

NORTH CAROLINA REGISTER

VOLUME 26 • ISSUE 09 • Pages 798 - 846

November 1, 2011

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Contact List for Rulemaking Questions or Concerns

For 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
1711 New Hope Church Road (919) 431-3000
Raleigh, North Carolina 27609 (919) 431-3104 FAX

contact: Molly Masich, Codifier of Rules molly.masich@oah.nc.gov (919) 431-3071
Dana Vojtko, Publications Coordinator dana.vojtko@oah.nc.gov (919) 431-3075
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Tammara Chalmers, Editorial Assistant tammara.chalmers@oah.nc.gov (919) 431-3083

Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road (919) 431-3000
Raleigh, North Carolina 27609 (919) 431-3104 FAX

contact: Joe DeLuca Jr., Commission Counsel joe.deluca@oah.nc.gov (919) 431-3081
Bobby Bryan, Commission Counsel bobby.bryan@oah.nc.gov (919) 431-3079

Fiscal Notes & Economic Analysis and Governor's Review

Office of State Budget and Management
116 West Jones Street (919) 807-4700
Raleigh, North Carolina 27603-8005 (919) 733-0640 FAX
Contact: Anca Grozav, Economic Analyst osbmruleanalysis@osbm.nc.gov (919) 807-4740

NC Association of County Commissioners
215 North Dawson Street (919) 715-2893
Raleigh, North Carolina 27603
contact: Rebecca Troutman rebecca.troutman@ncacc.org

NC League of Municipalities (919) 715-4000
215 North Dawson Street
Raleigh, North Carolina 27603
contact: Erin L. Wynia ewynia@nclm.org

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: Karen Cochrane-Brown, Staff Attorney Karen.cochrane-brown@ncleg.net
Jeff Hudson, Staff Attorney Jeffrey.hudson@ncleg.net

NORTH CAROLINA REGISTER
Publication Schedule for January 2011 – December 2011

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
25:13	01/03/11	12/08/10	01/18/11	03/04/11	03/21/11	05/01/11	05/2012	09/30/11
25:14	01/18/11	12/22/10	02/02/11	03/21/11	03/21/11	05/01/11	05/2012	10/15/11
25:15	02/01/11	01/10/11	02/16/11	04/04/11	04/20/11	06/01/11	05/2012	10/29/11
25:16	02/15/11	01/25/11	03/02/11	04/18/11	04/20/11	06/01/11	05/2012	11/12/11
25:17	03/01/11	02/08/11	03/16/11	05/02/11	05/20/11	07/01/11	05/2012	11/26/11
25:18	03/15/11	02/22/11	03/30/11	05/16/11	05/20/11	07/01/11	05/2012	12/10/11
25:19	04/01/11	03/11/11	04/16/11	05/31/11	06/20/11	08/01/11	05/2012	12/27/11
25:20	04/15/11	03/25/11	04/30/11	06/14/11	06/20/11	08/01/11	05/2012	01/10/12
25:21	05/02/11	04/08/11	05/17/11	07/01/11	07/20/11	09/01/11	05/2012	01/27/12
25:22	05/16/11	04/25/11	05/31/11	07/15/11	07/20/11	09/01/11	05/2012	02/10/12
25:23	06/01/11	05/10/11	06/16/11	08/01/11	08/22/11	10/01/11	05/2012	02/26/12
25:24	06/15/11	05/24/11	06/30/11	08/15/11	08/22/11	10/01/11	05/2012	03/11/12
26:01	07/01/11	06/10/11	07/16/11	08/30/11	09/20/11	11/01/11	05/2012	03/27/12
26:02	07/15/11	06/23/11	07/30/11	09/13/11	09/20/11	11/01/11	05/2012	04/10/12
26:03	08/01/11	07/11/11	08/16/11	09/30/11	10/20/11	12/01/11	05/2012	04/27/12
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26:05	09/01/11	08/11/11	09/16/11	10/31/11	11/21/11	01/01/12	05/2012	05/28/12
26:06	09/15/11	08/24/11	09/30/11	11/14/11	11/21/11	01/01/12	05/2012	06/11/12
26:07	10/03/11	09/12/11	10/18/11	12/02/11	12/20/11	02/01/12	05/2012	06/29/12
26:08	10/17/11	09/26/11	11/01/11	12/16/11	12/20/11	02/01/12	05/2012	07/13/12
26:09	11/01/11	10/11/11	11/16/11	01/03/12	01/20/12	03/01/12	05/2012	07/28/12
26:10	11/15/11	10/24/11	11/30/11	01/17/12	01/20/12	03/01/12	05/2012	08/11/12
26:11	12/01/11	11/07/11	12/16/11	01/30/12	02/20/12	04/01/12	05/2012	08/27/12
26:12	12/15/11	11/22/11	12/30/11	02/13/12	02/20/12	04/01/12	05/2012	09/10/12

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 after the first or fifteenth 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 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
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

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

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



EXECUTIVE ORDER NO. 108

EXTENDING EXECUTIVE ORDERS NO. 103, 104 and 105

WHEREAS, I issued Executive Order No. 103 on August 24, 2011, declaring a state of emergency as a result of the approach of Hurricane Irene; and

WHEREAS, I issued Executive Order No. 104 on August 25, 2011, which waived the rules and regulations that limit the hours of service for operators of certain commercial vehicles and lifted weight restrictions on certain vehicles; and

WHEREAS, I issued Executive Order No. 105 on September 1, 2011, which facilitated the appropriate disposal and removal of vegetative debris from those individuals whose property was impacted by the storm; and

WHEREAS, the aforementioned Executive Orders contained a provision that they would be effective for thirty (30) days or the duration of the emergency, whichever is less; and

WHEREAS, the ongoing recovery efforts related to Hurricane Irene, including debris removal and disposal from those impacted areas, requires that these executive orders remain in place.

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

Executive Orders Nos. 103, 104, and 105 are hereby extended until midnight November 1, 2011.

This order is effective immediately.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-first day of September in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-sixth.



Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

September 29, 2011

Mr. Dana Simpson
Post Office Box 2611
Raleigh, North Carolina 27602-2611

Re: Advisory Request Pursuant to N.C.G.S. § 163-278.23

Dear Mr. Simpson:

In your letter dated August 9, 2011, you seek an advisory opinion in behalf of your client American Anesthesiology, Inc. As pointed out in your letter, this is a follow-up request to the Advisory Opinion provided to Mr. John Wallace on July 9, 2010, in behalf of your client.

Since the issuance of the July 9, 2010, Advisory Opinion, American Anesthesiology, Inc. has entered into comprehensive management agreements with additional North Carolina anesthesiology practices. In addition, Greensboro Anesthesia Physicians, P.C. and Wilmington Anesthesiologists, LLP merged into the same corporate entity. Prior to this merger, these two practices had served as the parent entities for two separately established separate segregated funds (Anesthesiologists of the Triad PAC and Wilmington Anesthesiologists PAC) pursuant to N.C. G.S. § 163-278.19(b). Both of these separate segregated funds have been filing reports with our office since their organization.

Your letter states that despite the common corporate parent entity of the two separate segregated funds, the practices maintain separate physician employees that do not provide services at both clinical sites and these physicians will only contribute to the separate segregated fund of their practice. There will be no coordination between the two separate segregated funds and the decisions made concerning the separate segregated funds will be made by each practice. American Anesthesiology, Inc. will provide administrative support to both separate segregated funds but as was the fact in the initial request, will not exercise control over the decisions of the separate segregated funds. The physician employees of each practice group will be the only decision makers regarding contributions made from the separate segregated funds.

Based on these facts, the following responses are provided to your questions:

LOCATION: 506 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA 27603 • (919) 733-7173

1. **May the two now existing separate segregated funds of Wilmington Anesthesiologists PAC and Anesthesiologists of the Triad PAC continue to operate as separate segregated funds with a common parent entity?**

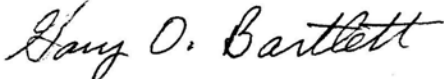
Answer: Yes. The only factual change from the initial request is the merger of two of the practice groups into one corporate entity. Based on the information provided, no changes to the control of these separate segregated funds have been made as a result of the merger.

2. **If the two separate segregated funds may both be maintained going forward, must the contributions from the two separate segregated funds be aggregated for purposes of determining whether contribution limits have been met?**

Answer: No. As long as contributors to the two separate segregated funds do not overlap and the two existing funds are controlled and maintained separately by the individual practice groups with American Anesthesiology exerting no control over decisions made by the individual separate segregated funds, then the contributions would not be aggregated for reporting or compliance purposes.

This opinion is based upon the information provided in your August 9, 2011, letter. If any information in that letter should change, you should consult with our office to ensure that this opinion would still be binding. Finally, this opinion will be filed with the Codifier of Rules to be published unedited in the North Carolina Register and the North Carolina Administrative Code.

Sincerely,



Gary O. Bartlett
Executive Director

cc: Julian Mann, Codifier of Rules

North Carolina Department of Labor
Division of Occupational Safety and Health
4 West Edenton Street
Raleigh, NC 27601

(919) 807-2875

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150-B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC .0101, .0201, .0301, .0501, and .0502 to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of July 25, 2011 and Parts 1915, 1917, 1926, and 1928 promulgated as of June 8, 2011, except as specifically described, and
- the *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1904—Recording and Reporting Occupational Injuries and Illnesses.

This update encompasses the following recent verbatim adoptions:

- General Working Conditions in Shipyard Employment
(76 FR 24576 – 24711, May 2, 2011)
- Standards Improvement Project – Phase III
(76 FR 33590 – 33612, June 8, 2011)
- General Working Conditions in Shipyard Employment; Correction
(76 FR 44265, July 25, 2011)

The *Federal Registers* (FR), as cited above, contain both technical and economic discussions that explain the basis for the changes.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

Jane Ammons Gilchrist, General Counsel
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, NC 27699-1101

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 – MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to amend the rule cited as 21 NCAC 32U .0101.

Link to agency website pursuant to G.S. 150B.19.1(c):
http://www.ncmedboard.org/about_the_board/rule_changes

Proposed Effective Date: March 1, 2012

Public Hearing:

Date: January 9, 2012

Time: 5:00 p.m.

Location: Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517

Reason for Proposed Action: To enable pharmacists with physical disabilities to perform vaccinations by removing the requirements that the pharmacist hold a CPR certification, while continuing to protect the public welfare by ensuring the presence of a CPR-certified pharmacist or technician.

Procedure by which a person can object to the agency on a proposed rule: Any person may object to the proposed amendment by attending the public hearing on January 9, 2012 and/or by submitting a written objection by January 9, 2012, to Rules Coordinator, North Carolina Medical Board, 1203 Front Street, Raleigh, NC 27609, fax (919)326-1131, or email rules@ncmedboard.org. The North Carolina Medical Board is interested in all comments pertaining to the proposed rule. All persons interested and potentially affected by the proposal are strongly encouraged to read this entire notice and make comments on the proposed rule.

Comments may be submitted to: Rules Coordinator, NC Medical Board, PO Box 20007, Raleigh, NC 27619-0007, phone (919)326-1100, fax (919)326-1131, email rules@ncmedboard.org.

Comment period ends: January 9, 2012

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed

objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Date submitted to OSBM:
- ☐ Substantial economic impact (≥\$500,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 32U - PHARMACISTS VACCINATIONS

SECTION .0100 - PHARMACISTS VACCINATIONS

21 NCAC 32U .0101 ADMINISTRATION OF VACCINES BY PHARMACISTS

(a) Purpose. The purpose of this Rule is to provide standards for pharmacists engaged in the administration of influenza, pneumococcal and zoster vaccines as authorized in G.S. 90-85.3(r) of the North Carolina Pharmacy Practice Act.

(b) Definitions. The following words and terms, when used in this Rule, shall have the following meanings, unless the context indicates otherwise.

- (1) "ACPE" means Accreditation Council for Pharmacy Education.
- (2) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or other means by:
 - (A) a pharmacist, an authorized agent under his/her supervision, or other person authorized by law; or
 - (B) the patient at the direction of a physician or pharmacist.
- (3) "Antibody" means a protein in the blood that is produced in response to stimulation by a specific antigen. Antibodies help destroy the antigen that produced them. Antibodies

- against an antigen usually equate to immunity to that antigen.
- (4) "Antigen" means a substance recognized by the body as being foreign; it results in the production of specific antibodies directed against it.
 - (5) "Board" means the North Carolina Board of Pharmacy.
 - (6) "Confidential record" means any health-related record that contains information that identifies an individual and that is maintained by a pharmacy or pharmacist such as a patient medication record, prescription drug order, or medication order.
 - (7) "Immunization" means the act of inducing antibody formation, thus leading to immunity.
 - (8) "Medical Practice Act" means G.S. 90-1, et seq.
 - (9) "Physician" means a currently licensed M.D. or D.O. with the North Carolina Medical Board who is responsible for the on-going, continuous supervision of the pharmacist pursuant to written protocols between the pharmacist and the physician.
 - (10) "Vaccination" means the act of administering any antigen in order to induce immunity; is not synonymous with immunization since vaccination does not imply success.
 - (11) "Vaccine" means a specially prepared antigen, which upon administration to a person may result in immunity.
 - (12) Written Protocol-A physician's written order, standing medical order, or other order or protocol. A written protocol must be prepared, signed and dated by the physician and pharmacist and contain the following:
 - (A) the name of the individual physician authorized to prescribe drugs and responsible for authorizing the written protocol;
 - (B) the name of the individual pharmacist authorized to administer vaccines;
 - (C) the immunizations or vaccinations that may be administered by the pharmacist;
 - (D) procedures to follow, including any drugs required by the pharmacist for treatment of the patient, in the event of an emergency or severe adverse reaction following vaccine administration;
 - (E) the reporting requirements by the pharmacist to the physician issuing the written protocol, including content and time frame;
 - (F) locations at which the pharmacist may administer immunizations or vaccinations; and
- (G) the requirement for annual review of the protocols by the physician and pharmacist.
- (c) Policies and Procedures.
- (1) Pharmacists must follow a written protocol as specified in Subparagraph (b)(12) of this Rule for administration of influenza, pneumococcal and zoster vaccines and the treatment of severe adverse events following administration.
 - (2) The pharmacist administering vaccines must maintain written policies and procedures for handling and disposal of used or contaminated equipment and supplies.
 - (3) The pharmacist or pharmacist's agent must give the appropriate, most current vaccine information regarding the purpose, risks, benefits, and contraindications of the vaccine to the patient or legal representative with each dose of vaccine. The pharmacist must ensure that the patient or legal representative is available and has read, or has had read to him or her, the information provided and has had his or her questions answered prior to administering the vaccine.
 - (4) The pharmacist must report adverse events to the primary care provider as identified by the patient.
 - (5) The pharmacist shall not administer vaccines to patients under 18 years of age.
 - (6) The pharmacist shall not administer the pneumococcal or zoster vaccines to a patient unless the pharmacist first consults with the patient's primary care provider. The pharmacist shall document in the patient's profile the primary care provider's order to administer the pneumococcal or zoster vaccines. In the event the patient does not have a primary care provider, the pharmacist shall not administer the pneumococcal or zoster vaccines to the patient.
 - (7) The pharmacist shall report all vaccines administered to the patient's primary care provider and report all vaccines administered to all entities as required by law, including any State registries which may be implemented in the future.
- (d) Pharmacist requirements. Pharmacists who enter into a written protocol with a physician to administer vaccines shall:
- (1) hold a current provider level cardiopulmonary resuscitation (CPR) certification issued by the American Heart Association or the American Red Cross or equivalent;
 - (2) successfully complete a certificate program in the administration of vaccines accredited by the Centers for Disease Control, the ACPE or a similar health authority or professional body approved by the Board;
 - (3) maintain documentation of:

