Road crossings of streams and other surface waters subject to this Rule: • Road crossings that impact equal to or less than 40 linear feet of riparian buffer • Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X	
Scientific studies and stream gauging	X			
Stormwater management ponds excluding dry ponds: • New stormwater management ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the pond • New stormwater management ponds where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the pond		X	X	
Stream restoration	X			
Streambank stabilization		X		
Temporary roads: • Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance • Temporary roads used for bridge construction or replacement provided that restoration activities such as soil stabilization and revegetation, occur immediately after construction	X	X X X		
Temporary sediment and erosion control devices: • 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) • 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 • In-stream temporary erosion and sediment control measures for work within a stream channel	X X	X		
Underground electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only • Impacts other than perpendicular crossings in Zone 1 ⁴	X X			
Underground electric utility line perpendicular crossings of streams and other surface waters subject to this Rule: • Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer ⁴ • Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer ⁴	X	X		

⁴ Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Division.

• 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, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- 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.

	Exempt	Allowable	Allowable with Mitigation	Prohibited
Vegetation management: <ul style="list-style-type: none"> • Emergency fire control measures provided that topography is restored • Periodic mowing and harvesting of plant products in Zone 2 only • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life • Removal or poison ivy • Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30 	X X X X X X			
Water dependent structures as defined in 15A NCAC 2B .0202		X		
Water supply reservoirs: <ul style="list-style-type: none"> • New reservoirs provided that a riparian buffer that meets the requirements of Items (4) and (5) is established adjacent to the reservoir • New reservoirs where a riparian buffer that meets the requirements of Items (4) and (5) is NOT established adjacent to the reservoir 		X	X	
Water wells	X			
Wetland restoration	X			

(7) **REQUIREMENTS FOR CATEGORIES OF USES.** Uses designated as exempt, allowable, allowable with mitigation and prohibited in Item (6) of this Rule shall have the following requirements:

- EXEMPT.** Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable. In addition, exempt uses shall meet requirements listed in Item (6) of this Rule for the specific use.
- ALLOWABLE.** Uses designated as allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Item (8) of this

Rule. These uses require written authorization from the Division or the delegated local authority.

- 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 Rule and an appropriate mitigation strategy has been approved pursuant to Item (10) of this Rule. These uses require written authorization from the Division or the delegated local authority.
- PROHIBITED.** Uses designated as prohibited may not proceed within the riparian buffer unless a variance is granted pursuant to Item (9) of this Rule. Mitigation may be required as

one condition of a variance approval.

- (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 Rule 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 shall 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 Rule 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 Articles 3 and 4 of G.S. 150B.
- (9) VARIANCES. Persons who wish to undertake uses designated as prohibited may pursue 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. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:
 - (A) If the applicant complies with the provisions of this Rule, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Division or delegated local authority shall consider whether the variance is the minimum possible deviation from the terms of this Rule that shall make reasonable use of the property possible.
 - (B) The hardship results from application of this Rule to the property rather than from other factors such as deed restrictions or other hardship.
 - (C) The hardship is due to the

physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

- (D) The applicant did not cause the hardship by knowingly or unknowingly violating this Rule.
 - (E) The applicant did not purchase the property after the effective date of this Rule, and then request an appeal.
 - (F) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice;
 - (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 Rule 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 Rule, 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. 160A-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 Rule 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 Rule.
 - (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 G.S. 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 II .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 in the Tar-Pamlico River Basin that are required to have local stormwater programs to control nitrogen loading 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 Rule that surface waters are not present;
- (B) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Rule for uses designated as Allowable under this Rule;
- (C) Has received an Authorization Certificate from the Division pursuant to Item (8) of this Rule and obtained the Division's approval on a mitigation plan pursuant to Item (10) of this Rule 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 Rule.

- (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; 143B-282(d); S.L 1999-329, s. 7.1;

Eff. August 1, 2000.

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS

.1202 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

- (1) "Co-fired combustor (as defined in 40 CFR Part 60, Subpart Ec)" means a unit combusting hospital, medical, or infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital, medical, or infectious waste as measured on a calendar quarter basis. For the purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered

"other" wastes when calculating the percentage of hospital, medical, or infectious waste combusted.

- (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 .0101 through .0119, 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.
- (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) 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" 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.
- (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 designated units at the same location.
- (14) "Municipal waste combustor unit capacity" means the 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 60.58b(j) includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.
- (15) "Municipal-type solid waste (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" means each municipal waste combustor unit with a combustion capacity greater than 38.8 tons per day but not more

than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

- (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 Office of Management and Budget (OMB) Bulletin No. 93-17, entitled "Revised Statistical Definitions for Metropolitan Areas" dated July 30, 1993. The referenced document cited by this Item is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document may be obtained from the Division of Air Quality, P.O. Box 29580, Raleigh, North Carolina 27626-0580 at a cost of ten cents (\$0.10) per page or may be obtained through the internet at "<http://www.census.gov/population/estimates/metro-city/93mfips.txt>".

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

Amended Eff. July 1, 2000.

.1203 HAZARDOUS WASTE INCINERATORS

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

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 260.10, 270.2, and 40 CFR 63.1201 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. However, in any event, Subparagraphs (8) or (9) of this Paragraph and Paragraph (h) of this Rule shall control.
- (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 its compounds
2.3x10⁻⁷
 - (ii) beryllium and its compounds
4.1x10⁻⁶
 - (iii) cadmium and its compounds
5.5x10⁻⁶
 - (iv) chromium (VI) and its compounds
8.3x10⁻⁸
- (B) When Subparagraph (1) of this Paragraph and 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 specified as a permit condition 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 when applicable operational standards in Rule .0524, .1110, or .1111 of this Subchapter apply.
- (2) Hazardous waste incinerators shall comply with 15A NCAC 13A .0101 through .0119, which are administered and enforced by the Division of Waste Management.
- (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. However, 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, 40 CFR 270.31, and 40 CFR 264.347.
- (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) In addition to the requirements of Paragraphs (c) through (g) 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, establishing Resource Conservation and Recovery Act permit conditions, as necessary

to protect human health and the environment.

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

Amended Eff. July 1, 2000.

.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. However, in any event, Subparagraphs (11) or (12) of this Paragraph shall control.

(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 block 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 block 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 its compounds
 2.3×10^{-7}

(ii) beryllium and its compounds
 4.1×10^{-6}

(iii) cadmium and its compounds
 5.5×10^{-6}

(iv) chromium (VI) and its compounds
 8.3×10^{-8}

(B) When Subparagraph (1) of this Paragraph and 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 specified as a permit condition 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 when applicable 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 specified as a permit condition and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies as needed to comply with .1204(c).
 - (B) The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be specified as a permit condition and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies as needed to comply with .1204(c).
 - (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. However, 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 specified as a permit condition.

(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.

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5);
Amended Eff. July 1, 2000.*

.1205 MUNICIPAL WASTE COMBUSTORS

(a) Applicability. This Rule applies to:

- (1) Small municipal waste combustors, as defined in rule .1202 of this Section, and
- (2) Large municipal waste combustors, as defined in rule .1202 of this Section.

(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. However, in any event, Subparagraphs (13) or (14) of this Paragraph shall control.

(2) Particulate Matter.

- (A) Emissions of particulate matter from each small municipal waste combustor 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 burners shall comply with Rule .1904 of this Subchapter.

(4) Sulfur Dioxide.

- (A) Emissions of sulfur dioxide from each small municipal waste combustor 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.

- (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 small municipal waste combustors.
- (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 small municipal waste combustor 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 small municipal waste combustor 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 small municipal waste combustor 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 small municipal waste combustor 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 block 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 its compounds
2.3x10⁻⁷
 - (ii) beryllium and its compounds
4.1x10⁻⁶
 - (iii) cadmium and its compounds
5.5x10⁻⁶
 - (iv) chromium (VI) and its compounds
8.3x10⁻⁸
- (B) When Subparagraph (1) of this Paragraph and 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 specified as a permit condition 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 when applicable 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. However, 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.
 - (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 small municipal waste combustors 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).
- (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 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 only to large municipal waste combustors).
 - (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 (e) 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).

(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) By January 1, 2000, or six months after the date of start-up of a small municipal waste combustor, 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 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.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(4),(5); 40 CFR 60.35b; 40 CFR 60.34e;

Amended Eff. July 1, 2000.

.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 60.51c 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. However, in any event, Subparagraphs (13) or (14) of this Paragraph shall control.
- (2) Particulate Matter.
 - (A) 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

- (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 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 its compounds
 2.3×10^{-7}
 - (ii) beryllium and its compounds
 4.1×10^{-6}
 - (iii) cadmium and its compounds
 5.5×10^{-6}
 - (iv) chromium (VI) and its compounds
 8.3×10^{-8}
 - (B) When Subparagraph (1) of this Paragraph and 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 specified as a permit condition 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 when applicable 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.
- (c) 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. However, 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(c) 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.

*G.S. 143-215.3(a)(1); 143-215.107(a)(5); 40 CFR 60.34e;
Amended Eff. July 1, 2000.*

.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.

However, in any event, Subparagraphs (8) or (9) of this Paragraph shall control.

- (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 AE@ equals the allowable emission rate for particulate matter in pounds per hour and AP@ 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 block 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 block 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 NCAC 2Q .0700.
 - (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 its compounds
 2.3×10^{-7}
 - (ii) beryllium and its compounds
 4.1×10^{-6}
 - (iii) cadmium and its compounds
 5.5×10^{-6}
 - (iv) chromium (VI) and its compounds
 8.3×10^{-8}
 - (B) When Subparagraph (1) of this Paragraph and 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 specified as a permit condition 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 when applicable 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. However, 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.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10).

Amended Eff. July 1, 2000.

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;
 - (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:
 - (I) owned by the facility, and
 - (II) operated at the facility for more than seven consecutive days; and
 - (ii) The material recycled is:
 - (I) recycled at the site of origin,
 - (II) the original material is non-photochemically reactive in accordance with 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and
 - (III) all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;
- (J) processes:
 - (i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (ii) small electric motor bake-on ovens;
 - (iii) burn-off ovens for paint-line hangers with afterburners;
 - (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
 - (v) blade wood planers planing only green wood;
- (K) solid waste landfills: municipal solid waste landfills not required to be permitted under Section .0500 of this Subchapter (This Part does not apply to flares and other sources of combustion at solid waste landfills.);
- (L) miscellaneous:
 - (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;

- (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act;
 - (iii) equipment used for the preparation of food for direct on-site human consumption;
 - (iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;
 - (v) exit gases from in-line process analyzers;
 - (vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (vii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment;
 - (viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;
 - (ix) equipment that does not emit any regulated air pollutants;
 - (x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);
 - (xi) sources for which there are no applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter;
 - (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 .0518 are less than 30 pounds per day;
- provided the facility is not required to be permitted under Section .0500 of this Subchapter;
- (ii) sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;
 - (iii) perchloroethylene dry cleaners that emits less than 13,000 pounds of perchloroethylene per year;
 - (iv) electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped curing ovens with a heat input of less than 10,000,000 BTU per hour;
 - (E) miscellaneous:
 - (i) any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their 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.
- (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;*
Amended Eff. July 1, 2000.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

SECTION .0100 - GENERAL RULES

.0106 SCIENTIFIC, EDUCATIONAL, OR OFFICIAL COLLECTING PERMIT

(a) It is unlawful to take any marine or estuarine species for scientific purposes which is out of season or otherwise protected without first securing a scientific collecting permit from the Secretary. If the Secretary determines that the request is for a

valid scientific purpose and will not result in an adverse effect on fisheries management, the permit may be issued. Such permit will be subject to any restrictions concerning areas, times, and sampling methods as the Secretary deems appropriate.

(b) It is unlawful for persons who have been issued an educational, scientific, or official collecting permit to fail to keep records according to the conditions of the permit. This information shall be submitted to the Division of Marine Fisheries on an annual basis unless otherwise specified on the permit as is necessary or useful to the promotion of fisheries and the conservation of marine and estuarine resources.

Authority G.S. 113-134; 113-169.3; 113-182; 113-261; 143B-289.52;

Eff. August 1, 2000.

SUBCHAPTER 30 - LICENSES, LEASES, AND FRANCHISES

SECTION .0100 - LICENSES

.0101 PROCEDURE AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for a proper application by the licensee, a responsible party or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application must be notarized;
- (2) Current picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
- (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
- (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of a corporation whose purpose includes operating a single commercial fishing vessel and whose assets include only one such fishing vessel,

the name of the master of that vessel shall also be specified. It is unlawful to fail to notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;

- (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
 - (7) For North Carolina residents, a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and for nonresidents, certification of the state of residency;
 - (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
 - (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
 - (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept.
- (b) To obtain a License to Land Flounder from the Atlantic Ocean:
- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
 - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
 - (B) have been licensed under G.S. 113-152 or G.S. 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
 - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
 - (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
 - (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
 - (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
 - (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division

of Marine Fisheries for processing.

- (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
- (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.
- (c) To obtain a Recreational Fishing Tournament License to Sell Fish, the following information is required for a proper application:
 - (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature must be notarized on the application.
 - (2) Current picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.
 - (3) The tournament organizer must apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament.
- (d) To obtain a Land or Sell License, the following information is required for a proper application:
 - (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application must be notarized on the application;
 - (2) Pictured identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
 - (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.

(e) In addition to the certification required in Subparagraph (a)(7) of this Rule, proof of residency in North Carolina for:

- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall be:
 - (A) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
 - (B) a notarized certification that the applicant was

not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or

- (C) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
 - (A) North Carolina voter registration card; or
 - (B) Current Valid North Carolina Driver's License; or
 - (C) Current Valid North Carolina Certificate of Domicile; or
 - (D) Current Valid North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
 - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.

(f) Applications submitted without complete and required information will be deemed incomplete and shall not be considered further until resubmitted with all required information.

(g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of address. License holders are required to notify the Division of Marine Fisheries within 30 days of a change of address.

(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.

Authority G.S. 113-134; 113-168; 113-168.1; 113-168.2; 113-168.3; 113-168.4; 113-168.5; 113-168.6; 113-169; 113-169.2; 113-169.3; 113-169.4; 113-169.5; 113-171.1; 143B-289.52; Eff. August 1, 2000.

SECTION .0400 - STANDARD COMMERCIAL LICENSE ELIGIBILITY

.0404 ELIGIBILITY CRITERIA

In determining eligibility of an application for the Standard Commercial Fishing License Eligibility Pool, the Eligibility Board shall apply the following criteria:

- (1) Involvement in Commercial Fishing:
 - (a) Significant involvement in the commercial fishing industry for three of the last five years; or
 - (b) Significant involvement in commercial fishing or in the commercial fishing industry prior to the last five years; or

- (c) Greater than 50 percent of the applicant's total annual income per year for at least three years derived from commercial fishing; or
- (d) Greater than 75 percent of the applicant's total annual income for three of the last five years being derived from commercial fishing; or
- (e) In the case of an applicant who has turned 16 in the year prior to application, significant involvement in commercial fishing for two out of the last five years prior to reaching the age of 16 with a parent, guardian, grandparent or other adult family member; or
- (f) Significant family involvement of the applicant's family in commercial fishing for the last five years. For the purpose of this Sub-item, family shall include mother, father, brother, sister, spouse, children, grandparents or legal guardian.

For the purposes of this Rule, significant involvement means persons or corporations who are engaged in the actual taking of fish, from the waters of the State, or other states, jurisdictions, or federal waters, or any licensed dealer who purchases fish at the point of landing or their employees at the point of landing. Significant involvement does not include activities such as those who transport fish from the point of landing; those who sell or make commercial or recreational fishing gear; those who operate bait and tackle shops, unless they are engaged in the actual taking of bait for sale; or those who work in fish markets or crab picking operations.

- (2) Compliance with Applicable Laws and Regulations:
 - (a) The applicant shall not have any licenses, endorsements or commercial fishing vessel registrations issued by the Division of Marine Fisheries or the right to hold such under suspension or revocation at the time of application or during the eligibility review; or
 - (b) If selected for the Standard Commercial Fishing License Eligibility Pool, the applicant shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if any licenses, endorsements or registrations or the right to hold such issued by the Division of Marine Fisheries are suspended or revoked; or
 - (c) Four convictions within the last three years or the number of convictions which would cause suspension or revocation of license, endorsement, or registration within the last three years shall result in the application being denied; or
 - (d) A record of habitual violations evidenced by eight or more convictions in the last 10 years shall result in the application being denied;

For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include but not be limited to any

conviction for violation of any provision of G.S. 113 and any rule implementing or authorized by such statutes; any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such statute; any conviction of G.S. 75A and any rule implementing or authorized by such statutes; any conviction for violation of any provision of Article 7 of G.S. 143B and any rule implementing or authorized by such statutes; any conviction of resist, obstruct, or delay involving a Marine Patrol Officer or Wildlife Officer under G.S. 14-223; and any conviction involving assaultive behavior toward a Marine Patrol Officer or other governmental official of the Department of Environment and Natural Resources or the Wildlife Commission.

Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years.

- (3) All applicants for the Standard Commercial Fishing License Eligibility Pool must meet all other statutory eligibility requirements for the Standard Commercial Fishing License.

*Authority G.S. 113-134; 113-168.1; 113-168.2; 143B-289.52; S.L. 1998-225, s. 4.24;
Eff. August 1, 2000.*

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0200 - THE ESTUARINE SYSTEM

.0209 COASTAL SHORELINES

(a) Description. The Coastal Shorelines AEC category includes estuarine shorelines and public trust shorelines. Estuarine shorelines are those non-ocean shorelines extending from the mean normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources [described in Rule .0206(a) of this Section] for a distance of 75 feet landward. For those estuarine shorelines immediately contiguous to waters classified as Outstanding Resource Waters by the Environmental Management Commission, the estuarine shoreline AEC shall extend to 575 feet landward from the mean normal high water level or normal water level, unless the Coastal Resources Commission establishes the boundary at a greater or lesser extent following required public hearing(s) within the affected county or counties. Public trust shorelines are those non-ocean shorelines immediately contiguous to public trust areas, as defined in Rule 7H .0207(a) of this Section, located inland of the dividing line between coastal fishing waters and inland fishing waters as set

forth in that agreement and extending 30 feet landward of the normal high water level.

(b) **Significance.** Development within coastal shorelines influences the quality of estuarine and ocean life and is subject to the damaging processes of shore front erosion and flooding. The coastal shorelines and wetlands contained within them serve as barriers against flood damage and control erosion between the estuary and the uplands. Coastal shorelines are the intersection of the land and aquatic elements of the estuarine and ocean system, often integrating influences from both the land and the sea in wetland areas. Some of these wetlands are among the most productive natural elements of North Carolina and they support the functions of and habitat for many valuable commercial and sport fisheries of the coastal area. Many land-based activities influence the quality and productivity of estuarine waters. Some important features of the coastal shoreline include wetlands, flood plains, bluff shorelines, mud and sand flats, forested shorelines and other important habitat areas for fish and wildlife.

(c) **Management Objective.** The Management Objective is to ensure that shoreline development is compatible with both the dynamic nature of coastal shorelines as well as the values and the management objectives of the estuarine and ocean system. Other objectives are to conserve and manage the important natural features of the estuarine and ocean system so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing these shorelines so as to maximize their benefits to the estuarine and ocean system and the people of North Carolina.

(d) **Use Standards.** Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. These uses shall be limited to those types of development activities that will not be detrimental to the public trust rights and the biological and physical functions of the estuarine system. Every effort shall be made by the permit applicant to avoid, mitigate or reduce adverse impacts of development, to estuarine and coastal systems through the planning and design of the development project. In every instance, the particular location, use, and design characteristics shall comply with the general use and specific use standards for coastal shorelines, and where applicable, the general use and specific use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

- (1) All development projects, proposals, and designs shall preserve and not weaken or eliminate natural barriers to erosion, including, but not limited to, peat marshland, resistant clay shorelines, and cypress-gum protective fringe areas adjacent to vulnerable shorelines.
- (2) All development projects, proposals, and designs shall limit the construction of impervious surfaces and areas not allowing natural drainage to only so much as is necessary to adequately service the major purpose or use for which the lot is to be developed. Impervious surfaces shall not exceed 30 percent of the AEC area of the lot, unless the applicant can effectively demonstrate, through innovative design, that the

protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. Redevelopment of areas exceeding the 30 percent impervious surface limitation can be permitted if impervious areas are not increased and the applicant designs the project to comply with the intent of the rule to the maximum extent practical.

- (3) Within the estuarine and public trust shoreline AEC's, new development, with the exception of water dependent uses, shall be located a distance of 30 feet landward of the normal high water level. Water dependent uses are those described in Rule 7H .0208(a)(1) of this Section.
- (4) All development projects, proposals, and designs shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973:
 - (A) All development projects, proposals, and designs shall provide for a buffer zone along the margin of the estuarine water which is sufficient to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing development.
 - (B) No development project proposal or design shall permit an angle for graded slopes or fill which is greater than an angle which can be retained by vegetative cover or other erosion-control devices or structures.
 - (C) All development projects, proposals, and designs which involve uncovering more than one acre of land shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading; provided that this shall not apply to clearing land for the purpose of forming a reservoir later to be inundated.
- (5) Development shall not have a significant adverse impact on estuarine and ocean resources. Significant adverse impacts shall include but be limited to development that would directly or indirectly impair water quality standards, increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water, or cause degradation of shellfish beds.
- (6) Development shall not interfere with existing public rights of access to, or use of, navigable waters or public resources.
- (7) No public facility shall be permitted if such facility is likely to require public expenditures for maintenance and continued use, unless it can be shown that the public purpose served by the facility outweighs the required public expenditures for construction, maintenance, and continued use. For the purpose of this standard, "public facility" shall mean a project which is paid for in any part by public funds.
- (8) Development shall not cause irreversible damage to

valuable, documented historic architectural or archaeological resources by the local historic commission or the North Carolina Department of Cultural Resources.

- (9) Established common-law and statutory public rights of access to the public trust lands and waters in estuarine areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the intended use of the accessways.
 - (10) Within the AEC for shorelines contiguous to waters classified as Outstanding Resource Waters by the EMC, no CAMA permit shall be approved for any project which would be inconsistent with applicable use standards adopted by the CRC, EMC or MFC for estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by specific use standards, no permit shall be issued if the activity would, based on site specific information, materially degrade the water quality or outstanding resource values unless such degradation is temporary.
- (e) Exceptions to the 30-foot buffer requirement. Development shall be exempted from the buffer requirement set out in Paragraph (d) of this Rule under the following circumstances:

- (1) Where strict application of the buffer requirement would preclude placement of a permanent single-family residential structure on lots, parcels and tracts platted prior to June 1, 1999, development shall comply with the buffer area requirement to the maximum extent feasible. Feasible means an alternative is available and capable of being done after taking into consideration cost, existing technology, proposed use, and overall project purposes. The footprint of the single family residential structure shall not exceed 1000 square feet. Land disturbance is limited to only so much as is necessary to construct and provide access to the residence and to allow installation or connection of utilities such as water and sewer. At a minimum, non-water dependent development shall be located a distance landward of the normal high water or normal water level equal to 20 percent of the greatest depth of the lot.
- (2) Existing structures that encroach into the applicable buffer area may be replaced or repaired consistent with the criteria set out in 7J .0201 and 7J .0211.

(f) The buffer requirements of paragraph (d) of this rule will not apply to Coastal Shorelines where the Environmental Management Commission (EMC) has adopted rules that contain buffer standards, or to Coastal Shorelines where the EMC adopts such rules, upon the effective date of those rules.

(g) Specific Use Standards for ORW Coastal Shorelines.

- (1) Within the AEC for estuarine public trust shorelines contiguous to waters classified as ORW by the EMC, all development projects, proposals, and designs shall limit the built upon area to no more than 25 percent of the AEC area of the land to be developed or any lower

site specific percentage as adopted by the EMC as necessary to protect the exceptional water quality and outstanding resource values of the ORW, and shall:

- (A) have no stormwater collection system;
 - (B) provide a buffer zone of at least 30 feet from the normal high water line or normal water line;
 - (C) otherwise be consistent with the use standards set out in Paragraph (d) of this Rule.
- (2) Development (other than single-family residential lots) more than 75 feet from the normal high water line or normal water line but within the AEC that, as of June 1, 1989:
 - (A) the development has a CAMA permit application in process, or
 - (B) the development has received preliminary subdivision plat approval or preliminary site plan approval under applicable local ordinances, and in which financial resources have been invested in design or improvement;
 - (3) Single-family residential lots that would not be buildable under the low-density standards defined in Paragraph (g)(1) of this Rule may be developed for single-family residential purposes so long as the development complies with those standards to the maximum extent possible.
 - (4) For ORW's nominated subsequent to June 1, 1989, the effective date in Paragraph (g)(2) of this Rule shall be the dates of nomination by the EMC.

Authority G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124; Eff. August 1, 2000.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7J - PROCEDURES FOR HANDLING MAJOR DEVELOPMENT PERMITS: VARIANCE REQUESTS; APPEALS FROM MINOR DEVELOPMENT PERMIT DECISIONS: AND DECLARATORY RULINGS

SECTION .0200 - APPLICATION PROCESS

.0204 PROCESSING THE APPLICATION

(a) On receipt of a CAMA major development and/or dredge and fill permit application by the Department, a letter shall be sent to the applicant acknowledging receipt.

(b) Application processing shall begin when an application is accepted as complete. Before an application will be accepted as complete, the following requirements must be met;

- (1) a current application form must be submitted;
- (2) all questions on the application form must be completed or the letters "N/A" must be placed in each section that does not apply;
- (3) an accurate work plan as described in 15A NCAC 7J .0203 herein must be attached to all CAMA major

development and/or dredge and fill permit applications;

- (4) a copy of a deed or other instrument under which the applicant claims title must accompany a CAMA major development and/or dredge and fill permit application;
- (5) notice to adjacent riparian landowners must be given as follows:
 - (A) Certified return mail receipts (or copies thereof) indicating that adjacent riparian landowners (as identified in the permit application) have been sent a copy of the application for the proposed development must be included in a CAMA major development and/or dredge and fill permit application. Said landowners have 30 days from the date of notification in which to comment. Such comments will be considered by the Department in reaching a final decision on the application.
 - (B) For CAMA minor development permits, the applicant must give actual notice of his intention to develop his property and apply for a CAMA minor development permit to all adjacent riparian landowners. Actual notice can be given by sending a certified letter, informing the adjoining property owner in person or by telephone, or by using any other method which satisfies the Local Permit Officers that a good faith effort has been made to provide the required notice;
- (6) the application fee must be paid as set out in this Subparagraph:
 - (A) Major development permit - Application fees shall be in the form of a check or money order payable to the Department. The application fee for private, non-commercial development shall be two hundred fifty dollars (\$250.00). The application fee for a public or commercial project shall be four hundred dollars (\$400.00).
 - (B) Minor development permit - Application fees shall be in the form of a check or money order payable to the permit-letting agency in the amount of one hundred dollars (\$100.00). Monies so collected may be used only in the administration of the permit program;
- (7) any other information the Department or local permit officer deems necessary for a review of the application must be provided. Any application not in compliance with these requirements will be returned to the applicant along with a cover letter explaining the deficiencies of the application and will not be considered accepted until it is resubmitted and determined to be complete and sufficient. If a local permit officer receives an application for a permit that the local permit officer lacks authority to grant, the permit officer shall return the application with

information as to how the application may be properly considered; and

- (8) for development proposals subject to review under the North Carolina Environmental Policy Act (NCEPA), G.S. 113A-100 et. seq., the permit application will be complete only on submission of the appropriate environmental assessment document.
 - (c) Upon acceptance of a major development and/or dredge and fill permit as complete, the Department shall send a letter to the applicant setting forth the data on which acceptance was made.
 - (d) If the application is found to be incomplete or inaccurate after processing has begun or if additional information from the applicant is necessary to adequately assess the project, the processing shall be terminated pending receipt of the necessary changes or necessary information from the applicant. During the pendency of any termination of processing, the permit processing period shall not run. If the changes or additional information significantly alters the project proposal, the application shall be considered new and the permit processing period will begin to run from that date.
 - (e) Any violation occurring at a proposed project site for which an application is being reviewed shall be processed according to the procedures in 15A NCAC 7J .0408 - .0410. If the violation substantially altered the proposed project site, and restoration is deemed necessary, the applicant shall be notified that processing of the application will be suspended pending compliance with the notice of required restoration. Satisfactory restoration of any unauthorized development that has substantially altered a project site is deemed necessary to allow a complete review of the application and an accurate assessment of the project's potential impacts. The applicant shall be notified that permit processing has resumed, and that a new processing deadline has been established once the required restoration has been deemed satisfactory by the Division of Coastal Management or Local Permit Officer.
 - (f) If during the public comment period a question is raised as to public rights of access across the subject property, the Division of Coastal Management shall examine the access issue prior to making a permit decision. Any individual or governmental entity initiating action to judicially recognize a public right of access must obtain a court order to suspend processing of the permit application. Should the parties to legal action resolve the issue, permit processing shall continue.

*Authority G.S. 113-229; 113(A) -119; 113(A) -119.1; 113(A) -122(c); 113A-124;
Eff. August 1, 2000.*

SECTION .0400 - FINAL APPROVAL AND ENFORCEMENT

.0404 DEVELOPMENT PERIOD EXTENSION

- (a) Where no development has been initiated during the development period, the permitting authority shall extend the authorized development period for no more than two years upon

receipt of a signed and dated request from the applicant containing the following:

- (1) a statement of the intention of the applicant to complete the work within a reasonable time;
- (2) a statement of the reasons why the project will not be completed before the expiration of the current permit;
- (3) a statement that there has been no change of plans since the issuance of the original permit other than changes that would have the effect of reducing the scope of the project, or, previously approved permit modifications;
- (4) notice of any change in ownership of the property to be developed and a request for transfer of the permit if appropriate; and
- (5) a statement that the project is in compliance with all conditions of the current permit.

Where substantial development, either within or outside the AEC, has begun and is continuing on a permitted project, the permitting authority shall grant as many two year extensions as necessary to complete the initial development. Renewals for maintenance and repairs of previously approved projects may be granted for periods not to exceed 10 years.

(b) When an extension request has not met the criteria of Paragraph (a) of this Rule, the Department may circulate the request to the commenting state agencies along with a copy of the original permit application. Commenting agencies will be given three weeks in which to comment on the extension request. Upon the expiration of the commenting period the Department will notify the applicant promptly of its actions on the extension request.

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, an extension request may be denied on making findings as required in either G.S. 113A-120 or G.S. 113-229(e). Changes in circumstances or in development standards shall be considered and applied to the maximum extent practical by the permitting authority in making a decision on an extension request.

(d) The applicant for a major development extension request must submit, with the request, a check or money order payable to the Department in the sum of one hundred dollars (\$100.00).

(e) Modifications to extended permits may be considered pursuant to 15A NCAC 7J .0405.

Authority G.S. 113A-119; 113A-124(c)(8);

Eff. August 1, 2000.

.0405 PERMIT MODIFICATION

(a) An applicant may modify his permitted major development and/or dredge and fill project only after approval by the Department. In order to modify a permitted project the applicant must make a written request to the Department showing in detail the proposed modifications. Minor modifications may be shown on the existing approved application and plat. Modification requests which, in the opinion of the Department, are major will require a new application. Modification requests are subject to the same processing procedure applicable to original permit applications. A permit need not be circulated to all agencies commenting on the original application if the Commission

determines that the modification is so minor that circulation would serve no purpose.

(b) Modifications to a permitted project which are imposed or made at the request of the U.S. Army Corps of Engineers or other federal agencies must be approved by the Department under provisions of

Paragraph (a) of this Rule dealing with permit modification procedures.

(c) Modifications of projects for the benefit of private waterfront property owners which meet the following criteria shall be considered minor modifications and shall not require a new permit application, but must be approved under the provisions of Paragraph (a) of this Rule:

- (1) for bulkheads:
 - (A) Bulkhead must be positioned so as not to extend more than an average distance of two feet waterward of the mean high water contour; in no place shall the bulkhead be more than five feet waterward of the mean high water contour; and
 - (B) All backfill must come from an upland source; and
 - (C) No marsh area may be excavated or filled; and
 - (D) Work must be undertaken because of the necessity to prevent significant loss of private residential property due to erosion; and
 - (E) The bulkhead must be constructed prior to any backfilling activities; and
 - (F) The bulkhead must be constructed so as to prevent seepages of backfill materials through the bulkhead; and
 - (G) The bulkhead may not be constructed in the Ocean Hazard AEC;
- (2) for piers, docks and boathouses:
 - (A) The modification or addition may not be within 150 feet of the edge of a federally-maintained channel; and
 - (B) The structure, as modified, must be 200 feet or less in total length offshore; and
 - (C) The structure, as modified, must not extend past the four feet mean low water contour line (four feet depth at mean low water) of the waterbody; and
 - (D) The project as modified, must not exceed six feet in width; and
 - (E) The modification or addition must not include an enclosed structure; and
 - (F) The project shall continue to be used for private, residential purposes;
- (3) for boatramps:
 - (A) The project, as modified, would not exceed 10 feet in width and 20 feet offshore; and
 - (B) The project shall continue to be used for private, residential purposes.
- (d) An applicant may modify his permitted minor development project only after approval by the local

permit-letting authority. In order to modify a permitted project the applicant must make a written request to the local minor permit-letting authority showing in detail the proposed modifications. The request shall be reviewed in consultation with the appropriate Division of Coastal Management field consultant and granted if all of the following provisions are met:

- (1) The size of the project is expanded less than 20 percent of the size of the originally permitted project; and
- (2) A signed, written statement is obtained from all adjacent riparian property owners indicating they have no objections to the proposed modifications; and
- (3) The proposed modifications are consistent with all local, state, and federal standards and local Land Use Plans in effect at the time of the modification requests; and
- (4) The type or nature of development is not changed.

Failure to meet these provisions shall necessitate the submission of a new permit application.

(e) The applicant for a major permit modification must submit with the request a check or money order payable to the Department in the sum of one hundred dollars (\$100.00) for a minor modification and two hundred fifty dollars (\$250.00) for a major modification.

*Authority G.S. 113A-119; 113A-124(c)(5); 113-229;
Eff. August 1, 2000.*

CHAPTER 16 - ADULT HEALTH

SUBCHAPTER 16A - CHRONIC DISEASE

SECTION .1100 - CANCER DIAGNOSTIC AND TREATMENT PROGRAM

.1104 COVERED SERVICES

(a) Covered services shall include diagnostic and treatment services for cancer or a condition suggestive of cancer. Physical therapy following surgery, where medically indicated, is an approved treatment service.

(b) Service restrictions:

- (1) Dental treatment is not covered except in cases of head and neck cancer when necessary for the delivery of oncologic care.
- (2) The Program shall not cover late discharge fees, transportation, telephone calls, or other miscellaneous charges.
- (3) Cosmetic surgery shall not be covered. This does not preclude the coverage of reconstructive surgery for patients for whom the Program has paid for a treatment service related to their current diagnosis.
- (4) Ancillary diagnostic studies shall be authorized only when they are determined by the Program to be directly related to the confirmation of a diagnosis of cancer or are necessary for treatment planning.
- (5) The Program may authorize reimbursement for up to

two follow-up office visits after completion of diagnostic studies or treatment. These visits shall be included within the days allowed for diagnostic and treatment services.

- (6) Treatment for patients suspected of having cervical intraepithelial neoplasia shall be performed in accordance with the guidelines of the American College of Obstetricians and Gynecologists (ACOG) contained in Technical Bulletin Number 183 - August 1993, which is incorporated herein by reference in accordance with G.S. 150B-21.6, along with any subsequent amendments and editions. Copies of the guidelines may be obtained at no cost by calling (252)715-3757 or by writing to the Cancer Control Program, P.O. Box 27687, Raleigh, NC -27611-7687.
- (7) The use of any course of treatment not recognized as having scientifically established medical value nor accepted as standard medical treatment for the condition being treated, as determined by the Program, will not be covered.
- (8) Inpatient services shall not be authorized unless the hospital is licensed in the State of North Carolina under General Statute 131E-5, the Hospital Licensure Act, or under conditions of participation for Medicare (Title XVIII of the Social Security Act) or Medicaid (Title XIX of the Social Security Act).

