

NORTH CAROLINA REGISTER

VOLUME 26 • ISSUE 23 • Pages 1889 - 1966

June 1, 2012

I. PROPOSED RULES

Health and Human Services, Department of

Child Care Commission	1889 – 1892
Mental Health, Commission for	1892 – 1893

Occupational Licensing Boards and Commissions

Architecture, Board of	1893 – 1895
Cosmetic Art Examiners, Board of	1895 – 1899
Podiatry Examiners, Board of	1899 – 1900

II. APPROVED RULES..... 1901 – 1941

Elections, Board of

State Board of Elections

Environment and Natural Resources, Department of

Environmental Management Commission

Health and Human Services, Department of

Child Care Commission

Justice, Department of

Private Protective Services Board

Occupational Licensing Boards and Commissions

Medical Board

State Personnel, Office of

State Personnel Commission

III. RULES REVIEW COMMISSION..... 1942 – 1958

IV. CONTESTED CASE DECISIONS

Index to ALJ Decisions	1959 – 1966
------------------------------	-------------

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
Julie Edwards, Editorial Assistant julie.edwards@oah.nc.gov (919) 431-3073
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: Amy Bason amy.bason@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 2012 – December 2012

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
26:13	01/03/12	12/08/11	01/18/12	03/05/12	03/20/12	05/01/12	05/16/12	09/29/12
26:14	01/17/12	12/21/11	02/01/12	03/19/12	03/20/12	05/01/12	05/16/12	10/13/12
26:15	02/01/12	01/10/12	02/16/12	04/02/12	04/20/12	06/01/12	01/30/13	10/28/12
26:16	02/15/12	01/25/12	03/01/12	04/16/12	04/20/12	06/01/12	01/30/13	11/11/12
26:17	03/01/12	02/09/12	03/16/12	04/30/12	05/21/12	07/01/12	01/30/13	11/26/12
26:18	03/15/12	02/23/12	03/30/12	05/14/12	05/21/12	07/01/12	01/30/13	12/10/12
26:19	04/02/12	03/12/12	04/17/12	06/01/12	06/20/12	08/01/12	01/30/13	12/28/12
26:20	04/16/12	03/23/12	05/01/12	06/15/12	06/20/12	08/01/12	01/30/13	01/11/13
26:21	05/01/12	04/10/12	05/16/12	07/02/12	07/20/12	09/01/12	01/30/13	01/26/13
26:22	05/15/12	04/24/12	05/30/12	07/16/12	07/20/12	09/01/12	01/30/13	02/09/13
26:23	06/01/12	05/10/12	06/16/12	07/31/12	08/20/12	10/01/12	01/30/13	02/26/13
26:24	06/15/12	05/24/12	06/30/12	08/14/12	08/20/12	10/01/12	01/30/13	03/12/13
27:01	07/02/12	06/11/12	07/17/12	08/31/12	09/20/12	11/01/12	01/30/13	03/29/13
27:02	07/16/12	06/22/12	07/31/12	09/14/12	09/20/12	11/01/12	01/30/13	04/12/13
27:03	08/01/12	07/11/12	08/16/12	10/01/12	10/22/12	12/01/12	01/30/13	04/28/13
27:04	08/15/12	07/25/12	08/30/12	10/15/12	10/22/12	12/01/12	01/30/13	05/12/13
27:05	09/04/12	08/13/12	09/19/12	11/05/12	11/20/12	01/01/13	01/30/13	06/01/13
27:06	09/17/12	08/24/12	10/02/12	11/16/12	11/20/12	01/01/13	01/30/13	06/14/13
27:07	10/01/12	09/10/12	10/16/12	11/30/12	12/20/12	02/01/13	05/2014	06/28/13
27:08	10/15/12	09/24/12	10/30/12	12/14/12	12/20/12	02/01/13	05/2014	07/12/13
27:09	11/01/12	10/11/12	11/16/12	12/31/12	01/22/13	03/01/13	05/2014	07/29/13
27:10	11/15/12	10/24/12	11/30/12	01/14/13	01/22/13	03/01/13	05/2014	08/12/13
27:11	12/03/12	11/07/12	12/18/12	02/01/13	02/20/13	04/01/13	05/2014	08/30/13
27:12	12/17/12	11/26/12	01/01/13	02/15/13	02/20/13	04/01/13	05/2014	09/13/13

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.

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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .3001-.3016.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncchildcare.net>

Proposed Effective Date: November 1, 2012

Public Hearing:

Date: June 27, 2012

Time: 1:30 p.m.

Location: NC Division of Child Development and Early Education, 319 Chapanoke Road, Suite 120, Raleigh NC 27603

Reason for Proposed Action: *The NC Child Care Commission is proposing the adoption of rules that are in direct response with S.L. 2011-145 s. 10.7(a) which transferred the More at Four program from the Department of Public Instruction to the Division of Child Development and Early Education. S.L. 2011-145 gave the Child Care Commission the rule-making authority to adopt programmatic standards for the regulation of NC Pre-Kindergarten (NC Pre-K) classrooms. The program will meet and offer the same standard of high quality early education as the More at Four program which has been maintained for the last 10 years. The rules will fall under the APA process and be codified under Title 10A NCAC 09 .3000 – NC Pre-Kindergarten Services.*

Procedure by which a person can object to the agency on a proposed rule: *Objections may be submitted in writing to Dedra Alston, Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201; or by email to Dedra.Alston@dhhs.nc.gov by July 31, 2012.*

Comments may be submitted to: *Dedra Alston, 2201 Mail Service Center, Raleigh, NC 27699-2201; phone (919) 890-7060; fax (919) 662-4568; email Dedra.Alston@dhhs.nc.gov*

Comment period ends: July 31, 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

CHAPTER 09 - CHILD CARE RULES

SECTION .3000 – NC PRE-KINDERGARTEN SERVICES

10A NCAC 09 .3001 SCOPE

The rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten (NC Pre-K) program. The NC Pre-K program is designed to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds. All rules in this Chapter shall apply except as provided in this Section.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3002 FACILITY REQUIREMENTS

(a) Programs serving NC Pre-K children shall maintain a four or five star rated license.

(b) All NC Pre-K licensed programs shall have an assessment completed every three years using a nationally recognized assessment tool as a part of the rated license reassessment process. Classrooms that score below the "good level", as defined by the tool, shall be reassessed the following year and a minimum "good level" must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom will be chosen during the reassessment process.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3003 PROGRAM ATTENDANCE POLICY

When a child is absent for more than three consecutive days, the site-level administrator must contact the family and determine the child's participation status. The site-level administrator must document attempts to contact the family and any specified decisions regarding the child's continued participation in the program. The site-level administrator shall contact the local NC Pre-K contractor to share information related to the child's absence and to determine what further actions may be necessary to maintain the child's attendance in the program.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3004 RELIGIOUS ACTIVITIES

Activities, instruction, or communications, which promote religious beliefs, shall not be directed toward children participating in the NC Pre-K program during the NC Pre-K day.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS

(a) A health assessment is required to be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-K program and the assessment may be no more than 12 months old at the time of program entry. The health assessment must include the following:

- (1) Physical examination;
- (2) Updated immunizations;
- (3) Vision screening;
- (4) Hearing screening; and
- (5) Dental screening.

(b) Site-level administrators shall review all health assessment results and shall ensure that all necessary referrals related to the results have been made.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3006 DEVELOPMENTAL SCREENING

(a) All children enrolled in the NC Pre-K program must receive a developmental screening, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a professional trained in administering the screening. Children must be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used solely for the purpose of identifying children who should be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Children shall be screened using one of the approved screening instruments as indicated in the NC Pre-K contractual agreement.

(c) Site-level administrators shall review all developmental screening results and shall ensure that all necessary referrals related to the results have been made.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3007 EARLY LEARNING STANDARDS AND CURRICULA

(a) NC Pre-K programs shall use North Carolina's Early Learning and Development Standards (and subsequent editions), to guide their planning of developmentally appropriate, high-quality pre-kindergarten experiences for children.

(b) Each NC Pre-K classroom shall use a curriculum as defined in 10A NCAC 09 .0102.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3008 INSTRUCTIONAL ASSESSMENTS

Classroom staff are required to conduct ongoing assessments to gather information about each child's growth and skill development, as well as inform instruction. One of the approved assessment instruments as indicated in the NC Pre-K contractual agreement shall be used to meet this requirement.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE

The classroom will not exceed a maximum staff-to-child ratio of one to nine with a maximum class size of 18 children, with at least one teacher and one assistant teacher per classroom.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-Kindergarten programs shall develop a comprehensive plan for family engagement consisting of strategies designed to develop partnerships with families and build reciprocal relationships that promote shared decision-making. Examples of meaningful opportunities for families to be engaged in their child's education include, but are not limited to:

- (1) Home visits;
- (2) Formal and informal parent/teacher conferences;
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) Parent education;
- (5) Family involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular service day.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3011 SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites must have either:

- (1) A NC Principal License, or
- (2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III. If the site-level administrator has not yet earned the NCECAC Level III, the following will apply:

- (A) Provisional approval will be given for four years from the time the site began participation with the NC Pre-K program for the administrator with NCECAC I or II to obtain the NCECAC Level III; and
- (B) Progress toward NCECAC Level III will be considered a minimum of six documented semester hours per year.

- (b) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.
- (c) Long term vacancies shall not exceed 12 weeks.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3012 TEACHER EDUCATION, LICENSURE AND CREDENTIALS

(a) All teachers will hold, or be working toward a North Carolina (NC) Birth through Kindergarten (B-K) Standard Professional II or Preschool Add-on licensures. Teachers working toward the required education and license shall hold a minimum of a BA/BS degree and the following requirements:

- (1) NC Initial Provisional Lateral Entry BK License, or
- (2) A North Carolina K-6 license and a provisional Preschool Add-on license, or
- (3) Another North Carolina or other state's license and an NC Provisional B-K license, or
- (4) A BA/BS degree in early childhood education, child development, or a related field, and be eligible for a NC Initial Provisional Lateral Entry B-K License.

(b) All Pre-K teachers must be enrolled with the Early Educator Support, Licensure and Professional Development Unit of the DCDEE.

(c) Pre-K teachers with a BA/BS degree shall make progress toward B-K licensure by completing a minimum of six documented semester hours per year, and achieve the B-K license within three years. The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3013 TEACHER ASSISTANT EDUCATION AND CREDENTIALS

(a) All assistants will have a high school diploma or GED and will hold, or be working toward, a minimum of an Associate Degree in early childhood education or child development (ECE/CD) or a Child Development Associate (CDA) credential. Teacher assistants working toward the Associate Degree or CDA shall make progress by completing a minimum of six documented semester hours per year. The site-level administrator shall maintain documentation available for review by the Division of the progress toward the required standard.

(b) Teacher assistants employed by public schools are exempt from this requirement to hold an ECE/CD Associate Degree or CDA if they meet the employment requirements outlined by the

federal "No Child Left Behind" (NCLB) legislation, and have one of the following:

- (1) Six documented semester hours of coursework in early childhood education, or
- (2) Two years of work experience in an early childhood setting.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3014 SUBSTITUTE STAFF

(a) When a member of the NC Pre-K teaching staff is unable to work, a substitute staff person must be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and must be able to implement the program in accordance with this Section. Substitute staff must be at least 18 years of age and meet the following minimum qualifications:

- (1) Requirements for short-term vacancies, when teachers are absent from the Pre-K classroom for 15 or fewer days, include the following:
 - (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings must have at least a high school diploma or a GED, and completed at least one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or
 - (B) Public School Settings: Substitutes must meet the requirements of the substitute policy consistent with the local education agency (LEA).
- (2) Requirements for long-term vacancies, when teachers are absent from the Pre-K classroom for 16 or more attendance days, are for substitute staff to hold at least an Associate Degree in early childhood education/child development or a four year degree in a related field.

(b) Substitutes for teacher assistants must be at least 18 years of age and have a minimum of a high school diploma or a GED.

(c) Long term vacancies shall not exceed 12 weeks.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3015 INSTRUCTIONAL STAFF STANDARDS

Instructional staff shall work in direct contact with children in the Pre-K program for at least a 30-hour work week. In addition to these direct, day-to-day instructional experiences, instructional staff will require additional time for related instructional activities, including time for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities. These related activities shall take place outside of the six and a half hour day of direct teacher-child contact.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS

(a) Licensed Administrators, Teachers, and Teacher Assistants in non-public and public schools will participate in professional development consistent with the NC State Board of Education policy.

(b) Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications will participate in a minimum of six documented semester hours per year.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services intends to amend the rule cited as 10A NCAC 27G .0813.

Link to agency website pursuant to G.S. 150B-19.1(c):

http://www.ncdhhs.gov/mhddsas/MHDDSAScommission/propos edrules/10a_ncac27g0813/rulewaiver.htm

Proposed Effective Date: November 1, 2012

Reason for Proposed Action: It is proposed that this rule be amended in order to ensure timely processing of waiver requests, as well as ensure that waivers relating to physical building design and equipment will stay in effect for a period not to exceed 10 years.

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): A person may demand a public hearing on the proposed rules by submitting a request Amanda J. Reeder, 3018 Mail Service Center, Raleigh, NC 27699-3018.

Procedure by which a person can object to the agency on a proposed rule: The objection, reasons for the objection and the clearly identified portion of the rule to which the objection pertains, may be submitted to Amanda J. Reeder, 3018 Mail Service Center, Raleigh, NC 27699-3018.

Comments may be submitted to: Amanda J. Reeder, 3018 Mail Service Center, Raleigh, NC 27699-3018; phone (919) 715-2780; fax (919) 508-0973; email Amanda.Reeder@dhhs.nc.gov

Comment period ends: July 31, 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: October 17, 2011
Substantial economic impact (≥\$500,000)
Approved by OSBM
No fiscal note required

CHAPTER 27 - MENTAL HEALTH: COMMUNITY FACILITIES AND SERVICES

SUBCHAPTER 27G - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES

SECTION .0800 - WAIVERS AND APPEALS

10A NCAC 27G .0813 WAIVER OF LICENSURE RULES

(a) The Secretary may waive any of these Rules related to licensure requirements. The decision to grant or deny the waiver request shall be based on the following:

- (1) the nature and extent of the request;
(2) the existence of safeguards to ensure that the health, safety, or welfare of the clients residing in the facility will not be threatened;
(3) the determination that the waiver will not affect the health, safety, or welfare of clients; clients residing in the facility;
(4) the existence of good cause; and
(5) documentation of governing body approval when requests are from an area authority or county program a Local Management Entity (LME) and contract agencies of an area authority or county program; LME, or documentation of governing body approval when requests are from private facilities not contracting with an area authority or county program. LME.

(b) Requests for waivers shall be sent to the Director, Division of Health Service Regulation, 2718 Mail Service Center, Raleigh, North Carolina 27699-2718.

(c) The request shall be in writing and shall contain:

- (1) the name, address and telephone number of the requester;
(2) the name, address and telephone number of the facility for which the waiver is requested;

- (3) the rule number and title of the rule or requirements for which waiver is being sought;
- (4) a statement of facts showing:
 - (A) the reason for, and the nature and extent of, the request; and
 - (B) that the health, safety or welfare of clients will not be threatened;
- (5) documentation of governing body approval when requests are from an ~~area authority or county program~~ LME and contract agencies of ~~area/county programs, the LME~~ or documentation of governing body approval when requests are from private facilities not contracting with an ~~area authority or county program~~ LME.