- (A) completion of the initial course specified in Subparagraph (2) of this Paragraph;
 - (B) three hours of continuing education every two years beginning January 1, 2006, which are designed to maintain competency in the disease states, drugs, and administration of vaccines;
 - (C) current certification specified in Subparagraph (1) of this Paragraph;
 - (D) original written physician protocol;
 - (E) annual review and revision of original written protocol with physician;
 - (F) any problems or complications reported; and
 - (G) items specified in Paragraph (g) of this Rule.
- (4) A pharmacist who, because of physical disability, is unable to obtain a current provider level CPR certification may administer vaccines in the presence of a pharmacy technician or pharmacist who holds a current provider level CPR certification.
- (e) Supervising Physician responsibilities. Pharmacists who administer vaccines shall enter into a written protocol with a supervising physician who agrees to meet the following requirements:
- (1) be responsible for the formulation or approval and periodic review of the physician's order, standing medical order, standing delegation order, or other order or written protocol and periodically review the order or protocol and the services provided to a patient under the order or protocol;
 - (2) be accessible to the pharmacist administering the vaccines or be available through direct telecommunication for consultation, assistance, direction, and provide back-up coverage;
 - (3) review written protocol with pharmacist at least annually and revise if necessary; and
 - (4) receive a periodic status report on the patient, including any problem or complication encountered.
- (f) Drugs. The following requirements pertain to drugs administered by a pharmacist:
- (1) Drugs administered by a pharmacist under the provisions of this Rule shall be in the legal possession of:
 - (A) a pharmacy, which shall be the pharmacy responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination; or
 - (B) a physician, who shall be responsible for drug accountability, including the maintenance of records of
- administration of the immunization or vaccination;
 - (2) Drugs shall be transported and stored at the proper temperatures indicated for each drug;
 - (3) Pharmacists while engaged in the administration of vaccines under written protocol, may have in their custody and control the vaccines identified in the written protocol and any other drugs listed in the written protocol to treat adverse reactions; and
 - (4) After administering vaccines at a location other than a pharmacy, the pharmacist shall return all unused prescription medications to the pharmacy or physician responsible for the drugs.
- (g) Record Keeping and Reporting.
- (1) A pharmacist who administers any vaccine shall maintain the following information, readily retrievable, in the pharmacy records regarding each administration:
 - (A) The name, address, and date of birth of the patient;
 - (B) The date of the administration;
 - (C) The administration site of injection (e.g., right arm, left leg, right upper arm);
 - (D) Route of administration of the vaccine;
 - (E) The name, manufacturer, lot number, and expiration date of the vaccine;
 - (F) Dose administered;
 - (G) The name and address of the patient's primary health care provider, as identified by the patient; and
 - (H) The name or identifiable initials of the administering pharmacist.
 - (2) A pharmacist who administers vaccines shall document annual review with physician of written protocol in the records of the pharmacy that is in possession of the vaccines administered.
- (h) Confidentiality.
- (1) The pharmacist shall comply with the privacy provisions of the federal Health Insurance Portability and Accountability Act of 1996 and any rules adopted pursuant to this act.
 - (2) The pharmacist shall comply with any other confidentiality provisions of federal or state laws.
- Authority G.S. 90-85.3(r).*
- *****
- CHAPTER 46 - BOARD OF PHARMACY**
- Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to amend the rule cited as 21 NCAC 46 .2507.*

Link to agency website pursuant to G.S. 150B.19.1(c):
<http://www.ncbop.org/lawandrules.htm>

Proposed Effective Date: *March 1, 2012*

Public Hearing:

Date: *January 9, 2012*

Time: *5:00 p.m.*

Location: *Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517*

Reason for Proposed Action: *To enable pharmacists with physical disabilities to perform vaccinations by removing the requirement that the pharmacist hold a CPR certification, while continuing to protect the public welfare by ensuring the presence of CPR-certified pharmacist or technician.*

Procedure by which a person can object to the agency on a proposed rule: *Any person may object to the proposed amendment by attending the public hearing on January 9, 2012 and/or by submitting a written objection by January 9, 2012 to Jay Campbell, Executive Director, North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517, fax (919)246-1056, email jcampbell@ncbop.org. The North Carolina Board of Pharmacy is interested in all comments pertaining to the proposed rule.*

Comments may be submitted to: *Jay Campbell, 6015 Farrington Road, Suite 201, Chapel Hill, NC 27517*

Comment period ends: *January 9, 2012*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Date submitted to OSBM:
- ☐ Substantial economic impact (≥\$500,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SECTION .2500 - MISCELLANEOUS PROVISIONS

21 NCAC 46 .2507 ADMINISTRATION OF VACCINES BY PHARMACISTS

(a) Purpose. The purpose of this Rule is to provide standards for pharmacists engaged in the administration of influenza, pneumococcal and zoster vaccines as authorized in G.S. 90-85.3(r) of the North Carolina Pharmacy Practice Act.

(b) Definitions. The following words and terms, when used in this Rule, shall have the following meanings, unless the context indicates otherwise.

- (1) "ACPE" means Accreditation Council for Pharmacy Education.
- (2) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or other means by:
 - (A) a pharmacist, an authorized agent under his/her supervision, or other person authorized by law; or
 - (B) the patient at the direction of a physician or pharmacist.
- (3) "Antibody" means a protein in the blood that is produced in response to stimulation by a specific antigen. Antibodies help destroy the antigen that produced them. Antibodies against an antigen usually equate to immunity to that antigen.
- (4) "Antigen" means a substance recognized by the body as being foreign; it results in the production of specific antibodies directed against it.
- (5) "Board" means the North Carolina Board of Pharmacy.
- (6) "Confidential record" means any health-related record that contains information that identifies an individual and that is maintained by a pharmacy or pharmacist such as a patient medication record, prescription drug order, or medication order.
- (7) "Immunization" means the act of inducing antibody formation, thus leading to immunity.
- (8) "Medical Practice Act" means G.S. 90-1, et seq.
- (9) "Physician" means a currently licensed M.D. or D.O. with the North Carolina Medical Board who is responsible for the on-going, continuous supervision of the pharmacist pursuant to written protocols between the pharmacist and the physician.
- (10) "Vaccination" means the act of administering any antigen in order to induce immunity; is not synonymous with immunization since vaccination does not imply success.
- (11) "Vaccine" means a specially prepared antigen, which upon administration to a person may result in immunity.
- (12) Written Protocol—A physician's written order, standing medical order, or other order or protocol. A written protocol must be prepared,

signed and dated by the physician and pharmacist and contain the following:

- (A) the name of the individual physician authorized to prescribe drugs and responsible for authorizing the written protocol;
- (B) the name of the individual pharmacist authorized to administer vaccines;
- (C) the immunizations or vaccinations that may be administered by the pharmacist;
- (D) procedures to follow, including any drugs required by the pharmacist for treatment of the patient, in the event of an emergency or severe adverse reaction following vaccine administration;
- (E) the reporting requirements by the pharmacist to the physician issuing the written protocol, including content and time frame;
- (F) locations at which the pharmacist may administer immunizations or vaccinations; and
- (G) the requirement for annual review of the protocols by the physician and pharmacist.

(c) Policies and Procedures.

- (1) Pharmacists must follow a written protocol as specified in Subparagraph (b)(12) of this Rule for administration of influenza, pneumococcal and zoster vaccines and the treatment of severe adverse events following administration.
- (2) The pharmacist administering vaccines must maintain written policies and procedures for handling and disposal of used or contaminated equipment and supplies.
- (3) The pharmacist or pharmacist's agent must give the appropriate, most current vaccine information regarding the purpose, risks, benefits, and contraindications of the vaccine to the patient or legal representative with each dose of vaccine. The pharmacist must ensure that the patient or legal representative is available and has read, or has had read to him or her, the information provided and has had his or her questions answered prior to administering the vaccine.
- (4) The pharmacist must report adverse events to the primary care provider as identified by the patient.
- (5) The pharmacist shall not administer vaccines to patients under 18 years of age.
- (6) The pharmacist shall not administer the pneumococcal or zoster vaccines to a patient unless the pharmacist first consults with the patient's primary care provider. The pharmacist shall document in the patient's profile the primary care provider's order to

administer the pneumococcal or zoster vaccines. In the event the patient does not have a primary care provider, the pharmacist shall not administer the pneumococcal or zoster vaccines to the patient.

- (7) The pharmacist shall report all vaccines administered to the patient's primary care provider and report all vaccines administered to all entities as required by law, including any State registries which may be implemented in the future.

(d) Pharmacist requirements. Pharmacists who enter into a written protocol with a physician to administer vaccines shall:

- (1) hold a current provider level cardiopulmonary resuscitation (CPR) certification issued by the American Heart Association or the American Red Cross or equivalent;
- (2) successfully complete a certificate program in the administration of vaccines accredited by the Centers for Disease Control, the ACPE or a similar health authority or professional body approved by the Board;
- (3) maintain documentation of:
 - (A) completion of the initial course specified in Subparagraph (2) of this Paragraph;
 - (B) three hours of continuing education every two years beginning January 1, 2006, which are designed to maintain competency in the disease states, drugs, and administration of vaccines;
 - (C) current certification specified in Subparagraph (1) of this Paragraph;
 - (D) original written physician protocol;
 - (E) annual review and revision of original written protocol with physician;
 - (F) any problems or complications reported; and
 - (G) items specified in Paragraph (g) of this Rule.

(4) A pharmacist who, because of physical disability, is unable to obtain a current provider level CPR certification may administer vaccines in the presence of a pharmacy technician or pharmacist who holds a current provider level CPR certification.

(e) Supervising Physician responsibilities. Pharmacists who administer vaccines shall enter into a written protocol with a supervising physician who agrees to meet the following requirements:

- (1) be responsible for the formulation or approval and periodic review of the physician's order, standing medical order, standing delegation order, or other order or written protocol and periodically review the order or protocol and the services provided to a patient under the order or protocol;
- (2) be accessible to the pharmacist administering the vaccines or be available through direct

- telecommunication for consultation, assistance, direction, and provide back-up coverage;
 - (3) review written protocol with pharmacist at least annually and revise if necessary; and
 - (4) receive a periodic status report on the patient, including any problem or complication encountered.
- (f) Drugs. The following requirements pertain to drugs administered by a pharmacist:
- (1) Drugs administered by a pharmacist under the provisions of this Rule shall be in the legal possession of:
 - (A) a pharmacy, which shall be the pharmacy responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination; or
 - (B) a physician, who shall be responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination;
 - (2) Drugs shall be transported and stored at the proper temperatures indicated for each drug;
 - (3) Pharmacists while engaged in the administration of vaccines under written protocol, may have in their custody and control the vaccines identified in the written protocol and any other drugs listed in the written protocol to treat adverse reactions; and
 - (4) After administering vaccines at a location other than a pharmacy, the pharmacist shall return all unused prescription medications to the pharmacy or physician responsible for the drugs.
- (g) Record Keeping and Reporting.
- (1) A pharmacist who administers any vaccine shall maintain the following information, readily retrievable, in the pharmacy records regarding each administration:
 - (A) The name, address, and date of birth of the patient;
 - (B) The date of the administration;
 - (C) The administration site of injection (e.g., right arm, left leg, right upper arm);
 - (D) Route of administration of the vaccine;
 - (E) The name, manufacturer, lot number, and expiration date of the vaccine;
 - (F) Dose administered;
 - (G) The name and address of the patient's primary health care provider, as identified by the patient; and
 - (H) The name or identifiable initials of the administering pharmacist.

- (2) A pharmacist who administers vaccines shall document annual review with physician of written protocol in the records of the pharmacy that is in possession of the vaccines administered.
- (h) Confidentiality.
- (1) The pharmacist shall comply with the privacy provisions of the federal Health Insurance Portability and Accountability Act of 1996 and any rules adopted pursuant to this act.
 - (2) The pharmacist shall comply with any other confidentiality provisions of federal or state laws.

Authority G.S. 90-85.3; 90-85.6.

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Rules Review Commission intends to adopt the rule cited as 26 NCAC 05 .0114 and amend the rule cited as 26 NCAC 05 .0108.

Link to agency website pursuant to G.S. 150B.19.1(c):
<http://www.ncoah.com/rules/RRC.html>

Proposed Effective Date: *February 1, 2012*

Public Hearing:

Date: *November 17, 2011*

Time: *10:00 a.m.*

Location: *Rules Review Commission Meeting Room/OAH Office Building, 1711 New Hope Church Road, Raleigh, NC 27609*

Reason for Proposed Action:

26 NCAC 05 .0108 – *The RRC proposes to amend Rule .0108 to move the deadline for submitting agency responses to commission counsels' requests for technical changes forward by at least two business days. This will give staff and commission members more time to review the responses and prepare materials for the commission meeting.*

26 NCAC 05 .0114 – *The RRC proposes to adopt Rule .0114 to codify the commission's position and action in regard to approving a rule where the requested technical changes have not been made.*

Procedure by which a person can object to the agency on a proposed rule: *Any person objecting to the adoption of this rule in accordance with G.S. 150B-21.3 may send written objections to the Rules Review Commission in care of: Joseph J. DeLuca, Commission Counsel, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609*

Comments may be submitted to: *Joseph J. DeLuca, Commission Counsel, Office of Administrative Hearings, 1711*

New Hope Church Road, Raleigh, NC 27609, phone (919)431-3081, fax (919)431-3104, email joe.deluca@oah.nc.gov.

Comment period ends: January 3, 2012

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Date submitted to OSBM:
- ☐ Substantial economic impact (≥\$500,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 05 – RULES REVIEW COMMISSION

26 NCAC 05 .0108 SUBMISSION OF REWRITTEN RULES OR RULES WITH TECHNICAL CHANGES

- (a) The RRC shall not review rewritten rules until the next regular meeting following the meeting at which a rule was originally reviewed by the RRC.
- (b) Agencies may submit technical changes prior to the meeting at which a rule is initially reviewed for consideration and approval by the Commission at that meeting.
- (c) All rules containing technical changes shall be submitted to the RRC staff by ~~5:00 p.m. of the second business day before the RRC meeting.~~ the earlier of:

- (1) 5:00 p.m. 10 business days after the Requests for Technical Change are submitted to the agency rulemaking coordinator; or

- (2) 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rules shall be submitted on the last business day before the holiday.

(d) All rewritten rules shall be submitted to the RRC staff by 5:00 p.m. of the Friday before the RRC meeting. If that Friday is a holiday, then the rewritten rules shall be submitted on the last business day before the holiday.

(e) This deadline may be waived by RRC staff when an agency which is a board or commission does not meet until the day of this deadline or later or when the original submission is deficient and requires further changes.

Authority G.S. 143B-30.1; 150B-21.10.

26 NCAC 05 .0114 RRC RULE APPROVAL CONTINGENT ON TECHNICAL CHANGE

(a) When the Commission approves a rule, the approval is contingent on an agency's making all requested technical changes.

(b) The agency must make such change prior to the close of business on the next business day after the rule is approved, or such other date or time as may be set by the Commission, in order for the rule to take effect on the first day of the following month.

(c) If the change has not been made as set out in Paragraph (b) of this Rule, then the rule shall be calendared on the Commission's agenda for the following month.

Authority G.S. 143B-30.1; 150B-21.10.