(c) Meals and overnight accommodations, in a motel, home, boarding house, ambulatory care facility, or similar facility for patients receiving covered services on an outpatient basis shall be covered by the Program if the patient's residence is at least 50 miles from the medical facility providing the outpatient services.

- (1) Reimbursement for actual expenses shall not exceed the maximum allowable subsistence (meals and accommodations) for state employees in the course of their official duties, found in G.S. 138-6, based on those rates of reimbursement in effect at the time of the authorization of these expenses by the Program.
- (2) Program authorization of meals and accommodations shall be limited to the maximum number of days of service coverage. However, the Program shall cover meals and accommodations for weekends between the periods during which treatment is authorized.
- (3) Authorization Requests for meals and accommodations shall state the number of days which will be required, as well as the dates of service on which outpatient diagnostic or treatment services shall be rendered.

*Authority G.S. 130A-205.
Amended Eff. August 1, 2000.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 16 - BOARD OF DENTAL EXAMINERS

SUBCHAPTER 16G - DENTAL HYGIENISTS

.0101 FUNCTIONS WHICH MAY BE DELEGATED

A dental hygienist may be delegated appropriate functions to be performed under the direct control and supervision of a dentist who shall be personally and professionally responsible and liable for any and all consequences or results arising from performance of such acts and functions. In addition to the functions set out in G.S. 90-221(a) and 21 NCAC 16H. 0201, functions which may be delegated to a dental hygienist include:

- (1) Take impressions for study models and opposing casts which will not be used for construction of dental appliances, but which may be used for the fabrication of adjustable orthodontic appliances;
- (2) Apply sealants to teeth that do not require mechanical alteration prior to the application of such sealants, provided that a dentist has examined the patient and prescribed the procedure;
- (3) Insert matrix bands and wedges;
- (4) Place cavity bases and liners;
- (5) Place and/or remove rubber dams;
- (6) Cement temporary restorations using temporary cement;
- (7) Apply acid etch materials/rinses;
- (8) Apply bonding agents;
- (9) Remove periodontal dressings;
- (10) Remove sutures;
- (11) Place gingival retraction cord;
- (12) Remove excess cement;
- (13) Flush, dry and temporarily close root canals;
- (14) Place and remove temporary restorations;
- (15) Place and tie in or untie and remove orthodontic arch wires;
- (16) Insert interdental spacers;
- (17) Fit (size) orthodontic bands or brackets;
- (18) Apply dentin desensitizing solutions;
- (19) Perform periodontal screening;
- (20) Perform periodontal probing;
- (21) Perform subgingival exploration for or removal of hard or soft deposits;
- (22) Perform sulcular irrigation;
- (23) Apply sulcular antimicrobial or antibiotic agents which are resorbable;
- (24) Perform extra-oral adjustments which affect function, fit, or occlusion of any temporary restoration or appliance; and
- (25) Initially form and size orthodontic arch wires and place arch wires after final adjustment and approval by the dentist.

*Authority G.S. 90-221; 90-223(b);
Amended Eff. August 1, 2000.*

.0103 PROCEDURES PROHIBITED

Those procedures which require the professional education and skill of a dentist and may not be delegated to a dental hygienist shall include, but shall not be limited to:

- (1) Comprehensive examination, diagnosis and treatment planning;
- (2) Surgical or cutting procedures on hard or soft tissues, including laser, air abrasion or micro-abrasion procedures;
- (3) Placement or removal of sulcular nonresorbable agents;
- (4) The issuance of prescription drugs, medications or work authorizations;
- (5) Taking of impressions for final fixed or removable restorations or prostheses;
- (6) Final placement or intraoral adjustment of a fixed or removable appliance;
- (7) Intraoral occlusal adjustments which affect function, fit, or occlusion of any temporary or permanent restoration or appliance;
- (8) Extra-oral occlusal adjustments which affect function, fit, or occlusion of any permanent restoration or appliance;
- (9) Performance of direct pulp capping or pulpotomy;
- (10) Placement of sutures;
- (11) Final placement or cementation of orthodontic bands or brackets;
- (12) Placement or cementation of final restorations;
- (13) Administration of any anesthetic by any route except the administration of topically-applied agents intended to anesthetize only cutaneous tissue; and
- (14) Intraoral use of a high speed handpiece.

*Authority G.S. 90-221(a); 90-223(b);
Amended Eff. August 1, 2000.*

SUBCHAPTER 16H - DENTAL ASSISTANTS

SECTION .0100 - CLASSIFICATION AND TRAINING

.0103 DENTAL ASSISTANT II

A Dental Assistant II is an expanded duty assistant who has completed training in accordance with Rule .0104 of this Section. Under direct control and supervision, a Dental Assistant II may be delegated intra-oral procedures in accordance with 21 NCAC 16H .0203 the supervising dentist deems appropriate, with the dentist personally and professionally responsible for any and all consequences or results arising from the performance of said acts. All delegated procedures must be reversible in nature.

*Authority G.S. 90-29(c)(9);
Amended Eff. August 1, 2000.*

.0104 APPROVED EDUCATION AND TRAINING PROGRAMS

To be classified as a Dental Assistant II, an assistant must meet

one (1) of the following criteria:

- (1) successful completion of:
 - (a) an ADA-accredited dental assisting program and current certification in CPR; or
 - (b) one academic year or longer in an ADA-accredited dental hygiene program, and current certification in CPR; or
- (2) successful completion of:
 - (a) full-time employment and experience as a chairside assistant for two years (3,000 hours) of the preceding five, during which period the assistant may be trained in any dental delivery setting and allowed to perform the functions of a Dental Assistant II under the direct control and supervision of a licensed dentist;
 - (b) a 3-hour course in sterilization and infection control;
 - (c) a 3-hour course in dental office emergencies;
 - (d) radiology training consistent with G.S. 90-29(c)(12); and
 - (e) current certification in CPR; or
- (3) successful completion of the certification examination administered by the Dental Assisting National Board, and current certification in CPR.

Authority G.S. 90-29(c)(9);
Amended Eff. August 1, 2000.

SECTION .0200 - PERMITTED FUNCTIONS OF DENTAL ASSISTANT

.0201 GENERAL PERMITTED FUNCTIONS OF DENTAL ASSISTANT I

(a) A Dental Assistant I may assist a dentist as a chairside assistant as long as the acts and functions of the Dental Assistant I do not constitute the practice of dentistry or dental hygiene.

(b) A Dental Assistant I may do and perform only routine dental assisting procedures such as oral hygiene instruction; chairside assisting; application of topical fluorides or topical anesthetics; and exposure of radiographs, provided that the assistant can show evidence of compliance with radiography training consistent with G.S. 90-29(c)(12). However, functions may be delegated to a Dental Assistant I pursuant to 21 NCAC 16H .0104(2)(a).

Authority G.S. 90-29(c)(9); 90-48;
Amended Eff. August 1, 2000.

.0202 SPECIFIC PERMITTED FUNCTIONS OF DENTAL ASSISTANT I

Authority G.S. 90-29(c)(9); 90-48;
Repealed Eff. August 1, 2000.

.0203 PERMITTED FUNCTIONS OF DENTAL

ASSISTANT II

A Dental Assistant II may perform any and all acts or procedures which may be performed by a Dental Assistant I. In addition, a Dental Assistant II may be delegated the following functions to be performed under the direct control and supervision of a dentist who shall be personally and professionally responsible and liable for any and all consequences or results arising from the performance of such acts and functions:

- (1) Take impressions for study models and opposing casts which will not be used for construction of dental appliances, but which may be used for the fabrication of adjustable orthodontic appliances;
- (2) Apply sealants to teeth that do not require mechanical alteration prior to the application of such sealants, provided a dentist has examined the patient and prescribed the procedure;
- (3) Insert matrix bands and wedges;
- (4) Place cavity bases and liners;
- (5) Place and/or remove rubber dams;
- (6) Cement temporary restorations using temporary cement;
- (7) Apply acid etch materials/rinses;
- (8) Apply bonding agents;
- (9) Remove periodontal dressings;
- (10) Remove sutures;
- (11) Place gingival retraction cord;
- (12) Remove excess cement;
- (13) Flush, dry and temporarily close root canals;
- (14) Place and remove temporary restorations;
- (15) Place and tie in or untie and remove orthodontic arch wires;
- (16) Insert interdental spacers;
- (17) Fit (size) orthodontic bands or brackets;
- (18) Apply dentin desensitizing solutions;
- (19) Perform extra-oral adjustments which affect function, fit or occlusion of any temporary restoration or appliance;
- (20) Initially form and size orthodontic arch wires and place arch wires after final adjustment and approval by the dentist;
- (21) Polish the clinical crown using only:
 - (a) a hand-held brush and appropriate polishing agents; or
 - (b) a combination of a slow speed handpiece (not to exceed 10,000 rpm) with attached rubber cup or bristle brush, and appropriate polishing agents.

Before a Dental Assistant II can utilize a slow speed handpiece with rubber cup or bristle brush attachment, a formal educational course in coronal polishing consisting of at least 7 hours shall be completed. A polishing procedure shall in no way be represented to the patient as a prophylaxis and no specific charge shall be made for such unless the dentist has performed an evaluation for calculus, deposits, or accretions and a dentist or dental hygienist has removed any substances detected.

*Authority G.S. 90-29(c)(9); 90-48;
Amended Eff. August 1, 2000.*

.0205 SPECIFIC PROHIBITED FUNCTIONS OF DENTAL ASSISTANTS I AND II

Those specific functions which shall not be delegated to either a Dental Assistant I or a Dental Assistant II include those procedures prohibited in 21 NCAC 16G .0103 for Dental Hygienists. In addition, neither a Dental Assistant I nor a Dental Assistant II shall perform a prophylaxis, or shall perform periodontal screening, periodontal probing, subgingival exploration for or removal of hard or soft deposits, or sulcular irrigation.

*Authority G.S. 90-29(c)(9); 90-48;
Amended Eff. August 1, 2000.*

SUBCHAPTER 16Q - GENERAL ANESTHESIA AND SEDATION

SECTION .0200 - GENERAL ANESTHESIA

.0201 CREDENTIALS AND PERMIT

(a) No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless the dentist possesses a permit issued by the Board. A dentist holding a permit shall be subject to review and shall only employ or use general anesthesia at a facility located in the State of North Carolina in accordance with 21 NCAC 16Q.0202. Such permit must be renewed annually.

(b) Any dentist who wishes to administer general anesthesia to patients must apply to the Board for the required permit on a prescribed application form, submit an application fee of fifty dollars (\$50.00), and produce evidence showing that he:

- (1) Has completed a minimum of one year of advanced training in anesthesiology and related academic subjects (or its equivalent) beyond the undergraduate dental school level in a training program approved by the Board; or
- (2) Has graduated from a program certified by the American Dental Association in Oral and Maxillofacial Surgery; or
- (3) Is a Diplomate of or eligible for examination by the American Board of Oral and Maxillofacial Surgery; or
- (4) Is a Fellow of the American Dental Society of Anesthesiology; or
- (5) Is a dentist who has been administering general anesthetics in a competent manner for the five years preceding the effective date of this Rule.

(c) A dentist who is qualified to administer general anesthesia in accordance with this Section and holds a general anesthesia permit is also authorized to administer sedation without obtaining a separate sedation permit.

(d) The dentist involved with the administration of general anesthesia shall be trained in and capable of administering advanced cardiac life support or its age-specific equivalent and

auxiliary personnel shall be trained in and capable of administering basic life support.

*Authority G.S. 90-28; 90-30.1;
Amended Eff. August 1, 2000.*

.0202 EQUIPMENT

A dentist administering general anesthesia is solely responsible for providing that the environment in which the general anesthesia is to be administered meets the requirements established by the Board and provided to each permit holder. A dentist administering general anesthesia shall ensure that the facility is staffed with auxiliary personnel who are capable of administering basic life support and have the capacity to effectively manage the procedure as well as any problems or emergency incidents that may occur as a result of the general anesthetic or secondary to an unexpected medical complication.

*Authority G.S. 90-28; 90-30.1;
Amended Eff. August 1, 2000.*

SECTION .0300 - SEDATION

.0301 SEDATION CREDENTIALS AND PERMIT

(a) A dentist may administer or employ a certified registered nurse anesthetist to administer sedation to dental patients on an outpatient basis provided he obtains a permit from the Board by submitting the appropriate information on an application form provided by the Board and pays a fee of fifty dollars (\$50.00).

(b) A dentist applying for a permit to administer sedation must meet at least one of the following criteria:

- (1) Satisfactory completion of a minimum of 60 hours of didactic training and instruction in intravenous conscious sedation and satisfactory management of a minimum of 10 patients, under supervision, using intravenous sedation in a training program approved by the Board; or
- (2) Satisfactory completion of an undergraduate or post-graduate program which included intravenous conscious sedation training equivalent to that defined in Subparagraph (1) of this Rule; or
- (3) Satisfactory completion of an internship or residency which included intravenous conscious sedation training equivalent to that defined in Subparagraph (1) of this Rule; or
- (4) Authorization for the use of general anesthetics by holding a permit for the same issued by the Board; or
- (5) Utilization of a certified registered nurse anesthetist under his supervision to administer intravenous sedation to dental patients.

(c) To be eligible for a sedation permit, a dentist must operate within a facility which includes the capability of delivering positive pressure oxygen, staffed with supervised auxiliary personnel capable of administering basic life support and handling procedures, problems and emergencies incident thereto.

(d) The dentist seeking a permit must:

- (1) be trained in and capable of administering advanced cardiac life support or its age-specific equivalent; or
- (2) be trained in and capable of administering basic life support and, in addition to the continuing education required each calendar year for license renewal, obtain four hours of continuing education each year in one or more of the following areas:
 - (A) sedation;
 - (B) medical emergencies;
 - (C) monitoring IV sedation and the use of monitoring equipment; or
 - (D) pharmacology of drugs and agents used in IV sedation.

(e) The Board may, based upon formal application, grant a permit authorizing the use of sedation to a dentist who has been utilizing sedation in a competent and effective manner for the five years preceding the effective date of this Rule, but who has not had the benefit of formal training as outlined in Paragraph (b) of this Rule, provided that said dentist meets the requirements of Paragraphs (c) and (d) of this Rule.

Authority G.S. 90-28; 90-30.1;
Amended Eff. August 1, 2000.

.0302 EQUIPMENT

(a) A dentist administering sedation is solely responsible for providing that the environment in which the sedation is to be administered meets the requirements established by the Board and provided to each permit holder. A dentist administering sedation shall ensure that the facility is staffed with auxiliary personnel who are capable of administering basic life support and have the capacity to effectively manage the procedure as well as any problems or emergency incidents that may occur as a result of the sedation or secondary to an unexpected medical complication.

(b) Upon request, the holder of an anesthesia or sedation permit may travel to the office of a licensed dentist who does not hold such a permit and provide sedation services for the patients of that dentist who are undergoing dental procedures. The permit holder is solely responsible for providing that the office in which the sedation is administered meets the requirements established by the Board, that the required drugs and equipment are present, and that the permit holder utilizes auxiliary personnel who have the capacity to effectively manage the procedure and handle any problems or emergency incidents that may occur as a result of the sedation or secondary to an unexpected medical complication.

Authority G.S. 90-28; 90-30.1;
Amended Eff. August 1, 2000.

SUBCHAPTER 16V - UNPROFESSIONAL CONDUCT

SECTION .0100 - SECTION .0100 - UNPROFESSIONAL CONDUCT

.0101 DEFINITION: UNPROFESSIONAL CONDUCT
 Unprofessional conduct by a dentist shall include, but not be

limited to, the following:

- (1) Having a license to practice dentistry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country; (For purposes of this Section, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined.)
- (2) Intentionally presenting false or misleading testimony, statements, or records to the Board or the Board's investigator or employees during the scope of any investigation, or at any hearing of the Board;
- (3) Committing any act which would constitute sexual assault or battery in connection with the provision of dental services;
- (4) Violating any lawful order of the Board previously entered in a disciplinary hearing, or failing to comply with a lawfully-issued subpoena of the Board;
- (5) Conspiring with any person to commit an act, or committing an act which would tend to coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any patient or other person who testifies or cooperates with the Board during any investigation under the Dental Practice or Dental Hygiene Acts;
- (6) Failing to identify to a patient, patient's guardian or the Board the name of an employee, employer, contractor, or agent who renders dental treatment or services upon request;
- (7) Prescribing, procuring, dispensing, or administering any controlled substance for personal use except those prescribed, dispensed, or administered by a practitioner authorized to prescribe them;
- (8) Pre-signing blank prescription forms or using pre-printed or rubber stamped prescription forms containing the dentist's signature or the name of any controlled substance;
- (9) Forgiving the co-payment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected;
- (10) Failing to provide radiation safeguards required by the Radiation Protection Section of the State Department of Environment, Health, and Natural Resources;
- (11) Having professional connection with or lending one's name to the unlawful practice of dentistry;
- (12) Using the name of any deceased or retired and licensed dentist on any office door, directory, stationery, bill heading, or any other means of communication any time after one year following the death or retirement from practice of said dentist; and
- (13) Failing to comply with any provision of any contract

or agreement with the Caring Dentist Program.

Authority G.S. 90-28; 90-41; 90-48;

Amended Eff. August 1, 2000.

.0102 DEFINITION: UNPROFESSIONAL CONDUCT BY A DENTAL HYGIENIST

Unprofessional conduct by a dental hygienist shall include, but not be limited to, the following:

- (1) Having a license to practice dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country; (For purposes of this Section, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined.)
- (2) Presenting false or misleading testimony, statements, or records to the Board or a Board employee during the scope of any investigation or at any hearing of the Board;
- (3) Committing any act which would constitute sexual assault or battery in connection with the provision of dental hygiene services;
- (4) Violating a lawful order of the Board previously entered in a disciplinary hearing or failing to comply with a lawfully-issued subpoena of the Board;
- (5) Conspiring with any person to commit an act, or committing an act which would tend to coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any person who testifies or cooperates with the Board during any investigation of any licensee;
- (6) Failing to identify to a patient, patient's guardian, or the Board the name of any person or agent who renders dental treatment or services upon request;
- (7) Procuring, dispensing, or administering any controlled substance for personal use except those prescribed, dispensed, or administered by a practitioner authorized to prescribe them;
- (8) Acquiring any controlled substance from any pharmacy or other source by misrepresentation, fraud or deception;
- (9) Having professional connection with or lending one's name to the illegal practice of dental hygiene; and
- (10) Failing to comply with any provision of any contract or agreement with the Caring Dentist Program.

Authority G.S. 90-223; 90-229;

Amended Eff. August 1, 2000.

TITLE 23 - COMMUNITY COLLEGES

CHAPTER 2 - COMMUNITY COLLEGES

SUBCHAPTER 2C - COLLEGES: ORGANIZATION AND OPERATIONS

SECTION .0500 - EQUIPMENT

.0503 DONATED PROPERTY

(a) A board of trustees may accept property donated to the college for any lawful educational purpose that is consistent with the mission and purpose of the community college system.

(b) Prior to a board of trustees accepting any property that restricts the use of funds derived from the sale or lease of the property, the college shall submit to the Department a copy of the document transferring the property.

(c) Any funds derived from the sale or lease of property donated to a college for a specific educational purpose shall be used to accomplish that purpose.

Authority G.S. 115D-15;

Eff. August 1, 2000.

.0504 ACQUISITION OF EQUIPMENT

(a) Boards of trustees may use state funds to support lease purchase and installment purchase contracts to acquire equipment. Contracts that exceed one hundred thousand (\$100,000) or a three-year term shall meet the following conditions:

- (1) Prior to obligating any state funds, the State Board shall approve each lease purchase or installment purchase contract.
- (2) Prior to submitting a lease purchase or installment purchase contract to the State Board for approval, the college board of trustees shall have approved the contract.

(b) A board of trustees shall not have in effect at any one time more than five state-funded contracts which are permitted under this rule.

(c) The Department shall make an annual report to the State Board on system-wide use of state-funded lease purchase and installment purchase contracts exceeding one hundred thousand dollars (\$100,000) or three-year terms. The report shall include the amount of state funds obligated for the next fiscal year.

Authority G.S. 115D-58.5(b); 115D-58.14;

Eff. August 1, 2000.

.0505 NONCERTIFIED SOURCE PURCHASES

(a) Community colleges and the Center for Applied Textile Technology may purchase the same supplies, equipment, and materials from noncertified sources as provided in G.S. 115D-58.5 (b).

(b) Each college or center shall submit to the Department a semi-annual report showing the number of purchases made from noncertified sources for supplies, equipment, or materials; the amount of funds expended for each purchase; and the amount of funds that would have been expended under state contract.

(c) The Department shall monitor the use of noncertified

source purchases and shall make an annual report to the State Board. The report shall include the number of noncertified source purchases made by the colleges and the Center for Applied Textile Technology and the amount of funds expended.

Authority G.S. 115D-5; 115D-20; 115D-58.14;

Eff. August 1, 2000.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, April 13, 2000, 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 Friday, April 7, 2000, 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, Chairman
 John Arrowood
 Laura Devan
 Jim Funderburke
 David Twiddy

Appointed by House

R. Palmer Sugg, 1st Vice Chairman
 Jennie J. Hayman, 2nd Vice Chairman
 Walter Futch
 Paul Powell
 George Robinson

RULES REVIEW COMMISSION MEETING DATES

April 13, 2000
 May 18, 2000
 June 15, 2000

July 20, 2000
 August 17, 2000
 September 21, 2000

LOG OF FILINGS

RULES SUBMITTED: February 20, 2000 through March 20, 2000

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
AGRICULTURE, DEPARTMENT OF/STRUCTURAL PEST CONTROL COMMITTEE			
	Definitions	2 NCAC 34 .0102	Amend
	Filing Call Office Locations	2 NCAC 34 .0319	Repeal
	Branch Office	2 NCAC 34 .0330	Adopt
	Physical Barriers for Termite Control	2 NCAC 34 .0509	Adopt
DHHS/DIVISION OF VOCATIONAL REHABILITATION SERVICES			
	Applicability of Rules	10 NCAC 20B .0201	Amend
	Written Information for Applicants and Clients	10 NCAC 20B .0202	Amend
	Request for Administrative Review	10 NCAC 20B .0203	Amend
	Division Actions in Response to Request	10 NCAC 20B .0204	Amend
	Scheduling and Notice of Administrative Review	10 NCAC 20B .0205	Amend
	Appointment of Hearing Officer and Mediator	10 NCAC 20B .0206	Amend
	Scheduling and Notice of Mediation	10 NCAC 20B .0207	Amend
	Administrative Review	10 NCAC 20B .0208	Amend
	Response to Administrative Review Decision	10 NCAC 20B .0209	Amend
	Mediation	10 NCAC 20B .0210	Amend
	Procedures Governing Hearing	10 NCAC 20B .0211	Amend
	Conduct of Hearing	10 NCAC 20B .0221	Amend
	Hearing Officer's Decision	10 NCAC 20B .0223	Amend
	Extensions of Time	10 NCAC 20B .0225	Amend
DHHS/SOCIAL SERVICES COMMISSION			

Services to Adoptive Applicants	10 NCAC 41H .0304	Amend
Adoptive Home Recruitment	10 NCAC 41P .0106	Amend
Personnel Requirements	10 NCAC 42B .1201	Amend
Qualifications of Medication Aides	10 NCAC 42B .1213	Adopt
Medication Administration Competency Evaluation	10 NCAC 42B .1213	Adopt
Storage Areas	10 NCAC 42B .1407	Amend
Procedures for Discharge	10 NCAC 42B .1707	Amend
Medications	10 NCAC 42B .1803	Amend
Health Care Personnel Registry	10 NCAC 42B .2406	Adopt
Definitions	10 NCAC 42B .2501	Adopt
Persons Not Eligible for New Adult Care Home	10 NCAC 42B .2502	Adopt
Adult Care Homes not Eligible	10 NCAC 42B .2503	Adopt
Other Personnel Requirements	10 NCAC 42C .2005	Amend
Staff Training and Competency	10 NCAC 42C .2011	Amend
Training Program and Competency Evaluation	10 NCAC 42C .2012	Amend
Qualifications of Medication Aides	10 NCAC 42C .2013	Adopt
Medication Administration Competency Evaluation	10 NCAC 42C .2014	Adopt
Health Care Personnel Registry	10 NCAC 42C .2015	Adopt
Storage Areas	10 NCAC 42C .2207	Amend
Building Service Equipment	10 NCAC 42C .2214	Amend
Health Care	10 NCAC 42C .2302	Amend
Other Living Arrangements	10 NCAC 42C .2501	Repeal
Requirements for Discharge or Transfer	10 NCAC 42C .2505	Repeal
Discharge or Transfer of Residents	10 NCAC 42C .2506	Adopt
Management of Drugs	10 NCAC 42C .2703	Repeal
The License	10 NCAC 42C .3401	Amend
Renewal of License	10 NCAC 42C .3402	Amend
Resident Assessment	10 NCAC 42C .3701	Amend
Licensed Health Professional Support	10 NCAC 42C .3703	Amend
Medication Administration Policies and Procedures	10 NCAC 42C .3801	Adopt
Medication Orders	10 NCAC 42C .3802	Adopt
Medication Labels	10 NCAC 42C .3803	Adopt
Medication Administration	10 NCAC 42C .3804	Adopt
Self-Administration of Medications	10 NCAC 42C .3805	Adopt
Medication Storage	10 NCAC 42C .3806	Adopt
Medication Disposition	10 NCAC 42C .3807	Adopt
Controlled Substances	10 NCAC 42C .3808	Adopt
Pharmaceutical Care	10 NCAC 42C .3809	Adopt
Pharmaceutical Services	10 NCAC 42C .3810	Adopt
Definitions	10 NCAC 42C .3901	Adopt
Persons Not Eligible for New Adult Care Home	10 NCAC 42C .3902	Adopt
Adult Care Homes	10 NCAC 42C .3903	Adopt
Management of Facilities	10 NCAC 42D .1301	Amend
The Co-Administrator	10 NCAC 42D .1302	Repeal
Management and Personal Care Aide Supervision	10 NCAC 42D .1303	Adopt
Management of Facilities	10 NCAC 42D .1304	Adopt

Qualifications of Administrator	10 NCAC 42D .1401	Repeal
Qualifications of Supervisor-in-Charge	10 NCAC 42D .1402	Amend
Staffing	10 NCAC 42D .1407	Amend
Staff Competency and Training	10 NCAC 42D .1410	Amend
Training Program and Competency Evaluation	10 NCAC 42D .1411	Amend
Certification of administrator	10 NCAC 42D .1412	Adopt
Responsibilities and Qualifications	10 NCAC 42D .1413	Adopt
Qualifications of Medication Staff	10 NCAC 42D .1414	Adopt
Medication Administration Competency Evaluation	10 NCAC 42D .1415	Adopt
Staffing Chart	10 NCAC 42D .1416	Adopt
Physical Environment	10 NCAC 42D .1503	Amend
Other Requirements	10 NCAC 42D .1605	Amend
Management of Drugs	10 NCAC 42D .1804	Amend
Renewal of License	10 NCAC 42D .1821	Amend
Health Care Personnel Registry	10 NCAC 42D .1831	Adopt
Definitions Applicable to Special Care Units	10 NCAC 42D .1901	Adopt
Special Care Unit Disclosure	10 NCAC 42D .1902	Adopt
Licensure of Facilities with Special Care Units	10 NCAC 42D .1903	Adopt
Special Care Unit Building Requirements	10 NCAC 42D .1904	Adopt
Special Care Unit Policies and Procedures	10 NCAC 42D .1905	Adopt
Admission to the Special Care Unit	10 NCAC 42D .1906	Adopt
Special Care Unit Resident Profile	10 NCAC 42D .1907	Adopt
Special Care Unit Staffing	10 NCAC 42D .1908	Adopt
Special Care Unit Staff Orientation	10 NCAC 42D .1909	Adopt
Other Applicable Rules for Special Care Units	10 NCAC 42D .1910	Adopt
Definitions Applicable to Special Care Units	10 NCAC 42D .2001	Adopt
Special Care Unit Disclosure	10 NCAC 42D .2002	Adopt
Licensure of Facilities with Special Care Units	10 NCAC 42D .2003	Adopt
Special Care Unit Building Requirements	10 NCAC 42D .2004	Adopt
Special Care Unit Policies and Procedures	10 NCAC 42D .2005	Adopt
Admission to the Special Care Unit	10 NCAC 42D .2006	Adopt
Special Care Unit Resident Profile	10 NCAC 42D .2007	Adopt
Special Care Unit Staffing	10 NCAC 42D .2008	Adopt
Special Care Unit Staff Orientation	10 NCAC 42D .2009	Adopt
Residents' Rights	10 NCAC 42D .2010	Adopt
Other Applicable Rules for Special Care Units	10 NCAC 42D .2011	Adopt
Definitions	10 NCAC 42D .2201	Adopt
Persons Not Eligible for New Adult Care Home Lic.	10 NCAC 42D .2202	Adopt
Adult Care Homes	10 NCAC 42D .2203	Adopt
Disclosure	10 NCAC 42E .1501	Adopt
The Facility0-Special Care Services	10 NCAC 42E .1503	Adopt
Enrollment-Special Care Services	10 NCAC 42E .1504	Adopt
Individual Service Plans	10 NCAC 42E .1505	Adopt
Program Plan-Special Care Services	10 NCAC 42E .1506	Adopt
Staff Orientation and Training	10 NCAC 42E .1507	Adopt

	Requirements for Special Care Services Unit	10 NCAC 42E .1508	Adopt
	The Facility-Special Care Services	10 NCAC 42Z .1002	Adopt
	Enrollment-Special Care Services	10 NCAC 42Z .1003	Adopt
	Individual Service Plans-Special Care Services	10 NCAC 42Z .1004	Adopt
	Program Plan-Special Care Services	10 NCAC 42Z .1005	Adopt
	Staff Orientation and Training	10 NCAC 42Z .1006	Adopt
	Requirements for Special Care Services Unit	10 NCAC 42Z .1007	Adopt
	Fiscal Management	10 NCAC 43L .0401	Amend
DHHS/DIVISION OF MEDICAL ASSISTANCE			
	Optional	10 NCAC 50B .0102	Amend
	Income	10 NCAC 50B .0313	Amend
DEPARTMENT OF INSURANCE			
	Y2K Interim Claim Payments	11 NCAC 12 .0327	Adopt
JUSTICE/N C SHERIFFS' EDUCATION AND TRAINING STANDARDS			
	Documentation of Educational Req.	12 NCAC 10B .0302	Amend
	Fingerprint Records Check	12 NCAC 10B .0303	Amend
	Terms and Conditions of a Limited Lecturer Cert	12 NCAC 10B .0909	Amend
DEPARTMENT OF LABOR			
	Construction	13 NCAC 7F .0201	Amend
DENR/ENVIRONMENTAL MANAGEMENT COMMISSION			
	Miscellaneous Volatile Organic Compound Emissions	15 NCAC 2D .0518	Repeal
	Applicability	15 NCAC 2D .0902	Amend
	Compliance Schedules for Sources	15 NCAC 2D .0909	Amend
	VOC Emissions from Transfer Operations	15 NCAC 2D .0948	Amend
	Storage of Miscellaneous Volatile Organic Compound	15 NCAC 2D .0949	Amend
	Interim Standards	15 NCAC 2D .0950	Repeal
	Miscellaneous Volatile Organic Compound	15 NCAC 2D .0951	Amend
	Work Practices for Sources	15 NCAC 2D .0958	Adopt
	Purpose and Scope	15 NCAC 2D .1201	Amend
DENR/WILDLIFE RESOURCES COMMISSION			
	Permitted Archery Equipment	15 NCAC 10B .0116	Amend
	Deer (White Tailed)	15 NCAC 10B .0203	Amend
	Wild Turkey (Bearded Turkeys Only)	15 NCAC 10B .0209	Amend
	Public Mountain Trout Waters	15 NCAC 10C .0205	Amend
	Open Seasons: Creel and Size Limits	15 NCAC 10C .0305	Amend
	Manner of Taking Nongame Fishes	15 NCAC 10C .0401	Amend
	Taking Nongame Fishes for Bait	15 NCAC 10C .0402	Amend
	Permitted Special Devices and Open Seasons	15 NCAC 10C .0407	Amend
	Descriptive Boundaries	15 NCAC 10C .0503	Amend
	General Regulations Regarding Use	15 NCAC 10D .0102	Amend
	Hunting on Game Lands	15 NCAC 10D .0103	Amend
	Fishing on Game Lands	15 NCAC 10D .0104	Amend
	Alexander County	15 NCAC 10F .0332	Amend
	Mecklenburg and Gaston Counties	15 NCAC 10F .0333	Amend
	McDowell County	15 NCAC 10F .0339	Amend

	Mountain Island Lake	15 NCAC 10F .0353	Amend
	Perquimans County	15 NCAC 10F .0355	Amend
REVENUE, DEPARTMENT OF			
	Tax on Complimentary Packs	17 NCAC 4C .0603	Repeal
	Dealers on Trains	17 NCAC 4C .1101	Amend
	Monthly Return Requirements	17 NCAC 4C .1801	Amend
	Filing of Monthly Reports	17 NCAC 4E .0201	Repeal
	Medicines: Sales to Physicians	17 NCAC 7B .1402	Repeal
	Exporter's License	17 NCAC 9K .0201	Adopt
SECRETARY OF STATE			
	How to Contact Elect. Commerce Section	18 NCAC 10 .0101	Adopt
	Applicable Definitions	18 NCAC 10 .0201	Adopt
	Public Key Technology Licensing	18 NCAC 10 .0301	Adopt
	Public Key Technology	18 NCAC 10 .0302	Adopt
	Certificate Policy General Provisions	18 NCAC 10 .0303	Adopt
	Identification and Authentication	18 NCAC 10 .0304	Adopt
	Operational Requirements	18 NCAC 10 .0305	Adopt
	Personnel Security Controls	18 NCAC 10 .0306	Adopt
	Technical Security Controls	18 NCAC 10 .0307	Adopt
	Certificate and Certificate Revocation	18 NCAC 10 .0308	Adopt
	Rule Administration	18 NCAC 10 .0309	Adopt
	Alternate Technologies and Provisional Licensing	18 NCAC 10 .0701	Adopt
	Civil Sanctions	18 NCAC 10 .0801	Adopt
	Criminal Penalties and Injunctive Relief	18 NCAC 10 .0802	Adopt
	Reciprocal Agreements	18 NCAC 10 .0901	Adopt
TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS			
	Definitions for Outdoor Advertising Control	19 NCAC 2E .0201	Amend
	Outdoor Advertising on Interstate and Federal High	19 NCAC 2E .0203	Amend
TRANSPORTATION, DEPARTMENT OF/DIVISION OF MOTOR VEHICLES			
	Safety of Operation and Equipment	19 NCAC 3D .0801	Amend
STATE BOARDS/N C BOARD OF LANDSCAPE ARCHITECTS			
	Authority: Name and Location of Board	21 NCAC 26 .0101	Amend
	Forms	21 NCAC 26 .0104	Amend
	Fees	21 NCAC 26 .0105	Amend
	Temporary Permit	21 NCAC 26 .0302	Amend
STATE BOARDS/N C MEDICAL BOARD			
	Continuing Medical Education Required	21 NCAC 32R .0101	Adopt
	Approved Categories of CME	21 NCAC 32R .0102	Adopt
	Exceptions	21 NCAC 32R .0103	Adopt
	Reporting	21 NCAC 32R .0104	Adopt
STATE BOARDS/MIDWIFERY JOINT COMMITTEE			
	Administrative Body and Definitions	21 NCAC 33 .0101	Amend
	Fees	21 NCAC 33 .0102	Amend
	Physician Supervision	21 NCAC 33 .0104	Amend
	Nurse Midwife Applicant Status	21 NCAC 33 .0106	Amend
STATE BOARDS/N C BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS			
	Identification	21 NCAC 56 .0101	Amend
	Organization	21 NCAC 56 .0103	Amend
	Description of Seal	21 NCAC 56 .0104	Amend
	Records of Applications	21 NCAC 56 .0402	Amend