(d) Prior to issuing a decision on the waiver request, the Director of DHSR shall consult with the Director of DMH/DD/SAS, and may also request additional information or consult with additional parties as appropriate.

(e) A decision regarding the waiver request shall be issued in writing by the Director of DHSR and shall state the reasons why the request was granted or denied and any special conditions relating to the request. A copy of the decision shall be sent to the Director of DMH/DD/SAS. If the rule in question was adopted by the Commission, the Director of DMH/DD/SAS shall send a copy of the decision to all Commission members.

~~(f) The decision of the Secretary regarding a waiver request may be appealed to the Office of Administrative Hearings through the contested case process set out in G.S. 150B, Article 3. The appeal shall be in writing and shall be filed within 60 days of receipt of the decision regarding the waiver request.~~

~~(g) Waivers shall not exceed the expiration date of the current license and shall be subject to renewal consideration upon the request of the licensee.~~

~~(f) Waivers related to physical building design and equipment shall remain in effect for 10 years.~~

(g) Waivers other than those identified in Paragraph (f) of this Rule shall not exceed the expiration date of the current license and shall be subject to renewal consideration upon the request of the licensee.

(h) Renewal requests pursuant to this Rule may be considered prior to the licensure renewal being finalized when the requesting party has submitted the required application materials and fee. A waiver granted prior to licensure renewal being finalized shall be contingent upon licensure renewal being granted. A waiver granted prior to the licensure renewal shall become effective upon the date of the license renewal and is not retroactive.

(i) If a facility closes or undergoes a change of ownership, the waiver expires with the effective date of the closure or change of ownership.

(j) The decision of the Secretary regarding a waiver request may be appealed to the Office of Administrative Hearings through the contested case process set out in G.S. 150B, Article 3. The appeal shall be in writing and shall be filed within 60 days of receipt of the decision regarding the waiver request.

Authority G.S. 122C-23(f); 122C-26(4); 122C-27(9); 143B-147.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 - BOARD OF ARCHITECTURE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Architecture intends to amend the rules cited as 21 NCAC 02 .0109, .0903-.0906, .0909-.0910; and repeal the rule cited as 21 NCAC 02 .0902.

Link to agency website pursuant to G.S. 150B-19.1(c):
http://www.ncbarch.org

Proposed Effective Date: *October 1, 2012*

Public Hearing:

Date: *July 13, 2012*

Time: *9:00 a.m.*

Location: *NC Board of Architecture, 127 W. Hargett Street #304, Raleigh, NC 27601*

Reason for Proposed Action: *To update continuing education definitions, process and to remove outdated language.*

Procedure by which a person can object to the agency on a proposed rule: *Submit objections in writing to Executive Director, NC Board of Architecture, 127 W. Hargett Street #304, Raleigh, NC 27601; or in person at the public hearing on July 13, 2012.*

Comments may be submitted to: *Cathe M. Evans, Executive Director, 127 W. Hargett Street #304, Raleigh, NC 27601; email cathe@ncbarch.org*

Comment period ends: *July 31, 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

construction and utilization of buildings and the built environment.

Authority G.S. 83A-6.

SECTION .0100 - GENERAL PROVISIONS

SECTION .0900 - CONTINUING EDUCATION

21 NCAC 02 .0109 DEFINITIONS

In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the following meanings:

- (1) "Delinquent" is the status of a license registration that has not been renewed in accordance with 21 NCAC 02 .0213(b) for individuals and 21 NCAC 02 .0214(d) for firms.
- (2) "Licensed" means holding a license to practice architecture in the State of North Carolina as defined by North Carolina General Statute Chapter 83A. "Registered" has the same meaning as licensed.
- (3) "Fictitious name" is any assumed name, style or designation other than the proper name of the entity using such name. The surname of a person, standing alone or coupled with words that describe the business, is not a fictitious business name. The inclusion of words that suggest additional owners, such as "Company", "& Company", "& Sons", "& Associates", makes the name an assumed or fictitious name. For partnerships, the last name of all partners must be listed or the fictitious name definition applies.
- (4) "Responsible control" has the meaning described in Rule .0206(d).
- (5) "Firm" or "Architectural Firm" means any Professional Corporation or Professional Limited Liability Company approved by the Board and engaged in the practice of architecture.
- (6) "Procurement" means purchasing or pricing of materials to construct a building or structure.
- (7) Direct Supervision as used in North Carolina General Statute 83A means responsible control.
- (8) "Continuing Competency" as used in G.S. 83A-6(a)(5) means continuing education obtained post licensure that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety and welfare.
- (9) "Health, safety and welfare" (HSW) as used in G.S. 83A-6 (a)(5) means technical and professional subjects that the Board deems appropriate to safeguard the public and that are necessary for the proper evaluation, design,

21 NCAC 02 .0902 DEFINITIONS

~~The following definition shall apply: "Contact Hour" means a minimum of 50 minutes contact.~~

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0903 REQUIREMENTS

- (a) Every registrant shall obtain 12 contact hours for each calendar year. "Contact Hour" means a minimum of 50 minutes contact.
- (b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's knowledge and competence in technical and professional architectural subjects directly related to safeguarding public health, safety and welfare. ("HSW"). "Structured educational activities" are activities in which at least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (c) Registrants shall not carry forward any contact hours into the subsequent period.
- (d) Registrants shall ~~verify~~ certify completion of the contact hours for the previous calendar year with annual registration renewal.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0904 DETERMINATION OF CREDIT

- (a) The Board has final authority with respect to approval of course sponsors, courses, programs, and contact hours.
- ~~(b) The Board shall not pre-approve individual courses or programs. The Board may enter into agreements with course and program sponsors in which the sponsor agrees to offer courses and programs that comply with the subject matter requirements of G.S. 83A-6(a) and the credit calculation requirements of Rule .0902 of this Section, agrees to maintain for a period of two years records of course content and attendance, and agrees to permit a representative of the Board to monitor or review any course or program the sponsor offers to North Carolina registrants for credit. Courses or programs offered and approved by the American Institute of Architects and other approved course sponsors shall indicate, in advance, the contact hours for each course or program. Provided the sponsor complies with the sponsor agreement, the Board shall accept as presumptively valid contact hours earned by registrants from approved sponsors.~~
- (c) ~~Credit for the Monographs developed by the National Council of Architectural Registration Boards (NCARB) shall be approved for the contact hours assigned by NCARB.~~

~~(d) Credit for teaching or instructing qualifying courses or programs shall be twice the contact hours earned by participants and shall be claimed for credit only once.~~

~~(e)(b) Registrants may claim contact hours for courses or programs that have not been presented by approved sponsors but only credit from approved sponsors shall be presumptively valid. The Board may randomly audit the compliance of individual registrants and require proof in the form of records maintained pursuant to Rule .0905(b) of this Section of participation in courses or programs that conform with the content and contact hours calculation requirements contained in G.S. 83A-6(a) and these Rules.~~

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0905 RECORD KEEPING

(a) The registrant shall maintain records to support credits claimed. Records required include:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker and contact hours earned; or
- (2) Attendance certificates or other evidence of participation; or
- (3) Records maintained by the American Institute of Architects Continuing Education System(AIA/CES).

(b) Records shall be retained by the registrant for a period of ~~two~~ six years after the credit is claimed and provided to the Board upon request.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0906 EXCEPTIONS

A registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) New registrants by way of examination or reciprocity for the current registration year.
- (2) A registrant serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year or as provided by statute, whichever is greater.
- (3) Registrants experiencing physical disability or illness if supporting documentation is approved by the Board. Such documentation shall be in the form of a ~~sworn~~ statement by the registrant, a statement from a physician, or medical records which show that the disability or illness prevented registrant's participation in a course which the registrant had enrolled, or prevented registrant's participation in the continuing education program for at least 90 consecutive days in a year.
- (4) Registrants who receive emeritus status from the Board. In order to return to active practice, registrants shall complete continuing education requirements for each exempted year not to exceed two years.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0909 FORMS

All renewal applications shall require the completion of a continuing education ~~form~~ certification specified by the Board documenting the contact hours claimed for the renewal period. The registrant shall supply sufficient detail to permit audit verification and shall certify and sign the continuing education form with the renewal application and fee.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

21 NCAC 02 .0910 NON-COMPLIANCE

(a) If any credits are disallowed by the Board, then the registrant shall have ~~90~~ 60 calendar days after notification to substantiate the original claim or obtain other contact hours to meet the minimum requirements.

(b) Licensees who fail to complete the continuing education requirement by the end of the previous calendar year shall have his or her license placed on probation and shall complete the outstanding continuing education by December ~~30th~~ 31st of the current calendar year. If the licensee fails to complete the outstanding continuing education requirements his or her license shall be suspended for ~~60 days~~ days or until such time as compliance is demonstrated if prior to 60 days. If the licensee fails to complete the outstanding continuing education within the 60 days suspension period his or her license shall be revoked.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; 83A-15.

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Cosmetic Art Examiners intends to adopt the rules cited as 21 NCAC 14A .0402-.0403; and amend the rules cited as 21 NCAC 14A .0101; 14T .0205, .0303-.0305, .0612-.0613, .0701.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.nccosmeticarts.com/uploads/Board/PRMay2012.pdf>

Proposed Effective Date: October 1, 2012

Public Hearing:

Date: June 18, 2012

Time: 9:00 a.m.

Location: 1201 Front Street, Suite 110, Raleigh, NC 27609

Reason for Proposed Action: *These rules have been written/amended or recommended for repeal by the Board to provide clear language for required licensee actions per G.S. 88B and to eliminate unnecessary regulations.*

Procedure by which a person can object to the agency on a proposed rule: *Interested persons may present oral or written comments at the rule-making hearing. In addition, the record*

will be open for receipt of written comments from April 24, 2012 to July 16, 2012. Written comments not presented at the hearing should be directed to Stefanie Kuzdrall.

Comments may be submitted to: Stefanie Kuzdrall, 1201 Front Street, Suite 110, Raleigh, NC 27609; phone (919) 715-0018; fax (919) 733-4127; email skuzdrall@nccosmeticarts.com

Comment period ends: July 31, 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 14A - DEPARTMENTAL RULES

SECTION .0100 - ORGANIZATION RULES

21 NCAC 14A .0101 DEFINITIONS

The following definitions apply in this Chapter:

- (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
(2) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by, G.S. 88B-2(5), but is not solely a manicurist or an esthetics school.
(3) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.
(4) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.
(5) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14K .0102.

- (6) "Successful Completion" is the completion of an approved cosmetic art curriculum with a minimum grade of "C" or 70 %, whichever is deemed as passing by the cosmetic art school.
(7) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.
(8) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14O.0102.
(9) "Licensing cycle" for cosmetologists is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals. For estheticians, natural hair care specialists and manicurists the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October. For teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.
(10) "Renewal period" for individual licensees is a three-month period beginning on the first day of July and ending on the first day of October of a renewal year, for salon licensees is a two-month period beginning on the first day of December and ending on the first day of February of a renewal year.

Authority G.S. 88B-2; 88B-4.

SECTION .0400 - LICENSE RENEWAL WAIVER FOR ARMED FORCES

21 NCAC 14A .0402 DUPLICATE LICENSES

Licensees may request a duplicate license by submitting written application and duplicate license fees to the Board.

Authority G.S. 88B-20.

21 NCAC 14A .0403 ADDITIONAL SALON CHAIRS

Salon owners may request additional salon chair licensure by submitting written application and additional chair fees to the Board.

Authority G.S. 88B-20.

SUBCHAPTER 14T - COSMETIC ART SCHOOLS

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0205 NATURAL HAIR CARE SCHOOLS

Natural Hair Care Styling Schools must have the following physical departments: Advanced Department - a minimum clinic floor of 900 600 square feet which shall accommodate a

maximum of ~~20~~ 16 enrolled advanced students. Schools must provide an additional 7.5 square feet on the clinic floor for each enrolled advanced student over ~~20~~ 16.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

SECTION .0300 - SCHOOL EQUIPMENT AND SUPPLIES

21 NCAC 14T .0303 EQUIPMENT FOR ESTHETICS SCHOOLS

(a) The beginner department in an esthetics school must be equipped with the following equipment:

- (1) One mannequin practice table/stand to accommodate each student enrolled in the beginner department;
- (2) One sink with hot and cold running water.

(b) The advanced department in an esthetics school shall be equipped with the following equipment for ~~1-40~~ 1-20 students:

- (1) Ten facial treatment chairs or treatment tables;
- (2) Ten esthetician's stools and waste container at each station;
- (3) One facial vaporizer;
- (4) One galvanic current apparatus;
- (5) One infra-red lamp;
- (6) One woods lamp;
- (7) One magnifying lamp;
- (8) One hair removal wax system;
- (9) One thermal wax system;
- (10) One suction machine;
- (11) One exfoliation machine with brushes; and
- (12) One hand washing sink with hot and cold running water, separate from restrooms.

(c) The advanced department in an esthetics school must be equipped with the following equipment if there are more than ~~40~~ 20 enrolled advanced students:

- (1) One station for each additional two students: a station shall include one facial treatment table or chair and one stool; and
- (2) Two hand washing sinks with hot and cold running water, separate from restrooms.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

21 NCAC 14T .0304 EQUIPMENT FOR MANICURING SCHOOLS

(a) The beginner department in a manicuring school must be equipped with the following equipment:

- (1) One mannequin practice table/stand to accommodate each student enrolled in the beginner department; and
- (2) One hand washing sink with hot and cold running water, separate from restrooms.

(b) The advanced department in a manicuring school must be equipped with the following equipment:

- (1) Two hand washing sinks with hot and cold running water, separate from restrooms, located in or adjacent to the clinic area;
- (2) Ten work tables with two chairs per table;
- (3) Ten pedicure chairs and basins;

- (4) A waste container at each station; and
- (5) A covered container for soiled or disposable towels located in the clinic area.

(c) The advanced department in a manicuring school must be equipped with the following equipment if there are more than ~~40~~ 20 enrolled advanced students:

- (1) One station for each additional two students a station shall include one work table and two chairs; and
- (2) Two hand washing sinks with hot and cold running water, separate from restrooms

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

21 NCAC 14T .0305 EQUIPMENT FOR NATURAL HAIR CARE STYLING SCHOOLS

(a) The beginner department in a natural hair care styling school must be equipped with the following:

- (1) One shampoo bowl and chair. Each side approach shampoo bowl must be at least 40 inches apart, center of bowl to center of bowl; free standing shampoo bowls must be at least 31 inches apart, center of bowl to center of bowl;
- (2) Styling equipment for the purpose of natural hair care;
- (3) Visual aids;
- (4) One mannequin practice table/stand to accommodate each student.

(b) The advanced department in a natural hair care styling school must be equipped with the following:

- (1) Two shampoo bowls and chairs. Each side approach shampoo bowl must be 40 inches apart center of bowl to center of bowl; free standing shampoo bowls must be 31 inches apart center of bowl to center of bowl;
- (2) ~~Ten~~ Eight stations. A station shall include one mirror and one hydraulic chair;
- (3) Two hooded floor type dryers; and
- (4) Styling equipment for the purpose of natural hair care.

(c) The advanced department in a natural hair care styling school must be equipped with the following if there are more than ~~40~~ 16 enrolled advanced students:

- (1) One station for each additional two students; a station shall include one mirror and one hydraulic chair;
- (2) One hooded dryer for each additional 10 students; and
- (3) One shampoo bowl for each additional 10 students.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

SECTION .0600 - CURRICULA

21 NCAC 14T .0612 INSTRUCTION GUIDELINES

(a) The hours earned in the advanced department must be devoted to study and performance completions.