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on September 15, 2011.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

AGRICULTURE, BOARD OF

<u>Price Posting/Cash Discounts for Retail Motor Fuel...</u>	02	NCAC	38 .0604*	25:16 NCR
<u>Noxious Weeds</u>	02	NCAC	48A .1702*	25:16 NCR
<u>Regulated Areas</u>	02	NCAC	48A .1703*	25:16 NCR

BANKS, OFFICE OF THE COMMISSIONER OF

<u>Share Purchase and Option Plans</u>	04	NCAC	03C .1302*	n/a G.S. 150B-21.5(a)(5)
<u>Permissible Investments</u>	04	NCAC	03F .0202*	n/a G.S. 150B-21.5(b)(1)
<u>Issuance of a License</u>	04	NCAC	03F .0302*	n/a G.S. 150B-21.5(b)(1)
<u>License Fees</u>	04	NCAC	03F .0303*	n/a G.S. 150B-21.5(b)(1)
<u>Agent Location Fee</u>	04	NCAC	03F .0304*	n/a G.S. 150B-21.5(b)(1)
<u>Certificate of Authority</u>	04	NCAC	03F .0401*	n/a G.S. 150B-21.5(b)(1)
<u>Statement of Net Worth</u>	04	NCAC	03F .0502*	n/a G.S. 150B-21.5(b)(1)
<u>Annual Statement</u>	04	NCAC	03F .0503*	n/a G.S. 150B-21.5(b)(1)
<u>Hearings</u>	04	NCAC	03F .0701*	n/a G.S. 150B-21.5(b)(1)

SOCIAL SERVICES COMMISSION

<u>Procedures/Reimbursement of Adoption...</u>	10A	NCAC	70M .0403*	25:22 NCR
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HOME INSPECTOR LICENSURE BOARD

<u>Insurance Requirements</u>	11	NCAC	08 .1006*	25:20 NCR
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PRIVATE PROTECTIVE SERVICES BOARD

<u>Accreditation Standards</u>	12	NCAC	07D .1303*	25:14 NCR
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PUBLIC HEALTH, COMMISSION FOR

<u>Advanced Wastewater Pretreatment System</u>	15A	NCAC	18A .1970*	25:21 NCR
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MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

<u>Credentials Required</u>	21	NCAC	31 .0201*	25:16 NCR
<u>Appropriate Course of Study</u>	21	NCAC	31 .0501*	25:16 NCR
<u>Licensed Marriage and Family Therapy Associate...</u>	21	NCAC	31 .0801*	25:16 NCR

ONSITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

<u>Definitions</u>	21	NCAC	39 .1001*	25:22 NCR
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<u>General Requirements</u>	21	NCAC	39	.1002*	25:22 NCR
<u>General Exclusions of an Inspection</u>	21	NCAC	39	.1004*	25:22 NCR
<u>On-Site Wastewater System Components</u>	21	NCAC	39	.1005*	25:22 NCR
<u>Minimum On-Site Wastewater System Inspection</u>	21	NCAC	39	.1006*	25:22 NCR

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS FOR

<u>Petition for Rulemaking Hearings</u>	21	NCAC	50	.1201*	n/a G.S. 150B-21(a)(4)
<u>Disposition of Petitions</u>	21	NCAC	50	.1203*	n/a G.S. 150B-21(a)(2)
<u>Request to Participate</u>	21	NCAC	50	.1207*	n/a G.S. 150B-21(a)(2)
<u>Written Submissions</u>	21	NCAC	50	.1210*	n/a G.S. 150B-21(a)(4)
<u>Submission of Request for Ruling</u>	21	NCAC	50	.1302*	n/a G.S. 150B-21(a)(4)

These rules are subject to the next Legislative Session. (See G.S. 150B-21.3)

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Roanoke River Basin</u>	15A	NCAC	02B	.0313*	25:16 NCR
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**TITLE 02 – DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

**02 NCAC 38 .0604 PRICE POSTING/CASH
DISCOUNTS FOR RETAIL MOTOR FUEL SALES**

(a) If any condition or qualification is required to purchase fuel at the posted price, that condition or qualification shall be posted conspicuously in conjunction with the advertised price.

(b) At those locations where separate dispensers or islands are established for credit card and cash sales, the dispensers or islands shall be conspicuously identified to avoid customer confusion.

(c) At those locations where the same dispenser is used for cash and credit card sales, the following apply:

- (1) If the dispenser is capable of computing only one price, then the dispenser shall be set at the cash price and the credit surcharge rate (either per gallon, percentage, or per gallon credit price) shall be conspicuously displayed;
- (2) If the dispenser is capable of computing both cash and credit sales, the credit surcharge rate (either per gallon, percentage, or per gallon credit price) shall be conspicuously displayed.

*History Note: Authority G.S. 81A-2; 81A-23;
Eff. May 1, 1983;
Amended Eff. October 1, 2011; December 1, 1987.*

02 NCAC 48A .1702 NOXIOUS WEEDS

(a) Class A Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class A Noxious Weeds:

- (1) All weeds listed in 7 C.F.R. 360.200 which is hereby incorporated by reference including subsequent amendments and editions. A full list of Federal Noxious Weeds may be found

at:
http://www.access.gpo.gov/nara/cfr/waisidx_07/7cfr360_07.html;

- (2) Elodea, African – Lagarosiphon spp. (all species);
- (3) Fern, Water – Salvinia spp. (all except S. minima);
- (4) Floating Heart, Crested – Nymhoides cristata;
- (5) Floating Heart, Yellow – Nymhoides peltata;
- (6) Stonecrop, Swamp – Crassula helmsii;
- (7) Water-chestnut – Trappa spp.; and
- (8) Water Snowflake – Nymhoides indica.

(b) Class B Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class B Noxious Weeds:

- (1) Bushkiller – Cayratia japonica Thunb.;
- (2) Fieldcress, Yellow – Rorippa sylvestris (L.) Bess.;
- (3) Lythrum – Any Lythrum species not native to North Carolina;
- (4) Mile-a-Minute – Persicaria perfoliata (L.) H. Gross;
- (5) Puncturevine – Tribulus terrestris L.;
- (6) Thistle, Canada – Cirsium arvense (L.) Scop.;
- (7) Thistle, Musk – Carduus nutans L.;
- (8) Thistle, Plumeless – Carduus acanthoides L.;
- (9) Vitex, Beach – Vitex rotundifolia L.f.;
- (10) Watermilfoil, Eurasian – Myriophyllum spicatum L.; and
- (11) Waterprimrose, Uruguay – Ludwigia hexapetala (Hook & Arn.) Zardini, Gu & Raven.

(c) Class C Noxious Weeds. The North Carolina Board of Agriculture hereby establishes the following list of Class C Noxious Weeds: Bittersweet, Oriental - Celastrus orbiculatus Thunb.

History Note: Authority G.S. 106-420;

Eff. December 1, 1991;

Amended Eff. October 1, 2011; February 1, 2009; April 1, 2003;

February 1, 1996; June 1, 1994.

02 NCAC 48A .1703 REGULATED AREAS

(a) Except as permitted in 02 NCAC 48A .1705 and .1706, the following is prohibited:

- (1) The movement of Beach Vitex (*Vitex rotundifolia* L.F.) or any regulated article infested with Beach Vitex from the following counties: Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, Pender;
- (2) The movement of Bushkiller (*Cayratia japonica* Thunb.) or any regulated article infested with Bushkiller from the following counties: Davidson, Forsyth, Mecklenburg;
- (3) The movement of Canada Thistle [*Cirsium arvense* (L.) Scop.] or any regulated article infested with Canada Thistle from the following counties: Ashe, Avery, Haywood, Mitchell, Northampton, Yancey;
- (4) The movement of Class A, B, or C noxious weeds or any regulated article infested with Class A, B, or C noxious weeds into North Carolina;
- (5) The movement of a Class A noxious weed or any regulated article infested with any Class A noxious weed is prohibited within the state;
- (6) The movement of Eurasian Watermilfoil (*Myriophyllum spicatum* L.) or any regulated article infested with Eurasian Watermilfoil from the following counties: Halifax, Northampton, Perquimans, Tyrrell, Warren;
- (7) The movement of Mile-a-Minute (*Persicaria perfoliata* (L.) H. Gross) or any regulated article infested with Mile-a-Minute from that portion of Alleghany County East of Highway 113 beginning at the Virginia border to the junction with Highway 18 and Northwest of Highway 18 beginning at the junction with Highway 113 all the way to the junction with U.S. Highway 21 in Sparta and West of Highway 21 to the North Carolina border with Virginia;
- (8) The movement of Musk Thistle (*Carduus nutans* L.) or any regulated article infested with Musk Thistle from the following counties: Buncombe, Cleveland, Chatham, Gaston, Henderson, Lincoln, Madison, Randolph, Rowan, Rutherford;
- (9) The movement of Plumeless Thistle (*Carduus acanthoides* L.) or any regulated article infested with Plumeless Thistle from the following counties: Haywood, Jackson, Madison, Watauga;
- (10) The movement of Puncturevine (*Tribulus terrestris* L.) or any regulated article infested

with Puncturevine from the following county: New Hanover;

- (11) The movement of any *Lythrum* species not native to North Carolina or any regulated article infested with any nonnative *Lythrum* species from the following counties: Forsyth, Watauga;
- (12) The movement of Uruguay Waterprimrose [*Ludwigia hexapetala* (Hook & Arn.) Zardini, Gu & Raven] or any regulated article infested with Uruguay Waterprimrose from the following counties: Bladen, Brunswick, Columbus, Durham, Granville, Hyde, New Hanover, Orange, Rowan, Wake, Warren;
- (13) The movement of Yellow Fieldcress [*Rorippa sylvestris* (L.) Bess.] or any regulated article infested with Yellow Fieldcress from the following county: Orange;
- (14) The movement of Oriental Bittersweet (*Celastrus orbiculatus* Thunb.) or any regulated article infested with Oriental Bittersweet from the following counties: Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Wilkes, Yancey;
- (15) The sale or distribution of any Class A or B noxious weed; and
- (16) The sale or distribution of any Class C noxious weed outside a regulated area.

(b) Other regulated areas. The Commissioner shall designate as a regulated area any state or portion of a state in which there is reasonable cause to believe that a noxious weed exists, and there is a need to prevent its introduction, spread or dissemination in North Carolina.

History Note: Authority G.S. 106-420; 106-421;

Eff. December 1, 1991;

Amended Eff. October 1, 2011; February 1, 2009; January 1, 2005; April 1, 2003; June 1, 1994.

TITLE 04 – DEPARTMENT OF COMMERCE

04 NCAC 03C .1302 SHARE PURCHASE AND OPTION PLANS

(a) Officer and employee plans. A bank may establish a stock option or stock purchase plan for the benefit of its officers and employees, or any of these groups, provided that, in addition to the required approval of shareholders, the following conditions are met:

- (1) The plan shall be in writing.
- (2) The plan shall be administered by a committee from the board of directors, none of whose members may participate in the same.
- (3) In the case of a stock option plan, the number of shares subject to the plan is reasonable in

relation to the bank's capital structure and anticipated growth. For the purposes of this Subparagraph, any plan to which there is allocated no more than 10% of the total of the bank's outstanding shares as the shares reserved for the plan, shall be deemed reasonable in relation to the bank's capital structure and anticipated growth.

- (4) The number of shares which may be allocated to any person under a plan is reasonable in relation to the purpose of the plan and the needs of the bank. For the purposes of this Subparagraph, any plan which provides that no more than 40% of the shares which have been set aside for option may be allocated to any one participant shall be deemed reasonable in relation to the purpose of the plan and needs of the bank.

(b) Directors stock option plans. A bank may establish a stock option plan for the benefit of its directors provided that the following conditions are met:

- (1) The plan shall be in writing.
- (2) The number of shares allocated to the plan is reasonable in relation to the bank's capital structure and anticipated growth. For the purposes of this Subparagraph, any plan to which there is allocated no more than 10% of the bank's outstanding shares as the shares reserved for the plan shall be deemed reasonable in relation to the bank's capital structure and anticipated growth.
- (3) The number of shares allocable to any person under the plan is reasonable in relation to the purpose of the plan and the needs of the bank. For the purposes of this Subparagraph, any plan which provides that no more than 40% of the shares which have been set aside for option may be allocated to any one participant shall be deemed reasonable in relation to the purpose of the plan and the needs of the bank.

(c) Shares issued to employees, officers and directors under this Rule may be authorized but unissued stock which has been authorized by stockholders in accordance with state law and in accordance with the notice to the shareholders.

(d) Stock allocated or reserved for a stock option plan or a stock purchase plan may not be included in computing the bank's investment limitation, loan limitation, fixed asset limitation, or any other limitation based on capital, until the stock has been paid for in full.

(e) Approval. Before a bank may establish any plan set forth in Paragraphs (a) and (b) of this Rule, it shall submit a written request to the Commissioner which includes or incorporates by reference the following information:

- (1) A draft of the proposed plan document;
- (2) A copy of the proposed notice of shareholders' meeting, proxy, and proxy statement;
- (3) The number of authorized but unissued shares that shall be allocated to the plan;

- (4) A copy of any proposed amendments to the Articles of Incorporation creating authorized but unissued stock and eliminating preemptive rights as to shares reserved under a stock option or stock purchase plan; and
- (5) The number of shares of stock outstanding at the time the request is made and the number of shares which have previously been allocated to any stock option or stock purchase plan.

If a proposed plan complies with the applicable conditions of Paragraph (a) or (b) of this Rule, it shall be approved subject to the required vote of shareholders and submission of a final plan document. Final approval shall be given by the Commissioner of Banks upon submission of a final plan document approved by the required vote of shareholders.

(f) Maximum limitation. Notwithstanding any of the provisions of this Section, a bank shall not:

- (1) Allocate in the aggregate more than 20% of its outstanding shares to stock purchase plans; nor,
- (2) Allocate to any one participant more than 40% in the aggregate of all the shares reserved for option.

History Note: Authority G.S. 53-10; 53-43; 53-43.3; 53-104; Eff. February 1, 1976; Amended Eff. October 1, 2011; June 1, 1995; July 1, 1990.

04 NCAC 03F .0202 PERMISSIBLE INVESTMENTS

History Note: Authority G.S. 53-193; 53-206.1; Eff. March 1, 1994; Repealed Eff. October 1, 2011.

04 NCAC 03F .0302 ISSUANCE OF A LICENSE 04 NCAC 03F .0303 LICENSE FEES 04 NCAC 03F .0304 AGENT LOCATION FEE

History Note: Authority G.S. 53-197; 53-200; 53-202; 53-206.1; 150B-21.2; Eff. February 1, 1993; Amended June 1, 1995; Repealed Eff. October 1, 2011.

SECTION .0400 - OPERATIONS

04 NCAC 03F .0401 CERTIFICATE OF AUTHORITY

History Note: Authority G.S. 53-203; 53-206.1; 150B-21.2; Eff. February 1, 1993; Repealed Eff. October 1, 2011.

04 NCAC 03F .0502 STATEMENT OF NET WORTH 04 NCAC 03F .0503 ANNUAL STATEMENT

History Note: Authority G.S. 53-198; 53-199(b); 53-204(a); 53-206.1; 150B-21.2; Eff. February 1, 1993; Amended Eff. June 1, 1995;

Repealed Eff. October 1, 2011.

SECTION .0700 - LICENSE REVOCATION

04 NCAC 03F .0701 HEARINGS

*History Note: Authority G.S. 53-206; 53-206.1; 53-207; 150B-21.2;
Eff. February 1, 1993;
Repealed Eff. October 1, 2011.*

children who are eligible for benefits from Title IV-E of the Social Security Act. No monthly cash assistance payments from the State Fund for Adoptive Children with Special Needs shall be made for any adoption in which the Decree of Adoption is issued on or after October 1, 2011.

*History Note: Authority G.S. 108A-49; 108A-50; 143B-153;
Eff. July 1, 1982;
Amended Eff. October 1, 2011; July 18, 2002; July 1, 1991;
March 1, 1990.*

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 70M .0403 PROCEDURES/REIMBURSEMENT OF ADOPTION ASSISTANCE BENEFITS

(a) Adoption assistance benefits for which a child may be eligible shall become effective the first month following the month in which the Decree of Adoption is issued.

(b) Claims from service providers and monthly cash assistance shall be reimbursed or provided from adoption assistance funds in accordance with the Department of Health and Human Services county department of social services reimbursement process, subject to the following limitations:

- (1) Vendor payments to adoptive parents, medical providers and to providers of psychological, therapeutic, and remedial services shall be made only for treatment or services given to alleviate or correct those conditions for which the child has been determined eligible to receive benefits.
- (2) The total amount for vendor payments for any combination of medical services not covered by Medicaid including psychological, therapeutic services or remedial services for any child shall not exceed two thousand four hundred dollars (\$2,400.00) per State fiscal year.
- (3) Vendor payments shall not be made to reimburse providers for the following:
 - (A) routine medical examinations;
 - (B) illnesses or conditions not related to or resulting from the conditions for which the child was determined eligible for vendor payments;
 - (C) services or treatment provided to the child prior to entry of the Decree of Adoption; and
 - (D) services or treatment that may have been provided on or after the first day of the month following the month in which the child's eligibility ceases.

(c) No local match, in terms of dollars, is required for funds for those children certified to receive benefits under the State Fund for Adoptive Children with Special Needs who are the placement responsibility of licensed private child-placing agencies with the exception of monthly cash payments for those

TITLE 11 – DEPARTMENT OF INSURANCE

11 NCAC 08 .1006 INSURANCE REQUIREMENTS

(a) To be licensed as a home inspector, an applicant must meet the requirements set forth in G.S. 143-151.51(b) including general liability insurance that meets the following requirements:

- (1) The general liability insurance policy must cover the licensee's activities performed during the course of a home inspection on the premises of the home inspection; and
- (2) The general liability insurance policy must include coverage for both property damage and bodily injury coverage.