Requirements for Licensing	21 NCAC 56 .0501	Amend
Application Procedure: Individual	21 NCAC 56 .0502	Amend
Examinations	21 NCAC 56 .0503	Amend
Expirations and Renewals of Certificates	21 NCAC 56 .0505	Amend
Requirements for Licensing	21 NCAC 56 .0601	Amend
Application Procedure: Individual	21 NCAC 56 .0602	Amend
Examinations	21 NCAC 56 .0603	Amend
Expirations and Renewals of Certificates	21 NCAC 56 .0606	Amend
Rules of Professional Conduct	21 NCAC 56 .0701	Amend
Rules of Conduct of Advertising	21 NCAC 56 .0702	Amend
Procedure	21 NCAC 56 .0802	Amend
Annual Renewal	21 NCAC 56 .0804	Amend
Offices	21 NCAC 56 .0901	Amend
Titles of Business Entities	21 NCAC 56 .0902	Amend
General	21 NCAC 56 .1001	Amend
Seal	21 NCAC 56 .1003	Amend
General	21 NCAC 56 .1101	Amend
Design	21 NCAC 56 .1102	Amend
Standard Certification Requirements	21 NCAC 56 .1103	Amend
Certification with Temporary Permit	21 NCAC 56 .1104	Amend
Firm Seal	21 NCAC 56 .1105	Amend
Certification of Standard Design	21 NCAC 56 .1106	Amend
Petitions	21 NCAC 56 .1201	Amend
Hearings	21 NCAC 56 .1203	Amend
Improper Practice by a Licensee	21 NCAC 56 .1301	Amend
Unlawful Practice by Unlicensed Person	21 NCAC 56 .1302	Amend
Conduct of Contested Case	21 NCAC 56 .1409	Amend
General	21 NCAC 56 .1501	Amend
General	21 NCAC 56 .1601	Amend
Surveying Procedures	21 NCAC 56 .1602	Amend
Classification of Boundary Surveys	21 NCAC 56 .1603	Amend
Mapping Requirements	21 NCAC 56 .1604	Amend
Classification of Topographic	21 NCAC 56 .1605	Amend
Specifications for Topographic Surveys	21 NCAC 56 .1606	Amend
Global Positioning System Surveys	21 NCAC 56 .1607	Amend
Classification/Land Information System	21 NCAC 56 .1608	Amend
Minimum Photogrammetric Production	21 NCAC 56 .1609	Amend
Standards		
Introduction	21 NCAC 56 .1701	Amend
Definitions	21 NCAC 56 .1702	Amend
Requirements	21 NCAC 56 .1703	Amend
Units	21 NCAC 56 .1704	Amend
Determination of Credit	21 NCAC 56 .1705	Amend
Recordkeeping	21 NCAC 56 .1706	Amend
Exemptions	21 NCAC 56 .1707	Amend
Reinstatement	21 NCAC 56 .1708	Amend
Comity-Out-of-Jurisdiction Resident	21 NCAC 56 .1709	Amend

STATE BOARDS/N C SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

Purpose	21 NCAC 63 .0101	Amend
Definitions	21 NCAC 63 .0102	Amend
Prohibitions	21 NCAC 63 .0103	Repeal
Organization of the Board	21 NCAC 63 .0104	Amend
Meetings	21 NCAC 63 .0105	Amend

Definitions	21 NCAC 63 .0201	Repeal
Application Process	21 NCAC 63 .0202	Amend
References	21 NCAC 63 .0204	Amend
Academic Qualifications	21 NCAC 63 .0205	Repeal
Academic Exemptions	21 NCAC 63 .0206	Repeal
Comity	21 NCAC 63 .0207	Repeal
Application Fee	21 NCAC 63 .0208	Amend
Eligibility	21 NCAC 63 .0209	Amend
Work Experience	21 NCAC 63 .0210	Adopt
Provisional Licenses	21 NCAC 63 .0210	Amend
Duplicate License or Certificates	21 NCAC 63 .0212	Adopt
Temporary Licenses	21 NCAC 63 .0213	Adopt
Qualifying Examinations	21 NCAC 63 .0301	Amend
Reporting of Scores	21 NCAC 63 .0302	Amend
Retaking of Examination	21 NCAC 63 .0303	Amend
Cancellation	21 NCAC 63 .0304	Amend
Review of Examinations	21 NCAC 63 .0305	Amend
Examination Fees	21 NCAC 63 .0306	Amend
Continuing Education Requirements	21 NCAC 63 .0401	Amend
Forms	21 NCAC 63 .0402	Repeal
Renewal Fees	21 NCAC 63 .0403	Amend
Reinstatement	21 NCAC 63 .0404	Adopt
Purpose and Scope	21 NCAC 63 .0501	Amend
General Professional Responsibilities	21 NCAC 63 .0503	Amend
Responsibilities in Professional Relationships	21 NCAC 63 .0504	Amend
Remuneration	21 NCAC 63 .0506	Amend
Confidentiality and Record Keeping	21 NCAC 63 .0507	Amend
Pursuit of Research	21 NCAC 63 .0508	Amend
Public Statements	21 NCAC 63 .0509	Amend
Grounds for Disciplinary Procedures	21 NCAC 63 .0601	Amend
Investigation	21 NCAC 63 .0602	Amend
Notice of Charges and Hearings	21 NCAC 63 .0603	Amend
Location of Hearing	21 NCAC 63 .0604	Repeal
Conduct of Hearing	21 NCAC 63 .0607	Amend
Reporting of Disciplinary Actions	21 NCAC 63 .0609	Adopt
Petitions for Adoption of Rules	21 NCAC 63 .0701	Amend
Procedure for Adoption of Rules	21 NCAC 63 .0702	Amend
Temporary Rules	21 NCAC 63 .0703	Amend
Declaratory Rulings	21 NCAC 63 .0704	Amend
Reporting Complaints	21 NCAC 63 .0801	Repeal
Confidentiality	21 NCAC 63 .0802	Repeal
Investigation	21 NCAC 63 .0803	Repeal
Notice of Hearing and Charges	21 NCAC 63 .0804	Repeal
Informal Conference	21 NCAC 63 .0805	Repeal
Hearings	21 NCAC 63 .0806	Repeal
Decision of the Board	21 NCAC 63 .0807	Repeal
Summary Suspension	21 NCAC 63 .0808	Repeal
The Public Record	21 NCAC 63 .0809	Repeal
Disciplinary Actions	21 NCAC 63 .0820	Repeal
STATE BOARDS/N C SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD		
Certification as Substance Abuse Counselor Intern	21 NCAC 68 .0203	Amend
Certified Substance Abuse Counselor	21 NCAC 68 .0205	Amend

RULES REVIEW COMMISSION

Process for Prevention Consultant Certification	21 NCAC 68 .0206	Amend
Continuing Education Required for Counselor	21 NCAC 68 .0208	Amend
Reciprocity	21 NCAC 68 .0209	Amend
Process for Clinical Supervisor Certification	21 NCAC 68 .0211	Amend
Process for Residential Facility Director	21 NCAC 68 .0212	Amend
Continuing Education Approval Policy	21 NCAC 68 .0213	Amend
Competence	21 NCAC 68 .0503	Amend
Hearing Before Board	21 NCAC 68 .0701	Amend
N C STATE BOARD OF COMMUNITY COLLEGES		
Reporting of Student Hours	23 NCAC 2D .0323	Amend
Reporting of Student Hours	23 NCAC 2D .0324	Amend
OFFICE OF ADMINISTRATIVE HEARINGS		
Cost for Copies	26 NCAC 1 .0103	Amend
General Format Instructions	26 NCAC 2C .0108	Amend

RULES REVIEW COMMISSION**March 16, 2000****MINUTES**

The Rules Review Commission met on March 16, 2000, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Theresa Smallwood, Palmer Sugg, Jennie J. Hayman, John Arrowood, Paul Powell, Laura Devan, Jim R. Funderburk, David R. Twiddy, and George Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Sharnese Ransome	DHHS/SSC
Mike Mangum	COMMERCE/ITS
Laurie Fuller	Attorney General
Walter James	Insurance
Robert A. Potter	Insurance
Judy Bullock	Attorney General
Dedra Alston	DENR
Tom West	Poyner and Spruill
Thomas Allen	DENR/DAQ
Ellie Sprenkel	Insurance
Emily Lee	Transportation
Lisa Tolsen	DENR/DWM
Mary Ann Stone	DHHS/CHS
William K. Hale	Insurance
David Clawson	DENR/DEH
Wayne Mobley	DENR/DEH
Bill Hopper	NCLTCA
Roger Bone	NCLTCA
Jeff Manning	DENR/DWQ
Howard Kramer	N C Board of Nursing
Jean Stanley	N C Board of Nursing

Lynette Dean-Johnson
Angela Waldorf
Jack Nichols
E. Ann Christian

Labor
Labor
N C Nursing Home Administrators
N C Substance Abuse Professional Certification Board

APPROVAL OF MINUTES

The meeting was called to order at 10:00 a.m. with Chairman Smallwood presiding. The Commission immediately went into a closed session to discuss with their attorneys the progress of the lawsuit by the Pharmacy Board against the Rules Review Commission and threatened litigation by the Department of Labor. It resumed its public session at 10:20 a.m. The Chairman asked for any discussion, comments, or corrections concerning the minutes of the February 17, 2000 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

4 NCAC 11 .0202 and .0701: COMMERCE/Commerce Finance Center – The rewritten rule for .0202 was approved by the Commission. The Commission approved the repeal of .0701.

13 NCAC 7F .0601, .0602, .0603, .0604, .0605, and .0606: DEPARTMENT OF LABOR – The Commission voted to take no action on these rules.

15A NCAC 2B .0211, .0220, .0223, and .0225: DENR/Environmental Management Commission – The rewritten rules submitted by the agency were approved by the Commission. Commissioner Sugg voted not to approve these rules.

15A NCAC 7M .0403: DENR/Coastal Resources Commission – No action was necessary on this rule. The Coastal Resources Commission meets next week and expects to respond at the April meeting.

15A NCAC 18D .0203 and .0403: DENR/Water Treatment Facility Operators Certification Board - The Commission approved the rewritten rules submitted by the agency.

17 NCAC 4B .0302: DEPARTMENT OF REVENUE - The Commission approved the rewritten rule submitted by the agency.

21 NCAC 12 .0202, .0209, .0402, .0405, .0410, and .0907: N C Licensing Board for General Contractors – No response was received on these rules.

21 NCAC 58A .0406: N C REAL ESTATE COMMISSION – Commissioner Sugg recused himself from this rule. The rewritten rule submitted by the agency was approved by the Commission.

LOG OF FILINGS

Chairman Smallwood presided over the review of the log and all rules were approved with the following exceptions:

10 NCAC 42A .0801 - .0810: DHHS/Social Services Commission – These rules were sent to the Office of State Budget and Management for a fiscal determination of substantial economic impact upon the request of a private party. The Commission was hampered in its discussion of this case by the fact that the OSBM agency representative was in attendance at the APO committee meeting rather than the RRC meeting. The RRC determined that it had no choice under the circumstances.

10 NCAC 43E .1501: DHHS/Social Services Commission – This rule was withdrawn by the agency.

15A NCAC 21F .1203: DHHS/Commission for Health Services – The Commission objected to this rule due to ambiguity. In (a), it is not clear what would constitute "reasonable" efforts.

15A NCAC 21F .1204: DHHS/Commission for Health Services – The Commission objected to this rule due to ambiguity. In (a), it is not clear what constitutes "reasonable" efforts. In (c), there is no authority to require compliance with a statewide plan that has not been adopted as a rule.

19A NCAC 3G .0205: TRANSPORTATION/Division of Motor Vehicles – The Commission objected to this rule due to lack of statutory authority. There is no authority for the provision in (2)(A) allowing someone within, or employed by, or responsible to, DMV to set the "physical standards" to be met by school bus drivers unless these standards are adopted as rules.

21 NCAC 21 .0501: N C Board for Licensing of Geologists – The Commission objected to this rule due to lack of statutory authority. There is no authority cited to suspend or revoke the license of a geologist simply based upon a charge of what amounts to a rule or statutory violation that would allow suspension or revocation if the Board finally determined the charge was true. G.S. 150B-3(b) in fact requires a notice to the licensee before even beginning any such proceedings. Note that 150B-3(c) does allow summary suspension of a license in an emergency situation.

21 NCAC 21 .1101: N C Board for Licensing of Geologists – The Commission objected to this rule due to ambiguity. In (d)(4) it is unclear what is meant by "indiscriminately" and "proper authority."

21 NCAC 37D .0403: N C State Board of Nursing Home Administrators – The Commission objected to this rule due to ambiguity. It is unclear in (b) that the "acceptable standards" are those negotiated out beforehand by the AIT, preceptor, and board or what other methods for determining "acceptable standards" are.

21 NCAC 50 .0304: N C State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors – The Commission objected to this rule due to lack of statutory authority. There is no authority to set an exam fee outside rulemaking as set out in (a), "... in an amount determined by the Board."

21 NCAC 50 .0402: N C State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors – The Commission objected to this rule due to lack of statutory authority and ambiguity. It is unclear what is meant or required by the last sentence in (a). There is no authority cited for this Board to require Code Enforcement officials to either coordinate anything or cooperate with anyone.

21 NCAC 50 .1101: N C State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors – The Commission objected to this rule due to lack of statutory authority. There is no authority cited to charge the fees set out in this rule.

21 NCAC 68 .0507: N C Substance Abuse Professional Certification Board – The Commission objected to this rule due to ambiguity. Item #3 appears to conflict with item #4. The Commission reads the rule as requiring the Substance Abuse Professional to terminate a professional relationship when he or she knows (or should know) that the client is not benefiting from it. Item 4 is worded differently. But if a client is refusing "treatment, referral, or recommendations" it is unlikely that the client is benefiting from the relationship. Yet here the professional is to "weigh...the benefits of continued treatment...and act in the best interest of the client." So it seems that even if the client is not benefiting, the professional, instead of terminating the relationship, as required by (3), could continue it "in the best interest of the client."

COMMISSION PROCEDURES AND OTHER MATTERS

Mr. DeLuca reported that he had attended a Joint Administrative Procedures Oversight Committee meeting and informed them of the status of the Pharmacy Board case and the perceived status of the Labor rules.

The next meeting will be on Thursday, April 13, 2000.

The meeting adjourned at 12:35 p.m.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge

JULIAN MANN, III

Senior Administrative Law Judge

FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens Lassiter

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				
Britthaven, Inc. v. Department of Administration98 DOA 0811 and Priva-Trends, Inc.	Chess	06/10/99		
Laidlaw Transit Svcs, Inc. v. Katie G. Dorsett, Sec'y/Dept/Administration	99 DOA 0102	Morrison	06/11/99	14:02 NCR 115
OFFICE OF ADMINISTRATIVE HEARINGS				
Ted Murrell, Zarn, Inc. v. Office of Administrative Hearings	99 OAH 0665	Chess	07/14/99	
Samuel Lee Ferguson v. Office of Administrative Hearings	99 OAH 0718	Chess	07/16/99	
AGRICULTURE				
Archie McLean v. Department of Agriculture	98 DAG 1770	Reilly	07/12/99	14:04 NCR 349
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Keyland, Inc., T/A Cloud 9	98 ABC 1099	Overby	01/17/99	
Alcoholic Beverage Control Commission v. Food Lion, Inc., Store #1351	98 ABC 1270	Gray	03/31/99	14:04 NCR 347
Alcoholic Beverage Control Commission v. Stop 1, Inc, T/A Stop 1 Grocery	98 ABC 1337	Phipps	09/29/99	
Alcoholic Beverage Control Commission v. George Steven Everett t/a Casino Snooks Place	98 ABC 1546	Reilly	10/19/99	
Alcoholic Beverage Control Commission v. Beech Mountain Resort, Inc.	99 ABC 0287	Reilly	08/11/99	
Alcoholic Bev. Control Comm.v. Partnership T/A Mermaid Rest. & Lge.	99 ABC 0367	Chess	09/17/99	
Alcoholic Beverage Control Commission v. Jaeson Nyung Kim	99 ABC 0407	Morrison	07/09/99	
Alcoholic Beverage Control Commission v. Lillian Sarah Clary	99 ABC 0615	Phipps	09/01/99	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc., T/A Circle K #8620	99 ABC 0651	Chess	12/30/99	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc., T/A Circle K #8357	99 ABC 0656	Gray	11/29/99	
Alcoholic Beverage Control Commission v. Vnus Enterprises, LLC, t/a Rendez Vous Club & City of Charlotte	99 ABC 0684	Morgan	10/15/99	
Alcoholic Beverage Control Commission v. Mohammad Salim Pirani	99 ABC 0780	Morrison	09/21/99	
Alcoholic Beverage Control Commission v. Creek Lounge, Inc. t/a Creek Lounge	99 ABC 0820	Morgan	10/13/99	
Delores Ann Holley v. Alcoholic Beverage Control Commission	99 ABC 0876	Gray	08/10/99	
Alcoholic Beverage Control Commission v. Partnership T/A Corrothers Community Center/Private Club	99 ABC 0986	Lassiter	11/03/99	
Verdict Ridge Country Club, by H. Edward Knox v. Alcoholic	99 ABC 1637	Morrison	01/07/00	14:16 NCR 1489

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Beverage Control Commission				
AUCTIONEER LICENSING BOARD				
Larry C. Oiler v. North Carolina Auctioneer Licensing Board	99 CFA 1011	Mann	01/27/00	
George W. Phillips, II v N.C. Auctioneer Licensing Board	99 CFA 1336	Lassiter	02/15/00	
BOARD OF MORTUARY SCIENCE				
N.C. Board of Mortuary Science v. Kennedy Funeral Home	99 BMS 0894	Chess	01/20/00	
CRIME CONTROL AND PUBLIC SAFETY				
Ray Anthony Breeding v. Crime Control & Public Safety	93 CPS 0695	Gray	09/13/99	
John Ray Webb v. Crime Victims Compensation Commission	95 CPS 1353	Gray	09/13/99	
Sarene Franklin Holloway v. Crime Victims Compensation Comm.	97 CPS 1172	Chess	10/12/99	
Vernel Capel Harris v. Crime Victims Compensation Commission	98 CPS 0328	Chess	01/31/00	
Paul Richard Mull v. Crime Victims Compensation Commission	98 CPS 0342	Chess	07/26/99	
Coradene Mayhand v. Crime Victims Compensation Commission	98 CPS 0398	Chess	10/09/99	
Edna Carr v. Crime Victims Compensation Commission	98 CPS 0788	Chess	10/28/99	
Eric Charles Williams v. Crime Control & Public Safety, Div. of State Highway Patrol	98 CPS 1279	Chess	11/01/99	
Bobby Mills v. Crime Victims Compensation Commission	98 CPS 1412	Wade	08/06/99	
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	
Elvin Williams, Jr. v. Crime Victims Compensation Commission	99 CPS 0118	Owens	08/03/99	
Michael Anthony Powell v. Crime Victims Compensation Commission	99 CPS 0426	Reilly	08/03/99	
Mary Elizabeth Peoples Hogan v. Crime Victims Compensation Comm.	99 CPS 0504	Reilly	07/29/99	
Louise Dowd v. Crime Victims Compensation Commission	99 CPS 0519	Morrison	12/07/99	
Lemuel Ray Jenkins v. Crime Victims Compensation Commission	99 CPS 0521	Gray	09/08/99	
Annabell B. McCormick v. Crime Victims Compensation Commission	99 CPS 0564	Phipps	08/04/99	
Christopher Beasley v. Crime Victims Compensation Commission	99 CPS 0843	Chess	11/23/99	
Johnola E. McAllister v. NC Victim and Justice Services	99 CPS 1060	Gray	12/29/99	
Quantisha Pratt v. NC Crime Victims Compensation Commission	99 CPS 1093	Mann	03/03/00	
Nancy Davis Cave v. N.C. Victim and Justice Services	99 CPS 1154	Mann	01/20/00	
Oscar Reynolds v N.C. Crime Victims Compensation Commission	99 CPS 1453	Mann	02/23/00	
James E. Taylor v N.C. Crime Victims Compensation Commission	99 CPS 1473	Lassiter	02/07/00	
ENVIRONMENT AND NATURAL RESOURCES				
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George T. Crudup v. Department of Health & Human Services	99 CSE 1375	Reilly	01/05/00	
Hasan A. Rahman v. Department of Health & Human Services	99 CSE 1378	Gray	12/20/99	

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Frankie D. Lewis v. Department of Health & Human Services	99 CSE 1384	Mann	03/08/00	
Warren Love, Jr. v. Department of Health & Human Services	99 CSE 1385	Morrison	02/08/00	
Robert E. Wilson v. Department of Health & Human Services	99 CSE 1404	Morrison	02/18/00	
Derick C. Graham v. Department of Health & Human Services	99 CSE 1406	Mann	03/08/00	
William Kizzie v. Department of Health & Human Services	99 CSE 1409	Chess	02/04/00	
King O. Williams v. Department of Health & Human Services	99 CSE 1412	Mann	12/20/99	
Michael J. Artis V. Department of Health & Human Services	99 CSE 1419	Morrison	12/13/99	
Jay Martin Cmeckiy v. Department of Health & Human Services	99 CSE 1425	Reilly	02/14/00	
Keith L. Epps v. Department of Health & Human Services	99 CSE 1426	Wade	01/06/00	
Randolph C. Pitcock v. Department of Health & Human Services	99 CSE 1429	Mann	01/21/00	
Keith J. Ullom v. Department of Health & Human Services	99 CSE 1430	Morrison	02/10/00	
Robert E. Hall v. Department of Health & Human Services	99 CSE 1435	Mann	02/14/00	
Nelson B. Chambers v. Department of Health & Human Services	99 CSE 1437	Mann	01/04/00	
William Wilcox v. Department of Health & Human Services	99 CSE 1440	Reilly	01/04/00	
Patrick Lindsey v. Department of Health & Human Services	99 CSE 1444	Gray	02/21/00	
Sutee Vongvilay v. Department of Health & Human Services	99 CSE 1445	Mann	02/25/00	
Demetrius Gamble v. Department of Health & Human Services	99 CSE 1446	Morrison	03/03/00	
Robert Potts v. Department of Health & Human Services	99 CSE 1447	Lassiter	02/21/00	
Manuel U. Marin v. Department of Health & Human Services	99 CSE 1450	Chess	02/21/00	
Ray Robinson v. Department of Health & Human Services	99 CSE 1463	Lassiter	02/15/00	
James Scott Perry v. Department of Health & Human Services	99 CSE 1465	Wade	02/21/00	
Bobby L. Bell v. Department of Health & Human Services	99 CSE 1468	Gray	02/04/00	
Donahue Golden v. Department of Health & Human Services	99 CSE 1470	Mann	03/07/00	
Darrick A. Fewell v. Department of Health & Human Services	99 CSE 1471	Morrison	02/24/00	
Everton Walker v. Department of Health & Human Services	99 CSE 1476	Lassiter	01/11/00	
Charles Bradley v. Department of Health & Human Services	99 CSE 1477	Mann	01/12/00	
Clifford Blackburn v. Department of Health & Human Services	99 CSE 1478	Reilly	02/21/00	
James Freeman v. Department of Health & Human Services	99 CSE 1480	Wade	02/21/00	
Kevin Vereen v. Department of Health & Human Services	99 CSE 1485	Morrison	02/21/00	
Robert T. Ausband v. Department of Health & Human Services	99 CSE 1492	Mann	01/21/00	
Samuel G. Wilson v. Department of Health & Human Services	99 CSE 1493	Morrison	03/02/00	
Terrence B. Dean v. Department of Health & Human Services	99 CSE 1497	Mann	02/25/00	
Willie J. Gadson v. Department of Health & Human Services	99 CSE 1498	Reilly	01/04/00	
Aherrik Lane v. Department of Health & Human Services	99 CSE 1500	Chess	02/22/00	
Michael David Jarvis v. Department of Health & Human Services	99 CSE 1503	Morrison	02/04/00	
Amy Logan v. Department of Health & Human Services	99 CSE 1505	Mann	02/25/00	
Mickey Robinson v. Department of Health & Human Services	99 CSE 1506	Reilly	02/21/00	
Johnathan O. Smith v. Department of Health & Human Services	99 CSE 1508	Mann	03/08/00	
Dawud S. Shabazz v. Department of Health & Human Services	99 CSE 1509	Wade	02/03/00	
Calvin L. McFayden v. Department of Health & Human Services	99 CSE 1511	Gray	02/21/00	
E. Monica Ward-Murray v. Department of Health & Human Services	99 CSE 1512	Mann	03/08/00	
Dennis R. Carros, Jr. v. Department of Health & Human Services	99 CSE 1514	Lassiter	02/21/00	
Wayne L. DeRoss v. Department of Health & Human Services	99 CSE 1515	Wade	02/21/00	
Rex E. Barnett v. Department of Health & Human Services	99 CSE 1528	Reilly	02/24/00	
Angela M. White v. Department of Health & Human Services	99 CSE 1532	Gray	02/11/00	
Charles H. Bryson, Jr. v. Department of Health & Human Services	99 CSE 1533	Mann	02/25/00	
Pamatha Shields v. Department of Health & Human Services	99 CSE 1534	Morrison	02/21/00	
Karlos M. Gregory v. Department of Health & Human Services	99 CSE 1535	Lassiter	01/11/00	
Farrell John Jordan v. Department of Health & Human Services	99 CSE 1536	Mann	02/15/00	
Roger S. Chandler v. Department of Health & Human Services	99 CSE 1537	Reilly	02/25/00	
William H. Strange v. Department of Health & Human Services	99 CSE 1539	Wade	02/25/00	
Joseph E. Hosch v. Department of Health & Human Services	99 CSE 1540	Chess	02/22/00	
George L. Cherry v. Department of Health & Human Services	99 CSE 1546	Reilly	02/01/00	
Dedrick L. Adell v. Department of Health & Human Services	99 CSE 1547	Wade	02/25/00	
Elliott W. Ross 82CVD008898 v. Dept. of Health & Human Services	99 CSE 1550	Gray	02/25/00	
Albert D. Dutzman II v. Department of Health & Human Services	99 CSE 1559	Morrison	02/25/00	
Jose A. Baralaga v. Department of Health & Human Services	99 CSE 1564	Morrison	02/15/00	
Thomas A. Stewart, II v. Department of Health & Human Services	99 CSE 1569	Reilly	01/11/00	
Donald D. Birkhofer v. Department of Health & Human Services	99 CSE 1570	Wade	01/07/00	
Dennis D. Home v. Department of Health & Human Services	99 CSE 1572	Mann	03/07/00	
Vashon Kearney v. Department of Health & Human Services	99 CSE 1576	Gray	02/08/00	
Peter Feige v. Department of Health & Human Services	99 CSE 1581	Mann	02/15/00	
Donald S. Dorest v. Department of Health & Human Services	99 CSE 1588	Lassiter	01/05/00	
Randy Russotti v. Department of Health & Human Services	99 CSE 1606	Gray	02/08/00	
Malcolm Kelly Teague v. Department of Health & Human Services	99 CSE 1621	Mann	02/15/00	
Damion C. Graham v. Department of Health & Human Services	99 CSE 1622	Morrison	03/06/00	
Willie J. Curry v. Department of Health & Human Services	99 CSE 1623	Lassiter	01/05/00	

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Eugene B. Patton v. Department of Health & Human Services	99 CSE 1659	Morrison	03/08/00	
Frank P. Nelson v. Department of Health & Human Services	99 CSE 1667	Reilly	02/15/00	
Muriel Thomas v. DHR, Div of Social Services	98 DCS 0631	Wade	12/15/99	
Kathryn P. Fagan v. Department of Health & Human Services	98 DCS 1769	Morrison	06/25/99	
Tresha W. Robinson v. Department of Health & Human Services	99 DCS 0480	Gray	10/18/99	
Robert Dwayne Kennedy v. Department of Health & Human Services	99 DCS 0482	Wade	09/10/99	
Deborah Seegars v. Department of Health & Human Services	99 DCS 0505	Phipps	06/30/99	
Lillian Anne Darroch v. Department of Health & Human Services	99 DCS 0555	Gray	07/06/99	
Evelyn C. Pratt v. Department of Health & Human Services	99 DCS 0813	Owens	08/25/99	
Jacqueline D. Caldwell v. Department of Health & Human Services	99 DCS 0974	Morrison	09/20/99	
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<i>Alarm Systems Licensing Board</i>				
Terry Allen Brickley v. Alarm Systems Licensing Board	99 DOJ 0097	Wade	05/21/99	
Travis Eric Reardon v. Alarm Systems Licensing Board	99 DOJ 0446	Phipps	07/28/99	
Brian Anthony Bartimac v. Alarm Systems Licensing Board	99 DOJ 0487	Morrison	05/25/99	
Paul Luke Walczak v. Alarm Systems Licensing Board	99 DOJ 0489	Owens	08/03/99	
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	
Tracey Larue Santana v. Alarm Systems Licensing Board	99 DOJ 0524	Phipps	09/24/99	
Donald Eugene Boger v. Alarm Systems Licensing Board	99 DOJ 0715	Owens	07/29/99	
Kajur Washburn v. Alarm Systems Licensing Board	99 DOJ 0716	Owens	07/29/99	
Timothy Chezere Sifford v. Alarm Systems Licensing Board	99 DOJ 1022	Morrison	09/24/99	
Howard Douglas Self v. Alarm Systems Licensing Board	99 DOJ 1230	Reilly	10/27/99	
Edward W. Hester v. Alarm Systems Licensing Board	99 DOJ 1295	Morrison	12/03/99	
Steven Craig Holloway v. Alarm Systems Licensing Board	99 DOJ 1299	Morrison	12/07/99	
Richard C. Young v. Alarm Systems Licensing Board	99 DOJ 1304	Morrison	12/03/99	
Roger Bennett, Jr. v. Alarm Systems Licensing Board	99 DOJ 1466	Wade	01/07/00	
Heather Lynn Griffin v. Alarm Systems Licensing Board	99 DOJ 1734	Morrison	02/08/00	
<i>Education and Training Standards Division</i>				
Rock Steven Edwards v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0906	Chess	05/13/99	
Michael Angelo Dunn, Sr. v Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 1503	Chess	01/20/00	14:18 NCR 1649
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	
Keith Allen Norris v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0045	Mann	07/29/99	14:04 NCR 351
Sherry Davis Kenney v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0067	Wade	06/08/99	
Leroy Darrell Jones, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0068	Gray	02/25/00	14:19 NCR 1794
Brian G. Mead v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 0106	Gray	10/07/99	
Steven Randolph Russell v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0123	Owens	10/29/99	14:11 NCR 928
Russell Lee Yelverton v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0131	Phipps	08/11/99	
James Marion Massey v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 0168	Reilly	10/11/99	
Mark E. Narron v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0453	Morrison	09/08/99	14:07 NCR 568
Shean E. Taylor v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0790	Reilly	09/29/99	
Dennis L. Ramsingh v. Sheriffs' Ed. & Training Stds. Commission	99 DOJ 0796	Gray	11/04/99	
Sandra G. Armstrong v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0844	Mann	09/24/99	
Edward L. Lusk v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0846	Phipps	09/29/99	
Tonnette Bembury v. Sheriffs' Ed. & Training Standards Comm.	99 DOJ 0934	Reilly	09/29/99	
Terry Leon Jones v. Criminal Justice Education & Training Stds. Comm.	99 DOJ 1054	Wade	10/21/99	
Noel Benjamin Rice v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 1058	Chess	03/02/00	
Laverne Artis v. Sheriffs' Ed. & Training Standards Commission	99 DOJ 1137	Morrison	01/31/00	
Brenda J. Hines v. Sheriffs' Education & Training Stds. Comm.	99 DOJ 1138	Wade	10/14/99	
George Hoke Powell, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 1363	Chess	12/08/99	
Marcus Anthony Dixon v Sheriffs' Education & Training Stds. Comm.	99 DOJ 1527	Chess	01/21/00	
Charles S. Triplett v. Criminal Justice Ed. & Training Stds. Comm.	99 DOJ 1584	Wade	03/08/00	
Jack C. Davis v. Sheriffs' Education & Training Stds. Comm.	99 DOJ 1586	Wade	03/08/00	
Tommie L. Wiggins v. Sheriffs' Education & Training Stds. Comm.	99 DOJ 1688	Mann	02/24/00	
<i>Private Protective Services Board</i>				
Tri-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1749*7	Phipps	09/02/99	
Tri-City Securities and James G. Hutcherson v. Private Protective Svcs. Bd.	98 DOJ 1752*7	Phipps	09/02/99	
Ordie Hazu McFarland v. Private Protective Services Board	99 DOJ 0099	Morrison	10/12/99	
Thomas E. Mewborn v. Private Protective Services Board	99 DOJ 0101	Owens	07/30/99	
Michael Lynn Arter v. Private Protective Services Board	99 DOJ 0262	Wade	05/25/99	

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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	
Shawn E. Alexander v. Private Protective Services Board	99 DOJ 0492	Owens	07/19/99	
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	
Charles E. Evans, Jr. v. Private Protective Services Board	99 DOJ 0496	Morrison	05/25/99	
Lawrence Martin v. Private Protective Services Board	99 DOJ 0526	Morrison	10/25/99	
William E. Ellis, Sr. v. Private Protective Services Board	99 DOJ 0527	Morrison	06/08/99	
Bobby James Nicholson v. Private Protective Services Board	99 DOJ 0528	Phipps	08/17/99	
Murray J. Degnan v. Private Protective Services Board	99 DOJ 0529	Gray	11/29/99	
James Lee Morris v. Private Protective Services Board	99 DOJ 0714	Chess	12/08/99	
Thomas William Atchison v. Private Protective Services Board	99 DOJ 1018	Morrison	09/21/99	
Mark Lavern Hewitt v. Private Protective Services Board	99 DOJ 1019	Gray	11/10/99	
Robert Steven Pekel v. Private Protective Services Board	99 DOJ 1020	Gray	11/10/99	
Peggy Ann Galespie v. Private Protective Services Board	99 DOJ 1121	Chess	12/08/99	
Michael Jaye Korn v. Private Protective Services Board	99 DOJ 1122	Wade	01/07/00	
Jacqueline Renee Haywood v. Private Protective Services Board	99 DOJ 1123	Gray	11/10/99	
Isaiah Komegay, Jr. v. Private Protective Services Board	99 DOJ 1290	Morrison	12/07/99	
Wayne Orlando Miller v. Private Protective Services Board	99 DOJ 1291	Morrison	12/09/99	
Richard Asiedu v. Private Protective Services Board	99 DOJ 1293	Morrison	12/09/99	
David Gregory Mims v. Private Protective Services Board	99 DOJ 1294	Chess	12/08/99	
Garland D. Melvin v. Private Protective Services Board	99 DOJ 1296	Morrison	12/03/99	
Jerron Devoa Caldwell v. Private Protective Services Board	99 DOJ 1297	Chess	12/08/99	
Theodore Little v. Private Protective Services Board	99 DOJ 1300	Wade	01/07/00	
Dennis L. Young v. Private Protective Services Board	99 DOJ 1301	Morrison	12/03/99	
Jose V. Vargas v. Private Protective Services Board	99 DOJ 1302	Morrison	12/03/99	
Gwendolyn L. Gray v. Private Protective Services Board	99 DOJ 1303	Morrison	12/03/99	
Allen D. Edenburn v. Private Protective Services Board	99 DOJ 1305	Morrison	12/03/99	
Chris George McCracken v. Private Protective Services Board	99 DOJ 1417	Morrison	11/29/99	
William Torres v. Private Protective Services Board	99 DOJ 1733	Morrison	03/09/00	
John Smiley v. Private Protective Services Board	00 DOJ 0016	Morrison	02/29/00	
PUBLIC INSTRUCTION				
Martin Wayne Fletcher v. St. Bd. of Educ., Dept of Public Instruction	98 EDC 0001	Chess	09/21/994	
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	
Paula Morrill, individually/on behalf of John Morrill v. Wake Cty. Schools	98 EDC 1205	Gray	09/24/99	
S.L.F. and S.F.F. v.Charlotte-Mecklenburg Board of Education	98 EDC 1649	Mann	06/04/99	
Marshall Scott Brannan v. Department of Public Instruction	98 EDC 1796	Owens	07/13/99	14:07 NCR 565
Matthew Weber, and his father and next friend, Brian Weber, and Brian Weber v. Wilkes County Schools	99 EDC 0291	Mann	09/07/99	
Michael Mathison v. Charlotte-Mecklenburg Board of Education	99 EDC 0390	Gray	12/16/99	
David J. Dew v. Charlotte-Mecklenburg Board of Education	99 EDC 0498	Gray	12/13/99	
Deborah F. Brogden v. State Board of Education	99 EDC 0734	Reilly	10/05/99	
C. Kenneth Warrington v. Edgecombe County Schools	99 EDC 0955	Reilly	09/29/99	
Edward Lawrence Morrill & Paula Marie Morrill v. Board of Directors Raleigh Charter High School	99 EDC 1080	Chess	01/11/00	
Beverly Simon Hamilton v Union County Board of Education	99 EDC 1280	Gray	02/01/00	
STATE PERSONNEL				
<i>Department of Administration</i>				
Bernard A. Brown v. Department of Administration	99 OSP 1025	Wade	01/14/00	
<i>Department of Agriculture</i>				
H.C. Troxler, Jr. v. Dept. of Agriculture and Consumer Services	99 OSP 0659	Chess	07/27/99	
<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
Calvia L. Hill v. Department of Correction	98 OSP 0268	Reilly	02/15/00	
Pershield DeLoatch v. Department of Correction	98 OSP 1026	Gray	08/11/99	
Deborah Smith v. Department of Correction	98 OSP 1126	Chess	06/22/99	
Maydean L. Taylor v. Department of Correction	98 OSP 1272	Chess	05/14/99	
Ann McMillian v. Morrison Youth Institution, Department of Correction	98 OSP 1275	Chess	05/12/99	