(b) Work in the advanced department may be done on the public. Cosmetology and apprentice students with less than 300 hours, esthetician students with less than 75 hours, and manicurist and natural hair care students with less than 60 hours must not work in this department and are not allowed to work on the public except shampoo and scalp manipulations.

(c) All work done by students on the public must be checked by the cosmetic art teacher as the work is being performed and after the service has been completed so that the teacher may point out errors to the student in order that they may be corrected.

(d) Cosmetic art students shall receive training and passing scores on examinations on theory prior to performing services.

(e) Theory work shall include lectures on theory subjects as well as demonstrations, questions and answers on textbooks, written examinations, and in-class practice of procedures and methods.

(f) Cosmetic art teacher trainees must be enrolled in school to earn hours.

(g) Cosmetic art schools must supply each student with a copy of An Act to Regulate Cosmetic Art, Board rules, and the student handbook.

(h) All of the work outlined in the Beginners' Department and the Advanced Department shall be given to the students through practical demonstrations and lectures, questions and answers on textbooks, and written exam.

(i) A minimum of 10 percent of scheduled attendance time per week shall be dedicated to theory instruction, questions and answers on textbooks, and written exam shall be given to full time students per week.

(j) All papers shall be graded and returned to the students in order that the students may see their errors.

(k) Cosmetic art students may receive training and practice only in the discipline in which they are enrolled.

(l) All live model performances must be done on the clinic floor. Mannequin performances and live model performances on other students may be performed on the clinic floor or in an advanced department ~~classroom~~ classroom or room within the school with the required space and equipment for practice.

(m) Textbooks used for instruction shall not exceed five years after original publication date.

(n) Schools must provide text books and supplementary educational materials and equipment to students.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

21 NCAC 14T .0613 UNIFORMS AND IDENTIFICATION

(a) Each cosmetic arts school must define what constitutes a uniform for students and acceptable attire for teachers. Students and teachers shall wear the uniform or acceptable attire as defined by the school so that Board members or agents of the Board can identify by sight students and teachers.

(b) Each school's definition of acceptable attire cannot change more than once per year.

(c) Students must wear a name tag identifying student name, cosmetic art discipline and academic status. At no time shall a student fail to wear a name tag.

(d) Each cosmetic art school may permit students to be out of uniform a maximum of four days per year. Notice to the Board

must be submitted ~~no less than 10 days~~ prior to any day uniforms will not be worn.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

SECTION .0700 - SCHOOL LICENSURE, OPERATIONS, CLOSING AND RELOCATING SCHOOLS

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

(a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted a license, before the student is enrolled or after graduation or withdrawal without a new enrollment.

(b) All Cosmetic Art schools must submit hours of operation per cosmetic art discipline to the Board. Any changes to the hours of operation must be submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services or performances are provided.

(c) Students can be required to clean and disinfect work areas, reception areas, implements and the dispensary. Students cannot be required to perform regular maintenance.

(d) All cosmetic art schools must adhere to all Board sanitation regulations.

(e) Cosmetic art schools may permit students to leave the cosmetic art school to visit on campus libraries and other educational resource rooms such as computer labs for research and study under the supervision of a cosmetic art instructor.

(f) Cosmetic art schools must use the following grading scale as a minimum for passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

(g) Cosmetic art schools shall not graduate any student that has not met the minimum school and Board requirements for graduation.

(h) Examinations shall be administered in all subjects of the cosmetic art curriculum. Students must pass examinations in all curriculum subjects.

(i) Students present at school must be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a class, at least one cosmetic art teacher must be present in the lecture.

(j) All cosmetic art schools shall provide:

- (1) One teacher for every 25 students enrolled in the beginner department.
- (2) During student practical work on live models, on the ~~clinic floor~~ a ratio of one teacher for every 20 students.
- (3) Cosmetic art teachers at a ratio of 1:25 teacher to teacher trainees; or
 - (A) one teacher and up to 25 beginner cosmetic art students and 5 teacher trainees; or
 - (B) one teacher and up to 20 cosmetic art students in practice on the clinic floor and 5 teacher trainees.

(k) In theory classes the teacher student ratio may exceed the ratios established in this Rule.

(l) The teacher student ratios established in this Rule shall be adhered to when schools are in operation.

(m) A teacher shall not administer instruction to students enrolled in beginner and advanced departments at the same time.

(n) At no time can any one teacher be responsible for students in a theory class and students in practice on the clinic floor.

(o) The Board must be notified of changes in teaching staff by written correspondence prior to instruction by the new teacher.

(1) A change in teaching staff includes any substitution for the regularly scheduled teacher and any change, scheduled or otherwise, in the list of teachers last given to the Board.

(2) All courses in a cosmetic art school must be taught by a licensed cosmetology teacher, except that manicuring courses may be taught by either a licensed cosmetology teacher or a licensed manicurist teacher, natural hair care courses may be taught by either a licensed cosmetology teacher or a licensed esthetician teacher. A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology, esthetician, natural hair care or manicurist teacher; a licensed manicurist not licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an esthetician teacher may substitute for an esthetician teacher.

(p) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer, the school must provide a new cosmetic art teacher.

(q) Enrolled students may earn a maximum of 8 10 hours per day per discipline of cosmetic art and a maximum of 48 hours per week per discipline. A student enrolled in more than one cosmetic art discipline may not earn hours or performances concurrently.

(r) A cosmetic art student must complete at least 1/3 of the minimum required hours in the cosmetic art school certifying his or her application for the state board examination.

(s) Upon written petition by the student and the school, the Board shall make an exception to the requirements set forth in Paragraph (r) of this Rule if the student shows that circumstances beyond the student's control prohibited him or her from completing a minimum of 1/3 hours at the school that certifies his or her application.

(t) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North Carolina.

Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17.

CHAPTER 52 - BOARD OF PODIATRY EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Podiatry Examiners intends to adopt the rule cited as 21 NCAC 52 .0612; and amend the rule cited as 21 NCAC 52 .0205.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.ncbpe.org/content/executive-board>

Proposed Effective Date: October 1, 2012

Public Hearing:

Date: July 31, 2012

Time: 10:00 a.m.

Location: FirstPoint Management Resources, 1500 Sunday Drive, Suite 102, Conference Room, Raleigh, NC 27607

Reason for Proposed Action:

21 NCAC 52 .0205 – Amendment will allow new licensees the option to attend the Board's required practice orientation using new technologies for monitored, electronic, video-conferencing (such as Adobe Connect, Skype, GotoMeetings, etc.) rather than attend in-person which might incur travel costs and time away from their jobs, their residencies, or their practices.

21 NCAC 52 .0612 – Adoption will allow the Board to collect fees the bank charges its account for payor's returned check fees when there are insufficient funds in the payor's bank account and will allow the Board to recoup the bank merchant account fees charged to the Board when a payor uses a credit card form of payment.

Procedure by which a person can object to the agency on a proposed rule:

Any person wishing to object to a proposed rule shall address their request to: NC Board of Podiatry Examiners, 1500 Sunday Drive, Suite 102, Raleigh, NC 27607. The caption of the objection should bear the notation: "RULEMAKING OBJECTION RE:" and then the subject area. The written objection should include the following information: (1) an indication of the subject area to which the objection is directed. For example: "This objection concerns the rulemaking hearing to amend Rule .0000"; (2) either a draft of the proposed rule or a summary of its contents; (3) reason for the objection; (4) the effect on existing rules; (5) any data supporting the objection; (6) effect of the proposed rule on existing practices in the area involved, including cost factors; (7) names of those most likely to be affected by the rule with addresses if reasonably known; and (8) name(s) and address(es) of objector(s).

Comments may be submitted to: Penney De Pas, Rulemaking Coordinator, NC Board of Podiatry Examiners, 1500 Sunday Drive, Suite 102, Raleigh, NC 27607-5151; fax (919) 787-4916; email info@ncbpe.org

Comment period ends: July 31, 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 .0200 - EXAMINATION AND LICENSING

21 NCAC 52 .0205 PRACTICE ORIENTATION

The board shall require each applicant, who has otherwise successfully completed his or her requirements to practice in the state, to attend by personal appearance a practice- and ethics-

orientation prior to receiving his or her license. The personal appearance may be either in-person or via a monitored electronic video-conference. Should an applicant be unable to attend the required orientation for a documented emergency reason, such as death in the family or personal medical emergency, e.g., emergency appendectomy, then the board shall require an applicant to spend up to one week as a trial period to better equip them to practice podiatry in North Carolina in the office of and under the direction of a podiatrist practicing in North Carolina. Such orientation shall take place only in those offices approved by the board according to these Rules and assignment of an orientation office in which to work shall be considered as a portion of the clinical examination in podiatry. The license shall not be issued until the orientation requirement has been fulfilled.

Authority G.S. 90-202.4(g); 90-202.6(a)(b).

SECTION .0600 - GENERAL PROVISIONS

21 NCAC 52 .0612 PAYMENT OF FEES

The Board shall accept payment of its fees in the form of cash, money order, check, or credit card. For checks that are returned by the Board's bank for insufficient funds, the payor will be required to reimburse the Board the fee charged to the Board by the bank for insufficient funds. For each credit card payment transaction, the Board will assess a convenience fee in the amount equivalent to the merchant account fee the bank charges the Board for processing of credit card charges.

Authority G.S. 55B-10; 55B-11; 90-202.4(g); 90-202.5; 90-202.10.

APPROVED RULES

*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 April 19, 2012.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

ELECTIONS, BOARD OF

<u>Agency Name, Address, and Hours</u>	08	NCAC	01	.0101*	n/a G. 150B-21.5(a)(4)
--	----	------	----	--------	------------------------

CHILD CARE COMMISSION

<u>Requirements for a Safe Indoor/Outdoor Environment</u>	10A	NCAC	09	.1719*	26:05 NCR
---	-----	------	----	--------	-----------

PRIVATE PROTECTIVE SERVICES BOARD

<u>Application for Licenses and Trainee Permits</u>	12	NCAC	07D	.0201*	26:12 NCR
<u>Renewal or Reissue of Licenses and Trainee Permits</u>	12	NCAC	07D	.0203*	26:12 NCR
<u>Application for Unarmed Security Guard Registration</u>	12	NCAC	07D	.0701*	26:12 NCR
<u>Renewal or Reissue of Unarmed Security Guard Registration</u>	12	NCAC	07D	.0706*	26:12 NCR
<u>Application/Armed Security Guard Firearm Registration Permit</u>	12	NCAC	07D	.0801*	26:12 NCR
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	12	NCAC	07D	.0806*	26:12 NCR
<u>Application for Firearms Trainer Certificate</u>	12	NCAC	07D	.0902*	26:12 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Purpose</u>	15A	NCAC	02C	.0201*	26:08 NCR
<u>Scope</u>	15A	NCAC	02C	.0202*	26:08 NCR
<u>Definitions</u>	15A	NCAC	02C	.0204*	26:08 NCR
<u>Area of Review</u>	15A	NCAC	02C	.0205	26:08 NCR
<u>Corrective Action</u>	15A	NCAC	02C	.0206*	26:08 NCR
<u>Mechanical Integrity</u>	15A	NCAC	02C	.0207*	26:08 NCR
<u>Financial Responsibility</u>	15A	NCAC	02C	.0208*	26:08 NCR
<u>Classification of Injection Wells</u>	15A	NCAC	02C	.0209*	26:08 NCR
<u>General Permitting Requirements Applicable to All Injecti...</u>	15A	NCAC	02C	.0211*	26:08 NCR
<u>Additional Criteria and Standards Applicable to Class 5 W...</u>	15A	NCAC	02C	.0213	26:08 NCR
<u>Abandonment and Change-of-Status</u>	15A	NCAC	02C	.0214	26:08 NCR
<u>Variance</u>	15A	NCAC	02C	.0215	26:08 NCR
<u>Delegation</u>	15A	NCAC	02C	.0216	26:08 NCR
<u>Permitting by Rule</u>	15A	NCAC	02C	.0217*	26:08 NCR
<u>Aquifer Recharge Wells</u>	15A	NCAC	02C	.0218*	26:08 NCR
<u>Aquifer Storage and Recovery Wells</u>	15A	NCAC	02C	.0219*	26:08 NCR
<u>Aquifer Test Wells</u>	15A	NCAC	02C	.0220*	26:08 NCR
<u>Experimental Technology Wells</u>	15A	NCAC	02C	.0221*	26:08 NCR
<u>Geothermal Aqueous Closed-Loop Wells</u>	15A	NCAC	02C	.0222*	26:08 NCR
<u>Geothermal Direct Expansion Closed-Loop Wells</u>	15A	NCAC	02C	.0223*	26:08 NCR
<u>Geothermal Heating/Cooling Water Return Wells</u>	15A	NCAC	02C	.0224*	26:08 NCR

APPROVED RULES

<u>Groundwater Remediation Wells</u>	15A NCAC 02C .0225*	26:08 NCR
<u>Salinity Barrier Wells</u>	15A NCAC 02C .0226*	26:08 NCR
<u>Stormwater Drainage Wells</u>	15A NCAC 02C .0227*	26:08 NCR
<u>Subsidence Control Wells</u>	15A NCAC 02C .0228*	26:08 NCR
<u>Tracer Wells</u>	15A NCAC 02C .0229*	26:08 NCR
<u>Other Wells</u>	15A NCAC 02C .0230*	26:08 NCR
<u>Abandonment and Change-of-Status Wells</u>	15A NCAC 02C .0240*	26:08 NCR
<u>Variance</u>	15A NCAC 02C .0241*	26:08 NCR
<u>Delegation</u>	15A NCAC 02C .0242*	26:08 NCR

MEDICAL BOARD

<u>Name of Corporation</u>	21 NCAC 32C .0102*	25:22 NCR
<u>Stock and Financial Matters</u>	21 NCAC 32C .0105*	25:22 NCR
<u>Charter Amendments and Stock Transfers</u>	21 NCAC 32C .0106*	25:22 NCR
<u>Registration of Foreign Professional Corporation</u>	21 NCAC 32C .0109*	25:22 NCR

STATE PERSONNEL COMMISSION

<u>Purpose</u>	25 NCAC 01L .0102*	26:11 NCR
<u>Program Implementation: Agency and University Level</u>	25 NCAC 01L .0104*	26:11 NCR

TITLE 08 – BOARD OF ELECTIONS

**08 NCAC 01 .0101 AGENCY NAME: ADDRESS:
AND HOURS**

The offices of the State Board of Elections are located at 441 North Harrington St., Raleigh, North Carolina, and the operating hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

*History Note: Authority G.S. 163-22;
Eff. March 12, 1976;
Amended Eff. May 1, 2012; January 1, 2004.*

- (3) ensure that all stationary outdoor equipment is firmly anchored and is not installed over concrete or asphalt. Footings which anchor the equipment shall not be exposed;
- (4) securely mount electric fans out of the reach of children or have a mesh guard on each fan;
- (5) cover all electrical outlets not in use and remove old, cracked or frayed cords in occupied outlets;
- (6) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the cord, if applicable, is accessible to preschool children;
- (7) have solid and safe indoor and outdoor stairs and steps if these are used by the children. Indoor and outdoor stairs with two or more steps which are used by the children shall be railed. Indoor stairs with more than two steps shall be made inaccessible to children in care who are two years old or younger;
- (8) maintain any swimming pools or wading pools on the premises in a manner that will safeguard the lives and health of the children. All swimming or wading pools used by children in care shall meet the "Rules Governing Public Swimming Pools," in accordance with 15A NCAC 18A .2500 which are hereby incorporated by reference including subsequent amendments. A copy of these Rules is on file at the Division at the address given in Rule .0102 of this Chapter or may be

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 09 .1719 REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT

(a) The operator of a family child care home shall maintain a safe indoor and outdoor environment for the children in care. In addition, the operator shall:

- (1) keep all areas used by the children, indoors and outdoors, clean and orderly and free of items which are potentially hazardous to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
- (2) safely store equipment and supplies such as lawnmowers, power tools, or nails, so they are inaccessible to children;

obtained at no cost by writing the North Carolina Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 26799-1630;

- (9) enclose any in-ground swimming pools by a fence at least four feet high to prevent chance access by children. The swimming pool shall be separate from the play area. Access to the water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children; and
- (10) safely store all combustible materials that may create a fire hazard.