(b) The amount of the surety bond required in G.S. 143-151.51(b) shall be at least five thousand dollars (\$5,000). Any surety bond shall be written by a surety company that is authorized by the Commissioner of Insurance to do business in this State.

*History Note: Authority G.S. 143-151.49(a)(13); 143-151.51;
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;
Temporary Adoption Eff. October 24, 1996;
Eff. July 1, 1998;
Amended Eff. October 1, 2011.*

TITLE 12 – DEPARTMENT OF JUSTICE

12 NCAC 07D .1303 ACCREDITATION STANDARDS

(a) CE courses may obtain the sanction of the Private Protective Services Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the identity of the instructor.

(b) To determine if a course will receive sanctioning from the Private Protective Services Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-

committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.

- (2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives.
- (3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objective. The Training and Education Committee shall then report the findings with a recommendation of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be sanctioned for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objective.

(d) Each approved course shall remain a validly approved course for four years from the date of approval by the Board, unless the identity of the course instructor changes.

(e) Trainers and instructors shall receive CEU credit of five hours for every actual teaching hour with an eight hour cap of CEU credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by other state agencies and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one hour per contact hour not to exceed eight contact hours.

(g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a) of this Rule. No more than six hours of CEU credit shall be given during a renewal period for online courses.

(h) No course offering CEU credits may be taken for credit more than one time during a renewal period.

History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22; Eff. February 1, 2010; Amended Eff. October 1, 2011.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

15A NCAC 02B .0313 ROANOKE RIVER BASIN

(a) Effective February 1, 1976, the adopted classifications assigned to the waters within the Roanoke River Basin are set

forth in the Roanoke River Basin Schedule of Classifications and Water Quality Standards, which may be inspected at the following places:

- (1) the Internet at <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
 - (A) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina
 - (B) Washington Regional Office
943 Washington Square Mall
Washington, North Carolina
 - (C) Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, North Carolina
 - (D) Division of Water Quality
Regional Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering Virginia are classified "C", except that all backwaters of John H. Kerr Reservoir and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "B," and all backwaters of Lake Gaston and the North Carolina portion of streams tributary thereto not otherwise named or described shall carry the classification "C and B".

(c) The Roanoke River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) May 18, 1977;
- (2) July 9, 1978;
- (3) July 18, 1979;
- (4) July 13, 1980;
- (5) March 1, 1983;
- (6) August 1, 1985;
- (7) February 1, 1986.

(d) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective July 1, 1991 with the reclassification of Hyco Lake (Index No. 22-58) from Class C to Class B.

(e) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 2B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(f) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Cascade Creek (Camp Creek) [Index No. 22-12] and its tributaries from its source to the

backwaters at the swimming lake from Class B to Class B ORW, and reclassification of Indian Creek [index No. 22-13] and its tributaries from its source to Window Falls from Class C to Class C ORW.

(g) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective August 1, 1998 with the reclassification of Dan River and Mayo River WS-IV Protected Areas. The Protected Areas were reduced in size.

(h) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 1999 as follows:

- (1) Hyco River, including Hyco Lake below elevation 410 [Index No. 22-58-(0.5)] was reclassified from Class B to Class WS-V B.
- (2) Mayo Creek (Maho Creek) (Mayo Reservoir) [Index No. 22-58-15] was reclassified from its source to the dam of Mayo Reservoir from Class C to Class WS-V.

(i) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective April 1, 2001 as follows:

- (1) Fullers Creek from source to a point 0.8 mile upstream of Yanceyville water supply dam [Index No. 22-56-4-(1)] was reclassified from Class WS-II to Class WS-III.
- (2) Fullers Creek from a point 0.8 mile upstream of Yanceyville water supply dam to Yanceyville water supply dam [Index No. 22-56-4-(2)] was reclassified from Class WS-II CA to Class WS-III CA.

(j) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin was amended effective November 1, 2007 with the reclassification of Hanging Rock Hillside Seepage Bog near Cascade Creek [Index No. 22-12-(2)] to Class WL UWL as defined in 15A NCAC 02B .0101. The Division of

Water Quality maintains a Geographic Information Systems data layer of the UWL.

(k) The Schedule of Classifications and Water Quality Standards for the Roanoke River Basin is amended effective [pending legislative approval] as follows:

- (1) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from the City of Roxboro's intake, located approximately 0.7 mile upstream of NC Highway 62, to a point approximately 0.5 mile upstream of the City of Roxboro's intake from Class C to Class WS-IV CA.
- (2) a portion of the Dan River [Index No. 22-(39)] (including tributaries) from a point approximately 0.5 mile upstream of the City of Roxboro's intake to the North Carolina-Virginia state line from Class C to Class WS-IV.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);

Eff. February 1, 1976;

Amended Eff. November 1, 2007; April 1, 2001; April 1, 1999; August 1, 1998; August 3, 1992; July 1, 1991; February 1, 1986; August 1, 1985;

Amended Eff. Pending Legislative Review.

15A NCAC 18A .1970 ADVANCED WASTEWATER PRETREATMENT SYSTEM

(a) **ADVANCED PRE-TREATMENT SYSTEM PERFORMANCE STANDARDS:** A wastewater system with a design flow of up to 3000 gallons per day approved pursuant to 15A NCAC 18A .1957(c) or .1969 that includes an advanced pretreatment component shall be designed to meet one of the effluent quality standards specified in Table VII prior to dispersal of the effluent to the soil and shall comply with the requirements of this Rule.

Table VII (Effluent Quality Standards for Advanced Pretreatment Systems)

Parameter	NSF-40	TS-I	TS-II
Carbonaceous Biochemical Oxygen Demand (CBOD)	<25 (mg/l)*	<15 (mg/l)	<10 (mg/l)
Total Suspended Solids (TSS)	<30 (mg/l)	<15 (mg/l)	<10 (mg/l)
Total Ammonia Nitrogen (NH3)		<10 (mg/l), or at least 80% removal of NH3 if influent TKN exceeds 50 mg/l	<10 (mg/l)
Total Nitrogen (TN) (TN is Total Kjeldahl Nitrogen plus Nitrate+Nitrite Nitrogen)			<20 mg/l or >60% removal
Fecal Coliform		<10,000 (colonies/100 ml)	<1,000 (colonies/100 ml)

*mg/l is milligrams per liter

System performance monitoring, site and system compliance criteria pursuant to these standards are delineated in Paragraphs (n) and (o) of this Rule. These standards or modifications to these standards may be proposed to be complied with by the designer of systems with a design flow of over 3000 gallons per day or Industrial Process Wastewater Systems and approved by the State pursuant to Rules .1938(e) or .1938(f) of this Section, respectively, when documentation is provided that the performance criteria of Rule .1946 of this Section and 15A NCAC 02L will be met.

(b) Design influent quality shall not exceed the criteria specified in Table VIII, unless the system is designed and approved by the State to handle higher strength wastewater on a product or project-specific basis.

Table VIII (Influent Quality Standards for Advanced Pretreatment Systems)

Parameter	Influent Not to Exceed (mg/l)*
Biochemical Oxygen Demand (BOD)	350
Total Suspended Solids (TSS)	200
Total Kjeldahl Nitrogen (TKN)	100
Fats, Grease and Oil (FOG)	30

*mg/l is milligrams per liter

Maximum influent characteristics in Table VIII are based upon septic tank pretreatment. The product's RWTS, Experimental, Controlled Demonstration, Innovative or Accepted System approval, as applicable, may include alternate or additional influent limitations, such as for systems designed to handle untreated wastewater and special limitations for TS-I and TS-II systems to achieve the proper amount of nitrification.

(c) The site shall be initially evaluated and classified in accordance with the rules of this Section or as otherwise specified in a system-specific approval issued pursuant to 15A NCAC 18A .1969. A ground absorption system receiving effluent from an advanced wastewater pretreatment system may be used on sites classified as SUITABLE or PROVISIONALLY SUITABLE for conventional, modified, alternative, or E & I or accepted systems in accordance with this Section. Modifications to siting and system design criteria pursuant to Paragraphs (d), (e), (f), (g), (h), (i), and (j) of this Rule shall be acceptable, as applicable.

(d) NSF-40 SYSTEMS SITING AND SIZING REQUIREMENTS: For systems approved to achieve at least NSF-40 standards and designed for no more than 1500 gallons per day, the following siting and sizing factors apply when designing the soil absorption system:

- (1) Trench or bed bottom separation distances are as specified in this Subparagraph. In Table IX, "SWC" means "Soil Wetness Condition," and "USC" means an "UNSUITABLE Soil/Fill Condition," other than a SWC.

Table IX: Vertical Separation Requirements for NSF-40 Systems ≤1500 gallons per day

Soil/System Criteria	Rule* Reference	Depth from Surface** to UNSUITABLE Soil/Fill Condition		Minimum Vertical Trench/Bed Bottom Separation Requirement			
		Gravity Distribution	Pressure Dispersal	Gravity Distribution		Pressure Dispersal	
				Depth to USC	Depth to SWC	Depth to USC	Depth to SWC
Soil Group I	Rules .1955, .1956, and .1957(a)	24- inches	24-inches	12-inches	12-inches	12-inches	12-inches
Soil Groups II-IV	Rules .1955, .1956, and .1957(a)	24-inches	24-inches	12-inches	12-inches	12-inches	12-inches
New Fill	Rule .1957(b)(1)	18-inches to USC, and 12-inches to SWC	18-inches to USC, and 12-inches to SWC	18-inches	18-inches	18-inches	12-inches
Existing Fill (≤480 gpd only)	Rule .1957(b)(2)	36-inches of Group I Fill/Soils	24-inches of Group I Fill/Soils	36-inches	36-inches	18-inches	18-inches

*Except as allowed in this Rule, all other requirements of the Rules referenced remain applicable

**Minimum depth of soil/fill required at site to permit system. Depth shall be measured from the naturally occurring soil surface or Existing Fill surface, as applicable

- (2) The total drainfield trench length or bed system bottom area, as required for a ground absorption system receiving septic tank effluent, is reduced by 25 percent in soils which are Groups I or II with SUITABLE structure and clay mineralogy. No other reductions in linear footage of nitrification trench, square footage of trench bottom area or system area shall be applied when a PPBPS or innovative trenches or accepted systems are used for the absorption field, except where based on an adjusted design daily flow rate granted in accordance with 15A NCAC 18A .1949(c). Bed systems remain restricted to a design flow of 600 gallons per day or less; and

- (3) The minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951 and .1956(6)(g), as applicable, shall be met, except as follows:

Table X

Minimum horizontal setbacks for ground absorption systems Where NSF-40 Pretreatment System are used for ≤ 1500 gallons per day	
Land Feature or Component	NSF-40 (feet)
Streams classified as WS-1, except for saprolite	70
Waters classified as S.A., from mean high water mark	70
Other coastal waters from mean high water mark	35
Any other stream, canal, marsh or other surface waters, from normal pool elevation	35
Any Class I or Class II reservoir from normal pool elevation	70
Any permanent storm water retention pond from flood pool elevation	35
Any other lake or pond from normal pool or mean high water elevation	35

The Provisions of Subparagraphs (1), (2) and (3) of this Paragraph are also applicable to systems approved as meeting TS-I or TS-II standards pursuant to 15A NCAC 18A .1969, unless otherwise restricted elsewhere in this Rule.

(e) TS-I SYSTEMS SITING AND SIZING REQUIREMENTS: Except as allowed in Parts (3)(A) and (3)(B) of this Paragraph, when trenches are used for the drainfield in conjunction with an advanced pretreatment system meeting TS-I standards, one and only one of the following siting, sizing or system factors pursuant to Subparagraphs (1), (2) or (3) of this Paragraph apply when designing the ground absorption component of the system. When a system is permitted pursuant to this Paragraph, the provisions of Paragraph (d) of this Rule do not apply.

- (1) Trench bottom separation distances for a system with a design flow no greater than 1000 gallons per day are as specified in this Subparagraph. In Table XI, "SWC" means "Soil Wetness Condition," and "USC" means an "UNSUITABLE Soil/Fill Condition," other than a SWC.

Table XI: Vertical Separation Requirements for TS-I Systems ≤ 1000 gallons per day

Soil/System Criteria	Rule* Reference	Depth from Surface** to UNSUITABLE Soil/Fill Condition		Minimum Vertical Trench Bottom Separation Requirement			
		Gravity Distribution	Pressure Dispersal	Gravity Distribution		Pressure Dispersal	
				Depth to USC	Depth to SWC	Depth to USC	Depth to SWC
Soil Group I	Rules .1955, .1956, and .1957(a)	24- inches	18-inches	12-inches	12-inches	9-inches	9-inches
Soil Groups II-IV	Rules .1955, .1956, and .1957(a)	21-inches	18-inches	9-inches	9-inches	9-inches	9-inches
New Fill	Rule .1957(b)(1)	14-inches to USC, and 12-inches to SWC	12-inches	18-inches	14 -inches	12-inches	9-inches
Existing Fill (≤ 480 gpd only)	Rule .1957(b)(2)	36-inches of Group I Fill/Soil	24-inches of Group I Fill/Soil	36-inches	36-inches	12-inches	12-inches

*Except as allowed in this Rule, all other requirements of the Rules referenced remain applicable

**Minimum depth of soil/fill required at site to permit system. Depth shall be measured from the naturally occurring soil surface or Existing Fill surface, as applicable

- (A) The trench bottom vertical separation distance shall not be reduced to less than 12 inches to rock or tidal water;

- (B) With the exception of the reduced setbacks to drainage devices pursuant to Table XII of this Rule, the minimum horizontal setback

- requirements of 15A NCAC 18A .1950, .1951 and .1956(6)(g), as applicable, shall be met; and
- (C) A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule;
- (2) The long term acceptance rate (LTAR) that would be assigned by the local health department for a ground absorption system using septic tank effluent may be increased by up to a factor of two when all of the following conditions are met:
- (A) A special site evaluation is provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule, when Group III or IV soils or saprolite occur within three feet of the trench bottom or the site requires drainage of Group II or III soils or whenever the design flow exceeds 1000 gallons per day;
- (B) No further reductions in linear footage of nitrification trench or system area is applied when a PPBPS or innovative trenches or accepted systems are used for the absorption field;
- (C) For systems to be installed in fill, pressure dispersal (LPP or Drip distribution) is utilized; and
- (D) With the exception of the reduced setbacks to drainage devices pursuant to Table XII of this Rule or as allowed pursuant to Part (3)(B) of this Paragraph, the minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951, and .1956(6)(g), as applicable, are met. For systems with a design flow in excess of 1000 gallons per day, a 25-foot horizontal separation shall be maintained to the property line, unless a site-specific nitrogen migration analysis indicates that a nitrate concentration at the property line will not exceed 10 milligrams per liter (mg/l); or
- (3) The minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951 and .1956(6)(g), as applicable, shall be met, except as follows for a system with a design flow not to exceed 1000 gallons per day:

Table XII

Minimum horizontal setbacks for ground absorption systems Where TS-I Pretreatment Systems are used for ≤ 1000 gallons per day	
Land Feature or Component	TS-I (feet)
Any public water supply	100
Streams classified as WS-I, except for saprolite	70
Waters classified as S-A, from mean high water mark	70
Other coastal waters, from mean high water mark	35
Any other stream, canal, marsh or other surface waters, from normal pool elevation	35
Any Class I or Class II reservoir, from normal pool elevation	70
Any permanent storm water retention pond, from flood pool elevation	35
Any other lake or pond, from normal pool or mean high water elevation	35
Any building foundation	5
Any basement	15
Any property line	10
Top of slope of embankments or cuts of 2 feet or more vertical height	15
Any water line	10
Upslope interceptor/foundation drains/diversions	7
Sideslope interceptor/foundation drains/diversions	10
Downslope interceptor/foundation drains/diversions	20
Groundwater lowering ditches or devices	20
Any swimming pool	15
Any other nitrification field (except the system repair area)	10

- (A) With the exception of the reduced setbacks to drainage devices or as allowed pursuant to Part (B) of this Subparagraph, when any horizontal setbacks are proposed to be reduced pursuant to Table XII, the vertical separation modifications or LTAR increases shall not be concurrently applied pursuant to Subparagraphs (1) and (2) of this Paragraph, respectively.