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Edward Alan Roper v. DOC, Div. of Prisons, Western Youth Institute	98 OSP 1644	Gray	08/11/99	
Shirley Sellars v. Department of Correction	98 OSP 1788 ¹⁰	Gray	09/30/99	
Sean R. Dillard v. Dept. of Correction, Pasquotank Correctional Inst.	98 OSP 1800	Gray	08/26/99	
DeCarlos Stanley v. Department of Correction	99 OSP 0027	Morrison	06/22/99	
Steve A. Matthews v. Department of Correction	99 OSP 0162	Morrison	08/20/99	
Patrick Smith v. Department of Correction	99 OSP 0163	Morrison	10/14/99	
Harry E. Kenan v. Capt. B.F. Lewis, Polk Youth Institution	99 OSP 0257	Phipps	06/07/99	
Robert Russell, Jr. v. Jeff Jones, Div of Community Corrections	99 OSP 0258	Lassiter	09/29/99	
Judith Caves v. Department of Correction	99 OSP 0338	Phipps	09/29/99	14:11 NCR 945
Shirley Sellars v. Department of Correction	99 OSP 0386 ¹⁰	Gray	09/30/99	
Richmond Fulmore v. Department of Correction, Wake Correctional	99 OSP 0416	Mann	06/04/99	
Henry C. Parks v. DART/Admin., Ann Shea, Edward McCall, Thomas G. Ivester	99 OSP 0512	Morrison	09/22/99	
Jerry D. Crawford v. Department of Correction	99 OSP 0577	Reilly	06/02/99	
Walter L. Whitaker v. Capt. Ricky Johnson, Pasquotank Corr. Inst.	99 OSP 0644	Gray	10/12/99	
Angelo Alfonso Smith v. Department of Correction	99 OSP 0675	Gray	11/04/99	
Charles Creegan v. Department of Correction	99 OSP 0765	Reilly	08/03/99	
Kathi P. Brown v. NC Correctional Institute for Women	99 OSP 0914	Chess	12/10/99	
David J. Dennis v. Department of Corrections, Polk Youth Institution	99 OSP 0918	Chess	10/12/99	
Tara King v. Department of Corrections	99 OSP 0930	Chess	11/08/99	
Joyce Ann Bullock v. Polk Youth Institution	99 OSP 1065	Wade	11/15/99	
Timothy Ramey v. Department of Correction	99 OSP 1085	Chess	11/22/99	
Curtis Lee Tucker v. Dept. of Correction - Caledonia	99 OSP 1097	Wade	12/06/99	
Heather Williams v. Department of Correction	99 OSP 1163	Reilly	12/13/99	
June Annette Cooley v. DOC, Correction Enterprises	99 OSP 1164 ¹⁴	Lassiter	02/18/00	
Edward E. Hodge v. Department of Correction	99 OSP 1224	Lassiter	01/03/00	
Russell S. Jackson v. Department of Correction, Albemarle Correctional Inst./Michael York	99 OSP 1236	Morrison	12/22/99	
Valee Taylor v. Department of Correction	99 OSP 1256	Lassiter	01/05/00	
Scott Powell v. Department of Correction, Central Prison	99 OSP 1413	Mann	03/01/00	
Sharon Tucker v. Ms. LaVee Hamer, DOC, Gen. Counsel to the Secretary	99 OSP 1519	Gray	01/10/00	
Jan C. Smith v. Department of Correction, Dart Cherry Program	99 OSP 1647	Gray	01/21/00	
June Annette Cooley v. DOC, Correction Enterprises	99 OSP 1662 ¹⁴	Lassiter	02/18/00	
Judy A. Brewer v. Odom Correctional Institution	99 OSP 1714	Mann	03/03/00	
Crime Control and Public Safety				
Thomas Michael Chamberlin v. DCCPS, Center for Missing Persons	99 OSP 0596 ⁴⁴	Gray	08/16/99	
Ira Braswell IV v. Governor's Crime Commission, DCCPS	99 OSP 1331	Lassiter	02/09/00	
North Carolina School for the Deaf				
Steve Crawford v. North Carolina School for the Deaf	99 OSP 0640	Lassiter	10/18/99	
Danny Wilson Carson v. North Carolina School for the Deaf	99 OSP 0641	Lassiter	10/18/99	
Eric Arden Hurley v. North Carolina School for the Deaf	99 OSP 0087	Reilly	06/24/99	
Employment Security Commission				
Russell J. Suga v. Employment Security Commission	96 OSP 1122	Reilly	05/26/99	
Environment and Natural Resources				
L. Clifton Carroll v. Dept of Natural Resources, Div. of Parks and Recreation	98 OSP 0914	Gray	10/22/99	14:12 NCR 1082
Larry A. Campbell v. NC Wildlife Resources Commission	99 OSP 0050	Morrison	11/10/99	14:12 NCR 1086
Pathe Vivek v. Department of Environment & Natural Resources	99 OSP 0956	Chess	10/06/99	
Health and Human Services				
Debbie L. Whitley v. Wake County Department of Social Services	97 OSP 0722	Phipps	09/27/99	
Vera Crenshaw v. DHHS, Julian F. Keith Alc. & Drug Abuse Trtmt. Ctr.	98 OSP 0456	Gray	08/05/99	
Ivey G. Rhodes v. Pitt County Mental Health Center	98 OSP 0924	Phipps	07/09/99	
Dianna H. Smith v. DHHS, Caswell Center	98 OSP 1245	Chess	01/10/00	
Odessa D. Gwynn v. Caswell County Health Department	98 OSP 1299	Gray	08/25/99	
Tonya Carson v. Buncombe County Health Center	98 OSP 1335	Gray	02/16/00	
Doris Virginia Wearing v. Durham County Health Department	98 OSP 1432	Reilly	06/18/99	
Norman Kinnett v. DHHS, Caswell Center	98 OSP 1477	Wade	02/29/00	
Leon Kea v. DHR, O'Berry Center	98 OSP 1733	Morrison	12/22/99	
Julia A. Cameron v. John Umstead Hospital, Health & Human Services	99 OSP 0053	Morrison	06/22/99	
Danny Jacob v. Onslow County Board of Health	99 OSP 0129	Gray	10/12/99	14:11 NCR 936
Jency Abrams v. Department of Health & Human Services	99 OSP 0147	Owens	08/11/99	
Joann Thomas v. Neuse Mental Health Center	99 OSP 0254	Reilly	01/13/00	14:18 NCR 1661

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Lisa Adams-Houghton v. Rockingham Co. Dept of Social Services	99 OSP 0278	Gray	11/04/99	
Linda R. Walker v. Craven County Health Dept., Craven County Dept. of Social Services, and Craven County	99 OSP 0281	Chess	03/07/00	
Timothy Truzy v. Department of Health & Human Services	99 OSP 0316	Gray	10/22/99	
Carlos D. Burks, Sr. v. North Carolina Special Care Center	99 OSP 0325	Owens	08/25/99	
Donna Pittman v. Department of Health & Human Services	99 OSP 0444	Morison	12/15/99	
Bryan Benson v. Durham Cty. Area MH/DD/SAS Program	99 OSP 0516	Gray	08/31/99	
Shirley C. Jones v. Department of Health & Human Services	99 OSP 0533	Mann	09/24/99	
James Michael Dunn v. Pitt Co. Mental Health, Developmental Disabilities, and Substance Abuse Area Program	99 OSP 0549	Gray	12/21/99	
Odell Hudson v. Health & Human Svcs., Dorothea Dix Hospital	99 OSP 0609	Gray	07/07/99	
Erica Joynes v. Durham County Department of Social Services	99 OSP 0671	Gray	07/13/99	
Thomas Michael Chamberlin v. Off. of Juvenile Justice, Juvenile Services Division, 14 th District Court Division	99 OSP 0673*	Gray	08/16/99	
Cheryl Highsmith v. DHHS, Youth Svcs., New Hanover Reg. Juvenile Detention Center	99 OSP 0763	Owens	09/03/99	
Carolyn A. Carter v. Cleveland County Dept of Social Services	99 OSP 1055	Gray	11/29/99	
Veda B. Gill v. Durham County Department of Social Services	99 OSP 1090	Morrison	11/09/99	
Patricia Pender v. DHHS, Eastern NC School for the Deaf	99 OSP 1124	Lassiter	03/06/00	
Dennis W. Retzlaff v. Warren County Board of Health	99 OSP 1157	Morrison	02/22/00	14:19 NCR 1800
Alan J. Herrick v. Rutherford-Polk MH/DD/SAS	99 OSP 1357	Chess	01/21/00	
Jency Abrams v. Department of Health & Human Services	99 OSP 1382	Mann	02/04/00	
Todd L. Chavis v. Murdoch Center	99 OSP 1388	Mann	02/09/00	
Edna W. Childs v. Gaston-Lincoln Area Mental Health Program	99 OSP 1454	Morrison	12/29/99	
Donald R. Hopper v. Dart Caswell 4415	99 OSP 1481	Mann	02/09/00	
Anthony Ratcliff v. Department of Health & Human Services	99 OSP 1483	Phipps	09/22/99	
Johnston County				
Lili Romaine Lee v. County of Johnston	99 OSP 0456	Morrison	06/02/99	
Justice				
Thomas Michael Chamberlin v. Justice, Justice Academy	99 OSP 0308	Phipps	06/11/99	
Labor				
Robert C. Adams v. Department of Labor	99 OSP 0667	Gray	07/28/99	
Department of Public Instruction				
Billy McEachern v. Schools of Robeson County	99 OSP 0189	Wade	09/04/99	
John Lee Herbin v. Smarand Manor Training School	99 OSP 0273	Gray	08/04/99	
Linda D. Chapman v. Lenoir County Public Schools	99 OSP 0691	Reilly	08/16/99	
State Auditor				
Antonio Allen Bolton v. Office of the N.C. State Auditor	99 OSP 0979	Wade	11/22/99	
Transportation				
Michelle Maloney Wilkins v. Department of Transportation	98 OSP 0836	Morrison	05/20/99	
Judy S. Grindstaff v. Department of Transportation	98 OSP 1028	Gray	09/30/99	
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	
Carmalita Daniels v. Department of Transportation	99 OSP 0264	Gray	08/20/99	
Paul N. Harris v. Dept. of Transportation, Div of Motor Vehicles	99 OSP 0625	Gray	12/02/99	14:14 NCR 1336
Carolyn Campell v. Dept of Transportation	99 OSP 0739	Reilly	12/03/99	14:14 NCR 1339
University of North Carolina				
Wanda Troxler v. A & T State University and Dr. Ray J. Davis	97 OSP 0819	Phipps	08/02/99	
Vivian Smith Hammie, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1268*2	Phipps	07/06/99	
Vivian Smith Hammie, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1269*2	Phipps	07/06/99	
Vivian Smith Hammie, Ling-Chih C. Hsu and Joel A. Williams v. East Carolina University	97 OSP 1270*2	Phipps	07/06/99	
Jackie S. Flowers v. East Carolina University	98 OSP 1618	Reilly	06/24/99	
James A. Benton v. University of North Carolina at Charlotte	99 OSP 0047	Wade	10/08/99	
Tracey L. Wilson v. North Carolina Central University	99 OSP 0388	Chess	12/06/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0517*6	Reilly	08/27/99	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Rashmi P. Eddins v. University of North Carolina at Charlotte	99 OSP 0557	Gray	02/22/00	
Anna Anita Huff v. Dr. Lonnie Sharpe/Dr. Reza Salami-Coll./Engineering	99 OSP 0599	Chess	07/16/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0623*6	Reilly	08/27/99	
Thomas Michael Chamberlin v. UNC @ Chapel Hill, Dept. of University Housing, Division of Student Affairs	99 OSP 0674*4	Gray	08/16/99	
Halycon Tudie Blake v. University of North Carolina at Chapel Hill	99 OSP 0686	Gray	07/08/99	
Bridgette R. Booker v. Winston-Salem State University	99 OSP 0731	Chess	09/03/99	
Rex A. Coughenour v. University of North Carolina at Chapel Hill	99 OSP 0830*6	Reilly	08/27/99	
Temperance T. Tobe v. North Carolina Central University	99 OSP 0865	Chess	08/24/99	
Phyllis Martin v. NC A & T State University	99 OSP 1030	Lassiter	01/04/00	
Inez Eason v. University of North Carolina at Wilmington	99 OSP 1069	Mann	02/14/00	
James W. Murrell v. University of North Carolina at Chapel Hill	99 OSP 1102	Morrison	11/29/99	
Harold Richardson v. University of North Carolina at Charlotte	99 OSP 1208	Wade	11/15/99	
Albertina Thompson v. Chancellor James Renick of NC A & T Univ.	99 OSP 1578	Gray	12/17/99	
DEPARTMENT OF LABOR				
Bellacino's v. Department of Labor	99 DOL 1216	Reilly	12/14/99	
DEPARTMENT OF TRANSPORTATION				
Peter Kay, Stern v. Department of Transportation	99 DOT 0668	Owens	07/29/99	
UNIVERSITY OF NORTH CAROLINA				
Stephanie A. Payne v. UNC Hospitals	99 UNC 0375	Morrison	06/21/99	
Barbara A. Russell v. UNC Hospitals	99 UNC 0540	Gray	08/11/99	
Robin Perkins Stephens v. UNC Hospitals	99 UNC 0563	Owens	07/21/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0746*5	Reilly	08/09/99	
Rita Jo Kincaid v. UNC Hospitals	99 UNC 0747*5	Reilly	08/09/99	
Edna Heath v. UNC Hospitals	99 UNC 0943	Chess	10/15/99	
Clinton E. Taylor, Sr., v. UNC Hospitals	99 UNC 1117	Morrison	12/22/99	

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
99 DOJ 0068

COUNTY OF LENOIR

LEROY DARRELL JONES, JR.,

Petitioner,

v.

N.C. CRIMINAL JUSTICE EDUCATION AND TRAINING

STANDARDS COMMISSION,

Respondent.

PROPOSAL FOR DECISION

This contested case was heard on November 30, 1999 in Farmville, North Carolina before Administrative Law Judge Beecher R. Gray.

APPEARANCES

Petitioner was represented by Peter Mack, Jr. and Respondent was represented by Assistant Attorney General John P. Gravalec-Pannone.

ISSUES

Did Petitioner commit the criminal offense of "assault inflicting serious injury" in violation of 12 NCAC 9A .0204(b)(3)(A)?

Did Petitioner's actions and conduct regarding the commission of the offense of "assault inflicting serious injury" constitute a lack of good moral character?

FINDINGS OF FACT

Stipulated Facts

1. Both parties properly are before the Office of Administrative Hearings, in that jurisdiction and venue are proper, that both parties received notice of hearing, and that Petitioner received the Proposed Suspension of Correctional Officer Certification letter mailed by Respondent on November 30, 1998.

2. The North Carolina Criminal Justice Education and Training Standards Commission (hereafter referred to as the Commission) has the authority granted under Chapter 17C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 9, to certify criminal justice officers and to deny, revoke or suspend such certification.

3. Petitioner successfully completed 160 hours of Basic Correctional Officer Training at the North Carolina Justice Academy, Salemburg, North Carolina on October 24, 1986.

4. Petitioner applied with the Commission for certification as a correctional officer on June 23, 1986.

5. Petitioner was issued a probationary certification (PRB 226080682) on September 23, 1986 by the Commission to serve as a full-time correctional officer.

6. Petitioner was issued a general certification (GNB 226080682) on September 17, 1987, by the Commission to serve as a full-time correctional officer.

7. On February 12, 1996, Deputies Cahoon, Williams and Sergeant Ogren of the Lenoir County Sheriff's Office, in response to a third party call reporting a domestic incident, responded to A-33 Oakdale Drive, Mobile Home Park, Kinston, North Carolina.

8. On February 12, 1996, upon arrival at A-33 Oakdale Drive Mobile Home Park, Kinston, North Carolina, the Lenoir County Sheriff's Deputies met with and interviewed Pamela Nicole Brown. Ms. Brown was then taken to the Lenoir Memorial Hospital. The Petitioner was arrested at the scene by Lenoir County Deputies and charged with "Assault Inflicting Serious Injury" in violation of N.C.G.S. § 14-33(c)(1). The Petitioner also was charged with Domestic Criminal Trespass.

9. The criminal offense of Assault Inflicting Serious Injury constitutes a "Class B misdemeanor" pursuant to 12 NCAC 9A .0103(21)(b) of the Commission's administrative rules.

10. On March 19, 1996, the Lenoir County District Attorney dismissed the Assault Inflicting Serious Injury Charge (96 CR 01570). The Petitioner pled guilty to the Domestic Criminal Trespass charge and the Lenoir County District Court granted a Prayer-For-Judgment-Continued (PJC).

Adjudicated Facts

11. Deputy Chris Cahoon of the Lenoir County Sheriff's Office was on duty on February 12, 1996, and at approximately 5:00 a.m. he responded to an Assault/Domestic Violence call along with Sergeant Greg Ogren and Deputy Elena Liberty. The officers responded to a Hardees in Kinston and met with an individual named Janjuan Oliver. (Tp. 6).

12. As a result of the meeting with Mr. Oliver the deputies proceeded to A33 Holiday Mobile Home Park in Kinston. Upon arrival at the scene, Deputy Cahoon observed the mobile home depicted in the photographs submitted into evidence and a blue van that was running. (Tp. 7, Respondent's Exhibits 2-5).

13. Deputy Cahoon looked into the trailer by standing on the tongue on the exterior of the trailer. He saw the Petitioner in uniform making a motion as if pushing someone. Deputy Cahoon also saw a knife on a counter near where Petitioner stood. (Tp. 9).

14. Deputy Cahoon went toward the door of the trailer. Petitioner opened the door and stepped out before Deputy Cahoon got to the door. Deputy Cahoon saw splatters of blood on the front of Petitioner's Department of Correction uniform. Petitioner told Deputy Cahoon that he had caught another man with his woman. Petitioner was polite and cooperative. (Tpp. 10-13, Respondent's Exhibit 6).

15. Deputy Cahoon arrested Petitioner for assault inflicting serious injury and domestic criminal trespass. Deputy Cahoon observed no injuries to Petitioner and placed him in the Sheriff's patrol car. Petitioner did not complain to the officer that he suffered any injuries. Deputy Cahoon remained at the patrol car until Detective Randy Blizzard arrived to take charge of the scene. (Tp. 13).

16. Deputy Liberty, a female officer, was the first officer to go into the trailer. She found Pamela Brown sitting on the couch in a wet robe. Pamela Brown had blood on her inner thighs around the vaginal area and her face was swollen on the right side. Deputy Cahoon went into the trailer and saw blood on the floor and broken glass from a Heinekin bottle. He also observed other bloody areas. (Tpp. 14-16, Respondent's Exhibits 7-24).

17. The officers took photographs of the interior of the trailer that night. The photographs revealed blood on a couch, a small pool of blood near the front doorway and in the kitchen area, blood on the carpet and wall in the hallway, and a broken lamp and beer bottle. (Tpp. 15-17, Respondent's Exhibits 7-24).

18. Deputy Cahoon saw Pamela Brown, who was upset, with blood on her leg. He observed Deputy Liberty speaking with Ms. Brown. (Tp. 17).

19. Deputy Cahoon took the Petitioner to the magistrate's office and charged him with "Assault Inflicting Serious Injury" and a second charge of "Domestic Criminal Trespass." (Tp. 18, Respondent's Exhibit 25).

20. Prior to the incident of February 12, 1996, Petitioner and Pamela Brown had been dating for 8-10 months. They had been living together in the rented trailer at A-33 Oakdale Drive Mobile Home Park for about the last four months of that period. Pamela Brown worked at an apparel factory in Snow Hill but had not worked for the last four months prior to February 12, 1996. Petitioner had paid the rent on the trailer for approximately six months. During the 8-10 month period, Petitioner and Pamela Brown became engaged to be married.

21. Petitioner and Pamela Brown stayed together at the trailer on alternate nights. On the nights when he was not at the trailer, Petitioner stayed with his mother who was in need of assistance in her home in Kinston.

22. Petitioner had a key to the trailer. On February 11, 1996, Petitioner stayed with his mother. Pamela Brown called Petitioner on the night of February 11, 1996 while he was at his mother's house and asked him to bring the rent money by the next morning.

23. On the way to work at the Department of Correction unit, Petitioner stopped by the trailer at about 5:00 a.m. to leave the rent money. He left the engine running in his van while he went inside the trailer to leave the rent money. After entering the trailer with his key, he met Pamela Brown in the hallway outside the bedroom. She had no clothes on and was being followed by Janjuan or Juan Oliver who immediately accused Pamela Brown of setting him up and asking Petitioner if he could gather his clothes and leave, which he did.

24. Pamela Brown stated to Petitioner that the situation was not what he might be thinking it appeared to be and, further, that they needed to talk. Petitioner indicated that there was nothing to talk about; he proceeded to gather some of his possessions and tried to walk out of the door. Pamela Brown prevented Petitioner's egress from the trailer by jumping onto his back and locking her legs around him. Petitioner slung her off and continued to try to leave. This process was repeated several times. Petitioner testified that he knocked a nail file out of Pamela Brown's hand as she was trying to cut or stab him with it but that he never hit her with his hands or anything else.

25. Deputy Randy Blizzard of the Lenoir County Sheriff's Department appeared as a criminal investigator at A-33 Oakdale Mobile Home Park on February 12, 1996 at about 06:00 a.m. He was briefed by the other officers present and then interviewed Petitioner who was in custody in a patrol car. Petitioner told Deputy Blizzard that he had used his own key to gain entrance to the trailer. The investigation revealed no evidence of forced entry. Petitioner also told Deputy Blizzard that he had been upset during the incident and had hit Pamela Brown. Petitioner explained, during the hearing of this case, that the hitting he was referring to when interviewed by Deputy Blizzard was the slapping away of the finger nail file Pamela Brown came after him with.

26. Both Pamela Brown and Petitioner testified that she fell over a bicycle in the trailer and cut her leg. A bicycle is shown in evidence photographs taken by the Sheriff's Department with blood on the floor in proximity to it.

27. Pamela Brown testified that Petitioner did not have a key to the trailer. She offered no explanation as to how he got in, even in the face of no evidence of a forced entry. She testified that she had Juan Oliver, a grown male, in the trailer with her at 5:00 a.m. when Petitioner came in. She testified that Petitioner met her in the hallway and hit her with his fists; grabbed and dragged her by her hair; dumped a bucket of water on her; kicked her between her legs so that she started to bleed; threatened to take her out into the country and shoot her; hit her over the head with a beer bottle; and pointed a knife at her. She testified that Deputy Cahoon saved her life by coming into the trailer because Petitioner had a knife and was about to cut her with it but had just put it down in the sink or on the counter when the Deputy came in. Deputy Cahoon's testimony was that he saw a knife lying on the counter as he watched through the front trailer window and that as he started toward the door, Petitioner walked out.

28. Pamela Brown testified that she and Petitioner had not stayed together for several days prior to the incident of February 12, 1996 because she had been staying with her mother.

29. Attorney at law Allen Foster lives and practices law in Kinston. He has lived and practiced there for approximately seven years, the first three of which he as an assistant district attorney for Lenoir and Wayne counties. Attorney Allen Foster appeared and testified in this contested case hearing. Petitioner retained Allen Foster to represent him in the matter of the criminal charges arising from the incident of February 12, 1996. On March 8, 1996, Attorney Foster met with Pamela Brown at his office. He taped the interview with her. During this interview, Pamela Brown stated that she loved Petitioner and wanted the charges dismissed. She did not mention having any fear of Petitioner. Attorney Foster did not question her to get the facts; she stated the facts to him. He did not tell her that Petitioner could be imprisoned and lose his job if convicted.

30. Attorney Allen Foster prepared an affidavit as a result of Pamela Brown's visit which she signed after taking an oath that its contents were true. That affidavit is in complete contrast with her testimony in this hearing; it reads as follows:

NORTH CAROLINA

LENOIR COUNTY

STATE OF NORTH CAROLINA

v.

LEROY DARELL JONES, JR.

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IN THE GENERAL COURT OF
JUSTICE
DISTRICT COURT DIVISION
FILE NO. 96 CR _____

AFFIDAVIT OF
PAMELA NICOLE BROWN

I, Pamela Nicole Brown, having been first duly sworn do hereby state the following:

1. My full name is Pamela Nicole Brown. I am twenty-seven (27) years of age and my social security number is 239-29-4355.
2. Prior to this incident, the above named defendant, Leroy Darell Jones, Jr., and I had been living together for about four months in a residence that we had leased together for that purpose.
3. Prior to this incident Leroy and I were engaged to get married and are still planning the same.
4. Leroy and I had stayed together in our residence as recently as the Wednesday before this incident (February 7, 1996.) On the date in question, February 12, 1996, Leroy entered our home with a key that I had given him at approximately 5:00 a.m.
5. When he did he caught me clothed only in a jacket and with another man in our bed room. Obviously, Leroy became very upset and an argument ensued. I had been out with this other man that evening and returned with him to our house at approximately 3:00 a.m.
6. Leroy and the other man had some words and the other man then left the residence.
7. Leroy and I then engaged in a heated argument and both said things that we not wished we had not.
8. Prior to February 12, 1996, Leroy had never hit me and I do not believe that he will do so in the future.
9. Inasmuch as I contributed to the argument on February 12, 1996, I did not call the police. That was done by the other man and was not done at my request.
10. After the Sheriff's Deputies arrived and arrested Leroy, the Sheriff's Deputies asked me to go to Lenoir Memorial Hospital to be checked. I reluctantly went, however, I ended up leaving and just going to my mother's house and going to sleep.
11. After the incident I called Leroy and asked him to meet me on Queen Street. We then met and discussed the incident and resolved it to our satisfaction.
12. Since this time Leroy and I have been very friendly and want to continue our relationship as if this incident never occurred. We both willing to forgive each other for the events of that morning. I love Leroy and we are still planning to get married.
13. Since this date Leroy takes me to and picks me up from work daily. I have appeared freely and voluntarily at the law office of Gerrans, Foster & Kriss, P. A. to ask Attorney Allen Foster to prepare this affidavit for me for several reasons. First and foremost, the magistrate's order that was issued charging Leroy with misdemeanor assault inflicting serious injury is incorrect when it states that he cut me with a broken beer bottle. He, in fact, did not cut me with a broken beer bottle or any other object.
14. I do not want to have to go to court or to testify in this matter.
15. Leroy was place in jail as a result of this matter, against my wishes, and I do not want him to go back to jail or to be punished further.
16. I am asking that the District Attorney accept this affidavit and dismiss both of the now pending charges of misdemeanor assault inflicting serious injury and domestic criminal trespass against Leroy Jones. It is not my desire that he be convicted of either of these charges or of any reduced charge. Rather, I am asking that these charges be fully and finally dismissed with prejudice to allow us to get on with our relationship and our lives.

17. I have freely and voluntarily asked that this affidavit be prepared for me. I further state that no one has threatened me or promised me anything in exchange and I do so fully understanding what I am doing.

This the 8th day of March, 1996.

/s/Pamela Nicole Brown
Pamela Nicole Brown

Sworn to and subscribed for me this the 11th day of March, 1996. Witness my hand and notarial seal.

/s/Sheila Marshburn
Notary Public

My Commission Expires: 8/6/96

31. The affidavit of Pamela Brown was produced in District Court and relied upon by the Court and the District Attorney in the disposition of the criminal charges against Petitioner. The Assault inflicting serious injury charge was dismissed in reliance on this affidavit and Petitioner entered a plea of guilty to domestic criminal trespass, which was continued on a prayer for judgment. Pamela Brown knew at the time she executed this affidavit that it would be produced in and relied upon by the Court.

32. Pamela Brown submitted an affidavit which was relied upon the district court criminal proceeding against Petitioner. Pamela Brown gave sworn testimony in this contested case hearing which completely conflicted with her earlier affidavit. Her testimony also conflicted with that of Deputy Cahoon who established that Petitioner came out of the trailer before the deputy could get to the door, while Pamela Brown testified that Deputy Cahoon came inside the trailer and saved her life by preventing Petitioner from cutting her.

33. Having heard the testimony and observed the demeanor of Pamela Brown, Deputy Cahoon, attorney Allen Foster, and others, and having compared Pamela Brown's affidavit to her live testimony in this hearing, I find that Pamela Brown's testimony in this hearing lacks credibility; may represent perjury, either in her earlier affidavit or in this hearing; and is hereby disregarded as unreliable.

34. Respondent was notified in April, 1996 that Petitioner had criminal charges pending against him regarding the February 12, 1996 incident. Respondent completed its investigation and issued a letter of proposed suspension to Petitioner on November 30, 1998.

35. The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer fails to meet or maintain the minimum employment requirements standard that every law enforcement officer shall be of good moral character required by 12 NCAC 9A .0204(b)(2) and 12 NCAC 9B .0101(3).

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings. The Office of Administrative Hearings has jurisdiction of this contested case pursuant to Chapters 17C and 150B of the North Carolina General Statutes.

2. North Carolina General Statutes §14-33(c)(1), assault inflicting serious injury, constitutes a Class B Misdemeanor as set forth in N.C. Admin. Code tit. 12, r. 9A.0103(22)(b) (April 1999) and the North Carolina Class B Misdemeanor Manual as adopted by the Commission.

3. North Carolina General Statutes Section 14-134.3, domestic criminal trespass, constitutes a Class A Misdemeanor as set forth in N.C. Admin. Code tit. 12, r. 9A.0103(22)(a) (April 1999).

4. Petitioner's guilty plea on March 19, 1996 to Domestic Criminal Trespass as part of a plea bargain involving a prayer for judgment continued, under the facts, testimony, and two year delay in investigation of this case, does not indicate lack of good moral character.

5. Considering the testimony and other evidence produced in this contested case, having set aside the testimony of Pamela Brown as blatantly unreliable, the charge and allegation against Petitioner that he committed the offense of Assault Inflicting Serious Injury by striking blows upon Pamela Brown on February 12, 1996 is not supported by the evidence.

PROPOSAL FOR DECISION

Based upon the foregoing findings of fact and conclusions of law, it is hereby proposed that Respondent's proposed suspension of Petitioner's correctional officer certification for five years for commission of the Class B Misdemeanor offense of Assault Inflicting Serious Injury and indefinitely for lack of good moral character be dismissed as not supported by the evidence.

ORDER

IT IS HEREBY ORDERED that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714, in accordance with N.C.G.S. §150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this Proposal for Decision, and to present written arguments to those in the agency that will make the final decision. N.C.G.S. §150B-36(a). The agency is required to serve a copy of the Final Decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings. N.C.G.S. §150B-36(b).

The agency that will make the final decision in this contested case is the North Carolina Criminal Justice Education and Training Standards Commission.

This the 25th day of February, 2000.

Beecher R. Gray
Administrative Law Judge

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
99 OSP 1157

COUNTY OF WARREN

DENNIS W. RETZLAFF,
Petitioner,

v.

WARREN COUNTY BOARD OF HEALTH,
Respondent.

RECOMMENDED DECISION

This matter came on for hearing before the undersigned Administrative Law Judge on December 1, 1999. The Petitioner herein was present at the hearing and represented by his attorney, David P. Voerman. The Respondent also appeared at the hearing, and were represented by their attorney, Alison R. Bost, of the law firm of Womble, Carlisle, Sandridge & Rice. The hearing commenced on December 1, 1999, at 9:00 a.m., and continued through December 2, 1999.

Based on the matters presented at the hearing, the exhibits introduced therein, the pleadings in the case, and all other matters appearing of record in this matter, and after considering the final argument of both parties, the ALJ makes the following recommended Findings of Fact, by the preponderance of the evidence, enters his recommended Conclusions of Law, based upon the Findings of Fact, and renders the Recommended Decision based on both the Findings and Conclusions:

FINDINGS OF FACT

1. The Petitioner, Dennis Retzlaff, resides at 109 Battle Avenue in Warrenton, North Carolina 27589. He was employed as the Health Director in Warren County since August of 1985.
2. The Petitioner was dismissed from employment on September 1, 1999, by a dismissal letter, which was dated the same date. The dismissal letter was received by the Petitioner on September 2, 1999. The Respondent, the Warren County Board of Health, is a duly formed Board of Health, existing under the laws of the State of North Carolina, with jurisdiction over the Health Department in Warren County.
3. As the Health Director in Warren County, the Petitioner, Retzlaff, is subject to the State Personnel Act, and has all of the rights and privileges existing under such Act that a career State Employee would enjoy.
4. The relevant background facts leading up to the dismissal of the Petitioner are as follows:
 - a. The Petitioner, for many years, served as a dedicated Health Director in Warren County. He worked long hours, was efficient, and performed his job in a satisfactory or better manner.
 - b. Beginning in the year 1996, Petitioner began to experience some difficulty with the performance of his position. He became noticeably moody, appeared to be tired at many times, began to work other than normal hours, and generally seemed to be less focused on his job as the Health Director.
 - c. The Petitioner's attendance at the Health Department declined, and he became less available to the staff. He would frequently work hours, for example, where he would come in very early in the morning and would leave in the middle of the day. He was extremely fatigued and tired appearing during the course of the day.
 - d. In the late fall of 1996, and the early winter of 1997, the Board of Health expressed concerns in respect to performance of certain parts of the Petitioner's job. One of these concerns centered around the landfill in Warren County. The Board ultimately determined that the Petitioner had not handled the matter in respect to the closing of the landfill correctly, and, on February 7, 1997, issued the Petitioner an "Official Letter of Reprimand" concerning performance of

his job as the Health Director over the previous twelve (12) months. (See Petitioner's Exhibit No. 17.)

e. The "Letter of Reprimand" listed four (4) concerns in respect to the Petitioner's performance of his job, in addition to criticizing him for the manner in which he had handled the landfill situation. The letter, on its face, did not advise Petitioner of any appeal rights, did not advise Petitioner that further letters or disciplinary actions could be taken based upon this letter, did not identify itself as a "written warning" in respect to performance issues, and generally did not comply with the provisions of 25 NCAC 11.2305 concerning the issuance of "written warnings" and the contents thereof.

f. When the Petitioner began to experience these problems with his job, he advised the Warren County Board of Health, and other members of the Health Department that he had sought treatment from Dr. Michael Zarzar beginning in 1995 for depression. A summation of Dr. Zarzar's treatment and opinions appear in Petitioner's Exhibit No. 23, which was admitted during the course of the hearing. In 1996 and 1997, Petitioner was diagnosed with major depression, which affected his ability to perform his job. Dr Zarzar treated the Petitioner during 1996, 1997 and 1998 with a regimen of anti-depressant drugs in the hope that his depression would improve and his concentration would return to its prior levels.

g. After trying several different anti-depressants, it was felt that the depression was being controlled. Retzlaff advised the Board that he was taking medication and it was hoped that his depression would improve and he would be able to improve his performance.

h. During the year 1997, the Petitioner, however, continued to experience difficulties in respect to concentrating, and sleeping. He was still experiencing mood swings, was tired during the day, and was having difficulty performing despite the medication. The Petitioner felt as if this was attributable to the various drugs that he was taking, in an effort to try to control his depression.

i. On February 16, 1998, the Warren County Board of Health, through their then Chairman Ruby Jones, issued another letter to the Petitioner which was identified as an "Official Warning" and which specifically concerned an incident which took place on December 30, 1997 involving the Warren County Manager. That warning was introduced during the course of this hearing as Petitioner's Exhibit No. 16.

j. The incident in question in the February 16, 1998, warning involved an argument and dispute between the Petitioner and Loria D. Williams, who was the County Manager for Warren County. On December 30, 1997, the Petitioner and Ms. Williams became involved in a dispute, in her office, over whether or not she had granted a request submitted by the Petitioner in a timely manner. During the course of this argument, the Petitioner stood in the doorway of Ms. Williams office, and, according to her, blocked her way in a manner which she considered to be "threatening."

k. No actual physical confrontation occurred between the Petitioner and Ms. Williams on that date, nor were any actual threats of physical violence made.

l. The February 16, 1998, written warning also cited Petitioner's ability to work with his peers, his response to advice, and indicated to him that he "must be able to work with the system in a cooperative and productive manner." The February 16 letter, in addition, indicated that it was a "Second Written Warning" and advised the Petitioner that "only 2 written warnings are required prior to dismissal."

m. The February 16, 1998, letter provided the Petitioner with no indication of any appeal rights, but did advise him that " any other incident of unprofessional threatening behavior may result in your dismissal."

n. None of the matters addressed in the February 7, 1997, reprimand concerning the four areas addressed in respect to the performance of the Petitioner's duties were readdressed in the February 16, 1998, written warning.

o. While the February 16, 1998, letter also referenced the Petitioner's "personal conduct" as being unacceptable at Warren County Board of Commissioners' meetings, no indication was made of the manner in which his conduct was unacceptable at such meetings.

p. While the written warning, as issued on February 16, 1998, did reference a specific area of alleged misconduct, it did not specify any time frame for improvements or corrections related to performance of duties.