(b) Prior to enrollment of children in a family child care home, and before new animals that will be in the home come into the family child care home, a parent of each child must sign a form acknowledging the type of animal and where the animal will be during operating hours. This documentation shall be maintained in each child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(3),(4),(5),(6); Eff. July 1, 1998; Amended Eff. May 1, 2012; April 1, 2001.

TITLE 12 – DEPARTMENT OF JUSTICE

12 NCAC 07D .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (3) a certified statement of the results of a criminal history records search by the appropriate governmental authority housing criminal record information or clerk of superior court in each county where the applicant has resided within the immediately preceding 60 months;
- (4) the applicant's non-refundable application fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission date.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed

by the applicant and his prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor.

(c) Private investigator trainees applying for a license must make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must provide evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee; the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed the information with the Board's representative and that he or she has an understanding of G.S. 74C and the administrative rules.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;

Eff. June 1, 1984;

Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985.

12 NCAC 07D .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit renewal shall submit an original and one copy of a renewal form. This form shall be submitted to the administrator not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) a head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient for identification, taken within six months of the application and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (2) statements of the result of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediate preceding 12 months or a criminal record check from a third party criminal record check provider;
- (3) the applicant's renewal fee; and
- (4) proof of liability insurance as set out in G.S. 74C-10(e).

(b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

- (1) an Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint card;
- (3) one head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient for identification, taken within six months of the application and

- submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (4) statements of the result of a local criminal history records search by the city-county identification bureau or clerk of superior court in each county where the applicant has resided within the immediate preceding 60 months or a criminal record check from a third party criminal record check provider;
 - (5) the applicant's non-refundable application fee;
 - (6) proof of liability insurance as set out in G.S. 74C-10(e); and
 - (7) a separate check or money order made payable to the State Bureau of Investigations to cover criminal record checks performed by the State Bureau of Investigations.

(c) Members of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-8; 74C-9; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994; July 1, 1987; December 1, 1985.

12 NCAC 07D .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his designee shall submit and sign an application form for the registration of each employee to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (3) a certified statement of the results of a criminal records search from the appropriate governmental authority housing criminal record information or clerk of superior court in each area where the applicant has resided within the immediately preceding 48 months;
- (4) the applicant's non-refundable registration fee; and
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of

the application in the individual's personnel file in the employers' office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant when he is within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0707 shall be submitted to the Director with the application.

(e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11; Eff. June 1, 1984; Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994; February 1, 1990; May 1, 1988.

12 NCAC 07D .0706 RENEWAL OR REISSUE OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his employer, shall complete a form provided by the Board. This form shall be submitted not fewer than 30 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (2) statements of any criminal record obtained from the appropriate authority in each area where the applicant has resided within the immediate preceding 12 months or a criminal record check from a third party criminal record check provider;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) Each applicant for reissue of a registration identification card shall complete, and his employer shall sign, a form provided by the Board. This form shall be submitted to the Board and accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc; and
- (2) the applicant's reissue fee.

(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the application which will serve as a record of application for renewal or reissue and shall retain a copy of the application in the individual's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987; December 1, 1985.

12 NCAC 07D .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each armed security guard employer or his designee shall submit and sign an application form for the registration of each armed security guard applicant to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color digital photographs of the applicant in JPG format of sufficient quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (3) a certified statement of the results of a criminal records search from the clerk of superior court in each county where the applicant has resided within the immediate preceding 48 months. If the applicant has resided out of state within the immediate preceding 48 months, the applicant shall provide a certified statement of the result of a criminal records search from the appropriate governmental authority housing criminal record information in each area where the applicant has resided within the immediate preceding 48 months;
- (4) the applicant's non-refundable registration fee; and
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807;
- (6) a certification by the applicant that he or she is at least 21 years of age.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant

when he is within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

History Note: Authority G.S. 74C-5; 74 C-9; 74C-13; Eff. June 1, 1984; Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990; May 1, 1988; July 1, 1987.

12 NCAC 07D .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (2) statements of any criminal record obtained from the appropriate area where the applicant has resided within the immediate preceding 12 months or a criminal record check from a third party criminal record check provider;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application that will serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of 12 NCAC 07D .0807.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the

Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; 74C-13; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985.

12 NCAC 07D .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

Each applicant for a firearms trainer certificate shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) one head and shoulders color digital photograph of the applicant in JPG format of adequate quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;
- (3) a certified statement of the results of a criminal history records search by the appropriate governmental authority housing criminal record information or clerk of superior court in each county where the applicant has resided within the immediate preceding 60 months;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board;
- (5) the applicant's non-refundable registration fee;
- (6) a certificate of successful completion of the training required by 12 NCAC 07D .0901(3) and (4). This training shall have been completed within 60 days of the submission of the application; and
- (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and collected by the Private Protective Services Board.

History Note: Authority G.S. 74C-5; 74C-13; Eff. June 1, 1984; Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985; Temporary Amendment Eff. July 17, 2001; Amended Eff. May 1, 2012; August 1, 2002.

15A NCAC 02C .0201 PURPOSE

The rules in this Section establish classes of injection wells and set forth requirements and procedures for permitting, constructing, operating, monitoring, reporting, and abandoning approved types of injection wells and abandoning, monitoring, and reporting non-permitted wells used for the injection of wastes or any substance of a composition and concentration such that, if it were discharged to the land or waters of the state, would adversely affect human health or would otherwise render those waters unsuitable for their best intended usage. Except as provided for in G.S. 143-215.1A, the discharge of any wastes to the subsurface by means of wells is prohibited by G.S. 143-214.2(b).

History Note: Authority G.S. 87-84; 87-87; 87-88; 87-94; 87-95; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996.

15A NCAC 02C .0202 SCOPE

The rules in this Section apply to all construction, operation, use, modification, alteration, repair, and abandonment activities of all injection wells as defined herein. These Rules do not apply to subsurface distribution systems associated with sewage treatment and disposal permits issued in accordance with G.S. 130A.

History Note: Authority G.S. 87-86; 87-87; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996.

15A NCAC 02C .0204 DEFINITIONS

In addition to the terms defined in Rule .0102 of this Subchapter the following terms and phrases apply unless the context requires otherwise:

- (1) "Abandonment or Plugging Record" means a systematic listing of permanent or temporary abandonment of a well and may contain a well log or description of amounts and types of abandonment material used, the method employed for abandonment, a description of formation location, formation thickness, and location of abandonment structures.
- (2) "Approved", "require", "necessary", "impose", and similar terms, or other forms of such terms, mean an action of the Director or Division based on the standards or requirements of the rules of this Section unless the context requires otherwise.
- (3) "Area of Review" means the area around an injection well as specified in each applicable rule.
- (4) "Best intended usage" is as defined in 15A NCAC 02L .0201 for each groundwater classification.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

- (5) "Catastrophic Collapse" means the failure of overlying strata caused by removal of underlying materials.
- (6) "Closed-Loop Geothermal Well System" means a system of continuous piping, part of which is installed in the subsurface via vertical or angled borings, through which moves a fluid that does not exit the piping, but is used to transfer heat energy between the subsurface and the fluid in association with a heating and cooling system. A variation of this type of system consists of the continuous piping emplaced into a water supply well such that the standing column of groundwater serves as the heat transfer medium.
- (7) "Closed-Loop Groundwater Remediation System" is as defined in G.S. 143-215.1A.
- (8) "Cluster" means two or more geothermal injection wells connected to the same manifold or header of a geothermal heating and cooling system.
- (9) "Confined or Enclosed Space" means any space, having a restricted means of entry and exit and is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere.
- (10) "Confining Zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement.
- (11) "Contaminant" is as defined in 15A NCAC 02L .0102.
- (12) "Facility, Operation, or Activity" means any injection well or system.
- (13) "Flow Rate" means the volume per unit time of a fluid moving past a fixed reference point.
- (14) "Fluid" means a material or substance which is capable of flowing whether in a semisolid, liquid, sludge, gas, or other form or state.
- (15) "Formation Fluid" means fluid present in a formation under natural conditions. This does not include introduced fluids, such as drilling mud and grout, used to facilitate the construction or development of a well.
- (16) "Generator" means any person, by site location, whose act or process produces hazardous waste.
- (17) "Groundwaters" mean those waters occurring in the subsurface under saturated conditions.
- (18) "Hazardous Waste" means any solid, semisolid, liquid, or contained gaseous waste or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristic may:
 - (a) cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (b) pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (19) "Hazardous Waste Management Facility" means all contiguous land and structures and other appurtenances and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them).
- (20) "Hose Bibb or Tap" means a fluid sampling port located on or appurtenant to a well.
- (21) "Hydraulic Conductivity" means the volume of water at the existing kinematic viscosity that will move in a porous medium in unit time under a unit hydraulic gradient through a unit area measured at right angles to the direction of flow.
- (22) "Hydraulic or Pneumatic Fracturing" means the intentional act of injecting potable water, ambient air, or other approved fluids, which may carry a proppant, for the purpose of forming new fractures or propagating existing fractures in a geologic formation or portion thereof with the intent of increasing the formation's permeability. Hydraulic fracturing shall be used only in association with groundwater remediation injection activities and shall not result in the fracturing of any confining units or otherwise cause or contribute to the migration of contamination into uncontaminated areas.
- (23) "Hydrostratigraphic" means a body of rock or unconsolidated sediment distinguished and characterized by observable hydraulic properties that relate to its ability to receive, store, transmit, and yield water.
- (24) "Injectant" means any solid or fluid that is emplaced in the subsurface by means of an injection well.
- (25) "Injection" means emplacement or discharge into the subsurface of a solid or fluid substance or material. This definition excludes drilling fluids, grout used in association with well construction or abandonment, and fluids used in connection with well development, rehabilitation or stimulation.
- (26) "Injection Well" means any well as defined in G.S. 87-85, whose depth is greater than its largest surface dimension and which is used, or intended to be used, for the injection of fluids or solids into the subsurface or groundwaters.
- (27) "Injection Zone" means a geological formation, group of formations, or part of a

- formation receiving solids or fluids through an injection well.
- (28) "Lithology" means the description of rocks or sediments on the basis of their physical and chemical characteristics.
- (29) "Lithostratigraphic" means a body of rock or unconsolidated sediment that is distinguished and characterized by observable lithologic features or its position relative to other bodies of rock or unconsolidated sediment.
- (30) "Mechanical Integrity" means:
- (a) an absence of a leak in the casing, tubing, or packer of an injection well; and
 - (b) an absence of fluid movement through vertical channels adjacent to the injection well bore.
- (31) "Permit" means an authorization, license, or equivalent control document issued by the Director to implement the requirements of the rules of this Section.
- (32) "Permitted by Rule" means that the injection activity is authorized by the rules of this Section and does not require the issuance of an individual permit when injection wells are constructed and operated in accordance with the rules of this Section.
- (33) "Plug" means the act or process of stopping the flow of fluids into or out of a formation through a borehole or well penetrating that formation.
- (34) "Potable Water" means those waters of the State which are suitable for drinking, culinary, or food processing purposes.
- (35) "Pressure" means the total load or force per unit area acting on a surface.
- (36) "Proppant" means a granular substance such as quartz sand or other approved material that is used to hold open cracks formed in the subsurface as a result of hydraulic or pneumatic fracturing.
- (37) "Receptor" means any human, plant, animal, or structure which is, or has the potential to be, affected by the release or migration of contaminants. Any well constructed for the purpose of monitoring groundwater and contaminant concentrations shall not be considered a receptor.
- (38) "Subsidence" means the lowering of the natural land surface in response to: earth movements; reduction of formation fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.
- (39) "Subsurface Distribution System" means an assemblage of perforated pipes, drain tiles, or

- other similar mechanisms intended to distribute fluids or solids below the surface of the ground.
- (40) "Transmissivity" means the rate at which water of the prevailing kinematic viscosity is transmitted through a unit width of an aquifer under a unit hydraulic gradient. It equals the hydraulic conductivity multiplied by the aquifer thickness.
- (41) "Underground Sources of Drinking Water" means all underground waters of the State classified as existing or potential water supplies in Subchapter 02L.
- (42) "Waste" is as defined in G.S. 143-213(18).
- (43) "Waters" or "Waters of the State" is as defined in G.S. 143-212.

History Note: Authority G.S. 87-85; 87-87; 143-213; 143-215.1A;
Eff. August 1, 1982;
Amended Eff. May 1, 2012; September 1, 1996; July 1, 1988;
March 1, 1984.

15A NCAC 02C .0205 AREA OF REVIEW

History Note: Authority G.S. 87-87; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c);
Eff. August 1, 1982;
Amended Eff. September 1, 1996;
Repealed Eff. May 1, 2012.

15A NCAC 02C .0206 CORRECTIVE ACTION

- (a) Injection wells not constructed in compliance with the criteria and standards specified in these Rules shall be brought into compliance with the rules in this Section or abandoned by the person(s) responsible for the construction of the well(s) within 30 calendar days of becoming aware of any instance of noncompliance.
- (b) Where operation of any injection facility is not in compliance with the requirements of the rules in this Section, or where continued operation of the injection facility threatens any water quality standard or classification established under the authority of G.S. 143-214.1, the owner of the injection facility shall perform the following:
- (1) stop all injection activities immediately;
 - (2) notify the Division orally by the close of the next business day and in writing within five calendar days of becoming aware of any instance of noncompliance;
 - (3) perform a site assessment and submit the site assessment to the Division within 30 calendar days of notifying the Division. The Director may approve an alternate time period based on the severity and extent of noncompliance. The site assessment report shall include a description of:
 - (A) the source and cause of contamination;

- (B) any imminent hazards to public health and safety and actions taken to mitigate them;
 - (C) all receptors and exposure pathways;
 - (D) the horizontal and vertical extent of soil and groundwater contamination and all factors affecting contaminant transport; and
 - (E) any geological and hydrogeological features influencing the movement or chemical or physical character of the contaminants; and
- (4) submit a corrective action plan and a proposed schedule for implementation of the corrective action to the Director for approval. For approving the proposed plan and schedule, the Director shall consider the compliance history of the well owner, the severity and extent of noncompliance, and any other criteria necessary for the protection of human health and the environment. The corrective action plan shall include:
- (A) a description of the proposed corrective action and reasons for its selection;
 - (B) specific plans, including engineering details where applicable, for restoring the groundwater quality and for restoring the integrity of the injection facility if the injection activity is to continue;
 - (C) a schedule for the implementation and operation of the proposed plan; and
 - (D) a monitoring plan for evaluating the effectiveness of the proposed corrective action.