- (B) When an accepted system is used which allows for a 25 percent reduction in drainfield trench length, compared with a conventional trench system, for a system designed for 1000 gallons per day or less, the horizontal setback modifications in Table XII and a 25 percent trench length reduction may be concurrently applied when the site has space for an equivalently sized repair system. A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule, when Group III or IV soils or saprolite occur within three feet of the trench bottom.

(f) **TS-II SYSTEMS SITING AND SIZING REQUIREMENTS:** Except as allowed in Parts (3)(A) and (3)(B) of this Paragraph, when trenches are used for the drainfield in conjunction with an advanced pretreatment system meeting TS-II standards, one and only one of the following siting, sizing or system factors pursuant to Subparagraphs (1), (2) or (3) of this Paragraph apply when designing the ground absorption component of the system. When a system is permitted pursuant to this Paragraph, the provisions of Paragraph (d) of this Rule do not apply.

- (1) Trench bottom separation distances for systems with a design flow no greater than 1000 gallons per day are as specified in this Subparagraph. In Table XIII, "SWC" means "Soil Wetness Condition," and "USC" means an "UNSUITABLE Soil/Fill Condition," other than a SWC.

Table XIII: Vertical Separation Requirements for TS-II Systems ≤ 1000 gallons per day							
Soil/System Criteria	Rule* Reference	Depth from Surface** to UNSUITABLE Soil/Fill Condition		Minimum Vertical Trench Bottom Separation Requirement			
		Gravity Distribution	Pressure Dispersal	Gravity Distribution		Pressure Dispersal	
				Depth to USC	Depth to SWC	Depth to USC	Depth to SWC
Soil Group I	Rules .1955, .1956, and .1957(a)	24- inches	15-inches	12-inches	12-inches	6-inches	6-inches
Soil Groups II-IV	Rules .1955, .1956, and .1957(a)	21-inches	15-inches	9-inches	9-inches	6-inches	6-inches
New Fill	Rule .1957(b)(1)	14-inches to USC, and 12-inches to SWC	12-inches	18-inches	14-inches	12-inches	9-inches
Existing Fill (≤480 gpd only)	Rule .1957(b)(2)	36-inches of Group I Fill/Soil	24-inches of Group I Fill/Soils	36-inches	36-inches	12-inches	12-inches

*Except as allowed in this Rule, all other requirements of the Rules referenced remain applicable

**Minimum depth of soil/fill required at site to permit system. Depth shall be measured from the naturally occurring soil surface or Existing Fill surface, as applicable

- (A) The trench bottom vertical separation distance shall not be reduced to less than 12 inches to rock or tidal water;
- (B) With the exception of the reduced setbacks to drainage devices pursuant to Table XIV of this Rule, the minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951 and .1956 (6)(g), as applicable, shall be met; and
- (C) A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule;
- (2) The long term acceptance rate (LTAR) that would be assigned by the local health department for a ground absorption system using septic tank effluent may be increased by up to a factor of 2.0 in Group II, III and IV Soils and by up to a factor of 2.5 in Group I Soils when all of the following conditions are met:
- (A) A special site evaluation is provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule, when Group III or IV Soils or saprolite occur within three feet of the trench bottom or the site requires drainage of Group II or III soils, or whenever the design flow exceeds 1000 gallons per day;
- (B) No further reductions in linear footage of nitrification trench or system area are applied when a PPBPS or innovative trenches or accepted systems are used for the absorption field;
- (C) For systems to be installed in fill, a pressure dispersal system (LPP or Drip distribution) is utilized;

- (D) With the exception of the reduced setbacks to drainage devices pursuant to Table XIV of this Rule or as allowed pursuant to Part (3)(B) of this Paragraph, the minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951 and .1956(6)(g), as applicable, are met;
- (E) For the LTAR to be increased by a factor above 2.0 (up to 2.5) for a system designed for 1000 gallons per day, or less, there is at least 36 inches of Group I Soils from the naturally occurring soil surface, the depth to a soil wetness condition below the naturally occurring soil surface is at least 24 inches, a pressure dispersal system (LPP or Drip) is utilized, and there is a 100-percent repair area; and
- (F) For the LTAR to be increased by a factor above 2.0 (up to 2.5) for a system designed for greater than 1000 gallons per day, there is at least 48 inches of Group I Soils from the naturally occurring soil surface, the depth to a soil wetness condition below the naturally occurring soil surface is at least 30 inches, a pressure dispersal system (LPP or Drip) is utilized, and there is a 100-percent repair area; or
- (3) The minimum horizontal setback requirements of 15A NCAC 18A .1950, .1951 and .1956(6)(g), as applicable, shall be met, except as follows for a system with a design flow not to exceed 1000 gallons per day:

Table XIV: Minimum horizontal setbacks for ground absorption systems Where TS-II Pretreatment Systems are used for \leq 1000 gallons per day	
Land Feature or Component	TS-II (feet)
Any public water supply	100
Streams classified as WS-I, except for saprolite	50
Waters classified as S-A, from mean high water mark	50
Other coastal waters, from mean high water mark	25
Any other stream, canal, marsh or other surface waters, from normal pool elevation	25
Any Class I or Class II reservoir, from normal pool elevation	50
Any permanent storm water retention pond, from flood pool elevation	25
Any other lake or pond, from normal pool or mean high water elevation	25
Any building foundation	5
Any basement	15
Any property line	10
Top of slope of embankments or cuts of 2 feet or more vertical height	15
Any water line	10
Upslope interceptor/foundation drains/diversions	7
Sideslope interceptor/foundation drains/diversions	10
Downslope interceptor/foundation drains/diversions	15
Groundwater lowering ditches and devices	15
Any swimming pool	15
Any other nitrification field (except the system repair area)	10

- (A) With the exception of the reduced setbacks to drainage devices or as allowed pursuant to Part (B) of this Subparagraph, when any horizontal setbacks are proposed to be reduced pursuant to Table XIV, the vertical separation modifications or LTAR increases shall not be concurrently applied pursuant to Subparagraphs (1) and (2) of this Paragraph, respectively.

- (B) If the horizontal setbacks for a TS-II system are only proposed to be reduced to the extent allowed for a TS-I system (Table XII), for a system designed for 1000 gallons per day or less, a 25 percent trench length reduction may be concurrently applied, compared to the length required for any type of trench system

receiving septic tank effluent, when the site has space for an equivalently sized repair system. A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule when Group III or IV soils or saprolite occur within three feet of the trench bottom. No further reductions in linear footage of nitrification trench or system area shall be applied when a PPBPS or innovative trenches or accepted systems are used for the absorption field.

- (g) ARTIFICIAL DRAINAGE SYSTEMS which include a TS-I or TS-II pretreatment system may be used when soils are Group I, II or III with SUITABLE clay mineralogy, and all other soil and site factors are SUITABLE or PROVISIONALLY SUITABLE or when a groundwater lowering system is proposed

to meet the requirements for a fill system, provided all other soil and site factors are met pursuant to 15A NCAC 18A .1957(b)(i).

The following conditions shall be met:

- (1) The drainage system shall meet the requirements of Rule .1956(2)(c), (d) and (e) of this Section;
- (2) The provisions for LTAR or Horizontal Setbacks pursuant to Paragraphs (e) or (f) of this Rule for TS-I or TS-II systems, respectively, shall also apply to Artificial Drainage Systems. However, there shall be no vertical separation modifications pursuant to Subparagraph (e)(1) or (f)(1) of this Rule from as specified elsewhere in the rules of this Section;
- (3) A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule, when there are Group III soils at any depth above the proposed drainage system invert elevation, when a groundwater lowering system is proposed for a fill system, or whenever the system is designed for greater than 1000 gallons per day; and
- (4) Plans and specifications are provided to the local health department of the drainage system pursuant to 15A NCAC 18A .1938(c).

(h) SAPROLITE SYSTEMS which include a TS-I or TS-II pretreatment system may be used for systems with a design flow not to exceed 1000 gallons per day when the following conditions are met:

- (1) The requirements of Rule .1956(6) of this Section shall be met, except where modifications are allowed in this Paragraph.

- (2) Allowable saprolite textures include sandy clay loam in addition to sand, loamy sand, sandy loam, loam, or silt loam.
- (3) Maximum trench depth is five feet.
- (4) The provisions for LTAR or Horizontal Setback modifications as allowed in Paragraphs (e) or (f) of this Rule for TS-I or TS-II systems, respectively, shall also apply to Saprolite Systems. However, there shall be no vertical separation modifications from as specified elsewhere in the Rules of this Section;
- (5) For systems installed in saprolite with sandy clay loam texture, the maximum LTAR for gravity trenches shall be 0.2 gallons per day per square foot and 0.1 gallons per day per square foot for pressure dispersal (LPP or Drip) systems and
- (6) A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule.

(i) BED GROUND ABSORPTION SYSTEMS may be used in conjunction with a TS-I or TS-II system as specified in the system approval on sites with a design flow not to exceed 1000 gallons per day under the following circumstances:

- (1) Bed Systems designed for 1000 gallons per day or less shall be subject to the siting and system criteria of this Subparagraph. In Table XV, "SWC" means "Soil Wetness Condition," and "USC" means an "UNSUITABLE Soil/Fill Condition," other than a SWC.

Table XV: Vertical Separation Requirements for TS-I and TS-II Bed Systems Designed for ≤1000 Gallons Per Day				
Soils/System Criteria to Permit System	Allowable Adjustments to Soil Criteria to Permit System	Depth from Surface* to Soil Wetness Condition	Minimum Vertical Bed Bottom Separation Requirement	
			Depth to USC	Depth to SWC
SUITABLE or PROVISIONALLY SUITABLE Soils, 30-inches Group I or II Soils from naturally occurring soil surface, and slope≤2%	can increase allowable slope from ≤2% to ≤10% based on hydraulic assessment	36 -inches	24-inches	12-inches
36-inches of Group I Soils from naturally occurring soil surface, and slope≤2%	can reduce from 36 to 18-inches of Group I Soils based on hydraulic assessment, and/or b. can increase allowable slope from ≤2% to ≤10% based on hydraulic assessment	12-inches	12-inches	12-inches

24-inches of Group I Existing Fill meeting Rule .1957(b)(2)(A),(B), and (C), and only when design flow ≤480 gallons per day	No Adjustments Applicable	18-inches	18-inches	18-inches
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*Minimum depth of soil/fill required at site to permit system. Depth shall be measured from the naturally occurring soil surface or Existing Fill surface, as applicable

- (A) Vertical separation requirements may be met by adding additional SUITABLE Group I fill material, but shall not be met with the use of a groundwater lowering system.
 - (B) The hydraulic assessment in Table XV shall be completed pursuant to Paragraph (p) of this Rule, and shall demonstrate that effluent will not discharge to the ground surface and the required separation distance to soil wetness can be maintained.
 - (C) When effluent is distributed to the bed by a pump or siphon and the bed is not located directly beneath the pretreatment component, effluent shall be uniformly distributed by a pressure dispersal system (LPP or Drip).
- (2) Horizontal separation distances specified in Subparagraphs (e)(3) and (f)(3) of this Rule are applicable for systems receiving TS-I or TS-II effluent, respectively. The setbacks shall be measured from the nearest edge of the gravel bed, except for fill systems. For fill systems, the setbacks shall be measured from a point five feet from the nearest edge of the gravel bed sidewall, or from the projected toe of the side slope of the fill that is required to meet soil and site limitations, whichever is greater. The system shall be considered to be a fill system only if the gravel bed bottom is installed less than six inches below the naturally occurring soil surface. For fill systems, the requirements of Rule .1957(b) of this Section, for the side slope of the fill shall be met, as determined beginning at a point six-inches above the top edge of the gravel bed.
- (3) The minimum number of square feet of bottom area shall be determined by dividing the design daily sewage flow by the LTAR, determined in accordance with Rule .1955 of this Section. When the bed is installed in fill material, the LTAR shall not exceed 1.0 gallons per day per square foot. The minimum bed size may be reduced as follows:
- (A) The minimum bed size may be reduced by 25 percent, unless the bed is installed in existing fill, in which case the bed area shall not be reduced; or
 - (B) For sites that have Group I Soil in the first 36 inches of naturally occurring soil and no soil wetness condition exists within the first 30 inches below the naturally occurring soil surface, the minimum bed size may be reduced by 40 percent when a pressure dispersal system is utilized to distribute flow uniformly throughout the bed area; a timer controller is used to distribute flow evenly over a 24-hour period; and the system is designed and approved to meet TS-II performance standards. Furthermore, the repair area exemption in 15A NCAC 18A .1945(c) does not apply when the bed size is reduced by more than 25 percent pursuant to this Part.

With the exception of reduced setbacks to drainage devices (Tables XII or XIV), whenever the minimum bed size is reduced pursuant to Parts (A) or (B) of this Subparagraph, the minimum horizontal setbacks as specified in Rules. 1950, .1951 and .1956(6)(g) of this Section, as applicable, shall apply and with no reductions applied.

(j) BED GROUND ABSORPTION SYSTEMS may be used in conjunction with a TS-I or TS-II system as specified in the system approval on sites with a design flow greater than 1000 gallons per day not to exceed 3000 gallons per day under the following circumstances:

- (1) Bed Systems designed for greater than 1000 gallons per day but not exceeding 3000 gallons per day shall be subject to the siting and system criteria of this Subparagraph.

Table XVI: Vertical Separation Requirements for TS-I and TS-II Bed Systems Designed for >1000 to ≤3000 Gallons Per Day			
Soils/System Criteria	Depth from Surface* to Soil Wetness Condition	Minimum Vertical Bed Bottom Separation Requirement	
		Depth to Soil Wetness Condition	Allowable Adjustment in Depth to Soil Wetness Condition
54-inches of Group I Soils from naturally occurring soil surface	48-inches	24-inches	Can reduce from 24-inches to 12-inches in naturally occurring soil, or to 18-inches for fill systems based on groundwater mounding analysis

*Minimum depth required at site to permit system shall be measured from the naturally occurring soil surface.