- q. Between the time of the issuance of this warning and the Petitioner's dismissal on September 1, 1999, he had no other warnings issued to him, nor any other disciplinary action, which had occurred prior to his dismissal.

- r. No extension of the written warning of February 16, 1998, was issued to the Petitioner prior to his dismissal.

- s. In the early part of 1999, and continuing through the spring of 1999, the Petitioner began to experience even greater difficulty in respect to his attendance at work and his performance of every day work assignments. He had wide mood swings, was sleepy all of the time, and became easily upset. At this time, he was still under the care of Dr. Zarzar, and it was suggested that he seek additional medical treatment and care for his tiredness, and depression.

- t. Dr. Zarzar referred him to Dr. Boehlecke, at UNC Memorial Hospital, Chapel Hill, for the purpose of conducting sleep studies. As a result of this referral, it was discovered that Petitioner suffered from "sleep apnea" which is a well-recognized disease and which disease evidences itself in the type of symptoms which the Petitioner had experienced from 1996 until 1999 in respect to the performance of his job, his attendance at work, his constant tiredness, mood swings, his becoming easily upset, and all of the other matters which evidenced themselves in the manner in which he was having difficulty performing his job as Health Director.

- u. According to the testimony of both Dr. Zarzar and Dr. Boehlecke, the Petitioner had suffered from sleep apnea for some time, though it was undiagnosed, and this disease essentially deprived him of the normal sleep sequence that persons need to be able to function on an appropriate level in their job and in respect to personal matters.

- v. Petitioner's condition of sleep apnea is a disease, which caused the Petitioner to not be able to sleep like a normal person. Even though the Petitioner believed that he was getting enough sleep, he was subconsciously awakening many times during the course of a normal hour of what he believed to be sleep. Sleep apnea is caused by the deprivation of oxygen to the brain during the sleep cycle to the brain. In the Petitioner's case, this deprivation of oxygen caused him to subconsciously "wake up" as many as 20 to 25 times during the course of what would otherwise be a normal hour's worth of sleep.

- w. The Petitioner began to receive treatment through the use of a nasal CPAP shortly before his dismissal. His first treatment was prescribed on July 9, 1999, and was continuing at the time that he was dismissed.

- x. Sleep apnea and depression normally occur together. In the Petitioner's case, the symptoms of depression that manifested themselves starting in the year 1996 were most likely, according to Dr. Boehlecke, associated with existing sleep apnea that was undiagnosed at that time.

- y. Sleep apnea is a permanent condition. The prognosis for persons, like the Petitioner, who suffer from sleep apnea, but who receive treatment and therapy is good. Dr. Boehlecke testified that it would normally take a period of three to six months to recognize improvement in mood, concentration, and job performance as a direct result of sleep apnea therapy.

- z. In July of 1999, as soon as the Petitioner found out that he suffered from this disease, he advised the Board of Health of his medical diagnosis, the fact that he was undergoing treatment, and the nature of the treatment, along with the prognosis. The Petitioner provided, to the Board, in July of 1999, Petitioner's Exhibit No. 21, which describes the disease, the symptoms thereof, and the treatment recommended by professionals.

- aa. On August 10, 1999, the Petitioner attended a Board of Health meeting, along with Loria Williams, the County Manager. The Petitioner had become involved in a dispute with Ms. Williams, at that time, concerning the processing of various requests that he had submitted to her. The Petitioner had also become involved in an ongoing situation in respect to the employment of Ms. Jeanie Fortier and the resignation of Ms. Lou Ann Elam as a Health Department employee. The Board of Health had concerns over the employment of Ms. Jeanie Fortier and her subsequent resignation within a short period of time of her employment. She had been hired to fill a vacancy which had existed for a long period of time as the Home Health Director for the Health Department.

- bb. Ms. Lou Ann Elam was employed as a Nursing Director at the Health Department and had been employed in that position for a lengthy period of time.

cc. At the August 10, 1999, meeting, the Petitioner repeatedly requested to address the Board in Executive Session. During the course of that meeting, it had become obvious to the Petitioner that the Board was considering his dismissal as the Health Director.

dd. When the Board refused to go into Executive Session and excused the Petitioner from the meeting, the Petitioner made a comment to them that "these are the kind of things that get Boards of Health in trouble. You need to be careful," or some words to that effect.

ee. The Petitioner addressed his comment to the Board since he believed that they were going to take some action to try to dismiss him from employment. He meant the comment to be an indication that he would fight to keep his job.

ff. On the morning of August 18, 1999, while in his office with another employee, Mr. Retzlaff received a call from Mr. Howard Tomlinson, the Chairman of the Board of Health. During the course of this telephone call, Mr. Tomlinson indicated to Mr. Retzlaff that he wanted him to attend a special August 18th meeting of the Board of Health, which would be a "predismissal conference." Mr. Tomlinson read a letter dated August 16, 1999, which was introduced into evidence as Petitioner's Exhibit No. 1, to the Petitioner during the course of that telephone conversation.

gg. The August 16, 1999, letter was actually received by Mr. Retzlaff on August 21, 1999, and he was not physically provided with a copy of the letter prior to the predismissal conference held on August 18, 1999.

hh. When Mr. Retzlaff found out there was going to be a "predismissal conference" conducted by the Board of Health, he became upset and hung up the telephone while speaking to Mr. Tomlinson.

ii. On August 18, 1999, the Board of Health called a meeting, which they termed a "predismissal conference." At that time, various matters and concerns of the Board of Health were discussed. The Petitioner received no prior written notice that the meeting would be a "predismissal conference" nor did he receive prior written notice of the matters to be discussed at the predismissal conference.

jj. After the meeting held on August 18, 1999, which the Petitioner attended, Petitioner received on approximately August 21, 1999, a letter dated August 20, 1999, which was introduced into evidence as Petitioner's Exhibit No. 2.

kk. The letter of August 20, 1999, specified thirteen (13) incidences of alleged "unsatisfactory job performance" for which the Board of Health was considering dismissing the Petitioner.

ll. In addition, the letter specified seven (7) incidences of alleged "unacceptable personal conduct" that the Board was considering in respect to the Petitioner's dismissal from employment.

mm. On August 25, 1999, the Petitioner, through his attorney, submitted to the Chairman of the Warren County Board of Health a letter requesting various documents, and requesting clarification and specifics regarding many of the instances of alleged unacceptable job performance and alleged "personal conduct". A copy of that correspondence was admitted as Petitioner's Exhibit No. 3. The Petitioner also requested that this information be provided to him prior to a scheduled Board of Health meeting on August 25, 1999, which the Petitioner had been asked to attend.

nn. The Petitioner did not attend the August 25, 1999, meeting because his attorney had advised him that his attendance was not required.

oo. On August 27, 1999, the Chairman of the Warren County Board of Health responded to Petitioner's attorney's August 25, 1999, letter and denied the Petitioner additional information or clarification of the August 20th letter. (See Petitioner's Exhibit No. 5.)

pp. A Board of Health meeting was scheduled for August 31, 1999. On August 31, 1999, via facsimile (see Petitioner's Exhibit No. 6), the attorney for the Petitioner corresponded with the Chairman of the Board of Health, raising certain procedural objections to the dismissal of the Petitioner, and again, requesting that Petitioner be provided with additional information so he could respond, in detail, to the August 20, 1999, letter.

qq. The Warren County Board of Health met on August 31, 1999, and voted to dismiss the Petitioner from his position, with one member, Mr. Henderson, voting against dismissal, and one member abstaining. The Petitioner did not attend the August 31 meeting.

rr. By letter dated September 1, 1999 (See Petitioner's Exhibit No. 7), the Warren County Board of Health dismissed the Petitioner from employment for twenty (20) stated reasons, which were the same exact reasons that had been delineated in the August 20, 1999, letter. The first 13 of those reasons in the September 1, 1999, letter had been classified as "unsatisfactory job performance" by the Board of Health in the August 20, 1999, letter and the last seven of the reasons in the September 1, 1999, letter (Nos. 14-20) had been classified as "personal misconduct" in the August 20, 1999, letter.

ss. The first thirteen reasons in the dismissal letter, are, in fact, related to alleged failures in work performance as classified by the respondent in the August 20th letter.

tt. In respect to reasons Nos. 14-20 contained in the September 1, 1999 letter, the Court makes the following specific findings:

(1) Reason No. 14 provides no information concerning the dates, times, places, or circumstances in respect to any alleged unprofessional behavior, profanity, or loud exclamations regarding the County Manager to employees, despite the fact that the Petitioner requested on at least two occasions to be provided with the specifics in respect to that alleged personal misconduct.

(2) Reason No. 15, likewise, provides no specific information concerning dates, times, places, or circumstances, despite the Petitioner's request on at least two occasions for specific information in respect to this alleged reason for dismissal.

(3) In respect to Reason No. 16, the Petitioner did hang up the telephone on the Chairman of the Board of Health on August 18, 1999, after being advised that he would need to attend a "predismissal conference" that night.

(4) In respect to Reason No. 17, the ALJ adopts the Findings of Fact set forth hereinabove in respect to the Petitioner's conduct at the Board of Health meeting on August 10, 1999.

(5) In respect to Reason No. 18, there is no specific date, time, or descriptions of the circumstances surrounding such alleged reason, which has been provided to the Petitioner, despite his request therefore on at least two occasions. The ALJ, based upon the matters presented during the hearing, however, finds the following in respect to this allegation:

- (a) The Petitioner prepared a confidential questionnaire after the resignation of Mrs. Elam.
- (b) This questionnaire was disseminated to various nursing personnel.
- (c) Petitioner received back one of the questionnaires, which had some disturbing answers on it.
- (d) Petitioner discussed this matter with Mrs. Elam.
- (e) Based upon that discussion the Petitioner decided not to use the questionnaire and disposed of it.
- (f) Petitioner did not breach any confidentiality of any person when he did so, and engaged in no activity, which violated a work rule, or would otherwise be classified, in any way, as "personal misconduct," by engaging in this conduct.

(6) In Respect to Reason No. 19, Petitioner has not been provided with any specific information concerning the dates, times, places, or circumstances which such alleged statements were made. The ALJ finds, furthermore, from the credible evidence presented during the hearing that the Petitioner did not make any such statements. Furthermore, even if such statements were made, the ALJ finds that they did not rise to a level, which would constitute a personal conduct violation, justifying dismissal without prior warning.

(7) In respect to Reason No. 20, the ALJ finds that there has been no specific information provided to Petitioner concerning the dates, times, places, or circumstances under which "intimidation" of employees or Board members has occurred.

5. From the undisputed medical evidence presented during the course of the trial of this case, the ALJ finds as follows:
- A. Petitioner's diagnosed disease of sleep apnea affected his ability to sleep and to work.
 - B. Petitioner's depression affected his ability to sleep and to work.
 - C. Both diseases, in combination, caused the Petitioner to experience mood swings, tiredness, inability to concentrate, and difficulty in concentrating upon tasks, which had a direct affect on his ability to perform his position as the Health Director in Warren County.
 - D. The fact that the sleep apnea was not diagnosed or discovered until 1999, resulted in the Petitioner receiving treatment for only one condition, i.e. depression, rather than the necessary medical treatment that he needed for sleep apnea. As a result, the Petitioner's treatment was ineffective in respect to alleviating his symptoms and his prior treatment for depression, therefore, did not directly improve his ability to sleep and work.
 - E. The Warren County Board of Health knew of these conditions prior to terminating the Petitioner.
 - F. The Petitioner did not request a reasonable amount of time, as an accommodation, to receive effective treatment for his conditions, in order to show improvement in respect to his attendance, his work performance, his mood swings, his tiredness, and all of the other matters that directly impacted on his job performance.
 - G. The Board did not offer any accommodation to the Petitioner.

CONCLUSIONS OF LAW

- 1. Petitioner was a career State employee with the Warren County Board of Health at the time of his dismissal. Because he has alleged lack of just cause for his termination, the Office of Administrative Hearings has jurisdiction to hear the matter and issue a recommended decision to the State Personnel Commission, which shall render an advisory opinion to the Respondent.
- 2. The ALJ concludes that the following procedural violations have occurred in respect to the Petitioner's dismissal in this case:
 - A. The Petitioner has been dismissed for performance related reasons, without having two active warnings in his record prior to his dismissal, as required by 25 NCAC 11.2302.
 - B. The Letter of Reprimand provided to the Petitioner in February of 1997 does not constitute a "written warning" because it does not meet the requirement established under 25 NCAC 11.2305.
 - C. The written warning, therefore, that was issued to the Petitioner in February of 1998 was not a "second written warning" as indicated thereon, but was the first effective written warning that the Petitioner had received.
 - D. Neither the February 1997 letter of reprimand or the February of 1998 written warning satisfied the particular requirements of 25 NCAC 11.2305, or 25 NCAC 11.2308.
 - E. Furthermore, neither the letter of reprimand nor the written warning provided the Petitioner with any applicable appeal rights as required by 25 NCAC 11.2309.
 - F. The February 1997 letter of reprimand, since it was not a written warning, was not an active disciplinary action at the time of the dismissal of the Petitioner, in accordance with 25 NCAC 11.2309(b).
 - G. The written warning given to the Petitioner on February 16, 1998, had expired as of August 16, 1999, since

eighteen (18) months had passed since the warning and the Petitioner had no other active disciplinary warning or action within that period of time. Furthermore, the Respondents had not extended the written warning in writing as required. Therefore, the February 1998 written warning had expired prior to Petitioner's dismissal under the provisions of 25 NCAC 11.2309(b).

H. The Petitioner had not been given notice of a predismissal conference, in writing, prior to the conference being held on August 18, 1999, as required by 25 NCAC 11.2308(4)(c).

I. A dismissal letter, in respect to dismissal for unsatisfactory job performance, and the reasons cited therefore, was not effective, because Petitioner had not received the prior warnings, which would justify his dismissal for unsatisfactory job performance.

J. In respect to the specific reasons set forth in the dismissal letter which allegedly constitute personal conduct, the ALJ finds that there were not specific reasons given for the alleged violations, including the date, time, place, and specific information in respect thereto, despite the repeated request on the part of the Petitioner to be provided with this information and this is a violation of 25 NCAC 11.2304(e).

3. The ALJ concludes that the procedural violation in respect to the predismissal conference would, at a minimum, entitle the Petitioner to back pay from the date of his dismissal until the date determined appropriate by the Commission. (See 25 NCAC 1B.0432(c).)

4. In respect to the procedural violations in respect to giving specific reasons for dismissal, the ALJ finds that the Petitioner would be entitled to, at a minimum, back pay, attorney's fees, or both, under the provisions of 25 NCAC 1B.0432(b).

5. In respect to the procedural violations concerning dismissal for performance related reasons without being provided two prior written warnings, or such warnings having become inactive, the ALJ finds that the Petitioner would be entitled to the full gambit of relief, including reinstatement, back pay, attorneys fees, and all of the continued benefits of State employment from the date of his dismissal, since dismissal for performance related reasons without warnings would constitute a lack of just cause for the Petitioner's dismissal.

6. The ALJ finds, based upon the preponderance of the evidence, furthermore, that Petitioner has carried his burden of proof in demonstrating that the facts, as found, in respect to his dismissal from employment, did not rise, either individually, or in combination, to the level of a personal conduct violation, as defined under 25 NCAC 11.2304, such that the Petitioner's dismissal would be justified.

7. Therefore, the ALJ concludes that the Petitioner has met his burden of proof of demonstrating that his dismissal for either performance related matters or personal conduct was done without just cause, and, therefore, the Petitioner would be entitled to the full gambit of remedies, including reinstatement, back pay, attorney's fees, and all the continuing benefits of State employment since the date of his date of his dismissal.

8. The Petitioner did not carry his burden of proving that he was discriminated against because of a handicapping condition.

RECOMMENDED DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, the ALJ RECOMMENDS the following:

1. That the Petitioner be reinstated to his position as Health Director of Warren County with all rights of continuous employment from September 1, 1999, the date of his dismissal.

2. That the Petitioner be awarded all back pay for the period of time between his dismissal and his reinstatement.

3. That the Petitioner be awarded attorney's fees.

ORDER

The Agency making the FINAL DECISION in this case is required to give each party an opportunity to file exceptions to the Recommended Decision and to present written arguments to the party in the Agency who will make the Final Decision. N.C.G.S. § 150B-

36(a).

The Agency is required by N.C.G.S. § 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the parties' attorney of record at the Office of Administrative Hearings.

The Agency that will make the Final Decision in this contested case is the Respondent.

NOTICE

In order to appeal a Final Decision, the person seeking review must file a Petition in the Superior Court of Wake County or in the superior court of the county where the person resides. The Petition for Judicial Review must be filed within thirty (30) days after the person is served with a copy of the Final Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties.

This the 22nd day of February, 2000.

Fred G. Morrison Jr.
Senior Administrative Law Judge

CUMULATIVE INDEX

(Updated through March 29, 2000)

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

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

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101 13:22 NCR 1820

14:03 NCR 243 * Object Approve 11/17/99 02/17/00 *

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 Temp Expired 05/29/99

14:04 NCR 311

1 NCAC 40 .0102

13:05 NCR 521 Temp Expired 05/29/99

14:04 NCR 311

1 NCAC 40 .0103

13:05 NCR 521 Temp Expired 05/29/99

13:13 NCR 1057

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1 NCAC 40 .0201

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26 NCAC 01 .0104	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
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26 NCAC 02C .0105	14:08 NCR 579		14:12 NCR 1030	*	Approve	02/17/00	*			
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2 NCAC 52B .0403	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0404	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						

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2 NCAC 52B .0405	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0406	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0407	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0408	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0409	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0410	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0411	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52B .0412	14:08 NCR 582	14:08 NCR 582	14:13 NCR 1097	*						
2 NCAC 52E .0209	13:23 NCR 1901		14:03 NCR 128	*	Approve	01/20/00	*		14:19 NCR 1705	
APPRAISAL BOARD										
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*	Object	11/19/98	*		14:01 NCR 48	
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0206	14:08 NCR 578									
21 NCAC 02 .0302	14:08 NCR 578		14:13 NCR 1148	*						
21 NCAC 02 .0303	14:08 NCR 578		14:13 NCR 1148	*						
AUCTIONEERS COMMISSION										
21 NCAC 04B .0201		14:13 NCR 1192								
21 NCAC 04B .0202		14:13 NCR 1192								
21 NCAC 04B .0302		14:13 NCR 1192								
21 NCAC 04B .0404		14:13 NCR 1192								
21 NCAC 04B .0601		14:13 NCR 1192								
21 NCAC 04B .0801		14:13 NCR 1192								
21 NCAC 04B .0802		14:13 NCR 1192								
21 NCAC 04B .0803		14:13 NCR 1192								
21 NCAC 04B .0804		14:13 NCR 1192								
21 NCAC 04B .0805		14:13 NCR 1192								
21 NCAC 04B .0806		14:13 NCR 1192								

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21 NCAC 04B .0807		14:13 NCR 1192								
21 NCAC 04B .0808		14:13 NCR 1192								
21 NCAC 04B .0809		14:13 NCR 1192								
21 NCAC 04B .0810		14:13 NCR 1192								
21 NCAC 04B .0811		14:13 NCR 1192								
21 NCAC 04B .0812		14:13 NCR 1192								
21 NCAC 04B .0813		14:13 NCR 1192								
21 NCAC 04B .0814		14:13 NCR 1192								
21 NCAC 04B .0815		14:13 NCR 1192								
21 NCAC 04B .0816		14:13 NCR 1192								
21 NCAC 04B .0817		14:13 NCR 1192								
21 NCAC 04B .0818		14:13 NCR 1192								
21 NCAC 04B .0819		14:13 NCR 1192								
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	12/17/98				
4 NCAC 011 .0101	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Approve	01/21/99	*			
4 NCAC 011 .0101		Temp. Expired 10/29/99	13:20 NCR 1719		Agcy withdrew	12/17/98				
		14:08 NCR 585	14:08 NCR 585	L/S	Return to Agcy	08/19/99				
4 NCAC 011 .0102	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	L/S/SE	Approve	02/17/00				
4 NCAC 011 .0102		Temp. Expired 10/29/99	13:20 NCR 1719	*	Agcy withdrew	12/17/98				
		14:08 NCR 585	14:08 NCR 585	L/S/SE	Return to Agcy	08/19/99				
4 NCAC 011 .0201	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Approve	02/17/00	*			
4 NCAC 011 .0201		Temp. Expired 10/29/99	13:20 NCR 1719		Agcy withdrew	12/17/98				
		14:08 NCR 585	14:08 NCR 585	L/S/SE	Return to Agcy	08/19/99				
4 NCAC 011 .0202	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Approve	02/17/00				
4 NCAC 011 .0202		Temp. Expired 10/29/99	13:20 NCR 1719		Agcy withdrew	12/17/98				
		14:08 NCR 585	14:08 NCR 585	L/S	Return to Agcy	08/19/99				
4 NCAC 011 .0301	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	L/S/SE	Object	02/17/00				
4 NCAC 011 .0301		Temp. Expired 10/29/99	13:20 NCR 1719	*	Agcy withdrew	12/17/98				
		14:08 NCR 585	14:08 NCR 585	L/S/SE	Return to Agcy	08/19/99				

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4 NCAC 011.0302	11:09 NCR 569	13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0302		Temp. Expired 10/29/99	13:20 NCR 1719	L/S	Return to Agcy	08/19/99				
4 NCAC 011.0303	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00	*			
4 NCAC 011.0303		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0303		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0304	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0304		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0304		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0401	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0401		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0401		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0402	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0402		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0402		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0403	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0403		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0403		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0404	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0404		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0404		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0405	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0405		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0405		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0501	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0501		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0501		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0502	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0502		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0502		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0503	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S	Approve	02/17/00				
4 NCAC 011.0503		13:15 NCR 1224	13:08 NCR 652	L/S/SE	Approve	02/17/00				
4 NCAC 011.0503		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0601	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S	Approve	02/17/00				
4 NCAC 011.0601		13:15 NCR 1224	13:08 NCR 652	L/S/SE	Approve	02/17/00				
4 NCAC 011.0601		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0701	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0701		13:15 NCR 1224	13:08 NCR 652	*	Agcy withdrew	12/17/98				
4 NCAC 011.0701		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				
4 NCAC 011.0801	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585	L/S/SE	Approve	02/17/00				
4 NCAC 011.0801		13:15 NCR 1224	13:20 NCR 1719	*	Object	02/17/00				
4 NCAC 011.0801		Temp. Expired 10/29/99	13:20 NCR 1719	*	Return to Agcy	08/19/99				

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4 NCAC 01K .0102	11:09 NCR 569	14:08 NCR 585	14:08 NCR 585 13:08 NCR 652	L/S/SE *	Approve Object	02/17/00 12/17/98			13:22 NCR 1868	
4 NCAC 01K .0103	11:09 NCR 569		13:08 NCR 652	*	Approve Object	01/21/99 12/17/98	*		13:22 NCR 1868	
4 NCAC 01K .0302	11:09 NCR 569		13:08 NCR 652	*	Approve Object	01/21/99 12/17/98	*		13:22 NCR 1868	
4 NCAC 01K .0402	11:09 NCR 569		13:08 NCR 652	*	Approve Object	01/21/99 12/17/98	*		13:22 NCR 1868	
4 NCAC 01L .0101		14:18 NCR 1606			Approve	01/21/99			13:22 NCR 1868	
4 NCAC 01L .0102		14:18 NCR 1606								
4 NCAC 01L .0103		14:18 NCR 1606								
4 NCAC 01L .0104		14:18 NCR 1606								
4 NCAC 01L .0105		14:18 NCR 1606								
4 NCAC 01L .0106		14:18 NCR 1606								
4 NCAC 01M .0101		14:17 NCR 1513								
4 NCAC 01M .0102		14:17 NCR 1513								
4 NCAC 01M .0103		14:17 NCR 1513								
4 NCAC 01M .0104		14:17 NCR 1513								
4 NCAC 01M .0105		14:17 NCR 1513								
4 NCAC 01M .0106		14:17 NCR 1513								
4 NCAC 01M .0107		14:17 NCR 1513								
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 Object	03/18/99 10/22/98			14:01 NCR 48	
4 NCAC 03B .0103	N/A		N/A	N/A	Approve Object	03/18/99 10/22/98			14:01 NCR 48	
4 NCAC 03H .0102	N/A		N/A	N/A	Approve Object	03/18/99 10/22/98			14:01 NCR 48	
4 NCAC 03L .0101	13:24 NCR 1997		14:04 NCR 274	*	Approve	03/18/99	*		14:01 NCR 48	
4 NCAC 03L .0102	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
					Approve	11/17/99			14:15 NCR 1354	

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4 NCAC 03L .0201	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0202	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0301	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0302	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*		14:15 NCR 1354	
4 NCAC 03L .0303	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0401	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0402	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0403	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0404	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*		14:15 NCR 1354	
4 NCAC 03L .0405	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0501	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99	*		14:15 NCR 1354	
4 NCAC 03L .0502	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0601	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0602	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0603	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
4 NCAC 03L .0604	13:24 NCR 1997		14:04 NCR 274	*	Approve	11/17/99			14:15 NCR 1354	
Cape Fear River Navigation and Pilotage Commission										
4 NCAC 15 .0119	14:03 NCR 125		14:07 NCR 522	*	Approve	12/16/99	*		14:17 NCR 1525	
4 NCAC 15 .0120	14:03 NCR 125		14:07 NCR 522	*	Object	12/16/99				
					Return to agcy	01/20/00				
					Object	12/16/99				
					Object	01/20/00				
					Approve	02/17/00	*			
4 NCAC 15 .0121	14:03 NCR 125		14:07 NCR 522	*						
Industrial Commission										
Public Notice - Hospital Fees for Workers' Compensation Cases										
Public Notice - Hospital Fees for Workers' Compensation Cases										
Secretary of Commerce/ITS										
4 NCAC 21A .0101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						14:01 NCR 2
4 NCAC 21A .0102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						14:11 NCR 903

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4 NCAC 21A .0103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0201	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0202	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0203	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0204	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0205	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0206	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0207	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0301	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0302	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0303	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0304	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0305	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0306	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0307	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0308	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0309	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0310	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0311	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0312	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0313	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0314	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0315	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0401	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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4 NCAC 21B .0402	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0403	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0501	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0502	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0503	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0504	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0505	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0601	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0602	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0603	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0701	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0702	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0703	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0801	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0901	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .0902	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1001	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1002	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1003	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1004	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1005	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1006	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1008	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1009	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1010	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1011	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1012	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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4 NCAC 21B .1013	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1014	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1015	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1016	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1017	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1018	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1019	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1020	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1021	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1022	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1023	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1024	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1025	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1026	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1027	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1028	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1029	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1030	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1031	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1101	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1102	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1103	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1104	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1105	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1201	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						
4 NCAC 21B .1202	14:08 NCR 577	14:14 NCR 1264	14:14 NCR 1264	S						

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					Action	Date				
23 NCAC 02B .0104	13:10 NCR 804		13:22 NCR 1849	*	Approve	01/20/00			14:19 NCR 1705	
23 NCAC 02C .0307	13:05 NCR 524		Temp Expired 05/29/99							
23 NCAC 02C .0503	13:10 NCR 815 Expired 08/13/99		13:22 NCR 1849	*	Approve	01/20/00	*		14:19 NCR 1705	
23 NCAC 02C .0504	13:10 NCR 815 Expired 08/13/99		13:22 NCR 1849	*	Approve	01/20/00	*		14:19 NCR 1705	
23 NCAC 02C .0505	13:10 NCR 815 Expired 08/13/99		13:22 NCR 1849	*	Approve	01/20/00	*		14:19 NCR 1705	
23 NCAC 02D .0323	13:19 NCR 1609		14:04 NCR 304	*						
23 NCAC 02D .0324	13:19 NCR 1609		14:04 NCR 304	*						
23 NCAC 02E .0205	14:13 NCR 1201									
COSMETIC ART EXAMINERS										
21 NCAC 14A .0101	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14A .0101	14:16 NCR 1401									
21 NCAC 14A .0103	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14A .0104	13:14 NCR 1114									
21 NCAC 14A .0105		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14C .0202	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14F .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14G .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
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	*		14:06 NCR 490	
21 NCAC 14H .0118		13:16 NCR 1263	13:21 NCR 1794	*	Approve	07/15/99			14:06 NCR 490	
21 NCAC 14I .0104	13:14 NCR 1114		13:19 NCR 1652	*	Object Approve	06/17/99 08/19/99	*		14:09 NCR 708	
21 NCAC 14I .0104		14:17 NCR 1523								
21 NCAC 14I .0106		14:17 NCR 1523								
21 NCAC 14I .0107	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99			14:09 NCR 708	
21 NCAC 14I .0109	13:14 NCR 1114		13:19 NCR 1652	*	Approve	08/19/99	*		14:05 NCR 402	

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					Action	Date				
21 NCAC 14I .0401	14:19 NCR 1688									
21 NCAC 14J .0103	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14J .0208	13:14 NCR 1114		13:19 NCR 1652	*	Object	06/17/99	*		14:09 NCR 708	
21 NCAC 14J .0501	13:14 NCR 1114		13:19 NCR 1652	*	Approve	08/19/99				
21 NCAC 14J .0501			13:19 NCR 1652	*	Object	06/17/99	*		14:09 NCR 708	
21 NCAC 14K .0102	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99	*		14:05 NCR 402	
21 NCAC 14K .0107	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14L .0101	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14L .0101			13:19 NCR 1652	*	Object	06/17/99	*		14:09 NCR 708	
21 NCAC 14L .0105	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99			14:05 NCR 402	
21 NCAC 14L .0109		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99				
21 NCAC 14L .0210	N/A	13:14 NCR 1157 Expired 10/12/99								
21 NCAC 14L .0214	N/A		N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0216			N/A	N/A	Approve	03/18/99			14:01 NCR 48	
21 NCAC 14L .0303	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0101	13:14 NCR 1114		13:19 NCR 1652	*	Agcy Withdrew	06/17/99				
21 NCAC 14N .0102	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0103	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0104	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0105	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0108	13:14 NCR 1114		13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0110		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0112	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0113	13:14 NCR 1114	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14N .0601		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*		14:09 NCR 708	
21 NCAC 14N .0602		13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99			14:05 NCR 402	
21 NCAC 14N .0701	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14N .0702	13:14 NCR 1157	13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	

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					Action	Date				
21 NCAC 140 .0101		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99				
21 NCAC 140 .0102		13:14 NCR 1157	13:19 NCR 1652	*	Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 140 .0103		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 140 .0104		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 140 .0105		13:14 NCR 1157	13:19 NCR 1652	*	Object	06/17/99	*			
		Temp Expired 10/12/99			Approve	08/19/99			14:09 NCR 708	
		Agcy Withdrawn			06/17/99					
21 NCAC 140 .0105		14:17 NCR 1523								
21 NCAC 140 .0106		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 140 .0107		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0101		13:14 NCR 1157	13:19 NCR 1652	*	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0102		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0103	14:16 NCR 1401									
21 NCAC 14P .0103		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0104		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0105	14:16 NCR 1401									
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	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0107	14:16 NCR 1401				Approve	06/17/99			14:05 NCR 402	
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			14:05 NCR 402	
21 NCAC 14P .0108	14:16 NCR 1401									
21 NCAC 14P .0109		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99			14:05 NCR 402	
21 NCAC 14P .0110		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0111		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0112		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99	*			
					Approve	08/19/99			14:09 NCR 708	
21 NCAC 14P .0113		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99	*			

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21 NCAC 14P .0114		13:14 NCR 1157	13:19 NCR 1652	L	Approve Object	08/19/99 06/17/99			14:09 NCR 708	
21 NCAC 14P .0115	14:16 NCR 1401				Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 14P .0115		13:14 NCR 1157	13:19 NCR 1652	L	Approve	06/17/99	*		14:05 NCR 402	
21 NCAC 14P .0116		13:14 NCR 1157	13:19 NCR 1652	L	Object	06/17/99				
					Approve	08/19/99	*		14:09 NCR 708	
CULTURAL RESOURCES										
7 NCAC 04S .0101	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0102	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0103	14:05 NCR 370		14:09 NCR 657	*	Approve	01/20/00			14:19 NCR 1705	
7 NCAC 04S .0104	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0105	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0106	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0107	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0108	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0109	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
7 NCAC 04S .0110	14:05 NCR 370		14:09 NCR 657	*	Agcy Withdraw	01/20/00				
DENTAL EXAMINERS										
21 NCAC 16G .0101	13:10 NCR 804		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16G .0102	13:10 NCR 804		13:15 NCR 1218	*	Approve	01/20/00			14:19 NCR 1705	
21 NCAC 16G .0103	13:10 NCR 804		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0103	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0104	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0201	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0202	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0203	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0204	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16H .0205	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	

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					Action	Date				
21 NCAC 161.0102	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 161.0103	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 161.0104	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 161.0105	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 16M.0101		13:11 NCR 910	13:15 NCR 1218	*	Object	06/17/99				
					Approve	07/15/99	*		14:06 NCR 490	
21 NCAC 16M.0102	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16Q.0201	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16Q.0202	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16Q.0301	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16Q.0302	12:24 NCR 2203		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16R.0102	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 16R.0103	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 16R.0104	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 16R.0105	14:15 NCR 1346		14:19 NCR 1697	*						
21 NCAC 16S.0101	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16S.0102	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16S.0201	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16S.0203	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16S.0205	13:10 NCR 804		13:15 NCR 1218	*						
21 NCAC 16S.0205	14:06 NCR 487	14:06 NCR 487	14:19 NCR 1697	*						
21 NCAC 16V.0101	13:10 NCR 804		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16V.0102	13:10 NCR 804		13:15 NCR 1218	*	Approve	01/20/00	*		14:19 NCR 1705	
21 NCAC 16W.0101	14:08 NCR 647	14:08 NCR 647	14:19 NCR 1697	*						
21 NCAC 16W.0102	14:08 NCR 647	14:08 NCR 647	14:19 NCR 1697	*						
21 NCAC 16W.0103		14:15 NCR 1353	14:19 NCR 1697	*						