History Note: Authority G.S. 87-87; 87-88; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996; March 1, 1984.

15A NCAC 02C .0207 MECHANICAL INTEGRITY

- (a) An injection well has internal mechanical integrity when there is no leak in the casing, tubing, or packer as demonstrated by one of the following methods:
- (1) monitoring of the tubing-casing annulus pressure, following an initial pressure test, with sufficient frequency to be representative as determined by the Director. This test must be performed at the well head while maintaining an annulus pressure different from atmospheric pressure;
 - (2) pressure testing with liquid or gas; or
 - (3) any other method proposed by the permittee and approved by the Director as equally effective.

- (b) An injection well has external mechanical integrity when there is no fluid movement into groundwaters through vertical channels adjacent to the injection well bore as determined by one of the following methods:
- (1) the results of a temperature or noise log;
 - (2) grouting records plus predictive calculations demonstrating that the injection pressures will not exceed the strength of the grout; or
 - (3) any other method proposed by the permittee and approved by the Director as equally effective.
- (c) In conducting and evaluating the tests enumerated in this Section or other tests allowed by the Director, the owner or operator shall apply methods and standards generally accepted in the industry. When the well owner or operator reports the results of mechanical integrity tests, a description of the test(s) and the method(s) used shall be included. The Director shall review monitoring and other test data submitted since the previous evaluation.
- (d) The Director may require additional or alternative tests if the results presented by the owner or operator under Paragraph (c) of this Rule are not satisfactory to demonstrate that an injection well has mechanical integrity.
- (e) If an injection well fails to demonstrate mechanical integrity, the well owner or operator shall take corrective action as specified in Rule .0206 of this Section.

History Note: Authority G.S. 87-87; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996; March 1, 1984.

15A NCAC 02C .0208 FINANCIAL RESPONSIBILITY

When required by the rules of this Section, the permittee shall maintain and demonstrate financial responsibility and resources in the form of performance bonds, trust funds, surety bonds, letters of credit, financial tests, insurance or corporate guarantees, or other forms of financial assurances approved by the Director as equivalent to close, plug, and abandon the injection operation.

History Note: Authority G.S. 87-87; 87-88; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 40 C.F.R. Part 144.52(a)(7); 40 C.F.R. Part 145.11(a)(20); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996.

15A NCAC 02C .0209 CLASSIFICATION OF INJECTION WELLS

Injection Wells are classified as follows:

- (1) Class 1. No person shall construct, use, or operate an injection well of this class. This class applies to industrial, municipal, and nuclear disposal wells that are used to inject wastes beneath the lowermost formation containing underground sources of drinking water. A description of the primary function for wells of this class is as follows:

- (a) Hazardous Waste Disposal Well. These wells are used by generators of hazardous wastes or owners of hazardous waste management facilities to inject hazardous waste.
 - (b) Industrial Disposal Well. These wells are used to inject non-hazardous industrial waste.
 - (c) Municipal Disposal Well. These wells are used to inject non-hazardous waste.
 - (d) Nuclear Disposal Well. These wells are used to inject nuclear waste.
- (2) Class 2. No person shall construct, use, or operate an injection well of this class. This class applies to oil and gas production and storage related injection wells and includes wells which are used to inject fluids:
- (a) which are brought to the surface in connection with natural gas storage operations or conventional oil or natural gas production;
 - (b) for enhanced recovery of oil or natural gas; and
 - (c) for storage of hydrocarbons which are liquid at standard temperature and pressure.
- (3) Class 3. No person shall construct, use, or operate an injection well of this class. This class applies to wells which are used for the purpose of extraction of minerals or energy. A description of the primary function for wells of this class is as follows:
- (a) In Situ Production of Uranium or Other Metals. This category includes only in-situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class 5.
 - (b) Solution Mining Well. These wells are used in the solution mining of salts or potash.
 - (c) Sulfur Mining Well. These wells are used in the mining of sulfur by the Frasch process.
- (4) Class 4. No person shall construct, use, or operate an injection well of this class. This class applies to injection wells that are used to inject hazardous wastes into or above a formation containing an underground source of drinking water and includes wells used by:
- (a) generators of hazardous wastes or radioactive wastes; and
 - (b) owners of hazardous waste management facilities, or radioactive waste disposal sites.
- (5) Class 5. This class applies to all injection wells not included in Class 1, 2, 3, 4, or 6.
- (a) The construction, use, or operation of the following Class 5 injection well types is prohibited. A description of the primary function for these prohibited Class 5 wells is as follows:
 - (i) Agricultural Drainage Well. These wells receive irrigation tailwaters, other field drainage, animal yard, feedlot, or dairy runoff;
 - (ii) Air Scrubber Waste Disposal Well. These wells are used to inject wastes from air scrubbers;
 - (iii) Gaseous Hydrocarbon Storage Well. These wells are used for the storage of hydrocarbons which are gases at standard temperature and pressure;
 - (iv) Groundwater Aquaculture Return Flow Well. These wells inject groundwater or surface water that has been used to support aquaculture;
 - (v) In-situ Fossil Fuel Recovery Well. These wells are used for the in-situ recovery of coal, lignite, oil shale, and tar sands;
 - (vi) Mining, Sand, or Other Backfill Well. These wells are used to inject a mixture of fluid and sand, mill tailings, and other solids into mined out portions of subsurface mines, whether the injectant is a radioactive waste or not. This also includes wells used to control mine fires and acid mine drainage wells;
 - (vii) Motor Vehicle Waste Disposal Well. These wells receive wastes from motor vehicle facilities and include autobody repair shops, new and used car dealerships, specialty repair shops (e.g., transmission, muffler, and radiator repair shops and any facility that steam cleans or otherwise washes undercarriages or engine parts or does any vehicular repair work);
 - (viii) Sewage or Wastewater Disposal Well. These wells are used to inject sewage or

- (ix) Solution Mining Well. These wells are used in solution mining in conventional mines, such as stopes leaching;
 - (x) Special Drainage Well. These wells are used for disposing of water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, water tank overflow drainage wells, swimming pool drainage wells, and lake control drainage wells; and
 - (xi) Water Softener Regeneration Brine Disposal Well. These wells are used to inject regeneration wastes from water softeners.
- (b) The construction, use, or operation of the following Class 5 injection well types may be approved by the Director provided that the injected material does not contain any waste or any substance of a composition and concentration such that, if it were discharged to the land or waters of the state, would adversely affect human health or would otherwise render those waters unsuitable for their best intended usage:
- (i) Aquifer Recharge Wells specified in Rule .0218 of this Section;
 - (ii) Aquifer Storage and Recovery Wells specified in Rule .0219 of this Section;
 - (iii) Aquifer Test Wells specified in Rule .0220 of this Section;
 - (iv) Experimental Technology Wells specified in Rule .0221 of this Section;
 - (v) Geothermal Aqueous Closed-Loop Wells specified in Rule .0222 of this Section;
 - (vi) Geothermal Direct Expansion Closed-Loop Wells specified in Rule .0223 of this Section;
 - (vii) Geothermal Heating/Cooling Water Return Wells specified in Rule .0224 of this Section;
 - (viii) Groundwater Remediation Wells specified in Rule .0225 of this Section;
 - (ix) Salinity Barrier Wells specified in Rule .0226 of this Section;
 - (x) Stormwater Drainage Wells specified in Rule .0227 of this Section;
 - (xi) Subsidence Control Wells specified in Rule .0228 of this Section;
 - (xii) Tracer Wells specified in Rule .0229 of this Section; and
 - (xiii) Other Wells specified in Rule .0230 of this Section;
- (6) Class 6. No person shall construct, use, or operate an injection well of this class. This class applies to wells that are used for containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations.

History Note: Authority G.S. 87-87; 87-94; 87-95; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 143-215.6(c); Eff. August 1, 1982; Amended Eff. May 1, 2012; September 1, 1996; March 1, 1984.

15A NCAC 02C .0211 GENERAL PERMITTING REQUIREMENTS APPLICABLE TO ALL INJECTION WELL TYPES

- (a) A permit shall be obtained from the Director prior to constructing, operating, or using any well for injection unless the well is deemed permitted in accordance with the rules of this Section. No permit shall be granted for the injection of wastes or any substance of a composition and concentration such that, if it were discharged to the land or waters of the state, would adversely affect human health or would otherwise render those waters unsuitable for their best intended usage unless specifically provided for by Statute or by the rules in this Section.
- (b) In making any determination of well construction, operation, and maintenance, the Director shall make the determination based on the rules of this Section.
- (c) No person shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water if the presence of that contaminant may cause a violation of any applicable groundwater quality standard specified in Subchapter 02L or may otherwise adversely affect human health. The applicant for a permit shall have the burden of showing that the requirements of this Paragraph are met.

(d) If at any time the Director learns that any injection well may cause a violation of any applicable groundwater quality standard specified in Subchapter 02L not authorized by the rules of this Section, the Director shall do one of the following:

- (1) require an individual permit for injection wells that are otherwise permitted by rule;
- (2) require such actions as may be necessary to prevent the violation, including corrective action as required in Rule .0206 of this Section; or
- (3) take enforcement action as provided for in G.S. 87-91, G.S. 87-94, or G.S. 87-95.

(e) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purposes of this Section, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation. [Note: The Division does not require specific assignments or delegations of authority to responsible corporate officers. The Division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Division to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions.];
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- (3) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official;
- (4) For all other persons: by the well owner; or
- (5) For any other person authorized to act on behalf of the applicant: documentation shall be submitted with the permit application package that identifies the person, grants them specific signature authority, and is signed and dated by the applicant.

(f) The person signing the permit application shall certify that the data furnished on the application is accurate and that the injection well will be operated in accordance with the approved specifications and conditions of the permit.

(g) All reports shall be signed by a person described in Paragraph (e) of this Rule. All records, reports, and information required to be submitted to the Director and public comment on these records, reports, or information shall be disclosed to the public unless the person submitting the information can show that such information, if made public, would disclose methods or processes entitled to protection as trade secrets as defined in G.S. 66-152. The Director shall determine which information is entitled to confidential treatment. In the event the Director determines that such information is entitled to be treated as

confidential information as defined in G.S. 132-1.2, the Director shall take steps to protect such information from disclosure.

(h) The Director shall consider the cumulative effects of drilling and construction of multiple wells and operation of all proposed wells during evaluation of permit applications.

(i) All permits shall be issued for a period not to exceed five years from the date of issuance. Permits are considered active until all permit requirements have been met and documentation has been received indicating that the wells meet one of the following conditions:

- (1) The wells are temporarily or permanently abandoned in accordance with Rule .0240 of this Section;
- (2) the wells have been converted to some other use; or
- (3) the wells are permitted under another permit issued by the appropriate permitting authority for that activity.

(j) All facilities shall, at all times, be operated and maintained to achieve compliance with the rules of this Section. (k) The permittee shall allow the Director, or an authorized representative, upon their presentation of credentials and other documents as may be required by law, to:

- (1) enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- (2) have access to and copy, during normal business hours, any records that must be kept under the conditions of the permit;
- (3) inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- (4) sample or monitor, at reasonable times, and for the purposes of assuring permit compliances or as otherwise authorized, any substances or parameters.

(l) The permit may be modified, revoked and reissued, or terminated by the Director in whole or part for actions which would adversely affect human health or the environment. Such actions may include:

- (1) violation of any terms or conditions of the permit;
- (2) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- (3) refusal of the permittee to allow authorized employees of the Division upon proper presentation of credentials to:
 - (A) enter upon permittee's premises on which a system is located in which any records are required to be kept under terms and conditions of the permit;
 - (B) have access to and copy any records required to be kept under terms and conditions of the permit;
 - (C) inspect any monitoring equipment or method required in the permit; or

(D) collect any sample from the injection facility.

(m) The filing of an application by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.

(n) The permit shall not convey any property rights of any sort or any exclusive privilege.

(o) The permittee shall furnish to the Director any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to the Director, upon request, copies of records required by the permit to be kept.

(p) The permittee shall retain copies of records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least three years from the date of the sample, measurement, report, or application. Records of monitoring information shall include the:

- (1) date, place, and time of sampling or measurements;
- (2) individual(s) who performed the sampling or measurements;
- (3) date(s) analyses were performed;
- (4) individual(s) who performed the analyses;
- (5) analytical techniques or methods used;
- (6) results of any such sampling, measurements, and analyses; and
- (7) description and date of any maintenance activities performed including the name and contact information of the individual(s) performing such activities.

(q) The permit shall not be transferred to any person without the submission of a permit ownership or name change request to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be appropriate.

(r) The permittee shall report any monitoring or other information that indicates noncompliance with a specific permit condition, that a contaminant may cause a violation of applicable groundwater quality standards specified in Subchapter 02L, or that a malfunction of the injection system may cause the injected fluids to migrate outside the approved injection zone or area. The information shall be provided to the Director orally within 24 hours of the occurrence and as a written submission within five days of the occurrence. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and any steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(s) The Commission may delegate, through a Memorandum of Agreement, to another state agency the authority to permit injection wells that are an integral part of a facility requiring a permit from that agency.

(t) Failure to comply with the rules of this Section or any permit issued individually or by rules of this Section may result in

enforcement action as provided for in G.S. 87-91, G.S. 87-94, or G.S. 87-95.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20);

Eff. August 1, 1982;

Amended Eff. May 1, 2012; February 1, 1997; October 1, 1996; March 1, 1984.

15A NCAC 02C .0213 ADDITIONAL CRITERIA AND STANDARDS APPLICABLE TO CLASS 5 WELLS

15A NCAC 02C .0214 ABANDONMENT AND CHANGE-OF-STATUS

History Note: Authority G.S. 87-87; 87-88; 87-94; 87-95; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c);

Eff. August 1, 1982;

Amended Eff. February 1, 1997; October 1, 1996; March 1, 1984;

Repealed Eff. May 1, 2012.

15A NCAC 02C .0215 VARIANCE

15A NCAC 02C .0216 DELEGATION

History Note: Authority G.S. 87-87(4); 87-88; 143-215.1A; 143-215.3(a)(1); 143-215.3(a)(4); 150B-23;

Eff. September 1, 1996;

Repealed Eff. May 1, 2012.

15A NCAC 02C .0217 PERMITTING BY RULE

(a) The following injection well systems are deemed to be permitted by the rules of this Section pursuant to G.S. 87-88(a) and it shall not be necessary for the Division to issue an individual permit for the construction or operation of the following injection well systems providing that the system does not result in the violation of any assigned surface water, groundwater, or air quality standard; there is no groundwater discharge of the injectant into surface waters; and all criteria for the specific systems are met:

- (1) Aquifer Test Wells specified in Rule .0220 of this Section;
- (2) Geothermal Aqueous Closed Loop Wells specified in Rule .0222 of this Section;
- (3) Geothermal Direct Expansion Closed Loop Wells specified in Rule .0223 of this Section;
- (4) Groundwater Remediation Wells specified in Rule .0225 of this Section; and
- (5) Stormwater Drainage Wells specified in Rule .0227 of this Section.

(b) Any violation of groundwater standards not authorized by the rules of this Section shall be treated in accordance with Rule .0206 of this Section.

(c) An injection well system permitted by rule under the rules of this Section shall remain permitted by rule until such time as the Director determines that it shall not be deemed to be permitted.