- (A) Vertical separation requirements may be met by adding additional SUITABLE Group I fill material, but shall not be met with the use of a groundwater lowering system.
 - (B) A special site evaluation shall be provided to the local health department on behalf of the owner, pursuant to Paragraph (p) of this Rule. The groundwater mounding analysis in Table XVI must demonstrate that required vertical separations between bed bottom and a soil wetness condition shall be maintained after accounting for projected groundwater mounding.
 - (C) Two or more equally sized beds shall be utilized for any TS-I system designed for over 1000 gallons per day, or for any TS-II system designed for over 1500 gallons per day. When two beds are used, the minimum separation between beds shall be 20 feet, and when three or more beds are used, the minimum separation between beds shall be 10 feet. Effluent shall be distributed to the beds by a pump and timer control system to distribute flow evenly over a 24-hour period.
 - (D) When the system is designed for greater than 1500 gallons per day, the beds shall be located in an area separate from the pretreatment components.
 - (E) Whenever the beds are not located directly beneath the pretreatment components, effluent shall be uniformly distributed by a pressure dispersal system (LPP or Drip).
- (2) Horizontal separation distances specified in Rules .1950(a), .1951, or .1956(6)(g) of this Section shall apply without reduction for bed systems designed for greater than 1000 gallons per day. Furthermore, a 25-foot horizontal separation distance shall be maintained from the bed to the property line and the bed, unless a site-specific nitrogen migration analysis indicates that the nitrate concentration at the property line will not exceed 10 milligrams per liter (mg/l), or TS-II effluent is produced by the approved system.
- (3) The minimum number of square feet of bed bottom area shall be determined by dividing the design daily sewage flow by the LTAR, determined in accordance with Rule .1955 of this Section. When the bed is installed in fill material, the LTAR shall not exceed 1.0 gallons per day per square foot. The minimum bed size may be reduced as follows:
- (A) The minimum bed size may be reduced by 25 percent, unless the bed is installed in existing fill, in which case the bed area shall not be reduced; or
 - (B) For sites that have Group I Soil in the first 54 inches below the naturally occurring soil surface and no soil wetness condition exists within the first 36 inches below the naturally occurring soil surface, the minimum bed size may be reduced by 40 percent when a pressure dispersal system (LPP or Drip) is utilized to distribute flow uniformly throughout the bed area; a timer controller is used to distribute flow evenly over a 24-hour period; the system is designed and approved to meet TS-II performance standards; and there shall be a 100-percent repair area.
- (k) DESIGN:
- (1) Special system design requirements shall be as prescribed in the product's RWTS, Experimental, Controlled Demonstration, Innovative or Accepted System approval, as applicable;
 - (2) Provisions shall be made to allow for the influent to and effluent from the system to be sampled while the system is operational; and
 - (3) The system design shall include a means to measure and record daily wastewater flows. The recording device shall provide a means for determining at least the last 30 days of wastewater flow to the system.
- (l) INSTALLATION: Pre-treatment systems shall be installed according to the manufacturer's installation specifications and system-specific installation conditions prescribed in the product's RWTS, Experimental, Controlled Demonstration, Innovative or Accepted System approval, as applicable, by a manufacturer-authorized installer. Installation and construction specifications for the ground absorption system shall be in accordance with this Section and site-specific conditions as specified in the Authorization to Construct.
- (m) OPERATION AND MAINTENANCE: Maintenance, as specified in the product's RWTS, Experimental, Controlled Demonstration, Innovative or Accepted System approval, as applicable, shall be performed by the certified operator pursuant to 15A NCAC 18A .1961 and as specified in the product approval. The following provisions apply to the Operation and Maintenance of Advanced Pretreatment Systems:
- (1) For systems installed after July 1, 2006, the manufacturer of a proprietary advanced pretreatment system shall provide for the ongoing operation and maintenance of its systems. The manufacturer shall make available to the owner an operation and

maintenance contract that meets the management entity requirements for the system pursuant to 15A NCAC 18A .1961. The contract shall be renewable and the contract term shall be for a minimum of one year.

- (2) For systems installed prior to July 1, 2006, the manufacturer shall provide an optional renewable yearly operation and maintenance contract with the owner that fulfills the management entity requirements for the system pursuant to 15A NCAC 18A .1961.
- (3) Prior to the issuance or re-issuance of an Operation Permit for a proprietary advanced pretreatment system after July 1, 2006, the owner shall provide to the health department documentation that a contract for operation and maintenance of the system is in place with either the manufacturer, manufacturer's representative, or with a certified operator authorized in writing by the manufacturer or manufacturer's representative to operate the system.
- (4) The manufacturer shall notify the local health department and the State when the owner chooses to not renew an operation and maintenance contract executed pursuant to Subparagraphs (1) or (2) of this Paragraph.

(n) **SYSTEM PERFORMANCE:** The performance of each system shall be monitored by the certified wastewater treatment facility operator (ORC). A performance report shall be submitted annually to the local health department by the ORC. Type of monitoring and monitoring frequency shall vary by type of approval, the designated performance standard, system design flow, and history of system performance as follows:

- (1) Each system shall be visually inspected by the ORC at least annually using a procedure proposed by the manufacturer and approved by the state as part of the product's RWTS, Experimental, Controlled Demonstration, Innovative or Accepted System approval, as applicable.
- (2) The 7-day and 30-day influent wastewater flow from the facility to the system prior to a monitoring visit shall be measured by the ORC using the recording device delineated in Subparagraph (k)(3) of this Rule, or by an alternate approved means. For systems serving Vacation Rentals subject to the North Carolina Vacation Rental Act, G.S. 42A, this visit shall be scheduled during the seasonal high use period and shall be coincident with any required water quality sampling. For existing systems where it is not feasible to directly obtain the past 7-day and 30-day influent wastewater flow data, wastewater usage during the 7 to 30 day period prior to the monitoring visit shall be estimated by using either elapsed time clock readings when an

effluent pump is present, water meter readings, or as otherwise specified in the product or site-specific system approval.

- (3) Effluent from an approved Controlled Demonstration, RWTS and Innovative System shall be sampled prior to disposal in the absorption field as follows:

- (A) A Controlled Demonstration system shall be sampled quarterly for all applicable performance parameters until the system receives Innovative approval, unless the product specific approval includes an alternate monitoring schedule proposed by the manufacturer and approved by the State;
- (B) Sites with an approved RWTS or Innovative system shall be grab or composite sampled annually for all applicable performance parameters (semi-annually when the design flow is 1500 to 3000 gallons per day). After two years of data have been collected from at least 50 separate sites that indicate compliant system performance, the number of parameters sampled for TS-I and TS-II Systems may be reduced by 50 percent. An alternative monitoring schedule may be proposed by the manufacturer and approved by the State when determined to provide an equal or more reliable indication of system performance compliance; or
- (C) Sites with a design flow up to 1500 gallons per day, which are being managed under an on-going maintenance and operation contract between the owner and the system manufacturer or ORC authorized by the manufacturer, may alternatively be sampled randomly if the manufacturer chooses to comply with the performance audit requirements as stipulated in 15A NCAC 18A .1969(h)(8), when there are at least 10 operational systems covered under such contracts. The manufacturer may also choose to include other existing sites in the performance audit required prior to obtaining accepted system status. Notwithstanding this provision for random sampling, sampling at any other site not being sampled during the audit may be determined to be necessary by the ORC during the visual inspection of the system pursuant to Subparagraph (1) of this Paragraph.

An influent sample to the pre-treatment system (e.g., septic tank effluent) shall be taken concurrently whenever the system effluent is sampled and analyzed for at least BOD and TKN. Effluent shall be re-sampled within 15 days when laboratory results indicate non-compliance with Part (o)(1)(C) of this Rule and analyzed at least for the non-compliant parameter(s), unless an alternate re-sampling schedule is required for a site included in a performance audit. When re-sampling, an influent sample shall be collected concurrently and analyzed for the corresponding parameter.

- (4) An Accepted System with a design flow up to 1500 gallons per day shall comply with Subparagraphs (n)(1) and (n)(2) of this Rule and 15A NCAC 18A .1969(h)(9). Routine sampling of individual sites shall no longer be carried out, unless determined to be necessary during the visual inspection of the system pursuant to Subparagraph (n)(1) of this Rule or if required as part of an enforcement action by the local health department or the State. If sampling is determined to be necessary, an alternative monitoring schedule may be proposed by the manufacturer or the State and approved by the Commission when the system is granted accepted Status.

- (5) All samples shall be collected, preserved, transported and analyzed in compliance with 40 CFR 136. The manufacturer shall demonstrate that the system can be sampled in compliance with 40 CFR 136 and that the method for system sampling accurately monitors system performance. Samples shall be analyzed by a state certified laboratory. Samples shall be analyzed for the applicable parameters. The sample collector shall maintain a complete chain of custody from sample collection to analysis for each sample collected. The results of all analyses for each sample shall be reported by the certified wastewater laboratory directly to the ORC and simultaneously to the health department and the state. Repeat sampling at any site shall be performed as required in the system approval, approved performance audit, this Rule, or as otherwise directed by the health department or state as part of an enforcement action. The owner or manufacturer or manufacturer's representative may also re-sample a system to verify or refute sample results, as long as the results of all samples collected are similarly reported.

(o) SITE AND SYSTEM COMPLIANCE: Compliance with the performance standards shall be determined as follows:

- (1) An individual advanced pretreatment system at a single site shall be considered to be in compliance when:

(A) The annual visual inspection indicates compliant conditions as specified in the visual inspection procedure approved pursuant to Subparagraph (n)(1) of this Rule;

(B) The 7-day inflow does not exceed 1.3 times the design daily flow and the 30-day inflow does not exceed the design daily flow;

(C) Influent wastewater to the system does not exceed the requirements in Table VIII, at sites where influent sampling is required; and

(D) When annual effluent sampling is required, sample value is no more than two times (2.5 times for fecal coliform) the designated standard for one or more parameters in Table VII, even after re-sampling; or if four or more effluent samples are collected on different operating days over a one year period, the arithmetic mean (geometric mean for fecal coliform) of the data does not exceed the designated standard for one or more parameters in Table VII, even when excluding from the mean a statistical outlier or an instance of non-compliance that has been remedied by corrective maintenance.

(2) An approved system shall be considered in compliance when:

(A) The arithmetic mean (geometric mean for fecal coliform) of all data collected from all sites during a given one-year period, or from a representative sampling of sites in the state (excluding statistical outliers) does not exceed the designated standard;

(B) No more than 20 percent of the sites from which the data were collected in Part (o)(2)(A) of this Rule shall exceed the designated standard for one or more parameters (an individual non-compliant site shall be reclassified "compliant" if found to meet the designated standard upon re-sampling within 30 days); and

(C) No more than 10 percent of samples collected from all sites during a given one-year period or from a representative sampling of sites in the state shall exceed two times the designated standard for one or more parameters (with the exception of fecal coliform, for which a 2.5 multiplication factor shall be used).

When determining compliance with system performance standards set forth in Parts (A), (B) and (C) of this Subparagraph, data shall be excluded from individual advanced pretreatment systems at single sites found to be out of compliance pursuant to Parts (1)(B) and (1)(C) of this Paragraph and from individual sites that have otherwise been documented to have been subjected to significant abuse, as specified by the manufacturer in its operation and maintenance manual which has been provided to the system owner.

(3) When a site or system is found to be out of compliance the following actions shall occur:

(A) The Operator (ORC) shall inform the owner and the local health department of an individual system at a single site found to be out of compliance, including when wastewater flow is greater than the system design flow rate; influent wastewater quality exceeds the standards set forth in Table VII; or maintenance/repairs are found to be needed as identified during system inspection. This notice shall identify non-compliant condition(s), explain potential impacts, and suggest methods to bring the system or use back into compliance.

(B) The local health department shall issue a notice of violation to the owner of an individual system at a single site found to be out of compliance when, the system is found to be malfunctioning as determined during the visual inspection specified in Part (1)(A) of Paragraph (o) of this Rule; wastewater flow exceeds wastewater flow standards in Part (1)(B) of this Paragraph; or the effluent sample results are out of compliance as specified in Parts (1)(D) or (1)(E) of this Paragraph, even upon re-sampling. The notice shall identify the violations and steps necessary to remedy the problems, including modification of the system, establish time frame to achieve compliance, and other follow-up requirements and set forth further enforcement possibilities if compliance is not achieved.

(C) The state shall issue a notice of violation to the manufacturer of a system found to be out of compliance as specified in Subparagraph (2) of this Paragraph. The notice shall

identify the violations and steps necessary to remedy the problems, including modification of the system, establish time frame to achieve compliance, and other follow-up requirements and set forth further enforcement possibilities if compliance is not achieved which may include action on the system's approval status pursuant to applicable Laws and Rules.

(D) The local health department shall issue the manufacturer or manufacturer's representative an intent to suspend issuance of new construction authorizations for new systems of a particular manufacturer that has installed and has in operation at least 10 systems in the county if more than 10 percent of the manufacturer's systems installed in the county are found to be malfunctioning during the visual inspection specified in Subparagraph (n)(1) of this Rule or in violation of effluent performance standards as specified in Parts (1)(D) or (1)(E) of this Paragraph in any single year excluding single sites found to be out of compliance pursuant to Parts (1)(B) or (1)(C) of this Paragraph, sites where the owner has not maintained a contract for operation and maintenance of the system pursuant to Rule .1961 of this Section, and individual sites that have otherwise been documented to have been subjected to significant abuse, as specified by the manufacturer in its operation and maintenance manual which has been provided to the system owner.

(E) The local health department shall issue the manufacturer or manufacturer's representative an intent to suspend issuance of new construction authorizations for new systems of a particular manufacturer that has installed and has in operation at least 10 systems in the county if more than five percent of the manufacturer's systems installed in the county that are being managed under an ongoing maintenance and operation contract between the owner and the system manufacturer or ORC authorized by the manufacturer have required operation and maintenance activities under the control of the

manufacturer that have not been completed for the last reported year.

- (F) The Operator (ORC) shall submit all individual system compliance data and all operations and maintenance records to the local health department. The local health department shall convey information on individual system compliance to the State on at least an annual basis. Action by a local health department on approval of a system in a county does not preclude action by the State on the system's approval status, pursuant to applicable Laws and Rules.

- (G) Notwithstanding the activities delineated for dealing with non-compliance elsewhere in Subparagraph (3) of this Paragraph, nothing shall preclude the local health department or State from using any available remedy when an imminent health hazard is determined to exist, in accordance with applicable Laws and Rules.

(p) **RESPONSIBILITIES AND PERMITTING PROCEDURES:** Special responsibilities and permitting procedures for pre-treatment systems shall be as prescribed in the system approval and applicable rules of this Section. The following summarize the conditions requiring a special evaluation of a site where the ground absorption system is to be preceded by an advanced pretreatment system, and what such an evaluation shall include:

- (1) Prior to the issuance of the Improvement Permit at a site where the drainfield is to be preceded by an advanced pre-treatment system, an evaluation shall be provided to the local health department on behalf of the owner when any of the following conditions are applicable:
 - (A) the initial vertical separation siting criteria or vertical separation distances for trench bottoms are proposed to be reduced in accordance with Subparagraphs (e)(1) or (f)(1) of this Rule,
 - (B) drainage is proposed for Group III soils or a groundwater lowering system is proposed to be used in conjunction with a fill system in accordance with Paragraph (g) of this Rule,
 - (C) sandy clay loam texture saprolite is proposed to be used in accordance with Paragraph (h) of this Rule,
 - (D) the LTAR is proposed to be increased on a site with Group III or IV soils within three feet of the proposed

trench bottom or on a site where drainage of Group II or III soils is proposed, or on any site when the design flow exceeds 1000 gallons per day, in accordance with Subparagraphs (e)(2) or (f)(2) of this Rule, or

- (E) for a bed system with flow exceeding 1000 gallons per day in accordance with Paragraph (j) of this Rule, or if required for other bed systems in accordance with Subparagraph (i)(1) of this Rule.

- (2) When a special site evaluation is required pursuant to Subparagraph (1) of this Paragraph, it shall contain the following information, as applicable. This evaluation shall be prepared by a person or persons who are licensed or registered to consult, investigate, or evaluate soil and rock characteristics, hydraulic conductivity, lateral flow, groundwater hydrology and nutrient transport, if required pursuant to G.S. 89F or 89E. This evaluation shall be provided to the local health department in a written report sealed, signed and dated by any licensed or registered professionals who contributed to the report.

- (A) descriptions of soil profiles and soil morphological conditions to a depth of at least three feet below the proposed trench or bed bottom and description of landscape setting in the initial system area and repair area. Descriptions shall be in accordance with the methodology and standards in the *Field Book for Describing and Sampling Soils*, NRCS, USDA, which is hereby incorporated by reference, including any subsequent amendments and editions. Copies of the Field Book may be inspected at the Environmental Health Section Raleigh Office, 2728 Capital Boulevard, Raleigh, 27609, and copies may be downloaded at no cost from the internet at: <http://soils.usda.gov/technical/fieldbook/>;
- (B) field measurements of the depth and thickness of each of the soil horizons;
- (C) recommended location and depth for placement of the trenches or beds and the recommended LTAR;
- (D) hydraulic assessment, based on site-specific information, substantiating the projected effectiveness of system performance. This shall include supporting documentation that

indicates the treated effluent applied at the proposed LTAR will not result in the discharge of effluent to the surface of the ground after the system is installed and operated within design parameters; that all required vertical separation distances shall be maintained; and justification for any proposed drainage systems or other site modifications. This hydraulic assessment shall require in-situ tests of saturated hydraulic conductivity, groundwater mounding analysis, lateral flow analysis, and monitoring or modeling of existing or projected depth to a soil wetness condition based upon procedures of Rule .1942 of this Section, as needed;

- (E) site-specific nitrogen migration analysis, if needed pursuant to Subparagraphs (e)(2) or (j)(2) of this Rule; and
- (F) proposed site-specific requirements for system design, installation, site preparation, modifications, final landscaping and vegetative cover.

History Note: Authority G.S. 130A-334; 130A-335; 130A-336; 130A-337; 130A-340; 130A-342; 130A-343;
Eff. June 1, 2006;
Amended Eff. October 1, 2011.