ELECTIONS, BOARD OF

State Board of Elections Written Opinion

14:19 NCR 1665

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8 NCAC 10 .0101		14:18 NCR 1608								
8 NCAC 10 .0102		14:18 NCR 1608								
8 NCAC 10 .0103		14:18 NCR 1608								
8 NCAC 10 .0104		14:18 NCR 1608								
8 NCAC 10 .0105		14:18 NCR 1608								
8 NCAC 10 .0106		14:18 NCR 1608								
8 NCAC 11 .0101		14:18 NCR 1609								
8 NCAC 11 .0102		14:18 NCR 1609								
8 NCAC 11 .0103		14:18 NCR 1609								
8 NCAC 11 .0104		14:18 NCR 1609								
8 NCAC 11 .0105		14:18 NCR 1609								
8 NCAC 11 .0106		14:18 NCR 1609								
ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS										
21 NCAC 18B .0208	N/A		N/A	N/A	Object Approve	06/17/99 07/15/99			14:06 NCR 490	
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 Expired 04/30/99	13:03 NCR 313	S/L	Agcy. withdrew					
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884 Expired 04/30/99	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	
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	Approve	01/21/99	*		13:22 NCR 1868	
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L	Object Approve	01/21/99 02/18/99	*		13:24 NCR 2037 13:22 NCR 1868	
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	

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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	
ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR										
21 NCAC 56 .0101	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0103	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0104	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0402	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0501	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0502	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0503	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0505	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0601	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0602	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0603	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0606	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0701	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0702	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0802	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0804	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0901	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .0902	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1001	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1002	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1003	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1101	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1102	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1103	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56 .1104	14:08 NCR 579		14:13 NCR 1154	*						

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21 NCAC 56.1105	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1106	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1201	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1203	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1301	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1302	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1409	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1501	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1601	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1602	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1603	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1604	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1605	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1606	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1607	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1608	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1609	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1701	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1702	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1703	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1704	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1705	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1706	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1707	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1708	14:08 NCR 579		14:13 NCR 1154	*						
21 NCAC 56.1709	14:08 NCR 579		14:13 NCR 1154	*						

ENVIRONMENT AND NATURAL RESOURCES

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					Action	Date				

ENR - Notice of Intent to Redevelop a Brownfields Property

ENR - Corrected Summary of Notice of Intent to redevelop a Brownfields Property

15A NCAC 01C .0505 14:17 NCR 1515 14:18 NCR 1593

15A NCAC 01J .0101 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0102 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0202 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0301 14:08 NCR 644 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0303 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0402 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0502 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0504 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0601 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:19 NCR 1705

15A NCAC 01J .0604 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0701 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:19 NCR 1705

15A NCAC 01J .0703 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:19 NCR 1705

15A NCAC 01J .0803 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:19 NCR 1705

15A NCAC 01J .0903 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01J .0904 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01K 10:19 NCR 2506 13:22 NCR 1827 S/L 12/16/99 Approve 14:19 NCR 1705

15A NCAC 01L .0101 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0102 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0203 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0301 14:08 NCR 644 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0303 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0501 13:18 NCR 1528 13:22 NCR 1827 S/L 12/16/99 Approve 14:17 NCR 1525

15A NCAC 01L .0503 13:18 NCR 1528 13:22 NCR 1827 * 12/16/99 Approve 14:17 NCR 1525

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					Action	Date				
15A NCAC 01L .0601		13:18 NCR 1528	13:22 NCR 1827	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 01L .0604		13:18 NCR 1528	13:22 NCR 1827	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 01L .0701		13:18 NCR 1528	13:22 NCR 1827	*	Object	12/16/99	*		14:19 NCR 1705	
15A NCAC 01L .0801		13:18 NCR 1528	13:22 NCR 1827	*	Approve	01/20/00				
15A NCAC 01L .0902		13:18 NCR 1528	13:22 NCR 1827	S/L	Object	12/16/99	*		14:19 NCR 1705	
15A NCAC 01L .1003		13:18 NCR 1528	13:22 NCR 1827	S/L	Approve	01/20/00	*		14:17 NCR 1525	
15A NCAC 01L .1004		13:18 NCR 1528	13:22 NCR 1827	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 01P .0101		14:17 NCR 1515	13:22 NCR 1827	*	Object	12/16/99	*		14:19 NCR 1705	
15A NCAC 01P .0102		14:17 NCR 1515	13:22 NCR 1827	*	Approve	01/20/00	*		14:17 NCR 1525	
15A NCAC 01P .0103		14:17 NCR 1515	13:22 NCR 1827	*	Approve	12/16/99	*			
15A NCAC 01P .0104		14:17 NCR 1515	13:22 NCR 1827	*	Approve	12/16/99	*			
15A NCAC 01P .0105		14:17 NCR 1515	13:22 NCR 1827	*	Approve	12/16/99	*			
15A NCAC 01Q .0101		14:17 NCR 1515	13:22 NCR 1827	*	Approve	12/16/99	*			
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	*	Approve	12/16/99	*		14:17 NCR 1525	14:02 NCR 74
15A NCAC 07H .0203	12:21 NCR 1873		13:23 NCR 1937	*	Approve	12/16/99			14:17 NCR 1525	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	Object	12/16/99	*		14:19 NCR 1705	14:02 NCR 74
15A NCAC 07H .0209	13:22 NCR 1818		14:16 NCR 1421	L	Approve	01/20/00				
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									

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					Action	Date				
15A NCAC 07H .0309	13:05 NCR 436		13:13 NCR 1044	S	Object Approve	07/15/99 08/19/99	*		14:09 NCR 708	
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1103	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1203	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1300	14:06 NCR 428									
15A NCAC 07H .1301	12:21 NCR 1873		13:23 NCR 1937	*	Approve	12/16/99	*		14:17 NCR 1525	14:02 NCR 74
15A NCAC 07H .1303	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1403	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1503	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1600	14:06 NCR 428									
15A NCAC 07H .1601	12:21 NCR 1873		13:23 NCR 1937	*	Approve	12/16/99	*		14:17 NCR 1525	14:02 NCR 74
15A NCAC 07H .1603	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1803	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .1805		13:07 NCR 593	13:16 NCR 1259	*	Object Object Approve Approve	07/15/99 08/19/99 10/04/99 12/16/99	*		14:10 NCR 839 14:17 NCR 1525	14:02 NCR 74
15A NCAC 07H .1901	12:21 NCR 1873		13:23 NCR 1937	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 07H .1903	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .2003	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .2100	14:06 NCR 428									
15A NCAC 07H .2101	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2102	13:05 NCR 436		13:13 NCR 1044	S	Approve	07/15/99	*		14:06 NCR 490	
15A NCAC 07H .2103	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	

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					Action	Date				
15A NCAC 07H .2105	13:05 NCR 436		13:13 NCR 1044	S	Object	07/15/99				
15A NCAC 07H .2203	14:06 NCR 428		14:09 NCR 662	S/L	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 07H .2300	14:06 NCR 428				Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .2301	12:21 NCR 1873		13:23 NCR 1937	*	Approve	12/16/99			14:17 NCR 1525	14:02 NCR 74
15A NCAC 07H .2303	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07H .2401	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2402	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2403	13:05 NCR 436		13:13 NCR 1044	S	Approve	05/20/99			14:04 NCR 330	
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	06/17/99	*		14:05 NCR 402	
15A NCAC 07H .2501	14:09 NCR 693	14:09 NCR 693		S	Approve	05/20/99	*		14:04 NCR 330	
15A NCAC 07H .2502	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2503	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2504	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07H .2505	14:09 NCR 693	14:09 NCR 693								
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593	Temp Expired 06/28/99							
15A NCAC 07J .0204	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 07J .0404	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07J .0405	14:06 NCR 428		14:09 NCR 662	S/L	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 07J .0406	14:06 NCR 428		14:09 NCR 662	S/L	Object	01/20/00				
15A NCAC 07K .0203	12:21 NCR 1873		14:09 NCR 662	S/L	Approve	02/17/00	*			
15A NCAC 07K .0208	12:21 NCR 1873		13:23 NCR 1937	*	Approve	12/16/99	*		14:17 NCR 1525	14:02 NCR 74
15A NCAC 07K .0208	14:06 NCR 428									

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15A NCAC 07K .0209	12:21 NCR 1873		13:23 NCR 1937	*	Approve		*		14:17 NCR 1525	14:02 NCR 74
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									
15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0307	13:22 NCR 1818		14:09 NCR 666	S/L	Object Approve	01/20/00 02/17/00	*			
15A NCAC 07M .0401	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07M .0401	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07M .0402	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07M .0402	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07M .0403	13:04 NCR 361	13:12 NCR 976	13:16 NCR 1259	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 07M .0403	14:01 NCR 44	14:01 NCR 44	14:09 NCR 666	*	Object	01/20/00				
Environmental Management Commission										
NPDES Permit										
Notice of Intent to Adopt Temporary Rules (Tar-Pamlico River Basin)										
Notice of Intent to Adopt Temporary Rules (Implementation Plan for Use of Hurricane Floyd Relief Funds)										
15A NCAC 02	10:24 NCR 3045									14:16 NCR 1400
15A NCAC 02	11:04 NCR 183									14:05 NCR 369
15A NCAC 02	11:19 NCR 1408									14:14 NCR 1218
15A NCAC 02B .0100	13:08 NCR 621									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0110	13:08 NCR 621		14:06 NCR 434	*	Approve	02/17/00				
15A NCAC 02B .0200	13:08 NCR 621									

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					Action	Date				
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0211	13:08 NCR 621		14:06 NCR 434	*	Object	02/17/00				
15A NCAC 02B .0220	13:08 NCR 621		14:06 NCR 434	*	Object	02/17/00				
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0223	13:08 NCR 621		14:06 NCR 434	*	Object	02/17/00				
15A NCAC 02B .0225	13:08 NCR 621		14:06 NCR 434	*	Object	02/17/00				
15A NCAC 02B .0225	13:19 NCR 1606		13:23 NCR 1929	*	Object	01/20/00				
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0230	14:10 NCR 823									
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object	01/15/98	*		12:22 NCR 2012	Disapproved (HB 1402)
		12:02 NCR 77 12:14 NCR 1348 12:20 NCR 1836 13:24 NCR 2017	11:14 NCR 1136	L	Approve	02/19/98				
15A NCAC 02B .0234	14:11 NCR 906		14:04 NCR 287 12:06 NCR 462	L/SE S/L/SE	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02B .0241	14:03 NCR 125		14:09 NCR 660	*	Object	01/20/00				
15A NCAC 02B .0242		13:24 NCR 2017	14:04 NCR 287	*	Approve	02/17/00	*			
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*	Object	01/20/00				
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*	Approve	01/20/00	*			
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE	Approve	02/17/00	*			
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						

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					Action	Date				
15A NCAC 02B .0259	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	L/SE	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02B .0260	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	SE	Object	01/20/00				
15A NCAC 02B .0261	13:23 NCR 1901	14:13 NCR 1177	14:03 NCR 162	SE	Approve	02/17/00	*			
15A NCAC 02B .0262	13:23 NCR 1901				Object	01/20/00				
15A NCAC 02B .0262	13:23 NCR 1901				Approve	02/17/00	*			
15A NCAC 02B .0303	13:14 NCR 1111			*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02B .0304	13:14 NCR 1111		13:20 NCR 1727	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02B .0306	13:14 NCR 1111		13:20 NCR 1727	*	Approve	01/20/00			14:19 NCR 1705	14:02 NCR 73
15A NCAC 02B .0306	13:19 NCR 1606		13:23 NCR 1929	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02B .0308	12:16 NCR 1489									
15A NCAC 02B .0308	13:14 NCR 1111		13:20 NCR 1727	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02B .0310	13:19 NCR 1606		13:23 NCR 1929	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02B .0311	14:19 NCR 1686									
15A NCAC 02B .0313	14:19 NCR 1686									
15A NCAC 02B .0315	14:19 NCR 1686									
15A NCAC 02B .0315	14:19 NCR 1686									
15A NCAC 02B .0316	11:26 NCR 1976									
15A NCAC 02B .0317	13:19 NCR 1606		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02C .0100	14:10 NCR 743		13:23 NCR 1929	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02C .0102	14:10 NCR 743									
15A NCAC 02C .0103	14:10 NCR 743									
15A NCAC 02C .0105	14:10 NCR 743									
15A NCAC 02C .0107	14:10 NCR 743									
15A NCAC 02C .0108	14:10 NCR 743									
15A NCAC 02C .0110	14:10 NCR 743									
15A NCAC 02C .0111	14:10 NCR 743									
15A NCAC 02C .0112	14:10 NCR 743									
15A NCAC 02C .0113	14:10 NCR 743									

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15A NCAC 02C .0114	14:10 NCR 743									
15A NCAC 02C .0117	14:10 NCR 743									
15A NCAC 02C .0118	14:10 NCR 743									
15A NCAC 02D	13:12 NCR 943									
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0501	13:16 NCR 1252									
15A NCAC 02D .0506	14:04 NCR 265									
15A NCAC 02D .0518	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0521	14:04 NCR 265									
15A NCAC 02D .0521	14:16 NCR 1401									
15A NCAC 02D .0523	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0524	13:08 NCR 621		14:03 NCR 162	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0535	14:16 NCR 1401									
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	*	Object Approve	11/17/99 12/16/99	*		14:17 NCR 1525	
15A NCAC 02D .0542	13:24 NCR 1994									
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	11:15 NCR 1200									

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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		14:07 NCR 524	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0926	13:16 NCR 1252									
15A NCAC 02D .0927	13:16 NCR 1252									
15A NCAC 02D .0932	13:16 NCR 1252									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0949	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0950	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0951	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									

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15A NCAC 02D .0958	11:19 NCR 1408		14:07 NCR 524	*						
15A NCAC 02D .1005	14:04 NCR 265									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1103	14:04 NCR 265									
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 .1200	14:04 NCR 265									
15A NCAC 02D .1201	13:12 NCR 943									
15A NCAC 02D .1202	13:12 NCR 943		14:03 NCR 162	*						
15A NCAC 02D .1203	13:12 NCR 943		14:14 NCR 1237	*						
15A NCAC 02D .1203	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1204	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1205	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1206	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1207	13:12 NCR 943		14:03 NCR 162	*	Object	01/20/00	*			
15A NCAC 02D .1208	13:12 NCR 943		14:03 NCR 162	*	Approve	02/17/00	*		14:19 NCR 1705	
15A NCAC 02D .1209	13:12 NCR 943		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1201	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00				
15A NCAC 02D .1202	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1203	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1204	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1205	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1206	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1207	13:16 NCR 1252		14:03 NCR 162	*	Object	02/17/00	*			
					Approve	02/17/00				

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15A NCAC 02D .1208	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02D .1209	13:16 NCR 1252		14:03 NCR 162	*	Approve	01/20/00			14:19 NCR 1705	
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		14:07 NCR 524	*						
15A NCAC 02D .1708	13:16 NCR 1252		14:07 NCR 524	*						
15A NCAC 02D .1709	13:16 NCR 1252		14:07 NCR 524	*						
15A NCAC 02D .1801		13:18 NCR 1545 13:22 NCR 1860	14:03 NCR 162 14:03 NCR 162	SE SE	Object Object	11/17/99 11/17/99			14:17 NCR 1525	
15A NCAC 02D .1802		13:18 NCR 1545 13:22 NCR 1860	14:03 NCR 162 14:03 NCR 162	SE SE	Approve Object	12/16/99 11/17/99	*			
15A NCAC 02D .1803		13:18 NCR 1545 13:22 NCR 1860	14:03 NCR 162 14:03 NCR 162	SE SE	Approve Approve	12/16/99 11/17/99	*		14:17 NCR 1525 14:15 NCR 1354	
15A NCAC 02D .1804		13:18 NCR 1545	14:03 NCR 162	SE	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 02D .1805		13:18 NCR 1545 13:24 NCR 2017		SE	Approve	11/17/99			14:15 NCR 1354	
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1903	13:12 NCR 943									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2101	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2102	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2103	13:04 NCR 356		14:07 NCR 524	L						
15A NCAC 02D .2104	13:04 NCR 356		14:07 NCR 524	L						
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

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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 .0200	14:18 NCR 1597		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02H .0226	12:20 NCR 1817		13:24 NCR 1998	*						14:01 NCR 3
15A NCAC 02H .0227	14:17 NCR 1496									14:01 NCR 3
15A NCAC 02H .0227		14:18 NCR 1609								
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 .0202	13:04 NCR 356									
15A NCAC 02L .0202	14:10 NCR 743									
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	13:24 NCR 1994	14:07 NCR 550	14:11 NCR 908	S/L						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621		14:03 NCR 162	*	Approve	11/17/99			14:15 NCR 1354	
15A NCAC 02Q .0102	13:12 NCR 943		14:03 NCR 162	*	Approve	11/17/99			14:15 NCR 1354	
15A NCAC 02Q .0102		13:18 NCR 1545	14:03 NCR 162	*	Approve	01/20/00	*		14:19 NCR 1705	

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15A NCAC 02Q .0102	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 02Q .0102	14:04 NCR 265									
15A NCAC 02Q .0103	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*	Object	01/20/00	*			
					Approve	02/17/00				
15A NCAC 02Q .0109	14:04 NCR 265									
15A NCAC 02Q .0202	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02Q .0304	14:04 NCR 265									
15A NCAC 02Q .0305	14:04 NCR 265									
15A NCAC 02Q .0306	13:12 NCR 943									
15A NCAC 02Q .0401	14:04 NCR 265		14:03 NCR 162	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02Q .0502	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	S	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02Q .0503	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02Q .0507	13:24 NCR 1994	14:10 NCR 823	14:07 NCR 524	*	Approve	01/20/00			14:19 NCR 1705	
15A NCAC 02Q .0508	13:08 NCR 621	14:10 NCR 823	14:07 NCR 524	*	Object	01/20/00	*			
					Approve	02/17/00				
15A NCAC 02Q .0508	14:04 NCR 265									
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0702	13:12 NCR 943		13:20 NCR 1727	*	Approve	10/04/99	*		14:10 NCR 839	
			14:03 NCR 162	*	Object	01/20/00				
					Approve	02/17/00	*			
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0703	14:04 NCR 265									
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0711	13:16 NCR 1252									
15A NCAC 02Q .0800	14:04 NCR 265									
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 .0101	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0102	14:04 NCR 272		14:10 NCR 755	*						

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15A NCAC 02S .0201	14:04 NCR 272		14:10 NCR 755	*						
15A NCAC 02S .0202	14:04 NCR 272		14:10 NCR 755	*						
Forest Resources, Division of										
15A NCAC 09C .0200	14:13 NCR 1092									
15A NCAC 09C .0400	14:13 NCR 1092									
15A NCAC 09C .1101		14:14 NCR 1316								
15A NCAC 09C .1102		14:14 NCR 1316	14:18 NCR 1603	*						
15A NCAC 09C .1103		14:14 NCR 1316	14:18 NCR 1603	*						
15A NCAC 09C .1104		14:14 NCR 1316	14:18 NCR 1603	*						
Health Services, Commission for										
15A NCAC 13A .0101	14:04 NCR 265		14:10 NCR 757	S						
	14:05 NCR 370		14:10 NCR 757	S						
15A NCAC 13A .0102	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0103	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0104	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0106	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0108	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0110	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0112	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0113	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13A .0118	14:04 NCR 265		14:10 NCR 757	*						
	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									

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15A NCAC 18A .0134	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0188	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0189	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0190	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0191	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0301	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0433	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0434	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0435	14:09 NCR 656		14:14 NCR 1238	*						
15A NCAC 18A .0500	14:09 NCR 656									
15A NCAC 18A .0600	14:09 NCR 656									
15A NCAC 18A .0700	14:09 NCR 656									
15A NCAC 18A .0800	14:09 NCR 656									
15A NCAC 18A .0900	14:09 NCR 656									
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										
15A NCAC 18A .1611										
15A NCAC 18A .1700	13:16 NCR 1252									
15A NCAC 18A .1720	12:16 NCR 1482									
15A NCAC 18A .1808	13:08 NCR 621									
15A NCAC 18A .1809	14:11 NCR 906									
15A NCAC 18A .1810										
15A NCAC 18A .1811	14:11 NCR 906									
12:21 NCR 1882		Temp Expired 01/26/99	Temp Expired 01/26/99							
12:21 NCR 1882		Temp Expired 01/26/99	Temp Expired 01/26/99							
13:12 NCR 979		Temp Expired 01/26/99	13:20 NCR 1738	*	Approve	08/19/99			14:09 NCR 708	
12:18 NCR 1713		Temp Expired 12/11/98								
12:21 NCR 1882		Temp Expired 01/26/99								
12:24 NCR 2228		Temp Expired 03/12/99								
14:12 NCR 1041		13:13 NCR 1047	14:19 NCR 1692	*	Approve	04/15/99	*		14:02 NCR 84	
12:24 NCR 2228		13:13 NCR 1047	13:13 NCR 1047	*	Approve	04/15/99			14:02 NCR 84	
13:20 NCR 1740		14:12 NCR 1041	14:19 NCR 1692	*						
14:12 NCR 1041		13:13 NCR 1047	14:19 NCR 1692	*						
14:12 NCR 1041		13:13 NCR 1047	14:19 NCR 1692	*						
14:12 NCR 1041		13:13 NCR 1047	14:19 NCR 1692	*						

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15A NCAC 18A .1812	13:08 NCR 621		13:13 NCR 1047	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 18A .1812	14:11 NCR 906	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .1938	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .1952		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1953		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .1954		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1955		13:12 NCR 979	14:03 NCR 234	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 18A .1956	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 18A .2400	13:16 NCR 1252									
15A NCAC 18A .2515	14:04 NCR 265		14:11 NCR 909	*						
15A NCAC 18A .2515	14:06 NCR 428		14:11 NCR 909	*						
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2618	N/A	N/A	N/A	N/A	Approve	08/19/99			14:09 NCR 708	
15A NCAC 18A .2802	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2806	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2821	12:16 NCR 1482									

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15A NCAC 18A .2825	14:11 NCR 907	14:12 NCR 1041	14:19 NCR 1692	*						
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	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 18C .0302	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .0303	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .0304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 18C .0305	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .0306	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 18C .0307	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .0308	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 18C .0309	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	S/L	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .1211	14:19 NCR 1688									
15A NCAC 18C .1304	13:04 NCR 356	14:03 NCR 247	14:03 NCR 247	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 18C .1513	14:05 NCR 370		14:10 NCR 757	*						
15A NCAC 18C .1538	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18C .2007	14:05 NCR 370		14:10 NCR 757	S/L/SE						
15A NCAC 18C .2008	14:05 NCR 370		14:10 NCR 757	S/L						
15A NCAC 18D .0201	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00	*			
15A NCAC 18D .0203	13:23 NCR 1928		14:06 NCR 468	S/L	Object	02/17/00				
15A NCAC 18D .0205	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00	*			
15A NCAC 18D .0206	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00	*			
15A NCAC 18D .0304	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00				
15A NCAC 18D .0305	13:23 NCR 1928		14:06 NCR 468	*	Approve	02/17/00				
15A NCAC 18D .0307	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00				
15A NCAC 18D .0308	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00	*			

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15A NCAC 18D .0309	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00				
15A NCAC 18D .0403	13:23 NCR 1928		14:06 NCR 468	S/L	Object	02/17/00				
15A NCAC 18D .0701	13:23 NCR 1928		14:06 NCR 468	S/L	Approve	02/17/00				
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	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 04B .0126	14:07 NCR 520		14:12 NCR 962	S/L	Approve	02/17/00	*			
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 04C .0107	13:12 NCR 943		13:19 NCR 1651	*	Approve	10/04/99			14:10 NCR 839	
Marine Fisheries Commission										
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	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03H .0103	12:23 NCR 2089									
15A NCAC 03H .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 031 .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Object	12/16/99				

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15A NCAC 031 .0107	N/A		N/A		Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 031 .0114	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 031 .0117	N/A		N/A	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0120	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	N/A	Extend Review	11/17/99			14:17 NCR 1525	
15A NCAC 031 .0103	13:08 NCR 739			*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 031 .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 031 .0103	14:09 NCR 688	14:09 NCR 688	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 031 .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 031 .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0302	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 031 .0402	14:09 NCR 655									
15A NCAC 03K .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03K .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03K .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03K .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03K .0502	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03L .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03L .0205	14:09 NCR 688	14:09 NCR 688		*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03L .0206	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0202	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03M .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0301	14:12 NCR 958									
15A NCAC 03M .0501	13:08 NCR 739									

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15A NCAC 03M .0503	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*						
15A NCAC 03M .0504	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0506	13:22 NCR 1865			*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0506	14:12 NCR 1038									
15A NCAC 03M .0507	13:10 NCR 803									
15A NCAC 03M .0507	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0511	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	13:14 NCR 1113	14:01 NCR 18								
15A NCAC 03M .0513	13:19 NCR 1666	14:04 NCR 323	14:06 NCR 443	*						
15A NCAC 03M .0515	12:23 NCR 2089			*						
15A NCAC 03M .0515	13:14 NCR 1113	14:01 NCR 18	13:03 NCR 303	*						
15A NCAC 03M .0515		14:12 NCR 1038	14:06 NCR 443	*						
15A NCAC 03M .0516	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03O .0101	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Object	12/16/99				
15A NCAC 03O .0101	14:09 NCR 688				Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 03O .0102	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03O .0103	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03O .0104	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03O .0105	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03O .0106	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03O .0107	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03O .0108	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03O .0109	13:14 NCR 1113	14:04 NCR 323	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
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15A NCAC 030 .0109	14:09 NCR 688	14:09 NCR 688								
15A NCAC 030 .0110	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0111	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0201	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0301	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0302	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0303	13:14 NCR 1113	14:04 NCR 323	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0304	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0305	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0306	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0307	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0308	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0309	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0310	13:14 NCR 1113	14:01 NCR 18	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0401	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0402	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0403	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 030 .0404	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Object	12/16/99			14:17 NCR 1525	
15A NCAC 030 .0405	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Approve	01/20/00	*		14:19 NCR 1705	
15A NCAC 030 .0406	13:14 NCR 1113	13:18 NCR 1553	14:06 NCR 443	*	Approve	12/16/99			14:17 NCR 1525	
15A NCAC 03P .0101	N/A		N/A	N/A	Approve	12/16/99	*		14:17 NCR 1525	
15A NCAC 03P .0102	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03Q .0106	N/A		N/A	N/A	Approve	07/15/99			14:06 NCR 490	
15A NCAC 03Q .0107	11:26 NCR 1985		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
15A NCAC 03Q .0107	14:12 NCR 958		13:13 NCR 1043	*	Approve	05/20/99			14:04 NCR 330	

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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 .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B .1201	12:13 NCR 1097									
Water Pollution Control System Operators Certification Commission										
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										
Public Notice - Seaboard Chemical Corporation										
Well Contractors Certification Commission										
15A NCAC 27 .0101	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99				14:01 NCR 3

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15A NCAC 27 .0110	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0201	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0301	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:10 NCR 839	
15A NCAC 27 .0401	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0410	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0420	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0430	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:10 NCR 839	
15A NCAC 27 .0440	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0501	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:10 NCR 839	
15A NCAC 27 .0510	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:09 NCR 708	
15A NCAC 27 .0520	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0601	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:09 NCR 708	
15A NCAC 27 .0701	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0801	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0810	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Agcy withdrew	09/30/99			14:09 NCR 708	
15A NCAC 27 .0820	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:10 NCR 839	
15A NCAC 27 .0830	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0840	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0901	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 27 .0910	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Object	08/19/99	*		14:09 NCR 708	
15A NCAC 27 .0920	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	10/04/99	*		14:09 NCR 708	
15A NCAC 27 .0930	13:10 NCR 803	13:12 NCR 988	13:21 NCR 1788	*	Approve	08/19/99	*		14:09 NCR 708	

Wildlife Resources Commission

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15A NCAC 10B .0100	14:08 NCR 577									
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	*		14:04 NCR 330	
15A NCAC 10B .0113	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	06/17/99			14:05 NCR 402	
15A NCAC 10B .0115	13:18 NCR 1502		13:22 NCR 1842	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10B .0116	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0119	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0200	14:08 NCR 577									
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 .0203	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0204	N/A		N/A	N/A	Approve	06/17/99			14:05 NCR 402	
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 .0209	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10B .0212	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Object	04/15/99			14:04 NCR 330	
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		14:12 NCR 963	*	Approve	04/15/99				
15A NCAC 10C .0107	13:08 NCR 625		13:12 NCR 948	*	Approve	04/15/99	*		14:02 NCR 84	
15A NCAC 10C .0107	14:09 NCR 655									
15A NCAC 10C .0200	14:08 NCR 577									
15A NCAC 10C .0205	14:08 NCR 577		14:12 NCR 963	*	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				
15A NCAC 10C .0206	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0300	14:08 NCR 577									
15A NCAC 10C .0305	14:08 NCR 577		14:12 NCR 963	*						

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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 .0400	14:08 NCR 577									
15A NCAC 10C .0401	14:08 NCR 577		14:12 NCR 963	*						
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 .0402	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0407	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10C .0500	14:08 NCR 577									
15A NCAC 10C .0501	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 10C .0502	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99	*		14:09 NCR 708	
15A NCAC 10C .0503	13:14 NCR 1113		13:20 NCR 1737	*	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10C .0503	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10D .0100	14:08 NCR 577									
15A NCAC 10D .0102	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10D .0102	13:08 NCR 625	13:19 NCR 1666	13:12 NCR 948	*	Approve	04/15/99			14:02 NCR 84	
15A NCAC 10D .0103	13:08 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	14:07 NCR 551	14:01 NCR 6	*						
15A NCAC 10D .0103	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10D .0104	14:08 NCR 577		14:12 NCR 963	*						
15A NCAC 10F .0201	N/A	N/A	N/A	N/A	Approve	03/18/99			14:01 NCR 48	
15A NCAC 10F .0202	N/A	N/A	N/A	N/A	Approve	10/04/99			14:10 NCR 839	
15A NCAC 10F .0300	14:01 NCR 5									
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 .0311	14:13 NCR 1092									
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	Approve	08/19/99			14:09 NCR 708	

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15A NCAC 10F .0323	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10F .0327	14:08 NCR 577									
15A NCAC 10F .0330	13:03 NCR 269	13:07 NCR 595	13:07 NCR 595	S/L	Approve	04/15/99			14:02 NCR 84	
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 .0332	14:08 NCR 577	14:19 NCR 1703	14:13 NCR 1145	L						
15A NCAC 10F .0333	14:02 NCR 79	14:17 NCR 1520	14:08 NCR 580	L						
15A NCAC 10F .0336	14:08 NCR 577									
15A NCAC 10F .0339	13:13 NCR 1040	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10F .0339	13:23 NCR 1928	14:17 NCR 1520	14:08 NCR 580	L						
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	14:19 NCR 1703	14:12 NCR 963	L						
15A NCAC 10F .0354	14:02 NCR 79									
15A NCAC 10F .0355	14:04 NCR 272	14:17 NCR 1520	14:08 NCR 580	L						
15A NCAC 10F .0355	14:13 NCR 1092									
15A NCAC 10F .0367	13:14 NCR 1113	13:19 NCR 1666	13:19 NCR 1666	L	Approve	08/19/99			14:09 NCR 708	
15A NCAC 10I .0102	14:11 NCR 906		14:15 NCR 1347	*						
15A NCAC 10I .0103	14:11 NCR 906		14:15 NCR 1347	*						
15A NCAC 10I .0104	14:11 NCR 906		14:15 NCR 1347	*						
15A NCAC 10I .0105	14:11 NCR 906		14:15 NCR 1347	*						

FINAL DECISION LETTERS

Voting Rights Act	14:02 NCR 75
Voting Rights Act	14:03 NCR 123
Voting Rights Act	14:04 NCR 263
Voting Rights Act	14:08 NCR 576
Voting Rights Act	14:10 NCR 739
Voting Rights Act	14:11 NCR 905
Voting Rights Act	14:13 NCR 1089

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Voting Rights Act

Voting Rights Act

Voting Rights Act

14:14 NCR 1222

14:17 NCR 1494

14:18 NCR 1594

FORESTERS, BOARD OF REGISTRATION FOR

21 NCAC 20 .0101		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99			14:10 NCR 839	
21 NCAC 20 .0103		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0104		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0105		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0106		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0117		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0120		13:19 NCR 1695	13:23 NCR 1942	*	Object	10/04/99	*		14:15 NCR 1354	
21 NCAC 20 .0122		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	
21 NCAC 20 .0123		13:19 NCR 1695	13:23 NCR 1942	*	Approve	10/04/99	*		14:10 NCR 839	

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202	13:22 NCR 1821		14:06 NCR 474	*	Object	02/17/00				
21 NCAC 12 .0204		13:06 NCR 568	13:13 NCR 1048	*	Approve	05/20/99			14:04 NCR 330	
21 NCAC 12 .0204	13:22 NCR 1821		14:06 NCR 474	*	Agcy Withdrew	02/17/00				
21 NCAC 12 .0205	13:22 NCR 1821		14:06 NCR 474	*	Approve	02/17/00	*			
21 NCAC 12 .0209	13:22 NCR 1821		14:06 NCR 474	*	Object	02/17/00				
21 NCAC 12 .0307	13:22 NCR 1821		14:06 NCR 474	*	Approve	02/17/00				
21 NCAC 12 .0402	13:22 NCR 1821		14:06 NCR 474	*	Object	02/17/00				
21 NCAC 12 .0405	13:22 NCR 1821		14:06 NCR 474	*	Object	02/17/00				
21 NCAC 12 .0410	13:22 NCR 1821		14:06 NCR 474	*	Object	02/17/00				
21 NCAC 12 .0504	13:13 NCR 1040		13:18 NCR 1524	*						
21 NCAC 12 .0901	13:22 NCR 1821		13:24 NCR 2015	*	Approve	11/17/99			14:15 NCR 1354	
21 NCAC 12 .0907	13:22 NCR 1821		14:06 NCR 474	*	Approve	02/17/00				
			14:06 NCR 474	*	Object	02/17/00				

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GEOLOGISTS, BOARD FOR LICENSING OF

21 NCAC 21 .0501	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:01 NCR 1
21 NCAC 21 .0502	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:02 NCR 72
21 NCAC 21 .0514	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:06 NCR 426
21 NCAC 21 .0515	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:07 NCR 510
21 NCAC 21 .1101	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:07 NCR 510
21 NCAC 21 .1102	14:05 NCR 372	14:12 NCR 1064	14:12 NCR 1064	*						14:07 NCR 510

GOVERNOR'S EXECUTIVE ORDERS

Number 152 - Eff. 05/21/99										14:01 NCR 1
Number 153 - Eff. 05/28/99										14:02 NCR 72
Number 154 - Eff. 07/14/99										14:06 NCR 426
Number 155 - Eff. 07/20/99										14:07 NCR 510
Number 156 - Eff. 07/20/99										14:07 NCR 510
Number 157 - Eff. 08/13/99										14:07 NCR 510
Number 158 - Eff. 08/30/99										14:07 NCR 510
Number 159 - Eff. 09/15/99										14:07 NCR 510
Number 160 - Eff. 09/16/99										14:08 NCR 574
Number 161 - Eff. 09/19/99										14:08 NCR 574
Number 162 - Eff. 10/18/99										14:08 NCR 574
Number 163 - Eff. 10/18/99										14:10 NCR 737
Number 164 - Eff. 10/18/99										14:10 NCR 737
Number 165 - Eff. 11/15/99										14:10 NCR 737
Number 166 - Eff. 12/30/99										14:12 NCR 953
Number 167 - Eff. 01/28/00										14:15 NCR 1342