This determination shall be made based on compliance with the provisions of the rules of this Section.

(d) If the Director determines that an injection well system shall not be permitted by rule, the Director shall require the owner of the injection well system to obtain an individual permit.

History Note: Authority G.S. 87-87; 87-88(a); Eff. May 1, 2012.

15A NCAC 02C .0218 AQUIFER RECHARGE WELLS

Aquifer Recharge Wells are used to recharge depleted aquifers and inject uncontaminated water of equal or better quality than the aquifer being recharged. The requirements for Aquifer Recharge Wells shall be the same as described in Rule .0219 of this Section except that the Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0219 AQUIFER STORAGE AND RECOVERY WELLS

(a) Aquifer Storage and Recovery Wells are used to inject potable water for the purposes of subsurface storage and for later recovery of the injected water. All Aquifer Storage and Recovery Wells require permits.

(b) Permit Applications. In addition to the permit requirements set forth in Rule .0211 of this Section, an application shall be submitted, in duplicate, to the Director on forms furnished by the Director and shall include the following:

- (1) Site Description that includes the following:
 - (A) the name of the well owner or person otherwise legally responsible for the injection well, his or her mailing address and telephone number, and status as a federal, state, private, public, or other entity;
 - (B) the name of the property owner, if different from the well owner, their physical address, mailing address, and telephone number;
 - (C) the name, mailing address, telephone number, and geographic coordinates of the facility for which the application is submitted; and
 - (D) a list of all permits associated with the injection well system.
- (2) Project Description. A description of what problem the project is intended to solve or what objective the project is intended to achieve and shall include the following:

- (A) history and scope of the problem or objective;
 - (B) what is currently being done to solve the problem or achieve the objective;
 - (C) why existing practices are insufficient to solve the problem or achieve the objective;
 - (D) what other alternatives were considered to solve the problem or achieve the objective; and
 - (E) how this option was determined to be the most effective or desirable to solve the problem or achieve the objective.
- (3) Demonstration of Financial Responsibility as required in Rule .0208 of this Section.
 - (4) Injection Zone Determination. The applicant shall specify the horizontal and vertical portion of the injection zone within which the proposed injection activity shall occur based on the hydraulic properties of that portion of the injection zone specified. No violation of groundwater quality standards specified in Subchapter 02L resulting from the injection shall occur outside the specified portion of the injection zone as detected by a monitoring plan approved by the Director.
 - (5) Hydrogeologic Evaluation. If required by G.S. 89E, G.S. 89C, or G.S. 89F, a licensed geologist, professional engineer, or licensed soil scientist shall prepare a hydrogeologic evaluation of the facility to a depth that includes the injection zone determined in accordance with Subparagraph (b)(4) of this Rule. A description of the hydrogeologic evaluation shall include all of the following:
 - (A) regional and local geology and hydrogeology;
 - (B) changes in lithology underlying the facility;
 - (C) depth to the mean seasonal high water table;
 - (D) hydraulic conductivity, transmissivity, and storativity of the injection zone based on tests of site-specific material, including a description of the test(s) used to determine these parameters;
 - (E) rate and direction of groundwater flow as determined by predictive calculations or computer modeling; and
 - (F) lithostratigraphic and hydrostratigraphic logs of test and injection wells.
 - (6) Area of Review. The area of review shall be calculated using the procedure for determining the zone of endangering influence specified in 40 CFR 146.6(a). The applicant must identify

- all wells within the area of review that penetrate the injection or confining zone, and repair or permanently abandon all wells that are improperly constructed or abandoned.
- (7) Analyses of the injection zone(s) including:
- (A) test results of the native groundwater and the proposed recharge water for the parameters listed in Subparagraph (h)(4) of this Rule;
 - (B) geochemical analyses of representative samples of the aquifer matrix to determine the type and quantity of reactive minerals; and
 - (C) evaluation of the chemical compatibility of the native groundwater, injected water, and the aquifer matrix using site specific geochemical data and hydraulic properties of the injection zones, geochemical modeling, and any other analytical tool required. The chemical compatibility evaluation shall identify potential changes in groundwater quality resulting from the injection activities within the area of review specified in Subparagraph (b)(6) of this Rule.
- (8) Injection Procedure. The applicant shall submit a description of the proposed injection procedure that includes the following:
- (A) the proposed average and maximum daily rate and quantity of injectant;
 - (B) the average maximum injection pressure expressed in units of pounds per square inch (psi);
 - (C) calculation of fracture pressures of confining units expressed in units of psi; and
 - (D) the total or estimated volume to be injected.
- (9) Injection well construction details including:
- (A) the number and depth of injection wells;
 - (B) indication of whether the injection wells are existing or proposed;
 - (C) depth and type of casing;
 - (D) depth and type of screen material;
 - (E) depth and type of grout; and
 - (F) plans and specifications of the surface and subsurface construction of each injection well or well system.
- (10) Monitoring Wells. Monitoring wells shall be located so as to detect any movement of injection fluids, process byproducts, or formation fluids outside the injection zone as determined by the applicant in accordance with Subparagraph (b)(4) of this Rule. The monitoring schedule shall be consistent with the proposed injection schedule, pace of the anticipated reactions, and rate of transport of the injected fluid. The applicant shall submit a monitoring plan that includes the following:
- (A) a list of monitoring parameters and analytical methods to be used;
 - (B) other parameters that may serve to indicate the progress of the intended reactions;
 - (C) a list of existing and proposed monitoring wells to be used; and
 - (D) a sampling schedule to monitor the proposed injection.
- (11) Well Data Tabulation. A tabulation of data on all existing or abandoned wells within the area of review of the injection well(s) that penetrate the proposed injection zone, including water supply wells, monitoring wells, and wells proposed for use as injection or monitoring wells. Such data shall include a description of each well's type, depth, and record of abandonment or completion.
- (12) Plan of Action. A proposed plan of action to be taken if the proposed injection operation causes fracturing of confining units, results in adverse geochemical reactions, or otherwise threatens groundwater quality.
- (13) Maps and Cross-Sections. Scaled, site-specific site plans or maps depicting the location, orientation, and relationship of facility components including the following:
- (A) area map based on the most recent USGS 7.5' topographic map of the area, at a scale of 1:24,000 and showing the location of the proposed injection site;
 - (B) topographic contour intervals showing all facility related structures, property boundaries, streams, springs, lakes, ponds, and other surface drainage features;
 - (C) all existing or abandoned wells within the area of review of the injection well(s), listed in the tabulation required in Subparagraph (b)(11) of this Rule, that penetrate the proposed injection zone, including water supply wells, monitoring wells, and wells proposed for use as injection wells;
 - (D) potentiometric surface map(s) of each hydrostratigraphic unit in the injection zone(s) that show the direction of groundwater movement, and all existing and proposed wells;
 - (E) cross-section(s) that show the horizontal and vertical extent of the injection zone(s), lithostratigraphic units, hydrostratigraphic units, and all existing and proposed wells,

- complete with casing and screen intervals; and
 - (F) any existing sources of potential or known groundwater contamination, including waste storage, treatment, or disposal systems within the area of review of the injection well or well system.
 - (14) Such other information as deemed necessary by the Director for the protection of human health and the environment.
- (c) Injection Volumes. The Director may establish maximum injection volumes and pressures necessary to assure that:
 - (1) fractures are not initiated in the confining zone(s);
 - (2) injected fluids do not migrate outside the injection zone or area;
 - (3) injected fluids do not cause or contribute to the migration of contamination into uncontaminated areas; and
 - (4) there is compliance with operating requirements.
- (d) Injection.
 - (1) Injection may not commence until construction is complete, the permittee has submitted notice of completion of construction to the Director, and the Director has inspected or otherwise reviewed the injection well and finds it in compliance with the permit conditions. If the permittee has not received notice from the Director of intent to inspect or otherwise review the injection well within 10 days after the Director receives the notice, the permittee may commence injection.
 - (2) Prior to granting approval for the operation, the Director shall consider the following information:
 - (A) all available logging and testing data on the well;
 - (B) a demonstration of mechanical integrity pursuant to Rule .0207 of this Section;
 - (C) the proposed operating procedures;
 - (D) the results of the formation testing program; and
 - (E) the status of corrective action on defective wells in the area of review.
- (e) Well Construction.
 - (1) Wells shall not be located where:
 - (A) surface water or runoff will accumulate around the well due to depressions, drainage ways, or other landscapes that will concentrate water around the well;
 - (B) a person would be required to enter confined spaces to perform sampling and inspection activities; or
 - (C) injectants or formation fluids would migrate outside the approved injection zone as determined by the applicant in accordance with Subparagraph (b)(4) of this Rule.
 - (2) The methods and materials used in construction shall not threaten the physical or mechanical integrity of the well during its lifetime and shall be compatible with the proposed injection activities.
 - (3) The well shall be constructed in such a manner that surface water or contaminants from the land surface cannot migrate along the borehole annulus either during or after construction.
 - (4) The borehole shall not penetrate to a depth greater than the depth at which injection will occur unless the purpose of the borehole is the investigation of the geophysical and geochemical characteristics of an aquifer. Following completion of the investigation, the borehole beneath the zone of injection shall be completely grouted to prevent the migration of any contaminants.
 - (5) Drilling fluids and additives shall contain only potable water and may be comprised of one or more of the following:
 - (A) the formation material encountered during drilling;
 - (B) materials manufactured specifically for the purpose of borehole conditioning or well construction; or
 - (C) materials approved by the Director, based on a demonstration of not adversely affecting human health or groundwater quality.
 - (6) Only grouts listed under Rule .0107 of this Subchapter shall be used with the exception that bentonite grout shall not be used:
 - (A) to seal zones of water with a chloride concentration of 1,500 milligrams per liter or greater as determined by tests conducted at the time of construction; or
 - (B) in areas of the State subject to saltwater intrusion that may expose the grout to water with a chloride concentration of 1,500 milligrams per liter or greater at any time during the life of the well.
 - (7) The annular space between the borehole and casing shall be grouted:
 - (A) with a grout that is non-reactive with the casing or screen materials, the formation, or the injectant;
 - (B) from land surface to the top of the gravel pack and in such a way that there is no interconnection of aquifers or zones having differences in water quality that would result in degradation of any aquifer or zone; and

- (C) so that the grout extends outward from the casing wall to a minimum thickness equal to either one-third of the diameter of the outside dimension of the casing or two inches, whichever is greater; but in no case shall a well be required to have an annular grout seal thickness greater than four inches.
- (8) Grout shall be emplaced around the casing by one of the following methods:
 - (A) Pressure. Grout shall be pumped or forced under pressure through the bottom of the casing until it fills the annular space around the casing and overflows at the surface;
 - (B) Pumping. Grout shall be pumped into place through a hose or pipe extended to the bottom of the annular space which can be raised as the grout is applied. The grout hose or pipe shall remain submerged in grout during the entire application; or
 - (C) Other. Grout may be emplaced in the annular space by gravity flow in such a way to ensure complete filling of the space. Gravity flow shall not be used if water or any visible obstruction is present in the annular space at the time of grouting.
- (9) All grout mixtures shall be prepared prior to emplacement per the manufacturer's directions with the exception that bentonite chips or pellets may be emplaced by gravity flow if water is present or otherwise hydrated in place.
- (10) If an outer casing is installed, it shall be grouted by either the pumping or pressure method.
- (11) The well shall be grouted within seven days after the casing is set or before the drilling equipment leaves the site, whichever occurs first.
- (12) No additives that will accelerate the process of hydration shall be used in grout for thermoplastic well casing.
- (13) A casing shall be installed that extends from at least 12 inches above land surface to the top of the injection zone.
- (14) Wells with casing extending less than 12 inches above land surface may be approved by the Director only when one of the following conditions is met:
 - (A) site specific conditions directly related to business activities, such as vehicle traffic, would endanger the physical integrity of the well; or
 - (B) it is not operationally feasible for the well head to be completed 12 inches above land surface due to the engineering design requirements of the system.
- (15) Multi-screened wells shall not connect aquifers or zones having differences in water quality which would result in a degradation of any aquifer or zone.
- (16) Prior to removing the equipment from the site, the top of the casing shall be sealed with a water-tight cap or well seal, as defined in G.S. 87-85, to preclude contaminants from entering the well.
- (17) Packing materials for gravel and sand packed wells shall be:
 - (A) composed of quartz, granite, or other hard, non-reactive rock material;
 - (B) clean, of uniform size, water-washed and free from clay, silt, or other deleterious material;
 - (C) disinfected prior to subsurface emplacement;
 - (D) emplaced such that it shall not connect aquifers or zones having differences in water quality that would result in the deterioration of the water qualities in any aquifer or zone;
 - (E) evenly distributed around the screen and shall extend to a depth at least one foot above the top of the screen. A minimum one-foot thick seal, comprised of bentonite clay or other sealing material approved by the Director, shall be emplaced directly above and in contact with the packing material.
- (18) Each injection well shall have a well identification plate that meets the criteria specified in Rule .0107 of this Subchapter.
- (19) A hose bibb, sampling tap, or other collection equipment approved by the Director shall be installed on the line entering the injection well such that a sample of the injectant can be obtained immediately prior to its entering the injection well.
- (20) If applicable, all piping, wiring, and vents shall enter the well through the top of the casing unless otherwise approved by the Director based on a design demonstrated to preclude surficial contaminants from entering the well.
- (21) The well head shall be completed in such a manner so as to preclude surficial contaminants from entering the well and well head protection shall include:
 - (A) an accessible external sanitary seal installed around the casing and grouting; and
 - (B) a water-tight cap or seal compatible with the casing and installed so that it

cannot be removed without the use of hand or power tools.

(f) Testing.

- (1) Appropriate logs and other tests conducted during the drilling and construction of the wells shall be submitted to the Director after completion of well construction. A descriptive report interpreting the results of such logs and tests shall be prepared by a log analyst and submitted to the Director after completion of the tests. The appropriateness of the logs and tests shall be determined by the Director based on the intended function, depth, construction, and other characteristics of the well; availability of similar data in the area of the drilling site; and the need for additional information that may arise from time to time as the construction of the well progresses. At a minimum, such logs and tests shall include:
 - (A) lithostratigraphic logs of the entire borehole;
 - (B) hydrostratigraphic logs of the entire borehole; and
 - (C) deviation checks conducted on all holes where pilot holes and reaming are used, and at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.
- (2) When the injection zone is a water-bearing formation, the following information concerning the injection zone as determined by the applicant in accordance with Subparagraph (b)(4) of this Rule shall be submitted to the Director after completion of the determinations in an integrated form which includes the following:
 - (A) fluid pressure;
 - (B) fluid temperature;
 - (C) fracture pressure;
 - (D) other physical and chemical characteristics of the injection zone;
 - (E) physical and chemical characteristics of the formation fluids; and
 - (F) compatibility of injected fluids with formation fluids.
- (3) When the injection formation is not a water bearing formation, only the fracture pressure and other physical and chemical characteristics of the injection zone shall be determined or calculated and submitted to the Director after completion of the determinations.
- (4) Tests for mechanical integrity shall be conducted prior to operation and every 10 years thereafter in accordance with Rule .0207 of this Section. The Director may require more frequent mechanical integrity testing as set out in Rule .0207 of this Section.

(g) Operation and Maintenance.