- (3) Copies of course catalog and syllabi reflective of the year the course was passed shall be required;
- (4) Reports from American Association of Marriage and Family Therapy (AAMFT) approved supervisors using Board forms, verifying clinical experience, supervision;
- (5) Evidence of good moral character, which shall include three endorsements for licensure, using Board forms, from persons familiar with the applicant; and
- (6) Evidence of a passing score on the National Marriage and Family Therapy Examination.

History Note: Authority G.S. 90-270.51(b); 90-270.52; 90-270.54(a)(1)and(2);
Eff. August 1, 1984;
Amended Eff. October 1, 2011; March 1, 1996; April 1, 1989.

21 NCAC 31 .0501 APPROPRIATE COURSE OF STUDY

- (a) Training required for an applicant with a related degree in G.S. 90-270.54(1)a is a graduate degree that includes marriage and family therapy content including coursework in theoretical foundation of marriage and family therapy, assessment and diagnosis, practice of marriage and family therapy; human development and family relations; professional identity and ethics, clinical research, and supervised clinical practicum or internship.
- (b) Applicants who were enrolled in a master's degree program on or before October 1, 2011 shall also be considered for licensure with coursework that includes specific marriage and family therapy content including coursework in general family studies, marriage and family therapy theory, psychopathology/abnormal behavior, theories of personality, and supervised clinical practicum or internship.

History Note: Authority G.S. 90-270.47(1); 90-270.51(b); 90-270.54(1)a;
Eff. August 1, 1984;
Amended Eff. October 1, 2011; March 1, 1996; April 1, 1989.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 31 – MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

21 NCAC 31 .0201 CREDENTIALS REQUIRED

An applicant for licensure shall submit the following to the Board:

- (1) Notarized application form and application fee;
- (2) Official graduate college transcripts sent directly to the Board by the training institution(s) evidencing:
 - (a) completion of a master's or doctoral degree in marriage and family therapy from a recognized educational institution, or
 - (b) completion of a related degree from a recognized educational institution with course of study encompassing an appropriate course of study as defined in 21 NCAC 31 .0501;

21 NCAC 31 .0801 LICENSED MARRIAGE AND FAMILY THERAPY ASSOCIATE CREDENTIALS REQUIRED

(a) An applicant for licensure as a marriage and family therapy associate shall ensure the submission of the following to the Board:

- (1) Notarized application form and application fee;
- (2) Official graduate college transcripts sent directly to the Board by the training institution(s) evidencing; completion of a master's or doctoral degree in marriage and family therapy from a recognized educational institution, or completion of a related degree from a recognized educational institution with course of study encompassing coursework as defined by the Board in 21 NCAC 31 .0501.

Additional documentation (copies of course catalog and syllabi) of qualifying coursework shall be required if the Board has questions about course content;

- (3) Evidence of good moral character which include three endorsements for licensure, using Board forms, from persons familiar with the applicant;
- (4) Evidence of a passing score on the examination required by the Board pursuant to G.S. 90-270.54(a)(2); and
- (5) Evidence of an agreement with a supervisor who meets the requirements of Rule .0502 for ongoing supervision.

(b) All complete application materials shall be received within two years from the date of the application or the file shall be closed.

History Note: Authority G.S. 90-270.48(b)(1); 90-270.51(b); Eff. March 1, 1996; Amended Eff. October 1, 2011.

CHAPTER 39 - ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

21 NCAC 39 .1001 DEFINITIONS

As used in this Section:

- (1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, high water, fire, freezing, or other unsafe conditions.
- (2) "Component" means a readily accessible and observable part of an on-site wastewater system.
- (3) "Cross connection" means any physical connection or arrangement between potable water and the on-site wastewater system or any other source of contamination.
- (4) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment, such as personal protection equipment.
- (5) "Describe" means a written report of a condition found within the system or any observed component of the inspected system.
- (6) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be taken apart or removed by a homeowner or operator in the course of normal household maintenance.

- (7) "Enter" means to go into an area to inspect all readily accessible, readily openable, and readily visible components.
- (8) "Hydraulic Load Test" means the introduction of water or waste water into a system for the purposes of mimicking the system's peak flows.
- (9) "Inflow" means extraneous water directly entering a component, such as via a sump pump, foundation drain, condensate line, or infiltration.
- (10) "Normal operating controls" means certified operator or homeowner-operated devices.
- (11) "Normal wear and tear" means superficial blemishes or defects that do not interfere with the functionality of the component or system.
- (12) "Operate" means to cause systems or equipment to function.
- (13) "Readily accessible" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
- (14) "Readily openable access panel" means a panel provided for homeowner or certified operator maintenance and operation that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed for inspection. This definition is limited to those wastewater system components not blocked by stored items, furniture, building components or landscaping.
- (15) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a probe, flashlight or mirror.
- (16) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar parts used to carry water off a roof and away from a building.
- (17) "Shut down" means a condition or conditions wherein a piece of equipment or system cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.
- (18) "Structural component" means a wastewater system component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads), such as a control panel support, septic tank, D-box, or manifold.

History Note: Authority G.S. 90A-71, 90A-74; Eff. October 1, 2011.

21 NCAC 39 .1002 GENERAL REQUIREMENTS

Inspectors shall:

- (1) Provide a written contract, signed by the client or client's representative, before the on-site wastewater system inspection is performed that:
 - (a) States that the on-site wastewater system inspection is in accordance with the Standards of Practice of the North Carolina On-site Wastewater Contractors and Inspectors Certification Board; and
 - (b) Describes what services shall be provided and their cost.
- (2) Inspect readily openable and readily accessible installed systems and components listed in this Section; and
- (3) Submit a written report to the client or client representative within 10 business days of the inspection that:
 - (a) Describes those systems and components required to be described in Rules .1005 through .1006 of this Section;
 - (b) States which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting;
 - (c) States any systems or components inspected that do not function as intended or adversely affect the wastewater treatment system;
 - (d) States whether the condition reported requires repair or subsequent observation, or warrants further evaluation by the local health department. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and refer the recipient to the local health department or a certified on-site wastewater contractor; and
 - (e) States the name, license number, and signature of the certified inspector.

History Note: Authority G.S. 90A-71; 90A-72; 90A-74;
Eff. October 1, 2011.

21 NCAC 39 .1004 GENERAL EXCLUSIONS OF AN INSPECTION

- (a) Inspectors are not required to report on:
- (1) Life expectancy of any component or system;
 - (2) The causes of the need for a repair;

- (3) The methods, materials, and costs of corrections;
- (4) The suitability of the property for any specialized use;
- (5) The market value of the property or its marketability;
- (6) The advisability or inadvisability of purchase of the property; or
- (7) Normal wear and tear to the system.

(b) Inspectors are not required to:

- (1) Identify property lines;
- (2) Offer warranties or guarantees of any kind;
- (3) Calculate the strength, adequacy, or efficiency of any system or component;
- (4) Operate any system or component that does not respond to normal operating controls;
- (5) Move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that obstruct access to or visibility of the system and any related components;
- (6) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including toxins, carcinogens, noise, and contaminants in the building or in soil, water, and air;
- (7) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
- (8) Predict future condition, including failure of components;
- (9) Project operating costs of components;
- (10) Evaluate acoustical characteristics of any system or component; or
- (11) Inspect equipment or accessories that are not listed as components to be inspected in this Section.

(c) Inspectors shall not:

- (1) Offer or perform any act or service contrary to law or rule; or
- (2) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the on-site wastewater system inspector holds a valid occupational license in that field, in which case the inspector shall inform the client that the inspector is so licensed.

History Note: Authority G.S. 90A-72; 90A-74;
Eff. October 1, 2011.

21 NCAC 39 .1005 ON-SITE WASTEWATER SYSTEM COMPONENTS

- (a) The inspector shall inspect on-site wastewater system components including:

- (1) Any part of the system located more than five feet from the primary structure that is part of the operations permit;
 - (2) Septic tank;
 - (3) Pump tank;
 - (4) Distribution device;
 - (5) Dispersal field;
 - (6) Treatment unit;
 - (7) Control panel;
 - (8) Other component(s) required as part of on-site wastewater system permit, including drainage; and
 - (9) Vegetation and grading with respect only to their effect on the condition of the system or system components.
- (b) The inspector shall describe:
- (1) Any part of the system located more than five feet from the primary structure that is part of the operations permit;
 - (2) Septic tank;
 - (3) Pump tank;
 - (4) Distribution device;
 - (5) Dispersal field;
 - (6) Treatment unit;
 - (7) Control panel;
 - (8) Other component(s) required as part of on-site wastewater system permit, including drainage; and
 - (9) Vegetation and grading with respect only to their effect on the condition of the system or system components.
- (c) The inspector shall:
- (1) Uncover tank lids and distribution devices so as to gain access, unless blocked as described in Rule .1004(b)(5). The distribution box may remain uncovered if the inspector has an alternate method of observing its condition;
 - (2) Probe system components where deterioration is suspected;
 - (3) Report the methods used to inspect the on-site wastewater system;
 - (4) Open readily accessible and readily openable components except when access is obstructed or when access could damage the system or property; and
 - (5) Report signs of abnormal or harmful water entry into or out of the system or components.
- (d) The inspector is not required to:
- (1) Conduct dosing volume calculations;
 - (2) Evaluate soil conditions beyond saturation or ponding;
 - (3) Evaluate for the presence or condition of buried fuel storage tanks;
 - (4) Evaluate the system for proper sizing, design, or use of proper materials; or
 - (5) Perform a hydraulic load test on the system.

21 NCAC 39 .1006 MINIMUM ON-SITE WASTEWATER SYSTEM INSPECTION

(a) The inspector shall attempt to obtain, evaluate, describe, or determine the following during the inspection:

- (1) Advertised number of bedrooms as stated in the realtor Multiple Listing Service information or by a sworn statement of owner or owner's representative;
- (2) Designed system size (gallons per day or number of bedrooms) as stated in available local health department information, such as the current operation permit or the current repair permit;
- (3) Requirement for a certified subsurface water pollution control system operator pursuant to G.S. 90A-44, current certified operator's name, and most recent performance, operation and maintenance reports (if applicable and available);
- (4) Type of water supply, such as well, spring, public water, or community water;
- (5) Location of septic tank and septic tank details:
 - (A) Distance from house or other structure;
 - (B) Distance from well, if applicable;
 - (C) Distance from water line, if applicable and readily visible;
 - (D) Distance from property line, if said property lines are known or marked;
 - (E) Distance from finished grade to top of tank or access riser;
 - (F) Presence and type of access risers;
 - (G) Condition of tank lids;
 - (H) Condition of tank baffle wall;
 - (I) Water level in tank relative to tank outlet;
 - (J) Condition of outlet tee;
 - (K) Presence and condition of outlet filter, if applicable;
 - (L) Presence and extent of roots in the tank;
 - (M) Evidence of tank leakage;
 - (N) Evidence of inflow non-permitted connections, such as from downspouts or sump pumps;
 - (O) Connection present from house to tank;
 - (P) Connection present from tank to next component;
 - (Q) Date tank was last pumped, if known; and
 - (R) Percentage of solids (sludge and scum) in tank;
- (6) Location of pump tank and pump tank details:
 - (A) Distance from house or other structure;
 - (B) Distance from well or spring, if applicable;

History Note: Authority G.S. 90A-72; 90A-74;
Eff. October 1, 2011.

- (C) Distance from water line, if applicable;
 - (D) Distance from property line, if said property lines are known or marked;
 - (E) Distance from finished grade to top of tank or access riser;
 - (F) Distance from septic tank;
 - (G) Presence and type of access risers;
 - (H) Condition of tank lids;
 - (I) Location of control panel;
 - (J) Electrical connections in place and properly grounded;
 - (K) Audible and visible alarms (as applicable) work;
 - (L) Pump turns on, and effluent is delivered to next component; and
 - (M) Lack of electricity at time of inspection prevented complete evaluation;
- (7) Location of dispersal field and dispersal field details:
- (A) Type of dispersal field;
 - (B) Distance from property line, if said property lines are known and/or marked;
 - (C) Distance from septic tank and/or pump tank;
 - (D) Number of lines;
 - (E) Length of lines;
 - (F) Evidence of past or current surfacing at time of inspection;
 - (G) Evidence of traffic over the dispersal field;
 - (H) Vegetation, grading, and drainage with respect only to their effect on the condition of the system or system components; and
 - (I) Confirmation that system effluent is reaching the drainfield; and
- (8) Conditions that prevented or hindered the inspection.
- (b) The inspector is not required to:
- (1) Insert any tool, probe, or testing device inside control panels; or
 - (2) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary control panels.

*History Note: Authority G.S. 90A-72; 90A-74;
Eff. October 1, 2011.*

CHAPTER 50 - BOARD OF EXAMINERS FOR PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS

21 NCAC 50 .1201 PETITION FOR RULEMAKING HEARINGS

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall address a petition to: State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh, North Carolina 27609. The petition shall bear the notation: RULE-MAKING PETITION RE and then the subject area, for example, RE G.S. 87-21(a)(1) RE ADMINISTRATIVE PROCEDURE ACT, RE AIR CONDITIONING SYSTEMS, or an indication of any other area over which the Board may have rule-making authority.

*History Note: Authority G.S. 87-18; 150B-20;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; June 11, 1998.*

21 NCAC 50 .1203 DISPOSITION OF PETITIONS

(a) The Executive Director of the Board shall determine whether the public interest will be served by granting the request. Prior to making this determination, the Executive Director may request additional information from the petitioner(s); he may contact interested persons or persons likely to be affected by the proposed rule and request comments and he may use any other method for obtaining information on which to base a determination. The Executive Director shall consider all of the contents of the petition submitted plus any other information obtained by the means described in this Paragraph.

(b) The Executive Director shall make a recommendation to the Board for the institution of rulemaking proceedings or for the denial of the petition, as the case may be.

(c) At its next regularly scheduled meeting but within 120 days of submission of the petition, a final decision shall be rendered by the Board. If the decision is to deny the petition the Board shall notify the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Board, within 120 days of submission, shall initiate a rulemaking proceeding by publishing a notice of text in the North Carolina Register as required by G.S. 150B-21.2.

*History Note: Authority G.S. 87-18; 150B-20;
Eff. February 1, 1991;
Amended Eff. December 31, 2011.*

21 NCAC 50 .1207 REQUEST TO PARTICIPATE

Any person desiring to present oral data, views, or arguments on the proposed rule is asked to advise the Board at least 10 days prior to the hearing. Any person who makes an oral presentation is encouraged to submit a written copy of the presentation to the Executive Director prior to or at the hearing.

*History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Amended Eff. December 31, 2011.*

21 NCAC 50 .1210 WRITTEN SUBMISSIONS

(a) Any person may file a written submission containing data, comments or arguments, after publication of a rulemaking notice and up to the day of the hearing, unless a different period has

been prescribed in the notice. These written comments shall be sent to the Board at 1109 Dresser Court, Raleigh, North Carolina 27609. The submission shall state the rule(s) or proposed rule(s) to which the comments are addressed.

(b) Upon receipt of written comments, the Executive Director shall assure that the comments will be provided to the Board for consideration.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; August 1, 2000.

**21 NCAC 50 .1302 SUBMISSION OF REQUEST
FOR RULING**

All requests for declaratory rulings shall be written and mailed to the Board at 1109 Dresser Court, Raleigh, North Carolina

27609. The container of the request shall bear the notation: REQUEST FOR DECLARATORY RULING. The request must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) a statement of whether an oral hearing is desired, and if so, the reason therefor.

History Note: Authority G.S. 87-18; 150B-4;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; June 11, 1998.

This Section contains information for the meeting of the Rules Review Commission on Thursday November 17, 2011 9:00 a.m. at 1711 New Hope Church Road, RRC Commission 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. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS**Appointed by Senate**

Addison Bell
Margaret Currin
Pete Osborne
Bob Rippy
Faylene Whitaker

Appointed by House

Ralph A. Walker
Curtis Venable
George Lucier
Garth K. Dunklin
Stephanie Simpson

COMMISSION COUNSEL

Joe Deluca (919)431-3081
Bobby Bryan (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

November 17, 2011 December 15, 2011
January 19, 2012 February 16, 2011

AGENDA**RULES REVIEW COMMISSION**

Thursday, November 17, 2011 10:00 A.M.