GOVERNOR, OFFICE OF

9 NCAC 05A	14:03 NCR 245
9 NCAC 05B	14:03 NCR 245

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9 NCAC 05C	14:03 NCR 245									
9 NCAC 05D	14:03 NCR 245									
9 NCAC 05E	14:03 NCR 245									
9 NCAC 05F	14:03 NCR 245									
9 NCAC 05G .0101		14:03 NCR 245								
9 NCAC 05G .0102		14:03 NCR 245								
9 NCAC 05G .0103		14:03 NCR 245								
9 NCAC 05G .0104		14:03 NCR 245								
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10:23 NCR 2956									
Blind/State Rehabilitation Council, Commission for the										
10 NCAC 19G .0823		13:17 NCR 1378	13:21 NCR 1785	*	Return to agcy Approve	07/15/99 11/17/99	*		14:15 NCR 1354 14:15 NCR 1354	
10 NCAC 19G .0827		13:17 NCR 1378	13:21 NCR 1785	*	Approve	11/17/99				
Child Day Care Commission										
10 NCAC 03U .0102	12:21 NCR 1873		14:03 NCR 154	*	Object Approve	12/16/99 02/17/00	*			
10 NCAC 03U .0300	14:17 NCR 1496									
10 NCAC 03U .0600	14:17 NCR 1496									
10 NCAC 03U .0700	14:10 NCR 742									
10 NCAC 03U .0800	14:17 NCR 1496									
10 NCAC 03U .1300	14:17 NCR 1496									
10 NCAC 03U .1600	14:17 NCR 1496									
10 NCAC 03U .2200	14:17 NCR 1496									
10 NCAC 03U .2501	12:21 NCR 1873		14:03 NCR 154	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03U .2502	12:21 NCR 1873		14:03 NCR 154	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03U .2510	12:21 NCR 1873		14:03 NCR 154	L	Object Approve	12/16/99 02/17/00	*			

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10 NCAC 03U .2804	12:21 NCR 1873		14:03 NCR 154	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03U .2811	12:21 NCR 1873		14:03 NCR 154	S	Approve	12/16/99	*		14:17 NCR 1525	
Controller, Office of										
10 NCAC 01B .0418	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0419	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0420	13:14 NCR 1109		13:22 NCR 1823	*	Approve	07/15/99	*		14:06 NCR 490	
10 NCAC 01B .0501	14:07 NCR 518	14:08 NCR 594	14:14 NCR 1224	*						
10 NCAC 01B .0502	14:07 NCR 518	14:08 NCR 594	14:14 NCR 1224	*						
Facility Services										
Abbreviated Notice of Temporary Rule-Making										
10 NCAC 03R .0111	N/A		N/A	N/A	Approve	12/16/99			14:17 NCR 1525	14:04 NCR 264
10 NCAC 03R .0212	N/A		N/A	N/A	Object Approve	12/16/99 01/20/00			14:19 NCR 1705	
10 NCAC 03R .0213		14:14 NCR 1282								
10 NCAC 03R .0304		14:14 NCR 1282								
10 NCAC 03R .0305		14:14 NCR 1282								
10 NCAC 03R .1613		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1613		14:14 NCR 1282								
10 NCAC 03R .1615		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1615		14:14 NCR 1282								
10 NCAC 03R .1713		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1713		14:14 NCR 1282								
10 NCAC 03R .1714		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1714		14:14 NCR 1282								
10 NCAC 03R .1715		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1715		14:14 NCR 1282								

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10 NCAC 03R .1912		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1912		14:14 NCR 1282								
10 NCAC 03R .1913		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1913		14:14 NCR 1282								
10 NCAC 03R .1914		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .1914		14:14 NCR 1282								
10 NCAC 03R .2113		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .2113		14:14 NCR 1282								
10 NCAC 03R .2713		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .2713		14:14 NCR 1282								
10 NCAC 03R .2715		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .2715		14:14 NCR 1282								
10 NCAC 03R .3001	14:18 NCR 1597									
10 NCAC 03R .3002	14:18 NCR 1597									
10 NCAC 03R .3010	14:18 NCR 1597									
10 NCAC 03R .3020	14:18 NCR 1597									
10 NCAC 03R .3030	14:18 NCR 1597									
10 NCAC 03R .3032	14:18 NCR 1597									
10 NCAC 03R .3050	14:18 NCR 1597									
10 NCAC 03R .3051	14:18 NCR 1597									
10 NCAC 03R .3052	14:18 NCR 1597									
10 NCAC 03R .3053	14:18 NCR 1597									
10 NCAC 03R .3054	14:18 NCR 1597									
10 NCAC 03R .3055	14:18 NCR 1597									
10 NCAC 03R .3056	14:18 NCR 1597									

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10 NCAC 03R .3057	14:18 NCR 1597									
10 NCAC 03R .3058	14:18 NCR 1597									
10 NCAC 03R .3059	14:18 NCR 1597									
10 NCAC 03R .3060	14:18 NCR 1597									
10 NCAC 03R .3061	14:18 NCR 1597									
10 NCAC 03R .3062	14:18 NCR 1597									
10 NCAC 03R .3063	14:18 NCR 1597									
10 NCAC 03R .3064	14:18 NCR 1597									
10 NCAC 03R .3065	14:18 NCR 1597									
10 NCAC 03R .3066	14:18 NCR 1597									
10 NCAC 03R .3067	14:18 NCR 1597									
10 NCAC 03R .3068	14:18 NCR 1597									
10 NCAC 03R .3069	14:18 NCR 1597									
10 NCAC 03R .3070	14:18 NCR 1597									
10 NCAC 03R .3071	14:18 NCR 1597									
10 NCAC 03R .3072	14:18 NCR 1597									
10 NCAC 03R .3073	14:18 NCR 1597									
10 NCAC 03R .3074	14:18 NCR 1597									
10 NCAC 03R .3075	14:18 NCR 1597									
10 NCAC 03R .3076	14:18 NCR 1597									
10 NCAC 03R .3077	14:18 NCR 1597									
10 NCAC 03R .3078	14:18 NCR 1597									
10 NCAC 03R .3079	14:18 NCR 1597									
10 NCAC 03R .3080	14:18 NCR 1597									
10 NCAC 03R .3081	14:18 NCR 1597									
10 NCAC 03R .3082	14:18 NCR 1597									
10 NCAC 03R .3083	14:18 NCR 1597									

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10 NCAC 03R .3084	14:18 NCR 1597									
10 NCAC 03R .3085	14:18 NCR 1597									
10 NCAC 03R .3086	14:18 NCR 1597									
10 NCAC 03R .3087	14:18 NCR 1597									
10 NCAC 03R .3088	14:18 NCR 1597									
10 NCAC 03R .4203		13:14 NCR 1119 Expired 10/12/99	14:04 NCR 279	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .4203		14:14 NCR 1282								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101	14:18 NCR 1597									
10 NCAC 03R .6102	14:18 NCR 1597									
10 NCAC 03R .6103	14:18 NCR 1597									
10 NCAC 03R .6104	14:18 NCR 1597									
10 NCAC 03R .6105	14:18 NCR 1597									
10 NCAC 03R .6106	14:18 NCR 1597									
10 NCAC 03R .6107	14:18 NCR 1597									
10 NCAC 03R .6108	14:18 NCR 1597									
10 NCAC 03R .6109	14:18 NCR 1597									
10 NCAC 03R .6110	14:18 NCR 1597									
10 NCAC 03R .6111	14:18 NCR 1597									
10 NCAC 03R .6112	14:18 NCR 1597									
10 NCAC 03R .6112		12:15 NCR 1431 Temp Expired 04/15/99	13:02 NCR 178	S/L/SE	Object Object Returned to Acy	10/22/98 12/17/98 04/15/99				
10 NCAC 03R .6113	14:18 NCR 1597									
10 NCAC 03R .6114	14:18 NCR 1597									
10 NCAC 03R .6115	14:18 NCR 1597									
10 NCAC 03R .6116	14:18 NCR 1597									
10 NCAC 03R .6117	14:18 NCR 1597									

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10 NCAC 03R .6118	14:18 NCR 1597									
10 NCAC 03R .6119	14:18 NCR 1597									
10 NCAC 03R .6120	14:18 NCR 1597									
10 NCAC 03R .6121	14:18 NCR 1597									
10 NCAC 03R .6122	14:18 NCR 1597									
10 NCAC 03R .6123	14:18 NCR 1597									
10 NCAC 03R .6124	14:18 NCR 1597									
10 NCAC 03R .6125	14:18 NCR 1597									
10 NCAC 03R .6126	14:18 NCR 1597									
10 NCAC 03R .6127	14:18 NCR 1597									
10 NCAC 03R .6128	14:18 NCR 1597									
10 NCAC 03R .6129	14:18 NCR 1597									
10 NCAC 03R .6130	14:18 NCR 1597									
10 NCAC 03R .6131	14:18 NCR 1597									
10 NCAC 03R .6132	14:18 NCR 1597									
10 NCAC 03R .6133	14:18 NCR 1597									
10 NCAC 03R .6134	14:18 NCR 1597									
10 NCAC 03R .6135	14:18 NCR 1597									
10 NCAC 03R .6136	14:18 NCR 1597									
10 NCAC 03R .6137	14:18 NCR 1597									
10 NCAC 03R .6138	14:18 NCR 1597									
10 NCAC 03R .6139	14:18 NCR 1597									
10 NCAC 03R .6140	14:18 NCR 1597									
10 NCAC 03R .6141	14:18 NCR 1597									
10 NCAC 03R .6201	13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99	*			14:15 NCR 1354	
10 NCAC 03R .6202	13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99	*			14:15 NCR 1354	
10 NCAC 03R .6203	13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*			14:15 NCR 1354	

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10 NCAC 03R .6204		14:04 NCR 314 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6205		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6206		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6207		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6208		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6209		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6210		14:04 NCR 314 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6211		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6212		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6213		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6214		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6215		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6216		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6217		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6218		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6219		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6220		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6221		13:14 NCR 1119 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6222		14:04 NCR 314 Expired 10/12/99	14:03 NCR 130	S/L/SE	Approve	11/17/99	*		14:15 NCR 1354	

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10 NCAC 03R .6223		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6224		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6225		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6226		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6227		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6228		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6229		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6230		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6231		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6232		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6233		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Approve	11/17/99	*		14:15 NCR 1354	
10 NCAC 03R .6234		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	S/L/SE	Object	11/1799				
10 NCAC 03R .6235		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03R .6236		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6237		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6238		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6239		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6240		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6241		Expired 10/12/99 13:14 NCR 1119	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	
10 NCAC 03R .6242	14:12 NCR 1035	Expired 10/12/99 14:12 NCR 1035	14:03 NCR 130	*	Approve	11/17/99			14:15 NCR 1354	

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10 NCAC 03R .6243	14:12 NCR 1035	14:12 NCR 1035								
10 NCAC 03R .6250		14:14 NCR 1282								
10 NCAC 03R .6252		14:14 NCR 1282								
10 NCAC 03R .6253		14:14 NCR 1282								
10 NCAC 03R .6254		14:14 NCR 1282								
10 NCAC 03R .6255		14:14 NCR 1282								
10 NCAC 03R .6256		14:14 NCR 1282								
10 NCAC 03R .6257		14:14 NCR 1282								
10 NCAC 03R .6258		14:14 NCR 1282								
10 NCAC 03R .6259		14:14 NCR 1282								
10 NCAC 03R .6260		14:14 NCR 1282								
10 NCAC 03R .6261		14:14 NCR 1282								
10 NCAC 03R .6263		14:14 NCR 1282								
10 NCAC 03R .6264		14:14 NCR 1282								
10 NCAC 03R .6265		14:14 NCR 1282								
10 NCAC 03R .6266		14:14 NCR 1282								
10 NCAC 03R .6267		14:14 NCR 1282								
10 NCAC 03R .6268		14:14 NCR 1282								
10 NCAC 03R .6269		14:14 NCR 1282								
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10 NCAC 03R .6271		14:14 NCR 1282								
10 NCAC 03R .6272		14:14 NCR 1282								
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10 NCAC 03R .6274		14:14 NCR 1282								
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10 NCAC 03R .6278		14:14 NCR 1282								
10 NCAC 03R .6279		14:14 NCR 1282								
10 NCAC 03R .6280		14:14 NCR 1282								
10 NCAC 03R .6281		14:14 NCR 1282								
10 NCAC 03R .6282		14:14 NCR 1282								
10 NCAC 03R .6283		14:14 NCR 1282								
10 NCAC 03R .6284		14:14 NCR 1282								
10 NCAC 03R .6285		14:14 NCR 1282								
10 NCAC 03R .6286		14:14 NCR 1282								
10 NCAC 03R .6287		14:14 NCR 1282								
10 NCAC 03R .6288		14:14 NCR 1282								
10 NCAC 03R .6289		14:14 NCR 1282								
10 NCAC 03R .6290		14:14 NCR 1282								
10 NCAC 03R .6291		14:14 NCR 1282								
10 NCAC 03R .6292		14:14 NCR 1282								
10 NCAC 03R .6293		14:14 NCR 1282								
10 NCAC 03S .0108	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0109	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0207	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0208	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0209	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0210	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0211	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0213	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0214	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0307	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0308	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	

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10 NCAC 03S .0407	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0408	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0506	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0507	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0508	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0509	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0510	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0511	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0614	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0615	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0616	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0617	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0618	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0619	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0706	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0707	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0806	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0807	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0808	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0901	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0902	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0903	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .0904	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1001	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1002	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1003	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1004	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	

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10 NCAC 03S .1005	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1006	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1101	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99				
10 NCAC 03S .1201	12:24 NCR 2194		14:05 NCR 374	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03S .1202	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1203	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1204	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99				
10 NCAC 03S .1205	12:24 NCR 2194		14:05 NCR 374	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03S .1206	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1207	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1301	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1302	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99				
10 NCAC 03S .1303	12:24 NCR 2194		14:05 NCR 374	*	Return to agcy	12/16/99				
10 NCAC 03S .1401	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1501	12:24 NCR 2194		14:05 NCR 374	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03S .1601	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1701	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1702	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1801	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99	*			
10 NCAC 03S .1802	12:24 NCR 2194		14:05 NCR 374	*	Approve	12/16/99			14:17 NCR 1525	
10 NCAC 03S .1803	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1804	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1805	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1806	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .1901	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	

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10 NCAC 03S .1902	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .1903	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .2001	12:24 NCR 2194		14:05 NCR 374	*	Object	11/17/99				
10 NCAC 03S .2002	12:24 NCR 2194		14:05 NCR 374	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 03S .2101	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .2102	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99	*		14:17 NCR 1525	
10 NCAC 03S .2103	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .2104	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .2105	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
10 NCAC 03S .2106	12:24 NCR 2194		14:05 NCR 374	*	Approve	11/17/99			14:17 NCR 1525	
Health Services, Commission for										
15A NCAC 16A .1104	13:14 NCR 1114		14:01 NCR 12	*	Object	10/04/99				
15A NCAC 16A .1106	13:14 NCR 1114		14:01 NCR 12	*	Approve	02/20/00	*			
15A NCAC 16A .1301	14:15 NCR 1344	14:17 NCR 1522			Approve	10/04/99			14:10 NCR 839	
15A NCAC 16A .1302	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 16A .1303	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 16A .1304	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 16A .1305	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 16A .1306	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 16A .1307	14:15 NCR 1344	14:17 NCR 1522								
15A NCAC 19A .0401	13:11 NCR 855	13:24 NCR 2034	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0401	13:22 NCR 1818	13:24 NCR 2034	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0401	14:06 NCR 483	14:06 NCR 483	14:10 NCR 767	*	Agency Withdrew Rule-Making 02/16/00					
15A NCAC 19A .0401		14:18 NCR 1616								
15A NCAC 19A .0404	13:11 NCR 855		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0404	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0406	13:11 NCR 855		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	

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15A NCAC 19A .0406	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 19A .0406	14:15 NCR 1345									
15A NCAC 19A .0502	13:11 NCR 855	13:13 NCR 1059	13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19A .0502	13:22 NCR 1818		13:24 NCR 2004	*	Approve	10/04/99	*		14:10 NCR 839	
15A NCAC 19B .0101	14:15 NCR 1345									
15A NCAC 19B .0301	14:15 NCR 1345									
15A NCAC 19B .0302	14:15 NCR 1345									
15A NCAC 19B .0304	14:15 NCR 1345									
15A NCAC 19B .0309	14:15 NCR 1345									
15A NCAC 19B .0311	14:15 NCR 1345									
15A NCAC 19B .0313	14:15 NCR 1345									
15A NCAC 19B .0320	14:15 NCR 1345									
15A NCAC 19B .0321	14:15 NCR 1345									
15A NCAC 19B .0322	14:15 NCR 1345									
15A NCAC 19B .0502	14:15 NCR 1345									
15A NCAC 19B .0503	14:15 NCR 1345									
15A NCAC 21D .0202	14:15 NCR 1345									
15A NCAC 21D .0701	14:15 NCR 1345									
15A NCAC 21D .0702	14:15 NCR 1345									
15A NCAC 21D .0703	14:15 NCR 1345									
15A NCAC 21D .0704	14:15 NCR 1345									
15A NCAC 21D .0705	14:15 NCR 1345									
15A NCAC 21D .0706	14:15 NCR 1345									
15A NCAC 21D .0802	14:15 NCR 1345									
15A NCAC 21D .0803	14:15 NCR 1345									
15A NCAC 21F .1201	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21F .1202	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						

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15A NCAC 21F .1203	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 21F .1204	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
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	Agency Withdraw	02/02/99	*		13:22 NCR 1868	
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	S	Approve	01/21/99			13:22 NCR 1868	
15A NCAC 21H .0314	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*	Approve	01/21/99				
15A NCAC 21I .0102	14:04 NCR 272			*						
15A NCAC 21I .0103	14:04 NCR 272									
15A NCAC 21J .0102	14:04 NCR 272									
15A NCAC 21J .0103	14:04 NCR 272									
15A NCAC 23 .0201	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 23 .0202	13:22 NCR 1820	13:18 NCR 1555	14:02 NCR 80	S/L	Approve	10/04/99			14:10 NCR 839	
15A NCAC 23 .0204	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 23 .0501	13:22 NCR 1820		14:02 NCR 80	*	Approve	10/04/99			14:10 NCR 839	
15A NCAC 24A .0402	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 24A .0403	14:03 NCR 126	14:06 NCR 483	14:10 NCR 767	*						
15A NCAC 26B	14:15 NCR 1346									
15A NCAC 26C	13:22 NCR 1820									
15A NCAC 26C .0101	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0102	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0103	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0104	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0105	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0106	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	
15A NCAC 26C .0107	13:22 NCR 1820		14:01 NCR 12	*	Approve	11/17/99	*		14:15 NCR 1354	

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10 NCAC 26B .0113 14:01 NCR 4 14:04 NCR 319 14:17 NCR 1500 S/L

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10 NCAC 26D .0101	14:09 NCR 687	14:09 NCR 687								
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 14:08 NCR 595 11:26 NCR 1997								
10 NCAC 26H .0213	14:08 NCR 595									
10 NCAC 26H .0213		12:09 NCR 827 13:08 NCR 733 14:08 NCR 595								
10 NCAC 26H .0304	14:08 NCR 595									
10 NCAC 26H .0304		13:03 NCR 316 14:05 NCR 394 13:02 NCR 248 14:13 NCR 1176 14:15 NCR 1352	13:08 NCR 668 14:17 NCR 1500 13:12 NCR 947 14:18 NCR 1599	S/L S/L * S/L/SE	Object Approve Approve	12/17/98 01/21/99 02/18/99	*		13:22 NCR 1868 13:24 NCR 2037	
10 NCAC 26H .0401										
10 NCAC 26H .0401										
10 NCAC 26H .0506										
10 NCAC 26H .0511	14:13 NCR 1092									
10 NCAC 26I .0101	13:02 NCR 175									
10 NCAC 26M .0301		14:04 NCR 319	13:07 NCR 588 14:17 NCR 1500	*						
10 NCAC 26M .0302		14:04 NCR 319	14:17 NCR 1500	*						
10 NCAC 26M .0303		14:04 NCR 319	14:17 NCR 1500	*						
10 NCAC 26M .0304		14:04 NCR 319	14:17 NCR 1500	*						
10 NCAC 26M .0305		14:04 NCR 319	14:17 NCR 1500	*						
10 NCAC 50B .0101	14:07 NCR 545	14:07 NCR 545								
10 NCAC 50B .0102		13:18 NCR 1526	14:10 NCR 750	S/L/SE						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175		13:10 NCR 806	*	Approve	02/18/99			13:24 NCR 2037	

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10 NCAC 50B .0305		14:03 NCR 246	14:18 NCR 1602	S/L						
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0311	14:07 NCR 545	14:07 NCR 545								
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	14:10 NCR 750	S/L/SE						
10 NCAC 50B .0403	14:07 NCR 545	14:07 NCR 545								
10 NCAC 50B .0408	14:07 NCR 545	14:07 NCR 545								
Medical Care Commission/Secretary of the Department of Health and Human Services										
Abbreviated Notice to adopt Temporary Rules										
10 NCAC 42B .1201	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						14:15 NCR 1343
10 NCAC 42B .1212	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42B .1213	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .1214	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42B .1215	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42B .1407	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .1707	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .1803	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2013	14:05 NCR 370									
10 NCAC 42B .2014	14:05 NCR 370									
10 NCAC 42B .2406		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42B .2501	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2502	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2503	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42B .2601		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42C .2005	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2011	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						

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10 NCAC 42C .2012	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2013	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42C .2014	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42C .2015		14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2015		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42C .2207	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2214	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2302	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2401	14:19 NCR 1684									
10 NCAC 42C .2501	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2505	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2506	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .2703	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3401	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42C .3402	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3701	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3703	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3801	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3802	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3803	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3804	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3805	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3806	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3807	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3808	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3809	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3810	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3901	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						

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10 NCAC 42C .3902	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .3903	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42C .4001		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1301	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1302	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1302	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1303		14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42D .1303	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42D .1304		14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1401	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1402	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1407	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S/SE						
10 NCAC 42D .1410	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1410	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1411	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1412	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1413	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S/SE						
10 NCAC 42D .1414	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	S/SE						
10 NCAC 42D .1415	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	S						
10 NCAC 42D .1416	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1503	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1605	14:05 NCR 370	14:10 NCR 799	14:13 NCR 1106	S						
10 NCAC 42D .1804	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1813	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1821	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1831		14:10 NCR 799	14:13 NCR 1106	*						
10 NCAC 42D .1832	14:05 NCR 370									
10 NCAC 42D .1833	14:05 NCR 370									

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10 NCAC 42D .1901	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1902	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1903	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1904	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1905	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1906	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1907	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1908	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1909	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .1910	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2001	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2002	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2003	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2004	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2005	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2006	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2007	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2008	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2009	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2010	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2011	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2101	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2102	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2201	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2202	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2203	14:05 NCR 370	14:08 NCR 606	14:13 NCR 1106	*						
10 NCAC 42D .2301		14:10 NCR 799	14:13 NCR 1106	*						

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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 .3602	14:07 NCR 518	14:16 NCR 1465	14:16 NCR 1465	*						
10 NCAC 14V .3604	14:07 NCR 518	14:16 NCR 1465	14:16 NCR 1465	*						
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									
10 NCAC 45G .0410	13:23 NCR 1947	13:23 NCR 1947	14:09 NCR 659	*						
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223	13:05 NCR 487	*	Approve	11/17/99			14:15 NCR 1354	
Temp Expired 03/12/99										
Secretary of Health and Human Services										
10 NCAC 14V .7000	14:07 NCR 518									
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
		Temp Expired 03/28/98								
10 NCAC 14V .7201	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7202	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7203	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7204	13:05 NCR 436		13:13 NCR 1042	*						
10 NCAC 14V .7205	13:05 NCR 436		13:13 NCR 1042	*						

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Social Services Commission										
10 NCAC 24	14:06 NCR 427									
10 NCAC 29C .0102		14:19 NCR 1702								
10 NCAC 29C .0103		14:19 NCR 1702								
10 NCAC 29C .0103		13:06 NCR 566	13:19 NCR 1611	*	Approve	07/15/99			14:06 NCR 490	
10 NCAC 29C .0201	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0201	14:12 NCR 1036	14:12 NCR 1036								
10 NCAC 29C .0202	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0202	14:12 NCR 1036	14:12 NCR 1036								
10 NCAC 29C .0203	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0203		14:19 NCR 1702								
10 NCAC 29C .0204	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0204		14:19 NCR 1702								
10 NCAC 29C .0205	14:10 NCR 798	14:10 NCR 798								
10 NCAC 29C .0206	14:10 NCR 798	14:10 NCR 798								
10 NCAC 41H .0304	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 41P .0106	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 41S .0613		14:04 NCR 321	14:18 NCR 1600	*						
10 NCAC 42A .0801	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0802	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0803	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0804	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0805	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0806	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0807	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0808	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42A .0809	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						

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10 NCAC 42A .0810	14:06 NCR 427	14:08 NCR 602	14:13 NCR 1100	S/L						
10 NCAC 42E	14:10 NCR 742									
10 NCAC 42E .0801	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42E .1501	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42E .1502	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42E .1503	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42E .1504	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42E .1505	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42E .1506	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42E .1507	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42E .1508	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42V .0108	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42Z .1001	14:06 NCR 427	14:08 NCR 642	14:13 NCR 1100	*						
10 NCAC 42Z .1002	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42Z .1003	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42Z .1004	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42Z .1005	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42Z .1006	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 42Z .1007	14:10 NCR 742		14:16 NCR 1406	*						
10 NCAC 43L .0401	14:12 NCR 1036	14:12 NCR 1036	14:16 NCR 1406	*						
10 NCAC 46A	14:19 NCR 1684									
10 NCAC 46C	14:19 NCR 1684									
10 NCAC 46D	14:19 NCR 1684									
10 NCAC 46E	14:19 NCR 1684									
10 NCAC 46F	14:19 NCR 1684									
10 NCAC 46G	14:19 NCR 1684									
10 NCAC 46H	14:19 NCR 1684									

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					Action	Date				
10 NCAC 47B .0103	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
10 NCAC 47B .0204	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
10 NCAC 47B .0407	14:07 NCR 519	14:08 NCR 602	14:13 NCR 1100	*						
Vocational Rehabilitation Services										
10 NCAC 20A .0101	14:07 NCR 519									
10 NCAC 20A .0102	14:07 NCR 519									
10 NCAC 20B .0102	14:07 NCR 519									
10 NCAC 20B .0103	14:07 NCR 519									
10 NCAC 20B .0105	14:07 NCR 519									
10 NCAC 20B .0108	14:07 NCR 519									
10 NCAC 20B .0201	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0202	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0203	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0204	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0205	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0206	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0207	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0208	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0209	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0210	14:07 NCR 519		14:16 NCR 1402	S						
10 NCAC 20B .0211	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0217	14:07 NCR 519									
10 NCAC 20B .0221	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0223	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0224		13:17 NCR 1379	14:05 NCR 392	*	Approve	12/16/99	*		14:17 NCR 1525	
10 NCAC 20B .0225	14:07 NCR 519		14:16 NCR 1402	*						
10 NCAC 20B .0228		13:17 NCR 1379	14:05 NCR 392	*	Approve	12/16/99			14:17 NCR 1525	

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10 NCAC 20C .0101	14:07 NCR 519									
10 NCAC 20C .0120	14:07 NCR 519									
10 NCAC 20C .0122	14:07 NCR 519									
10 NCAC 20C .0123	14:07 NCR 519									
10 NCAC 20C .0201	14:07 NCR 519									
10 NCAC 20C .0202	14:07 NCR 519									
10 NCAC 20C .0203	14:07 NCR 519									
10 NCAC 20C .0204	14:07 NCR 519									
10 NCAC 20C .0205	14:07 NCR 519									
10 NCAC 20C .0206	14:07 NCR 519									
10 NCAC 20C .0301	14:07 NCR 519									
10 NCAC 20C .0302	14:07 NCR 519									
10 NCAC 20C .0303	14:07 NCR 519									
10 NCAC 20C .0304	14:07 NCR 519									
10 NCAC 20C .0305	14:07 NCR 519									
10 NCAC 20C .0306	14:07 NCR 519									
10 NCAC 20C .0307	14:07 NCR 519									
10 NCAC 20C .0308	14:07 NCR 519									
10 NCAC 20C .0310	14:07 NCR 519									
10 NCAC 20C .0311	14:07 NCR 519									
10 NCAC 20C .0313	14:07 NCR 519									
10 NCAC 20C .0314	14:07 NCR 519									
10 NCAC 20C .0315	14:07 NCR 519									
10 NCAC 20C .0316	14:07 NCR 519									
10 NCAC 20C .0401	14:07 NCR 519									
10 NCAC 20C .0408	14:07 NCR 519									
10 NCAC 20C .0502	14:07 NCR 519									

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10 NCAC 20C .0601	14:07 NCR 519									
10 NCAC 20C .0603	14:07 NCR 519									
10 NCAC 20C .0604	14:07 NCR 519									
10 NCAC 20D .0101	14:07 NCR 519									
10 NCAC 20D .0201	14:07 NCR 519									
10 NCAC 20D .0301	14:07 NCR 519									
HOUSING FINANCE AGENCY										
24 NCAC 01H .0103	13:22 NCR 1822		14:02 NCR 82	*	Approve	12/16/99	*		14:17 NCR 1525	
INSURANCE										
11 NCAC 06B .0201	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0202	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0203	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0204	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0205	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0301	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0302	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0303	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0304	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0401	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0402	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0403	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0404	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 06B .0405	12:09 NCR 744		14:10 NCR 752	*	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 10 .0105	14:10 NCR 809	14:10 NCR 809	14:14 NCR 1225	*						
11 NCAC 10 .1110	14:10 NCR 809	14:10 NCR 809	14:14 NCR 1225	*						
11 NCAC 11F .0401	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0402	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						

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11 NCAC 11F .0403	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0404	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0405	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0501	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0502	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0503	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 11F .0504	14:10 NCR 811	14:10 NCR 811	14:14 NCR 1226	*						
11 NCAC 12 .0308	14:10 NCR 819	14:10 NCR 819	N/A	N/A	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 12 .0327	14:12 NCR 1038	14:12 NCR 1038	14:16 NCR 1409	*						
11 NCAC 12 .1025	N/A		N/A		Approve	10/04/99			14:10 NCR 839	
11 NCAC 12 .1701	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1702	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99			14:15 NCR 1354	
11 NCAC 12 .1702	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1703	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1707	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 12 .1709	14:10 NCR 819	14:10 NCR 819	14:14 NCR 1234	*						
11 NCAC 13 .0317	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0318	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0324	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0326	14:10 NCR 822	14:10 NCR 822	14:14 NCR 1237	*						
11 NCAC 13 .0406	14:10 NCR 822	14:10 NCR 822	N/A	N/A	Approve	01/20/00			14:19 NCR 1705	
11 NCAC 13 .0514	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99			14:15 NCR 1354	
11 NCAC 13 .0518	14:02 NCR 78		14:06 NCR 433	*	Approve	11/17/99			14:15 NCR 1354	
Home Inspector Licensure Board										
11 NCAC 08 .1103	14:08 NCR 577		14:12 NCR 959	*	Approve	02/17/00	*			
11 NCAC 08 .1105	14:08 NCR 577		14:12 NCR 959	*						
11 NCAC 08 .1106	14:08 NCR 577		14:12 NCR 959	*	Approve	02/17/00	*			

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11 NCAC 08 .1107	14:08 NCR 577		14:12 NCR 959	*	Approve	02/17/00				
11 NCAC 08 .1116	14:08 NCR 577		14:12 NCR 959	*	Approve	02/17/00	*			
11 NCAC 08 .1300	14:08 NCR 577									
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11 .0500	14:15 NCR 1344									
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
12 NCAC 09A .0103	14:15 NCR 1344		14:19 NCR 1689	*						
12 NCAC 09B .0106	N/A		N/A	N/A	Approve	10/04/99			14:10 NCR 839	
12 NCAC 09B .0107	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0109	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:10 NCR 839	
12 NCAC 09B .0110	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0112	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0113	13:14 NCR 1110		13:19 NCR 1611	*	Ext. Review	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0115	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:10 NCR 839	
12 NCAC 09B .0201	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
					Object	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0202	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:10 NCR 839	
					Object	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0203	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:10 NCR 839	
					Object	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0204	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:10 NCR 839	
					Object	06/17/99				
					Return to Agcy	07/15/99				
12 NCAC 09B .0205	13:14 NCR 1110		13:19 NCR 1611	S/L	Approve	06/17/99	*		14:10 NCR 839	
					Object	06/17/99				
					Return to Agcy	07/15/99				

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12 NCAC 09B .0206	13:14 NCR 1110		13:19 NCR 1611	*	Approve Object Return to Agency	10/04/99 06/17/99 07/15/99	*		14:10 NCR 839	
12 NCAC 09B .0207	13:14 NCR 1110		13:19 NCR 1611	*	Approve Approve	10/04/99 06/17/99	*		14:10 NCR 839 14:05 NCR 402	
12 NCAC 09B .0208	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0226	13:14 NCR 1110		13:19 NCR 1611	*	Approve Object Return to Agency	06/17/99 06/17/99 07/15/99			14:05 NCR 402	
12 NCAC 09B .0227	13:14 NCR 1110		13:19 NCR 1611	*	Approve Object Returned to Agency	10/04/99 06/17/99 06/17/99	*		14:10 NCR 839	
12 NCAC 09B .0228	13:14 NCR 1110		13:19 NCR 1611	S	Approve Object Returned to Agency	10/04/99 06/17/99 06/17/99	*		14:10 NCR 839	
12 NCAC 09B .0232	13:14 NCR 1110		13:19 NCR 1611	S	Approve Object Return to Agency	10/04/99 06/17/99 07/15/99	*		14:10 NCR 839	
12 NCAC 09B .0233	13:14 NCR 1110		13:19 NCR 1611	S	Approve Object Return to Agency	10/04/99 06/17/99 07/15/99	*		14:10 NCR 839	
12 NCAC 09B .0302	13:14 NCR 1110		13:19 NCR 1611	*	Approve Approve	10/04/99 06/17/99	*		14:10 NCR 839 14:05 NCR 402	
12 NCAC 09B .0303	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0304	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0305	13:14 NCR 1110		13:19 NCR 1611	*	Approve Object Return to Agency	06/17/99 06/17/99 07/15/99	*		14:05 NCR 402	
12 NCAC 09B .0312	13:14 NCR 1110		13:19 NCR 1611	*	Approve Approve	10/04/99 06/17/99	*		14:10 NCR 839 14:05 NCR 402	
12 NCAC 09B .0403	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0404	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0405	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0406	13:14 NCR 1110		13:19 NCR 1611	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0407	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 09B .0414	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 09B .0415	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	

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12 NCAC 09C .0211	13:14 NCR 1110		13:19 NCR 1611	*	Object Return to Agcy Approve	06/17/99 07/15/99 10/04/99			14:10 NCR 839	
12 NCAC 09C .0212	13:14 NCR 1110		13:19 NCR 1611	*	Object Return to Agcy Approve	06/17/99 07/15/99 10/04/99	*		14:10 NCR 839	
12 NCAC 09C .0213	13:14 NCR 1110		13:19 NCR 1611	*	Object Return to Agcy Approve	06/17/99 07/15/99 10/04/99	*		14:10 NCR 839 14:05 NCR 402	
12 NCAC 09C .0403	13:14 NCR 1110		13:19 NCR 1611	*	Object Return to Agcy Approve	06/17/99 07/15/99 10/04/99	*		14:05 NCR 402	
12 NCAC 09E .0107	13:14 NCR 1110		13:19 NCR 1611	*	Approve	06/17/99			14:05 NCR 402	
Private Protective Services Board										
12 NCAC 07D .0807	13:14 NCR 1110		14:07 NCR 523	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0103	13:14 NCR 1110		13:19 NCR 1637	S	Object Return to Agcy Approve	06/17/99 07/15/99 11/17/99	*		14:15 NCR 1354	
12 NCAC 10B .0302	14:12 NCR 957		14:16 NCR 1410	*						
12 NCAC 10B .0303	14:12 NCR 957		14:16 NCR 1410	*						
12 NCAC 10B .0502	13:14 NCR 1110		13:19 NCR 1637	L	Object Approve Approve	06/17/99 11/17/99 06/17/99	*		14:15 NCR 1354 14:05 NCR 402	
12 NCAC 10B .0505	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0506	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0507	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0508	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0509	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0601	13:14 NCR 1110		13:19 NCR 1637	S/L	Object Approve	06/17/99 11/17/99	*		14:15 NCR 1354	
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	*		14:05 NCR 402	
12 NCAC 10B .0908	13:14 NCR 1110		13:19 NCR 1637	S/L	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .0909	14:12 NCR 957		14:16 NCR 1410	*						