- (1) Pressure at the well head shall be limited to a maximum which will ensure that the pressure in the injection zone does not initiate new fractures or propagate existing fractures in the injection zone, initiate fractures in the confining zone, or cause the migration of injected or formation fluids outside the injection zone or area.
- (2) Injection between the outermost casing and the well borehole is prohibited.
- (3) Monitoring of the operating processes at the well head shall be provided for by the well owner, as well as protection against damage during construction and use.

(h) Monitoring.

- (1) Monitoring shall be required by the Director to demonstrate protection of the groundwaters of the State.
- (2) In determining the type, density, frequency, and scope of monitoring, the Director shall consider the following:
 - (A) physical and chemical characteristics of the injection zone;
 - (B) physical and chemical characteristics of the injected fluid(s);
 - (C) volume and rate of discharge of the injected fluid(s);
 - (D) compatibility of the injected fluid(s) with the formation fluid(s);
 - (E) the number, type and location of all wells, mines, surface bodies of water, and structures within the area of review;
 - (F) proposed injection procedures;
 - (G) expected changes in pressure, formation fluid displacement, and direction of movement of injected fluid;
 - (H) proposals of corrective action to be taken in the event that a failure in any phase of injection operations that renders the groundwaters unsuitable for their best intended usage as defined in 15A NCAC 02L .0202; and
 - (I) the life expectancy of the injection operations.
- (3) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (4) The following analytical parameters shall be included:
 - (A) disinfectants and disinfection byproducts;
 - (B) radium, radionuclides, and gross alpha radiation;
 - (C) Reduction Potential (Eh), pH, Total Dissolved Solids (TDS), Biological

- Oxygen Demand (BOD), Total Oxygen Demand (TOD), Chemical Oxygen Demand (COD), temperature, conductivity, dissolved oxygen;
 - (D) coliform, Escherichia coli (E. Coli), Giardia, Cryptosporidium;
 - (E) parameters deemed appropriate by the Director based on the source water, injection zone formation materials, native groundwater, or any other reason deemed necessary to protect groundwater, human health, or the environment; and
 - (F) other parameters for which National Primary and Secondary Drinking Water Standards have been established.
- (5) Analysis of the physical, chemical, biological, or radiological characteristics of the injected fluid shall be made monthly or more frequently, as necessary, in order to provide representative data for characterization of the injectant.
- (6) Continuous recording devices to monitor the injection pressure, flow, rate, and volume of injected fluid shall be installed.
- (7) Monitoring wells associated with the injection site shall be monitored quarterly or on a schedule determined by the Director to detect any migration of injected fluids from the injection zone.
- (8) Monitoring wells completed in the injection zone and any of those zones adjacent to the injection zone may be affected by the injection operations. If affected, the Director may require additional monitor wells located to detect any movement of injection fluids, process byproducts, or formation fluids outside the injection zone as determined by the applicant in accordance with Subparagraph (b)(4) of this Rule. If the operation is affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected and shall be of an adequate number to detect movement of injected fluids, process byproducts, or formation fluids outside the injection zone or area. In determining the number, location and spacing of monitoring wells, the following criteria shall be considered by the Director:
 - (A) the population relying on the groundwater resource affected, or potentially affected, by the injection operation;
 - (B) the proximity of the injection operation to points of withdrawal of groundwater;
 - (C) the local geology and hydrology;
 - (D) the operating pressures;
 - (E) the chemical characteristics and volume of the injected fluid, formation water, and process by products; and
 - (F) the density of injection wells.
- (i) Reporting.
 - (1) A record of the construction, abandonment, or repairs of the injection well shall be submitted to the Director within 30 days of completion of the specified activities.
 - (2) All sampling results shall be reported to the Division quarterly, or on a frequency determined by the Director, and based on the reaction rates, injection rates, likelihood of secondary impacts, and site-specific hydrogeologic information.
 - (3) The results of tests required in Paragraph (f) of this Rule shall be submitted to the Director within 30 days of the completion of the test. Results may be submitted within an alternate timeframe approved by the Director.
- (j) Public Notice. Public notice of intent to issue permits for applications submitted pursuant to this rule shall be given prior to permit issuance.
 - (1) Such notice shall:
 - (A) be posted on the Division website and given in press releases via media outlets having coverage within the area of review;
 - (B) provide 30 days for public comments to be submitted to the Director; and
 - (C) include a description of details of the project, such as the permit applicant; the location, number, and depth of injection wells; and the injectant type, source, and volume.
 - (2) After the public comment period has ended the Director shall:
 - (A) consider the comments submitted and determine if a public hearing is warranted;
 - (B) determine if the draft permit shall be issued, modified, or denied; and
 - (C) post notice on the Division website as of the final permitting action, which shall include the issued permit or the reason for denial if the permit was denied.
 - (3) In determining if a public hearing is warranted, the Director's consideration shall include the following:
 - (A) requests by property owners within the area of review;
 - (B) potential harm to the public by not having a public hearing;
 - (C) potential harm to the applicant due to the delay in having a public hearing; and

- (D) the likelihood of obtaining new information regarding the proposed injection.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0220 AQUIFER TEST WELLS

- (a) Aquifer Test Wells are used to inject uncontaminated fluid into an aquifer to determine the aquifer characteristics.
- (b) Injection wells of this type are permitted by rule when constructed and operated in accordance with this Rule.
- (c) Only potable water may be injected through this type of injection well.
- (d) Tests for mechanical integrity shall be conducted in accordance with Rule .0207 of this Section.
- (e) Injection wells of this type shall be constructed in accordance with the well construction standards applicable to monitoring wells specified in Rule .0108 of this Subchapter;
- (f) The operation of the aquifer test well shall not cause contaminated groundwater to migrate into an area not contaminated prior to initiation of injection activities or cause a violation of applicable groundwater quality standards as specified in Subchapter 02L.
- (g) Within 30 days of a change of status of the well, the owner/operator shall provide the following information:
 - (1) facility name, address, and location indicated by either:
 - (A) latitude and longitude with reference datum, position accuracy, and method of collection; or
 - (B) a facility site map with property boundaries;
 - (2) name, telephone number, and mailing address of legal contact;
 - (3) ownership of facility as a private individual or organization, or a federal, state, county, or other public entity;
 - (4) number of injection wells and their construction details; and
 - (5) well status as proposed, active, inactive, temporarily abandoned, or permanently abandoned.
- (h) A record of the construction, abandonment, or repairs of the injection well shall be submitted to the Director within 30 days of completion of the specified activities.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0221 EXPERIMENTAL TECHNOLOGY WELLS

Experimental Technology Wells are used in experimental or unproven technologies where operation is in compliance with all appropriate rules and statutes. Rule requirements for Experimental Technology Wells shall be evaluated and treated as one of the injection well types in Rule .0209(5)(b) of this Section that the Director determines most closely resembles the equivalent hydrogeologic complexity and potential to adversely affect groundwater quality. The Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0222 GEOTHERMAL AQUEOUS CLOSED-LOOP WELLS

- (a) Geothermal Aqueous Closed-Loop Wells are used to house a subsurface system of closed-loop pipe that circulates potable water only or a mixture of potable water and performance-enhancing additives such as antifreeze, corrosion inhibitors, or scale inhibitors for heating and cooling purposes. Only additives that the Department of Health and Human Services' Division of Public Health determines not to adversely affect human health shall be used.
- (b) Permitted by Rule. All Aqueous Closed-Loop Geothermal Wells are permitted by rule when constructed and operated in accordance with the rules of this Section.
- (c) Individual Permits. If an individual permit is required pursuant to Rule .0217 of this Section, then an application for permit renewal shall be made at least 120 days prior to the expiration date of the permit.
- (d) Notification. In addition to the requirements set forth in Rule .0211 of this Section, notification for systems designed to serve a single family residence shall be submitted at least two business days prior to construction and at least 30 days for all other installations. The notification shall be submitted to the Director and to the county health department. The notification shall be on forms supplied by the Director and shall include:
 - (1) the well owner's name, address, telephone number, email address (if available), and status as a federal, state, private, public, or other activity. If the well operator is different from the owner then the same information shall be provided for the well operator.
 - (2) the physical location of the well facility;
 - (3) a description of the proposed injection activities;
 - (4) a scaled, site-specific map showing the following:
 - (A) any water supply well and surface water body; septic system including

drainfield, waste application area, and repair area; and any other potential sources of contamination listed in Subparagraph (e)(5) of this Rule within 250 feet of the proposed injection well(s);

- (B) property boundaries within 250 feet of the parcel on which the proposed wells are located; and
- (C) an arrow orienting the site to one of the cardinal directions;

- (5) the types and concentrations of additives, if any, to be used in the closed-loop geothermal well system. All proposed additives not already approved for use at the time of application submittal shall be subject to a health risk evaluation. Only approved additives shall be used in any closed loop geothermal well system;
- (6) plans and specifications of the surface and subsurface construction details of the system;
- (7) the heating/cooling system installation contractor's name and certification number, address, email address (if available), and telephone number;
- (8) description of how the items identified in Part (d)(4)(A) of this Rule will be protected during well construction; and
- (9) such other information as deemed necessary by the Director for the protection of human health and the environment.

(e) Well Construction.

- (1) Only tubing that meets the specifications in Chapter 12 of the North Carolina Mechanical Code shall be used.
- (2) Drilling fluids and water produced during well construction shall be managed in such a way as to prevent direct discharges to surface waters as well as violations of groundwater and surface water quality standards. Plans for such preventive measures shall be retained onsite for use throughout the construction process.
- (3) The well shall be constructed in such a manner that surface water or contaminants from the land surface cannot migrate along the borehole annulus at any time during or after construction.
- (4) The well shall be located such that:
 - (A) the injection well is not in an area where surface water or runoff will accumulate around the well due to depressions, drainage ways, or other landscape features that will concentrate water around the well; and
 - (B) the injection well is not in an area that requires a person to enter confined

spaces to perform sampling and inspection activities.

- (5) The minimum horizontal separation from potential sources of groundwater contamination that exist at the time the well(s) are constructed shall be as follows, unless it can be demonstrated to the Director's satisfaction that a lesser separation distance will not adversely affect human health or cause a violation of a groundwater quality standard as specified in Subchapter 02L:

- (A) Building perimeters, including any attached structures 15 feet
- (B) Septic systems including drainfield, waste application area, and repair area 50 feet
- (C) Sewage or liquid-waste collection or transfer facilities constructed to water main standards in accordance with 15A NCAC 02T .0305(g)(2) or Rule .1950(e) of Subchapter 18A, as applicable 15 feet
- (D) Sewage or liquid-waste collection or transfer facilities not constructed to water main standards in accordance with 15A NCAC 02T .0305(g)(2) or 15A NCAC 18A .1950(e), as applicable 25 feet
- (E) Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N with secondary containment 50 feet
- (F) Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N without secondary containment 100 feet
- (G) Above ground or underground storage tanks which contain petroleum fuels used for heating equipment, boilers or furnaces, with the exception of tanks used solely for storage of propane, natural gas, or liquefied petroleum gas 50 feet
- (H) Land-based or subsurface waste storage or disposal systems 50 feet
- (I) Gravesites 50 feet
- (J) Any other potential sources of contamination 50 feet

- (6) The methods and materials used in construction shall not threaten the physical and mechanical integrity of the well and any tubing during its lifetime and shall be compatible with the proposed injection activities.

- (7) Drilling fluids and additives shall contain only potable water and may be comprised of one or more of the following:
 - (A) the formation material encountered during drilling;
 - (B) materials manufactured specifically for the purpose of borehole conditioning or well construction; or
 - (C) materials approved by the Director, based on a demonstration of not adversely affecting human health or the environment.
- (8) Allowable grouts listed under Rule .0107 of this Subchapter shall be used with the exception that bentonite chips or pellets shall not be used.
- (9) Bentonite grout shall not be used:
 - (A) to seal zones of water with a chloride concentration of 1,500 milligrams per liter or greater as determined by tests conducted at the time of construction, or
 - (B) in areas of the State subject to saltwater intrusion that may expose the grout to water with a chloride concentration of 1,500 milligrams per liter or greater at any time during the life of the well.
- (10) No additives that will accelerate the process of hydration shall be used in grout for thermoplastic well casing.
- (11) Grout shall be placed the entire length of the well boring from the bottom of the boring to land surface or, if completed below land surface, to the well header or manifold connection.
- (12) The grout shall be emplaced by one of the following methods:
 - (A) Pressure. Grout shall be pumped or forced under pressure through the bottom of the casing until it fills the borehole or annular space around the casing and overflows at the surface;
 - (B) Pumping. Grout shall be pumped into place through a hose or pipe extended to the bottom of the borehole or annular space which can be raised as the grout is applied. The grout hose or pipe shall remain submerged in grout during the entire application; or
 - (C) Other. Grout may be emplaced in the borehole or annular space by gravity flow in such a way to ensure complete filling of the space. Gravity flow shall not be used if water or any visible obstruction is present in the borehole or annular space at the time of grouting.
- (13) If temporary outer casing is installed, it shall be removed during grouting of the borehole in such a way that maintains the integrity of the borehole and uniform grout coverage around the geothermal tubing.
- (14) If a permanent outer casing is installed:
 - (A) The space between the interior wall of the casing and the geothermal tubing shall be grouted the entire length of the well boring from the bottom of the boring to land surface or, if completed below land surface, to the well header or manifold connection;
 - (B) The annular space between the casing and the borehole shall be grouted with a grout that is non-reactive with the casing or the formation;
 - (C) Grout shall extend outward in all directions from the casing wall to borehole wall and have a minimum thickness equal to either one-third of the diameter of the outside dimension of the casing or two inches, whichever is greater; and
 - (D) In no case shall a well be required to have an annular grout seal thickness greater than four inches.
- (15) Grout emplacement shall not threaten the physical or mechanical integrity of the well.
- (16) The well shall be grouted within seven days after drilling is complete or before the drilling equipment leaves the site, whichever occurs first.
- (17) Prior to removing the equipment from the site, the top of the casing shall be sealed with a water-tight cap or well seal, as defined in G.S. 87-85, to preclude contaminants from entering the well.
- (18) Well head completion shall be conducted in such a manner so as to preclude surficial contaminants from entering the well.
- (f) Well Location. The location of each well boring and appurtenant underground piping leading to the heat exchanger(s) shall be identifiable such that they may be located, repaired, and abandoned as necessary after construction.
 - (1) The as-built locations of each well boring, header pit, and appurtenant underground piping shall be recorded on a scaled site-specific facility map, which shall be retained onsite and distributed as specified in Subparagraph (i)(1) of this Rule.
 - (2) Each well boring and header pit shall be located by a North Carolina registered land surveyor, a GPS receiver, or by triangulation from at least two permanent features on the site, such as building foundation corners or property boundary iron pins.

- (3) Well boring and appurtenant underground piping locations shall be identifiable in the field by tracer wire and warning tape, concrete monuments, or any other method approved by the Director upon a demonstration that such a method provides a reliable and accurate method of detection.
- (4) If tracer wire and warning tape are used, then tracer wire consisting of copper wire of at least 14 gauge shall be placed adjacent to all horizontal piping during pipe installation, and warning tape shall be installed directly above the horizontal piping approximately 12 inches below final grade.
- (5) If concrete monuments are used, then each monument shall be located directly above each individual well, at the perimeter corners of each well field, or in the center of each well cluster. Each concrete monument shall be permanently affixed with an identification plate constructed of durable, weatherproof, rustproof metal or other material approved by the Director as equivalent, which shall be stamped with the following information:
 - (A) well contractor name and certification number;
 - (B) number and depth of the boring(s);
 - (C) grout depth interval;
 - (D) well construction completion date; and
 - (E) identification as a geothermal well/well field.