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-Up Matters:
 - A. Alcoholic Beverage Control Commission – 04 NCAC 02R .1711 (DeLuca)
 - B. Office of the Commissioner of Banks – 04 NCAC 03C .0807 .1001; 16A .0101, .0105, .0201, .0202, .0401, .0402, .0403, .0405, .0407, .0409; 16C .0102, .0103, .0202, .0203, .0304, .0305; 16D .0103, .0301, .0407, .0901, .0902; 16E .0104, .0301, .0405, .0702; 16F .0105, .0108, .0109, .0111, .0112, .0113 (DeLuca)
 - C. Office of the Commissioner of Banks – 04 NCAC 16A .0301, .0302 (DeLuca)
 - D. Social Services Commission – 10A NCAC 10 .0102, .0203, .0308, .0309, .0310, .0311, .0312, .0506 (Bryan)
 - E. Interpreter and Transliterator Licensing Board – 21 NCAC 25 .0209 (Bryan)
 - F. Medical Board – 21 NCAC 32R .0106 (Bryan)
 - G. Building Code Council – 2012 Fuel Gas Code - 311 (DeLuca)
 - H. Building Code Council – 2012 Mechanical Code – 313 (DeLuca)
 - I. Building Code Council – 2012 Plumbing Code – 315 (DeLuca)
 - J. Building Code Council – 2009 Residential Code – 313.1 (DeLuca)
 - K. Building Code Council – 2012 Residential Code – 315 (DeLuca)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between September 21, 2011 and October 20, 2011
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days of the RRC Meeting
- VI. Commission Business

- Next meeting: December 15, 2011
-

Commission Review
Log of Permanent Rule Filings
September 21, 2011 through October 20, 2011

AGRICULTURE, BOARD OF

The rules in Chapter 43 are the rules of the Markets Division. They deal with the marketing of N.C. farm products.

They cover structure and policy (43A); market news section (43B); inspection of farm, horticultural crops, and animal products (43C); standards and fees (43D); unfair practices of fruit and vegetable handlers (43E); marketing and branding of apples and peaches (43F); agricultural fairs (43G); marketing of shell eggs (43H); operation of various markets (43L); and egg processing (43M).

Loose Egg Displays
Amend/*

02 NCAC 43H .0102

PLANT CONSERVATION BOARD

The rules in Chapter 48 are from the Plant Conservation Board and cover plant industry.

The rules in Subchapter 48F concern plant conservation and include organizational rules (.0100); procedures for placing on protected plant lists penalties and enforcement (.0200); endangered plant species list threatened plant species list: list of species of special concern (.0300); collection propagation and movement of endangered and threatened plant species (.0400); and forms (.0500).

Collection and Sale of Ginseng
Amend/*

02 NCAC 48F .0305

CHILD CARE COMMISSION

The rules in Chapter 9 concern child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); health and other standards for center staff (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); requirements for voluntary enhanced program standards (.1600); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); and developmental day services (.2900).

Definitions
Amend/*

10A NCAC 09 .0102

Education Standards for a Two Component Rated License for...
Amend/*

10A NCAC 09 .2819

Education Standards for a Two Component Rated License for...
Amend/*

10A NCAC 09 .2820

Education Standards for a Two Component Rated License for...
Amend/*

10A NCAC 09 .2822

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

French Broad River Basin
Amend/*

15A NCAC 02B .0304

COSMETIC ART EXAMINERS, BOARD OF

The rules in Subchapter 14T concern cosmetic art schools including school applications (.0100); physical requirements of cosmetic art schools (.0200); school equipment and supplies (.0300); student equipment (.0400); record keeping (.0500); curriculum (.0600); school licensure, operations, closing and relocating schools (.0700); school inspections (.0800); and disciplinary actions (.0900).

<u>New School Applications</u> Adopt/*	21	NCAC	14T	.0101
<u>All Cosmetic Art Schools</u> Adopt/*	21	NCAC	14T	.0201
<u>Cosmetology Schools</u> Adopt/*	21	NCAC	14T	.0202
<u>Esthetics Schools</u> Adopt/*	21	NCAC	14T	.0203
<u>Manicuring Schools</u> Adopt/*	21	NCAC	14T	.0204
<u>Natural Hair Care Schools</u> Adopt/*	21	NCAC	14T	.0205
<u>Equipment for All Cosmetic Art Schools</u> Adopt/*	21	NCAC	14T	.0301
<u>Equipment for Cosmetology Schools</u> Adopt/*	21	NCAC	14T	.0302
<u>Equipment for Esthetics Schools</u> Adopt/*	21	NCAC	14T	.0303
<u>Equipment for Manicuring Schools</u> Adopt/*	21	NCAC	14T	.0304
<u>Equipment for Natural Hair Care Styling Schools</u> Adopt/*	21	NCAC	14T	.0305
<u>Cosmetology and Apprentice Student Equipment</u> Adopt/*	21	NCAC	14T	.0401
<u>Esthetics Student Equipment</u> Adopt/*	21	NCAC	14T	.0402
<u>Manicuring Student Equipment</u> Adopt/*	21	NCAC	14T	.0403
<u>Natural Hair Care Styling Student Equipment</u> Adopt/*	21	NCAC	14T	.0404
<u>Submission of Records</u> Adopt/*	21	NCAC	14T	.0501
<u>Permanent Record, Forms and Documentation</u> Adopt/*	21	NCAC	14T	.0502
<u>Cosmetic Art Curriculum</u> Adopt/*	21	NCAC	14T	.0601
<u>Cosmetology Curriculum</u> Adopt/*	21	NCAC	14T	.0602

<u>Apprentice Cosmetology Curriculum</u> Adopt/*	21	NCAC	14T	.0603
<u>Esthetics Curriculum</u> Adopt/*	21	NCAC	14T	.0604
<u>Manicuring Curriculum</u> Adopt/*	21	NCAC	14T	.0605
<u>Natural Hair Care Styling Curriculum</u> Adopt/*	21	NCAC	14T	.0606
<u>Cosmetology Teacher Trainee Curriculum</u> Adopt/*	21	NCAC	14T	.0607
<u>Esthetic Teacher Trainee Curriculum</u> Adopt/*	21	NCAC	14T	.0608
<u>Manicurist Teacher trainee Curriculum</u> Adopt/*	21	NCAC	14T	.0609
<u>Natural Hair Care Teacher Curriculum</u> Adopt/*	21	NCAC	14T	.0610
<u>Online Instruction</u> Adopt/*	21	NCAC	14T	.0611
<u>Instruction Guidelines</u> Adopt/*	21	NCAC	14T	.0612
<u>Uniforms and Identification</u> Adopt/*	21	NCAC	14T	.0613
<u>Internships</u> Adopt/*	21	NCAC	14T	.0614
<u>Field Trips</u> Adopt/*	21	NCAC	14T	.0615
<u>Additional Hours</u> Adopt/*	21	NCAC	14T	.0616
<u>Teacher Trainees</u> Adopt/*	21	NCAC	14T	.0617
<u>School Operations/Licensure Maintenance</u> Adopt/*	21	NCAC	14T	.0701
<u>Transfer of Credit</u> Adopt/*	21	NCAC	14T	.0702
<u>Expiration of Student Credit</u> Adopt/*	21	NCAC	14T	.0703
<u>Felony Applicants</u> Adopt/*	21	NCAC	14T	.0704
<u>School Performance Requirements</u> Adopt/*	21	NCAC	14T	.0705
<u>School Approval Changes and School Closing</u> Adopt/*	21	NCAC	14T	.0706
<u>Inspection Reports</u> Adopt/*	21	NCAC	14T	.0801
<u>School Sanitation Grades</u> Adopt/*	21	NCAC	14T	.0802
<u>Inspections</u> Adopt/*	21	NCAC	14T	.0803
<u>School Probation</u> Adopt/*	21	NCAC	14T	.0901

DIETETICS/NUTRITION, BOARD OF

The rules in Chapter 17 are from the Board of Dietetics/Nutrition. The rules cover the general provisions of licensure (.0100); weight control programs (.0200); dietetic/nutrition students or trainees (.0300); and unlicensed individuals and those who aid in the practice of dietetics/nutrition (.0400).

<u>Definitions</u>	21	NCAC	17	.0101
Amend/*				
<u>Qualifications for Licensure</u>	21	NCAC	17	.0103
Amend/*				
<u>Applications</u>	21	NCAC	17	.0104
Amend/**				
<u>Provisional License</u>	21	NCAC	17	.0107
Amend/*				
<u>Issuance and Renewal of License</u>	21	NCAC	17	.0109
Amend/*				
<u>Definitions</u>	21	NCAC	17	.0201
Amend/*				
<u>Review and Board Action</u>	21	NCAC	17	.0203
Amend/*				
<u>Supervision</u>	21	NCAC	17	.0303
Amend/*				

MEDICAL BOARD

The rules in Subchapter 32C concern professional corporations.

<u>Name of Corporation</u>	21	NCAC	32C	.0102
Amend/**				
<u>Prerequisites for Incorporation</u>	21	NCAC	32C	.0103
Amend/*				
<u>Certification of Registration</u>	21	NCAC	32C	.0104
Amend/*				
<u>Stock and Financial Matters</u>	21	NCAC	32C	.0105
Amend/**				
<u>Charter Amendments and Stock Transfers</u>	21	NCAC	32C	.0106
Amend/**				
<u>Documents</u>	21	NCAC	32C	.0107
Amend/**				
<u>Fees</u>	21	NCAC	32C	.0108
Amend/**				
<u>Registration of Foreign Professional Corporation</u>	21	NCAC	32C	.0109
Adopt/**				

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS FOR

The rules in Chapter 50 are from the Plumbing, Heating and Fire Sprinkler Contractors including rules about organization (.0100); forms (.0200); examinations (.0300); general procedures (.0400); policy statements and interpretative rules (.0500); contested cases (.1000); fees (.1100); petitions for rules (.1200); declaratory rulings (.1300); and continuing education (.1400).

<u>Board Committees</u>	21	NCAC	50	.0107
Amend/*				
<u>Qualifications Determined by Examination</u>	21	NCAC	50	.0301
Amend/*				

<u>Visitors</u>	21	NCAC	50	.0303
Repeal/*				
<u>Applications: Issuance of License</u>	21	NCAC	50	.0306
Amend/*				
<u>Review of Examination</u>	21	NCAC	50	.0308
Amend/*				
<u>Permits</u>	21	NCAC	50	.0402
Amend/*				
<u>Use of License</u>	21	NCAC	50	.0403
Amend/*				
<u>Active Employment</u>	21	NCAC	50	.0404
Amend/*				
<u>Multiple Licenses</u>	21	NCAC	50	.0405
Amend/*				
<u>Responsibility of Licensed Person Employed by Firm</u>	21	NCAC	50	.0406
Amend/*				
<u>Corporations, Partnerships and Trade Names</u>	21	NCAC	50	.0407
Amend/*				
<u>Guidelines on Disciplinary Actions</u>	21	NCAC	50	.0412
Amend/*				
<u>General Supervision and Standard of Competence</u>	21	NCAC	50	.0505
Amend/*				
<u>Employees Exempted From Licensure</u>	21	NCAC	50	.0512
Amend/*				
<u>Residential Fire Sprinkler Installation License</u>	21	NCAC	50	.0516
Amend/*				
<u>Plumbing, Heating and Fuel Piping Technician License</u>	21	NCAC	50	.0517
Adopt/*				
<u>Request for Hearing</u>	21	NCAC	50	.1002
Amend/*				
<u>Notice of Hearing</u>	21	NCAC	50	.1004
Amend/*				
<u>Who Shall Hear Contested Cases</u>	21	NCAC	50	.1005
Amend/*				
<u>License Fees</u>	21	NCAC	50	.1102
Amend/*				
<u>Annual Reports</u>	21	NCAC	50	.1105
Adopt/*				
<u>Continuing Education Requirements</u>	21	NCAC	50	.1401
Amend/*				
<u>Exemptions and Credits</u>	21	NCAC	50	.1402
Repeal/*				
<u>Computation of Continuing Education Hours</u>	21	NCAC	50	.1403
Repeal/*				
<u>Course Requirements and Limitations</u>	21	NCAC	50	.1404
Repeal/*				
<u>Approval of Courses</u>	21	NCAC	50	.1405
Repeal/*				
<u>Certification of Course Completion by Licensees and Prov...</u>	21	NCAC	50	.1407
Repeal/*				
<u>Advertisements by Course Providers or Instructors</u>	21	NCAC	50	.1408
Repeal/*				

<u>Termination of Course or Provider Approval</u> Repeal/*	21	NCAC	50	.1409
<u>Petitions for Reinstatement of License</u> Repeal/*	21	NCAC	50	.1410

PSYCHOLOGY BOARD

The rules in Chapter 54 are from the Board of Psychology and cover general provisions (.1600); application for licensure (.1700); education (.1800); examination (.1900); supervision (.2000); renewal (.2100); professional corporations (.2200); administrative hearing procedures (.2300); rulemaking procedures (.2400); rulemaking hearings (.2500); declaratory rulings, (.2600); health services provider certification (.2700); and ancillary services (.2800).

<u>Fees</u> Amend/*	21	NCAC	54	.1605
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REAL ESTATE COMMISSION

The rules in Chapter 58 are from the North Carolina Real Estate Commission.

The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate recovery fund (.1400); forms (.1500); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); and brokers in military service (.2100).

<u>Handling and Accounting of Funds</u> Amend/*	21	NCAC	58A	.0107
<u>Residential Property and Owners' Association Disclosure S...</u> Amend/*	21	NCAC	58A	.0114
<u>Examination Subject Matter, Format, and Passing Scores</u> Amend/*	21	NCAC	58A	.0402
<u>Re-Applying for Examination</u> Amend/*	21	NCAC	58A	.0403
<u>Confidentiality of Examinations</u> Amend/*	21	NCAC	58A	.0405
<u>Examination Review</u> Repeal/*	21	NCAC	58A	.0406
<u>Active and Inactive License Status</u> Amend/*	21	NCAC	58A	.0504
<u>Reinstatement of Expired License, Revoked, Surrendered or...</u> Amend/*	21	NCAC	58A	.0505
<u>Licensing of Persons Licensed in Another Jurisdiction</u> Adopt/*	21	NCAC	58A	.0511
<u>Procedures for Requesting Hearings When Applicant's Chara...</u> Amend/*	21	NCAC	58A	.0616
<u>Postlicensing Education Requirement</u> Amend/*	21	NCAC	58A	.1902
<u>Extensions of Time to Complete Postlicensing Education</u> Amend/*	21	NCAC	58A	.1903

The rules in Subchapter 58C deal with real estate prelicensing education schools including rules dealing with the licensing of all schools except private real estate schools (.0100); private real estate schools (.0200); prelicensing courses (.0300); and pre-licensing course instructors (.0600).

<u>Facilities and Equipment</u> Amend/*	21	NCAC 58C .0207
<u>Application and Criteria for Original Approval</u> Amend/*	21	NCAC 58C .0603

The rules in Subchapter 58E are the real estate continuing education rules both update and elective course components including rules dealing with update courses (.0100); update course instructors (.0200); elective courses, sponsors, and instructors (.0300); general sponsor requirements (.0400); course operational requirements (.0500); and broker-in-charge annual review (.0600).

<u>Renewal of Approval</u> Amend/*	21	NCAC 58E .0204
<u>Classroom Facilities</u> Amend/*	21	NCAC 58E .0507

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) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Beecher R. Gray	Randall May
Selina Brooks	A. B. Elkins II
Melissa Owens Lassiter	Joe Webster
Don Overby	

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ABC Commission v. Universal Entertainment, LLC T/A Zoo City Saloon	11 ABC 2294	07/05/11	
ABC Commission v. Quick Quality Inc., T/A Quick Quality	11 ABC 2543	07/19/11	
ABC Commission v. GK Mart Inc., T/A GK Mart	11 ABC 02647	07/22/11	
ABC Commission v. Triangle Food and Fun LLC, T/A Six Forks Pub	11 ABC 07107	09/16/11	
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