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12 NCAC 10B .1002	13:14 NCR 1110		13:19 NCR 1637	*	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .1401	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99			14:05 NCR 402	
12 NCAC 10B .1402	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1403	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1404	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1405	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99	*		14:05 NCR 402	
12 NCAC 10B .1406	13:14 NCR 1110		13:19 NCR 1637	S	Approve	06/17/99			14:05 NCR 402	

LABOR

Rules regarding

Controlled Substances

Examination

Regulation Act 14:19 NCR 1685

13 NCAC 01A .0100 14:07 NCR 519

13 NCAC 01B .0100 14:07 NCR 519

13 NCAC 01B .0200 14:07 NCR 519

13 NCAC 01B .0300 14:07 NCR 519

13 NCAC 01B .0400 14:07 NCR 519

13 NCAC 01B .0500 14:07 NCR 519

13 NCAC 01B .0600 14:07 NCR 519

13 NCAC 01C .0100 14:07 NCR 519

13 NCAC 01C .0200 14:07 NCR 519

13 NCAC 01C .0300 14:07 NCR 519

13 NCAC 01C .0400 14:07 NCR 519

13 NCAC 01C .0500 14:07 NCR 519

Elevator and Amusement Device Division

13 NCAC 15 .0201 14:14 NCR 1315

Job Listing Services

13 NCAC 18 .0101 14:19 NCR 1685

13 NCAC 18 .0102 14:19 NCR 1685

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13 NCAC 18 .0103	14:19 NCR 1685									
13 NCAC 18 .0104	14:19 NCR 1685									
13 NCAC 18 .0105	14:19 NCR 1685									
13 NCAC 18 .0106	14:19 NCR 1685									
13 NCAC 18 .0107	14:19 NCR 1685									
13 NCAC 18 .0108	14:19 NCR 1685									
13 NCAC 18 .0109	14:19 NCR 1685									
13 NCAC 18 .0110	14:19 NCR 1685									
Occupational Safety and Health										
*Verbatim Adoption Federal Standards										
13 NCAC 07A .0401	14:02 NCR 78		14:12 NCR 961	*						14:07 NCR 517
13 NCAC 07F .0101	14:02 NCR 78									
13 NCAC 07F .0201	11:03 NCR 106		14:16 NCR 1412	N/A						
13 NCAC 07F .0201	14:02 NCR 78									
13 NCAC 07F .0410	14:02 NCR 78									
13 NCAC 07F .0601	13:02 NCR 176		13:21 NCR 1786	S/L/SE	Object	10/04/99				
13 NCAC 07F .0602	13:02 NCR 176		13:21 NCR 1786	S/L	Object	12/16/99				
13 NCAC 07F .0603	13:02 NCR 176		13:21 NCR 1786	S/L/SE	Object	10/04/99				
13 NCAC 07F .0604	13:02 NCR 176		13:21 NCR 1786	S/L/SE	Object	12/16/99				
13 NCAC 07F .0605	13:02 NCR 176		13:21 NCR 1786	S/L/SE	Object	10/04/99				
13 NCAC 07F .0606	13:02 NCR 176		13:21 NCR 1786	S/L	Object	12/16/99				
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13 NCAC 17 .0101	13:19 NCR 1685				Object	10/04/99				
13 NCAC 17 .0102	13:19 NCR 1685				Object	12/16/99				
13 NCAC 17 .0103	13:19 NCR 1685				Object	10/04/99				
13 NCAC 17 .0104	13:19 NCR 1685				Object	12/16/99				

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13 NCAC 17 .0105	13:19 NCR 1685									
13 NCAC 17 .0106	13:19 NCR 1685									
13 NCAC 17 .0107	13:19 NCR 1685									
13 NCAC 17 .0108	13:19 NCR 1685									
13 NCAC 17 .0109	13:19 NCR 1685									
13 NCAC 17 .0110	13:19 NCR 1685									
13 NCAC 17 .0111	13:19 NCR 1685									
Retaliatory Employment Discrimination										
13 NCAC 19 .0101	N/A	N/A	N/A	N/A	Approve	08/19/99			14:09 NCR 708	
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13 NCAC 12 .0102	14:19 NCR 1685									
13 NCAC 12 .0103	14:19 NCR 1685									
13 NCAC 12 .0202	14:19 NCR 1685									
13 NCAC 12 .0301	14:19 NCR 1685									
13 NCAC 12 .0302	14:19 NCR 1685									
13 NCAC 12 .0303	14:19 NCR 1685									
13 NCAC 12 .0304	14:19 NCR 1685									
13 NCAC 12 .0305	14:19 NCR 1685									
13 NCAC 12 .0306	14:19 NCR 1685									
13 NCAC 12 .0307	14:19 NCR 1685									
13 NCAC 12 .0308	14:19 NCR 1685									
13 NCAC 12 .0309	14:19 NCR 1685									
13 NCAC 12 .0310	14:19 NCR 1685									
13 NCAC 12 .0401	14:19 NCR 1685									
13 NCAC 12 .0402	14:19 NCR 1685									
13 NCAC 12 .0403	14:19 NCR 1685									
13 NCAC 12 .0404	14:19 NCR 1685									
13 NCAC 12 .0405	14:19 NCR 1685									

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13 NCAC 12 .0406	14:19 NCR 1685									
13 NCAC 12 .0501	13:03 NCR 268									
13 NCAC 12 .0501	14:19 NCR 1685									
13 NCAC 12 .0601	14:19 NCR 1685									
13 NCAC 12 .0602	14:19 NCR 1685									
13 NCAC 12 .0604	14:19 NCR 1685									
13 NCAC 12 .0701	14:19 NCR 1685									
13 NCAC 12 .0702	14:19 NCR 1685									
13 NCAC 12 .0703	14:19 NCR 1685									
13 NCAC 12 .0801	13:03 NCR 268									
13 NCAC 12 .0801	14:19 NCR 1685									
13 NCAC 12 .0802	13:03 NCR 268									
13 NCAC 12 .0802	14:19 NCR 1685									
13 NCAC 12 .0803	14:19 NCR 1685									
13 NCAC 12 .0804	14:19 NCR 1685									
13 NCAC 12 .0805	14:19 NCR 1685									
13 NCAC 12 .0806	14:19 NCR 1685									
13 NCAC 12 .0807	14:19 NCR 1685									
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21 NCAC 26 .0101	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0104	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0105	14:05 NCR 373		14:12 NCR 1015	*						
21 NCAC 26 .0302	14:05 NCR 373		14:12 NCR 1015	*						
MESSAGE AND BODYWORK THERAPY, BOARD OF										
21 NCAC 30 .0101		14:18 NCR 1619								
21 NCAC 30 .0102		14:18 NCR 1619								
21 NCAC 30 .0201		14:18 NCR 1619								

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21 NCAC 30 .0202		14:18 NCR 1619								
21 NCAC 30 .0203		14:18 NCR 1619								
21 NCAC 30 .0204		14:18 NCR 1619								
21 NCAC 30 .0301		14:18 NCR 1619								
21 NCAC 30 .0302		14:18 NCR 1619								
21 NCAC 30 .0303		14:18 NCR 1619								
21 NCAC 30 .0304		14:18 NCR 1619								
21 NCAC 30 .0305		14:18 NCR 1619								
21 NCAC 30 .0306		14:18 NCR 1619								
21 NCAC 30 .0401		14:18 NCR 1619								
21 NCAC 30 .0402		14:18 NCR 1619								
21 NCAC 30 .0403		14:18 NCR 1619								
21 NCAC 30 .0404		14:18 NCR 1619								
21 NCAC 30 .0501		14:18 NCR 1619								
21 NCAC 30 .0502		14:18 NCR 1619								
21 NCAC 30 .0503		14:18 NCR 1619								
21 NCAC 30 .0504		14:18 NCR 1619								
21 NCAC 30 .0505		14:18 NCR 1619								
21 NCAC 30 .0506		14:18 NCR 1619								
21 NCAC 30 .0601		14:18 NCR 1619								
21 NCAC 30 .0602		14:18 NCR 1619								
21 NCAC 30 .0603		14:18 NCR 1619								
21 NCAC 30 .0604		14:18 NCR 1619								
21 NCAC 30 .0701		14:18 NCR 1619								
21 NCAC 30 .0702		14:18 NCR 1619								
21 NCAC 30 .0801		14:18 NCR 1619								
21 NCAC 30 .0802		14:18 NCR 1619								
21 NCAC 30 .0803		14:18 NCR 1619								

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					Action	Date				
21 NCAC 30 .0901		14:18 NCR 1619								
21 NCAC 30 .0902		14:18 NCR 1619								
21 NCAC 30 .0903		14:18 NCR 1619								
21 NCAC 30 .0904		14:18 NCR 1619								
21 NCAC 30 .0905		14:18 NCR 1619								
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21 NCAC 32	13:06 NCR 538									
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32O .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32O .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	14:03 NCR 127		14:16 NCR 1455	*						
21 NCAC 32R .0102	14:03 NCR 127		14:16 NCR 1455	*						
21 NCAC 32R .0103	14:03 NCR 127		14:16 NCR 1455	*						
21 NCAC 32R .0104	14:03 NCR 127		14:16 NCR 1455	*						
MIDWIFERY JOINT COMMITTEE										
21 NCAC 33 .0101	14:12 NCR 958		14:16 NCR 1456	*						
21 NCAC 33 .0102	14:12 NCR 958		14:16 NCR 1456	*						
21 NCAC 33 .0104	14:12 NCR 958		14:16 NCR 1456	*						
21 NCAC 33 .0106	14:12 NCR 958		14:16 NCR 1456	*						
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34C	12:09 NCR 745									
NURSING, BOARD OF										
21 NCAC 36 .0213	13:22 NCR 1821		14:02 NCR 82	*	Approve	11/17/99			14:15 NCR 1354	
21 NCAC 36 .0220	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090

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21 NCAC 36 .0221	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0227	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0318	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0404	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0405	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0701	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0702	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0703	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0704	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090
21 NCAC 36 .0705	14:07 NCR 521		14:12 NCR 1016	*						14:13 NCR 1090

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21 NCAC 37D .0202		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37D .0302	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0303	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0403	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0405	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0407	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0502	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0504	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0601	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0603	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0605	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0701	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37D .0704	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37E .0101	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37E .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37E .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37F .0101	14:08 NCR 578		14:13 NCR 1149	*						

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21 NCAC 37F .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37F .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37G .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37G .0201		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37G .0201	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37G .0202	14:08 NCR 578									
21 NCAC 37H .0102		14:05 NCR 398	14:09 NCR 684	*						
21 NCAC 37H .0102	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37H .0104	14:08 NCR 578		14:13 NCR 1149	*						
21 NCAC 37I .0101	14:08 NCR 578		14:13 NCR 1149	*						
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21 NCAC 46 .1317	13:22 NCR 1821									
21 NCAC 46 .1413	13:22 NCR 1821		14:06 NCR 480	*	Approve	11/17/99	*		14:15 NCR 1354	
21 NCAC 46 .1414	13:22 NCR 1821									
21 NCAC 46 .1508	13:22 NCR 1821		14:06 NCR 480	*	Approve	11/17/99	*		14:15 NCR 1354	
21 NCAC 46 .1601	13:22 NCR 1821									
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
			13:02 NCR 246	SE						
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21 NCAC 46 .1810	13:22 NCR 1821		14:06 NCR 480	*						
21 NCAC 46 .1813	13:22 NCR 1821									
21 NCAC 46 .1814	13:22 NCR 1821		14:06 NCR 480	*	Approve	12/16/99	*		14:17 NCR 1525	
21 NCAC 46 .1815		13:11 NCR 910	13:22 NCR 1848	*						
			13:24 NCR 2016	*	Approve	08/19/99	*		14:09 NCR 708	
21 NCAC 46 .1816	13:22 NCR 1821		14:06 NCR 480	*	Approve	12/16/99	*		14:17 NCR 1525	
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21 NCAC 48F .0102	14:06 NCR 489	14:06 NCR 489	14:10 NCR 771	*	Approve	01/20/00			14:19 NCR 1705	
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21 NCAC 50 .0301	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0304	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0306	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0310	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0402	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0404	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0406	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0412	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0501	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .0506	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0508	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0512	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0513	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .0514	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1001	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1004	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1006	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1007	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1008	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1009	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1010	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1011	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1013	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1014	14:10 NCR 749		14:14 NCR 1242	*						
21 NCAC 50 .1101	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1204	14:06 NCR 429		14:14 NCR 1242	*						

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21 NCAC 50 .1205	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1206	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1210	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1212	14:06 NCR 429		14:14 NCR 1242	*						
21 NCAC 50 .1213	14:06 NCR 429		14:14 NCR 1242	*						
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21 NCAC 54 .1611	12:05 NCR 338		13:13 NCR 1050	*						
			14:16 NCR 1458	*						
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	*						
			14:16 NCR 1458	*						
21 NCAC 54 .2301	12:05 NCR 338									
21 NCAC 54 .2302	12:05 NCR 338									
21 NCAC 54 .2303	12:05 NCR 338									
21 NCAC 54 .2304	12:05 NCR 338									
21 NCAC 54 .2305	12:05 NCR 338									
21 NCAC 54 .2306	12:05 NCR 338									
21 NCAC 54 .2307	12:05 NCR 338									
21 NCAC 54 .2308	12:05 NCR 338									
21 NCAC 54 .2309	12:05 NCR 338									
21 NCAC 54 .2310	12:05 NCR 338									
21 NCAC 54 .2311	12:05 NCR 338									
21 NCAC 54 .2312	12:05 NCR 338									
21 NCAC 54 .2313	12:05 NCR 338									
21 NCAC 54 .2314	12:05 NCR 338									
21 NCAC 54 .2401	12:05 NCR 338									
21 NCAC 54 .2402	12:05 NCR 338									

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					Action	Date				
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	*	Approve	11/17/99	*		14:15 NCR 1354	
21 NCAC 54 .2706	12:05 NCR 338		13:13 NCR 1050	*	Approve	11/17/99	*		14:15 NCR 1354	
21 NCAC 54 .2801	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2802	12:05 NCR 338		14:16 NCR 1458	*						
21 NCAC 54 .2803	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2804	12:05 NCR 338		14:16 NCR 1458	*						
21 NCAC 54 .2805	12:05 NCR 338		13:13 NCR 1050	*						
21 NCAC 54 .2806	12:05 NCR 338		14:16 NCR 1458	*						
21 NCAC 54 .2807	12:05 NCR 338		13:13 NCR 1050	*						
PUBLIC EDUCATION										
16 NCAC 06B .0108		13:13 NCR 1061	13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06C .0100	14:06 NCR 428									
16 NCAC 06C .0102	14:06 NCR 428		13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C .0103	14:06 NCR 428		14:12 NCR 998	*	Return to Agcy	07/15/99				
16 NCAC 06C .0200	14:06 NCR 428		13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C .0202	14:06 NCR 428		14:12 NCR 998	*	Return to Agcy	07/15/99				
16 NCAC 06C .0205	14:06 NCR 428		13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06C .0205	14:06 NCR 428		14:12 NCR 998	*	Return to Agcy	07/15/99				
16 NCAC 06C .0205	14:06 NCR 428		13:24 NCR 2008	*						

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					Action	Date				
16 NCAC 06C .0206			13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0207	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0300	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0301	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0302	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0303	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0304	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0305	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0306	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0307	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0308	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0309	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0311	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0312	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0313	14:06 NCR 428		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0400	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06C .0401	14:17 NCR 1497		13:18 NCR 1503	*	Return to Agency	07/15/99				
16 NCAC 06C .0402		14:11 NCR 910	14:17 NCR 1506	*						
16 NCAC 06C .0404	14:17 NCR 1497		13:18 NCR 1503	*	Object	07/15/99				
16 NCAC 06C .0501	14:17 NCR 1497		13:18 NCR 1503	*	Approve	08/19/99	*		14:09 NCR 708	
16 NCAC 06D .0103		12:22 NCR 2010 Temp Expired 02/09/99	13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06D .0103		13:24 NCR 2008		S	Approve	10/04/99			14:15 NCR 1354	

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					Action	Date				
16 NCAC 06D .0210			13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06D .0301			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0302			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0303			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06D .0304			13:24 NCR 2008	S	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06D .0305			13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
16 NCAC 06D .0305			14:17 NCR 1506	*						
16 NCAC 06D .0306			14:17 NCR 1506	*						
16 NCAC 06D .0501			13:24 NCR 2008	S	Approve	10/04/99	*		14:15 NCR 1354	
16 NCAC 06D .0502			13:24 NCR 2008	S	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06D .0503			13:24 NCR 2008	S	Object	10/04/99	*		14:15 NCR 1354	
16 NCAC 06D .0503			14:17 NCR 1506	*	Approve	11/17/99				
16 NCAC 06D .0504			13:24 NCR 2008	S	Object	10/04/99				
16 NCAC 06D .0505			13:24 NCR 2008	S	Approve	11/17/99	*		14:15 NCR 1354	
16 NCAC 06D .0506			13:24 NCR 2008	S	Approve	10/04/99	*		14:15 NCR 1354	
16 NCAC 06D .0507			13:24 NCR 2008	S	Approve	10/04/99	*		14:15 NCR 1354	
16 NCAC 06E .0202	14:06 NCR 428		13:18 NCR 1503	*	Approve	10/04/99				
16 NCAC 06E .0301		13:05 NCR 523	14:12 NCR 998	*	Return to Agcy	07/15/99				
16 NCAC 06E .0301		14:18 NCR 1618								
16 NCAC 06E .0301			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0202			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0308			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0309			13:18 NCR 1503	*	Approve	07/15/99			14:06 NCR 490	
16 NCAC 06G .0311		12:22 NCR 2010	13:18 NCR 1503	*	Approve	07/15/99	*		14:06 NCR 490	
		Temp Expired 02/09/99								
16 NCAC 06G .0502			13:18 NCR 1503	*	Return to Agcy	07/15/99				
	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0101			13:18 NCR 1503	*	Return to Agcy	07/15/99				

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16 NCAC 06H .0101	N/A		N/A	N/A	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06H .0103			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0105	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0105			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0105	N/A		N/A	N/A	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06H .0106			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0107	14:06 NCR 428		14:12 NCR 998	*						
16 NCAC 06H .0107			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0107	14:06 NCR 428									
16 NCAC 06H .0107	N/A		N/A	N/A	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06H .0108			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0108	N/A		N/A	N/A	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06H .0109			13:18 NCR 1503	*	Return to Agcy	07/15/99				
16 NCAC 06H .0109	N/A		N/A	N/A	Approve	10/04/99			14:15 NCR 1354	
16 NCAC 06H .0110			13:18 NCR 1503	*	Return to Agcy Object	07/15/99 10/04/99				
					Approve	11/17/99	*		14:15 NCR 1354	
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0104	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0105	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0106	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0107	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0109	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0110	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0111	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0112	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0113	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00			14:15 NCR 1354	
21 NCAC 58A .0114	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			

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21 NCAC 58A .0301	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0302	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0303	14:06 NCR 429		14:10 NCR 772	S	Approve	02/17/00				
21 NCAC 58A .0304	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0401	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0402	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0403	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0404	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0406	14:06 NCR 429		14:10 NCR 772	*	Object	02/17/00				
21 NCAC 58A .0501	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0502	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0503	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0504	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0505	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .0506	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0510	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0601	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0610	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0612	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .0615	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .0902	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .1402	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .1701	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .1702	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58A .1703	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58A .1708	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58A .1709	N/A		N/A	N/A	Approve	02/17/00				

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21 NCAC 58A .1711	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0101	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58B .0102	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58B .0104	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0201	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0202	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0203	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0301	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0401	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0501	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58B .0602	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58C .0105	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0106	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0107	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0108	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0207	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0213	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0214	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0217	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58C .0218	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0220	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0302	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0304	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0305	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0306	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0307	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0310	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				

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21 NCAC 58C .0312	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0601	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0602	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0603	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58C .0604	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0605	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58C .0606	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58C .0607	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58C .0608	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0102	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0202	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0204	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0205	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0302	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58E .0304	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0310	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00	*			
21 NCAC 58E .0406	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58E .0412	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
21 NCAC 58E .0511	N/A		N/A	N/A	Approve	02/17/00				
21 NCAC 58E .0515	14:06 NCR 429		14:10 NCR 772	*	Approve	02/17/00				
REFRIGERATION EXAMINERS, BOARD OF										
21 NCAC 60 .0102	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0207	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0311	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .0316	14:08 NCR 579		14:12 NCR 1028	*						
21 NCAC 60 .1102	14:08 NCR 579		14:12 NCR 1028	*						
REVENUE										

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					Action	Date				
17 NCAC 01C .0502	N/A		14:16 NCR 1424	*						
17 NCAC 01C .0504	N/A		14:16 NCR 1424	*						
17 NCAC 01C .0506	N/A		14:16 NCR 1424	*						
17 NCAC 01C .0509	N/A		14:16 NCR 1424	*						
17 NCAC 01C .0601	N/A		14:16 NCR 1424	*						
17 NCAC 03B .0302	N/A		14:16 NCR 1427	*						
17 NCAC 03C .0108	N/A		14:16 NCR 1427	*						
17 NCAC 04B .0102	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0104	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0105	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0106	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0107	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0301	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0302	N/A		13:08 NCR 690	N/A	Object	02/17/00				
17 NCAC 04B .0306	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0308	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0309	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0310	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0311	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0312	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0403	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .0405	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .2902	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .2903	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .4301	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04B .4301	N/A		14:16 NCR 1428	*	Approve	02/17/00				
17 NCAC 04B .4302	N/A		13:08 NCR 690	N/A	Approve	02/17/00				

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					Action	Date				
17 NCAC 04B .4302	N/A		14:16 NCR 1428	*						
17 NCAC 04B .4401	N/A		14:16 NCR 1428	*						
17 NCAC 04B .4402	N/A		14:16 NCR 1428	*						
17 NCAC 04C .0603	N/A		14:16 NCR 1428	*						
17 NCAC 04C .1101	N/A		14:16 NCR 1428	*						
17 NCAC 04C .1801	N/A		14:16 NCR 1428	*						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0201	N/A		14:16 NCR 1428	*						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A	Agcy Withdraw	02/17/00				
17 NCAC 04F .0101	N/A		N/A	N/A	Approve	02/17/00				
17 NCAC 04F .0102	N/A		N/A	N/A	Approve	02/17/00				
17 NCAC 04F .0103	N/A		N/A	N/A	Approve	02/17/00				
17 NCAC 04F .0104	N/A		N/A	N/A	Approve	02/17/00				
17 NCAC 04F .0105	N/A		13:08 NCR 690	N/A	Approve	02/17/00				
17 NCAC 05B .0603	N/A		14:16 NCR 1431	*						
17 NCAC 05B .0803	N/A		14:16 NCR 1431	*						
17 NCAC 05B .0903	N/A		14:16 NCR 1431	*						
17 NCAC 05C .0702	N/A		14:16 NCR 1431	*						
17 NCAC 05C .0703	N/A		14:16 NCR 1431	*						
17 NCAC 05C .2003	N/A		14:16 NCR 1431	*						
17 NCAC 06B .0105	N/A		13:08 NCR 694	N/A	Approve	02/17/00				
17 NCAC 06B .0118	N/A		13:09 NCR 762	N/A	Object	12/17/98				

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					Action	Date				
17 NCAC 06B .0605	N/A		14:16 NCR 1433	*	Object	03/18/99	*		14:02 NCR 84	
17 NCAC 06B .3408	N/A		14:16 NCR 1433	*	Approve	04/15/99				
17 NCAC 06B .3503	N/A		14:16 NCR 1433	*						
17 NCAC 07B .0104	N/A		14:16 NCR 1437	*						
17 NCAC 07B .0118	N/A		14:16 NCR 1437	*						
17 NCAC 07B .0123	N/A		14:16 NCR 1437	*						
17 NCAC 07B .0124	N/A		13:08 NCR 695	N/A	Approve	02/17/00				
17 NCAC 07B .0125	N/A		13:08 NCR 695	N/A	Approve	02/17/00				
17 NCAC 07B .0207	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1401	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1402	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1404	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1601	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1602	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1702	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1801	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1802	N/A		14:16 NCR 1437	*						
17 NCAC 07B .1902	N/A		14:16 NCR 1437	*						
17 NCAC 07B .2101	N/A		13:09 NCR 767	N/A	Approve	02/17/00				
17 NCAC 07B .2213	N/A		14:16 NCR 1437	*						
17 NCAC 07B .2401	N/A		14:16 NCR 1437	*						
17 NCAC 07B .2801	N/A		14:16 NCR 1437	*						
17 NCAC 07B .2901	N/A		14:16 NCR 1437	*						
17 NCAC 07B .2903	N/A		14:16 NCR 1437	*						
17 NCAC 07B .3001	N/A		14:16 NCR 1437	*						
17 NCAC 07B .3004	N/A		14:16 NCR 1437	*						

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					Action	Date				
17 NCAC 07B .3009	N/A		14:16 NCR 1437	*						
17 NCAC 07B .3010	N/A		14:16 NCR 1437	*						
17 NCAC 07B .3013	N/A		14:16 NCR 1437	*						
17 NCAC 07B .3204	N/A		14:16 NCR 1437	*						
17 NCAC 07B .4301	N/A		14:16 NCR 1437	*						
17 NCAC 07B .4303	N/A		14:16 NCR 1437	*						
17 NCAC 091 .0302	N/A		14:16 NCR 1451	*						
17 NCAC 09K .0601	N/A		13:08 NCR 695	N/A	Approve	02/17/00				
17 NCAC 09K .0602	N/A		14:16 NCR 1451	*						
17 NCAC 09L .0403	N/A		14:16 NCR 1451	*						
17 NCAC 10 .0101	N/A		14:16 NCR 1452	*						
17 NCAC 10 .0204		14:18 NCR 1619								
17 NCAC 10 .0405	N/A		14:16 NCR 1452	*						
17 NCAC 10 .0504	N/A		14:16 NCR 1452	*						
17 NCAC 10 .0505	N/A		14:16 NCR 1452	*						14:12 NCR 954 14:19 NCR 1669
Tax Review Board										
Tax Review Board										
SECRETARY OF STATE										
18 NCAC 06 .1212		13:14 NCR 1151								
18 NCAC 06 .1304		14:08 NCR 645	14:08 NCR 645	*	Approve	01/20/00			14:19 NCR 1705	
18 NCAC 06 .1402	14:17 NCR 1497	13:14 NCR 1151								
18 NCAC 06 .1413	14:17 NCR 1497	14:08 NCR 645	14:08 NCR 645	*	Approve	01/20/00			14:19 NCR 1705	
18 NCAC 06 .1502		13:14 NCR 1151								
		14:08 NCR 645	14:08 NCR 645	*	Approve	01/20/00			14:19 NCR 1705	
18 NCAC 06 .1709	14:17 NCR 1497									
18 NCAC 06 .1802		12:07 NCR 534 Temp Expired 06/28/98	12:14 NCR 1312	*						

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					Action	Date				
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 10 .0101	13:09 NCR 759	Temp Expired 06/28/98								
		Expired 10/12/99								
		13:18 NCR 1556								
		Expired 12/10/99								
18 NCAC 10 .0201	13:09 NCR 759	14:12 NCR 1046								
		13:14 NCR 1153								
		Expired 10/12/99								
		13:18 NCR 1556								
		Expired 12/10/99								
18 NCAC 10 .0301	13:09 NCR 759	14:12 NCR 1046								Temp Filed over obj
		13:14 NCR 1153								
		Expired 10/12/99								
		13:18 NCR 1556								
		Expired 12/10/99								
18 NCAC 10 .0302	13:09 NCR 759	14:12 NCR 1046								Temp Filed over obj
		13:14 NCR 1153								
		Expired 10/12/99								
18 NCAC 10 .0303	13:09 NCR 759	14:12 NCR 1046								Temp Filed over obj
		13:14 NCR 1153								
		Expired 10/12/99								
18 NCAC 10 .0304	13:09 NCR 759	14:12 NCR 1046								Temp Filed over obj
		13:14 NCR 1153								
		Expired 10/12/99								
18 NCAC 10 .0305	13:09 NCR 759	14:12 NCR 1046								Temp Filed over obj
		13:14 NCR 1153								
		Expired 10/12/99								
18 NCAC 10 .0306		14:12 NCR 1046								Temp Filed over obj
		13:18 NCR 1556								
		Expired 12/10/99								
18 NCAC 10 .0307		14:12 NCR 1046								Temp Filed over obj
		13:18 NCR 1556								
		Expired 12/10/99								
18 NCAC 10 .0308		14:12 NCR 1046								Temp Filed over obj
		13:18 NCR 1556								
		Expired 12/10/99								
		14:12 NCR 1046								Temp Filed over obj

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					Action	Date				

18 NCAC 10 .0309		13:18 NCR 1556 Expired 12/10/99								Temp Filed over obj
18 NCAC 10 .0401	13:09 NCR 759	14:12 NCR 1046 13:14 NCR 1153-Recodified to .0801 Expired 10/12/99								
18 NCAC 10 .0402	13:09 NCR 759	13:18 NCR 1556 Expired 12/10/99								
18 NCAC 10 .0501	13:09 NCR 759	13:14 NCR 1153-Recodified to .0802 Expired 10/12/99								
18 NCAC 10 .0701		13:18 NCR 1556 Expired 12/10/99								Temp Filed over obj
18 NCAC 10 .0801		13:18 NCR 1556 Expired 12/10/99								Temp Filed over obj
18 NCAC 10 .0802		14:12 NCR 1046 13:18 NCR 1556 Expired 12/10/99								Temp Filed over obj
18 NCAC 10 .0901		13:18 NCR 1556 Expired 12/10/99								Temp Filed over obj

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

Additional Public Hearing on March 16, 2000										
21 NCAC 63 .0101	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						14:17 NCR 1493
21 NCAC 63 .0102	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0103	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0104	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0105	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0201	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0202	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						

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					Action	Date				
21 NCAC 63 .0204	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0205	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0206	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0207	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0208	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0209	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0210	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0211	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0212	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0213	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0301	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0302	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0303	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0304	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0305	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0306	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0401	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0402	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0403	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0404	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0501	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0503	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0507	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0508	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0509	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0601	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0602	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						

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21 NCAC 63 .0603	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0604	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0607	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0609	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0701	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0702	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0703	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0704	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0801	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0802	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0803	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0804	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0805	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0806	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0807	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0808	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0809	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
21 NCAC 63 .0820	14:09 NCR 697	14:09 NCR 697	14:14 NCR 1249	*						
STATE PERSONNEL COMMISSION										
25 NCAC 01B .0354	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01B .0414		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01B .0434		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01B .0437	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99	*		14:15 NCR 1354	
25 NCAC 01C .0214		13:18 NCR 1560	13:22 NCR 1850	*	Approve	11/17/99	*		14:10 NCR 839	
25 NCAC 01C .0801	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0802	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0803	14:16 NCR 1467	14:16 NCR 1467								

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25 NCAC 01C .0804	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0805	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0806	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0807	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0808	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0809	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0810	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0811	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0812	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01C .0813	14:16 NCR 1467	14:16 NCR 1467								
25 NCAC 01D .2516		11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*						
25 NCAC 01D .2517		12:09 NCR 835	Temp Expired 07/31/98							
25 NCAC 01H .0602	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01H .0605	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99	*			
					Approve	11/17/99			14:15 NCR 1354	
25 NCAC 01H .0606	13:05 NCR 436		13:09 NCR 773	*	Object	10/04/99	*			
					Approve	11/17/99	*		14:15 NCR 1354	
25 NCAC 01J .0503	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01J .0506		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*			
25 NCAC 01J .0512	13:05 NCR 436		13:09 NCR 773	*						
25 NCAC 01J .0603	13:05 NCR 436		13:09 NCR 773	*	Approve	10/04/99	*		14:10 NCR 839	
25 NCAC 01J .0603		13:18 NCR 1560	13:22 NCR 1850	*	Approve	10/04/99	*			

STATE TREASURER

20 NCAC 08 .0102	14:16 NCR 1466	14:16 NCR 1466								
20 NCAC 08 .0110	14:16 NCR 1466	14:16 NCR 1466								
20 NCAC 08 .0111	14:16 NCR 1466	14:16 NCR 1466								
20 NCAC 08 .0112	14:16 NCR 1466	14:16 NCR 1466								

SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

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21 NCAC 68 .0101	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0203	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0205	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0206	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0208	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0209	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0211	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0212	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0213	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0503	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0503	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0507	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0509	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0511	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0601	14:10 NCR 749		14:14 NCR 1259	*						
21 NCAC 68 .0701	14:10 NCR 749		14:16 NCR 1460	*						
21 NCAC 68 .0706	14:10 NCR 749		14:14 NCR 1259	*						
TRANSPORTATION										
Highways, Division of										
19A NCAC 02D .0415	13:08 NCR 626		13:14 NCR 1116	*	Approve	04/15/99			14:02 NCR 84	
19A NCAC 02E .0201	14:03 NCR 126		14:09 NCR 670	*	Agcy Withdraw	02/17/00				
19A NCAC 02E .0202	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00				
19A NCAC 02E .0203	14:03 NCR 126		14:09 NCR 670	*						
19A NCAC 02E .0206	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0207	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*	Approve	02/17/00				
19A NCAC 02E .0208	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0209	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00				

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					Action	Date				
19A NCAC 02E .0210	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0211	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0212	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0213	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0214	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0215	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*	Approve	02/17/00				
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	
19A NCAC 02E .0224	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0225	14:03 NCR 126		14:09 NCR 670	*	Approve	02/17/00	*			
19A NCAC 02E .0226	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*	Approve	02/17/00	*			
19A NCAC 02E .0602	14:03 NCR 126	14:09 NCR 695	14:09 NCR 695	*	Approve	02/17/00	*			
19A NCAC 02E .0603	14:03 NCR 126		14:09 NCR 695	*						
19A NCAC 02E .0604	14:03 NCR 126		14:12 NCR 1012	*						
			14:09 NCR 670	*	Approve	02/17/00	*			
			14:09 NCR 670	*	Approve	02/17/00	*			
Motor Vehicles, Division of										
19A NCAC 03D .0801		14:11 NCR 911	14:16 NCR 1453	*						
19A NCAC 03D .0802	14:14 NCR 1223									
19A NCAC 03G .0203	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0205	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0206	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0207	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0209	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03G .0213	14:07 NCR 520		14:13 NCR 1145	*						
19A NCAC 03I .0207	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0301	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0302	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 03I .0307	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99				

CUMULATIVE INDEX (Updated through March 29, 2000)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 031.0401	13:16 NCR 1258		13:22 NCR 1843	*	Approve	08/19/99	*		14:09 NCR 708	
19A NCAC 031.0402	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 031.0501	13:16 NCR 1258		13:22 NCR 1843	*	Object	07/15/99			14:09 NCR 708	
19A NCAC 031.0601	13:16 NCR 1258		13:22 NCR 1843	*	Approve	08/19/99	*		14:06 NCR 490	
19A NCAC 031.0701	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
19A NCAC 031.0804	13:16 NCR 1258		13:22 NCR 1843	*	Approve	07/15/99			14:06 NCR 490	
				*	Object	07/15/99	*		14:09 NCR 708	
					Approve	08/19/99				

VETERINARY MEDICAL BOARD

21 NCAC 66 .0207	12:23 NCR 2089
21 NCAC 66 .0208	12:23 NCR 2089