(g) Testing.

- (1) Closed loop tubing shall pass a pressure test on-site prior to installation into the borehole. Any closed loop tubing that fails the pressure test shall either not be used or have the leaks located and repaired plus pass a subsequent pressure test prior to installation.
- (2) The closed loop well system shall pass a pressure test after installation and prior to operation. Any pressure fluctuation other than that due to thermal expansion and contraction of the testing medium shall be considered a failed test. Any leaks shall be located and repaired prior to operating the system.

(h) Operation.

- (1) The well shall be afforded protection against damage during construction and use.
- (2) The well shall be operated and maintained in accordance with the manufacturer's specifications throughout its operating life.

(i) Monitoring and Reporting.

- (1) The well owner shall submit the as-built well locations as documented in accordance with Paragraph (f) of this Rule to the Director and applicable county health department. The well owner shall also record these documents with

the register of deeds of the county in which the facility is located.

- (2) Upon sale or transfer of the property, the owner shall give a copy of these records to the new property owner(s).
- (3) The Director may require any monitoring necessary to demonstrate protection of waters of the state to the level of the applicable groundwater standards.
- (4) The permittee shall report any leaks to the Division during the lifetime of the well.
- (5) A record of the construction, abandonment, or repairs of the injection well shall be submitted to the Director within 30 days of completion of the specified activities.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0223 GEOTHERMAL DIRECT EXPANSION CLOSED-LOOP WELLS

(a) Geothermal Direct Expansion Closed-Loop Wells are used to house a subsurface system of closed-loop pipe that circulates refrigerant gas for heating and cooling purposes. Only gasses that the Department of Health and Human Services' Division of Public Health determines not to adversely affect human health shall be used.

(b) Permitted by Rule. All Direct Expansion Closed-Loop Geothermal Wells are permitted by rule when constructed and operated in accordance with the rules of this Section.

(c) Individual Permits. If an individual permit is required pursuant to Rule .0217 of this Section, then an application for permit renewal shall be made at least 120 days prior to the expiration date of the permit.

(d) Notification. In addition to the requirements set forth in Rule .0211 of this Section, notification for systems designed to serve a single family residence shall be submitted at least two business days prior to construction and at least 30 days for all other installations. The notification shall be submitted to the Director and to the county health department. The notification shall be on forms supplied by the Director and shall include:

- (1) the well owner's name, address, telephone number, email address (if available), and status as a federal, state, private, public, or other activity. If the well operator is different from the owner then the same information shall be provided for the well operator.
- (2) the physical location of the well;
- (3) a description of the proposed injection activities;
- (4) a scaled, site specific map showing the following:
 - (A) any water supply well and surface water body; septic system including drainfield, waste application area, and repair area; and any other potential

- sources of contamination listed in Subparagraph (e)(6) of this Rule within 250 feet of the proposed injection well(s);
 - (B) property boundaries within 250 feet of the parcel on which the proposed wells are located; and
 - (C) an arrow orienting the site to one of the cardinal directions;
 - (5) the type of gas to be used in the closed-loop geothermal well system. All proposed gases not already approved for use at the time of application submittal shall be subject to a health risk evaluation. Only approved gases shall be used in any closed loop geothermal well system;
 - (6) plans and specifications of the surface and subsurface construction details of the system;
 - (7) the heating/cooling system installation contractor's name and certification number, address, email address (if available), and telephone number;
 - (8) description of how the items identified in Part (d)(4)(A) of this Rule will be protected during well construction; and
 - (9) such other information as deemed necessary by the Director for the protection of human health and the environment.
- (e) Well Construction.
- (1) Only tubing that meets the specifications in Chapter 12 of the North Carolina Mechanical Code shall be used.
 - (2) All systems shall be constructed with cathodic protection unless testing conducted in accordance with Paragraph (g) of this Rule indicates that all pH test results are within the range of 5.5 to 11.0 standard units.
 - (3) Drilling fluids and water produced during well construction shall be managed in such a way as to prevent direct discharges to surface waters as well as violations of groundwater and surface water quality standards. Plans for such preventive measures shall be retained onsite for use throughout the construction process.
 - (4) The well shall be constructed in such a manner that surface water or contaminants from the land surface cannot migrate along the borehole annulus at any time during or after construction.
 - (5) The well shall be located such that:
 - (A) the injection well is not in an area where surface water or runoff will accumulate around the well due to depressions, drainage ways, or other landscape features that will concentrate water around the well; and
 - (B) the injection well is not in an area that requires a person to enter confined spaces to perform sampling and inspection activities.
 - (6) The minimum separation distance of the entire length of the borehole from potential sources of groundwater contamination that exist at the time the well(s) are constructed shall be as follows, unless it can be demonstrated to the Director's satisfaction that a lesser separation distance will not adversely affect human health or cause a violation of a groundwater quality standard as specified in Subchapter 02L:
 - (A) Building perimeters, including any attached structures 15 feet
 - (B) Septic systems including drainfield, waste application area, and repair area 50 feet
 - (C) Sewage or liquid-waste collection or transfer facilities constructed to water main standards in accordance with 15A NCAC 02T .0305(g)(2) or 15A NCAC 18A .1950(e), as applicable 15 feet
 - (D) Sewage or liquid-waste collection or transfer facilities not constructed to water main standards in accordance with 15A NCAC 02T .0305(g)(2) or 15A NCAC 18A .1950(e), as applicable 25 feet
 - (E) Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N with secondary containment 50 feet
 - (F) Chemical or petroleum fuel underground storage tank systems regulated under 15A NCAC 02N without secondary containment 100 feet
 - (G) Above ground or underground storage tanks which contain petroleum fuels used for heating equipment, boilers or furnaces, with the exception of tanks used solely for storage of propane, natural gas, or liquefied petroleum gas 50 feet
 - (H) Land-based or subsurface waste storage or disposal systems 50 feet
 - (I) Gravesites 50 feet
 - (J) Any other potential sources of contamination 50 feet
 - (7) Angled boreholes shall not be drilled in the direction of underground petroleum or chemical storage tanks unless it can be demonstrated to the satisfaction of the Director that doing so will not adversely affect human health or cause a violation of a groundwater

- quality standard as specified in Subchapter 02L.
- (8) The methods and materials used in construction shall not threaten the physical and mechanical integrity of the well during its lifetime and shall be compatible with the proposed injection activities.
 - (9) Drilling fluids and additives shall contain only potable water and may be comprised of one or more of the following:
 - (A) the formation material encountered during drilling;
 - (B) materials manufactured specifically for the purpose of borehole conditioning or well construction; or
 - (C) materials approved by the Director, based on a demonstration of not adversely affecting human health or the environment.
 - (10) Allowable grouts listed under Rule .0107 of this Subchapter shall be used with the exception that bentonite chips or pellets shall not be used.
 - (11) Bentonite grout shall not be used:
 - (A) to seal zones of water with a chloride concentration of 1,500 milligrams per liter or greater as determined by tests conducted at the time of construction, or
 - (B) in areas of the State subject to saltwater intrusion that may expose the grout to water with a chloride concentration of 1,500 milligrams per liter or greater at any time during the life of the well.
 - (12) No additives that will accelerate the process of hydration shall be used in grout for thermoplastic well casing.
 - (13) Grout shall be placed the entire length of the well boring from the bottom of the boring to land surface or, if completed below land surface, to the well header or manifold connection.
 - (14) The grout shall be emplaced by one of the following methods:
 - (A) Pressure. Grout shall be pumped or forced under pressure through the bottom of the casing until it fills the borehole or annular area space the casing and overflows at the surface;
 - (B) Pumping. Grout shall be pumped into place through a hose or pipe extended to the bottom of the borehole or annular space which can be raised as the grout is applied. The grout hose or pipe shall remain submerged in grout during the entire application; or
 - (C) Other. Grout may be emplaced in the borehole or annular space by gravity flow in such a way to ensure complete filling of the space. Gravity flow shall not be used if water or any visible obstruction is present in the borehole or annular space at the time of grouting.
 - (15) If temporary outer casing is installed, it shall be removed during grouting of the borehole in such a way that maintains the integrity of the borehole and uniform grout coverage around the geothermal tubing.
 - (16) If a permanent outer casing is installed:
 - (A) The space between the interior wall of the casing and the geothermal tubing shall be grouted the entire length of the well boring from the bottom of the boring to land surface or, if completed below land surface, to the well header or manifold connection.
 - (B) The annular space between the casing and the borehole shall be grouted with a grout that is non-reactive with the casing or the formation.
 - (C) Grout shall extend outward in all directions from the casing wall to borehole wall and have a minimum thickness equal to either one-third of the diameter of the outside dimension of the casing or two inches, whichever is greater; and
 - (D) In no case shall a well be required to have an annular grout seal thickness greater than four inches.
 - (17) Grout emplacement shall not threaten the physical or mechanical integrity of the well.
 - (18) The well shall be grouted within seven days after drilling is complete or before the drilling equipment leaves the site, whichever occurs first.
 - (19) Prior to removing the equipment from the site, the top of the casing shall be sealed with a water-tight cap or well seal, as defined in G.S. 87-85, to preclude contaminants from entering the well.
 - (20) Well head completion shall be conducted in such a manner so as to preclude surficial contaminants from entering the well.
 - (f) Well Location. The location of each well boring and appurtenant underground piping leading to the heat exchanger(s) shall be identifiable such that they may be located, repaired, and abandoned as necessary after construction.
 - (1) The as-built locations of each well boring, header pit, and appurtenant underground piping shall be recorded on a scaled site-specific facility map, which shall be retained

onsite and distributed as specified in Subparagraph (i)(1) of this Rule.

- (2) Each well boring and header pit shall be located by a North Carolina registered land surveyor, a GPS receiver, or by triangulation from at least two permanent features on the site, such as building foundation corners or property boundary iron pins.
- (3) Well boring and appurtenant underground piping locations shall be identifiable in the field by tracer wire and warning tape, concrete monuments, or any other method approved by the Director upon a demonstration that such a method provides a reliable and accurate method of detection.
- (4) If tracer wire and warning tape are used, then tracer wire consisting of copper wire of at least 14 gauge shall be placed adjacent to all horizontal piping during pipe installation, and warning tape shall be installed directly above the horizontal piping approximately 12 inches below final grade.
- (5) If concrete monuments are used, then each monument shall be located directly above each individual well, at the perimeter corners of each well field, or in the center of each well cluster. Each concrete monument shall be permanently affixed with an identification plate constructed of durable, weatherproof, rustproof metal or other material approved by the Director as equivalent, which shall be stamped with the following information:
 - (A) well contractor name and certification number;
 - (B) number and depth of the boring(s);
 - (C) grout depth interval;
 - (D) well construction completion date; and
 - (E) identification as a geothermal well/well field.

(g) Testing.

- (1) Closed loop tubing shall pass a pressure test on-site prior to installation into the borehole. Any closed loop tubing that fails the pressure test shall either not be used or have the leaks located and repaired plus pass a subsequent pressure test prior to installation.
- (2) The closed loop well system shall pass a pressure test after installation and prior to operation. Any pressure fluctuation other than that due to thermal expansion and contraction of the testing medium shall be considered a failed test. Any leaks shall be located and repaired prior to operating the system.
- (3) When not providing cathodic protection as specified in Subparagraph (e)(2) of this Rule drilling cuttings shall be tested for pH at a frequency of at least every 10 feet of boring length using a pH meter that has been

calibrated prior to use according to the manufacturer's instructions.

(h) Operation.

- (1) The well shall be afforded protection against damage during construction and use.
- (2) The well shall be operated and maintained in accordance with the manufacturer's specifications throughout its operating life. Cathodic protection, if required, shall be maintained at all times in accordance with the manufacturer's specifications throughout the operating life of the well(s).

(i) Monitoring and Reporting.

- (1) The well owner shall submit the as-built well locations as documented in accordance with Paragraph (f) of this Rule to the Director and applicable county health department. The well owner shall also record these documents with the register of deeds of the county in which the facility is located.
- (2) Upon sale or transfer of the property, the owner shall give a copy of these records to the new property owner(s).
- (3) The Director may require any monitoring necessary to demonstrate protection of waters of the state to the level of the applicable groundwater standards.
- (4) The permittee shall report any leaks to the Division during the lifetime of the well.
- (5) A record of the construction, abandonment, or repairs of the injection well shall be submitted to the Director within 30 days of completion of the specified activities.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0224 GEOTHERMAL HEATING/COOLING WATER RETURN WELLS

(a) Geothermal Heating/Cooling Water Return Wells reinject groundwater used to provide heating or cooling for structures. These wells may be approved by the Director only if the temperature of the injection fluid is not in excess of 30 degrees Fahrenheit above or below the naturally occurring temperature of the receiving groundwater. This includes wells using a geothermal fluid source. All Geothermal Heating/Cooling Water Return Wells require a permit.

(b) Permit Applications. In addition to the permit requirements set forth in Rule .0211 of this Section, an application shall be submitted, in duplicate, to the Director on forms furnished by the Director and shall include the following:

- (1) the well owner's name, address, telephone number, email address (if available), and status as a federal, state, private, public, or other activity. If the well operator is different from

the owner then the same information shall be provided for the well operator.

- (2) the physical address of the location of the well site if different than the well owner's mailing address;
- (3) a description of the injection activities proposed by the applicant;
- (4) a scaled, site-specific map showing at a minimum, the following:
 - (A) any water supply well and surface water body; septic system including drainfield, waste application area, and repair area; and any other potential sources of contamination listed under Rule .0107 of this Subchapter within 250 feet of the proposed injection well(s);
 - (B) property boundaries within 250 feet of the parcel on which the proposed wells are located; and
 - (C) an arrow orienting the site to one of the cardinal directions;
- (5) the proposed average and maximum daily injection rate, volume, pressure, temperature, and quantity of fluid to be injected;
- (6) plans and specifications of the surface and subsurface construction details of the system including a schematic of the injection and source well(s) construction;
- (7) the heating/cooling system installation contractor's name, address, email address (if available), and telephone number; and
- (8) such other information as deemed necessary by the Director for the protection of human health and the environment.

(c) Permit Renewals. Application for permit renewal shall be made at least 120 days prior to the expiration date of the permit.

(d) Well Construction.

- (1) The water supply well shall be constructed in accordance with the requirements of Rule .0107 of this Subchapter.
- (2) If a separate injection well is used then it shall also be constructed in accordance with the requirements of Rule .0107 of this Subchapter except that the entire length of the casing shall be grouted from the top of the gravel pack to the land surface in such a way that there is no interconnection of aquifers or zones having differences in water quality that would result in degradation of any aquifer or zone.
- (3) For open-end wells, the casing shall be grouted from the bottom of the casing to the land surface in such a way that there is no interconnection of aquifers or zones having differences in water quality that would result in degradation of any aquifer or zone.
- (4) The injection well system shall be constructed such that a sampling tap or other collection equipment approved by the Director provides a

functional source of water when the system is operational. Such equipment shall provide the means to collect a water sample immediately after emerging from the water supply well and immediately prior to injection into the return well.

(e) Operation and Maintenance.

- (1) Pressure at the well head shall be limited to a maximum which will ensure that the pressure in the injection zone does not initiate new fractures or propagate existing fractures in the injection zone, initiate fractures in the confining zone, or cause the migration of injected or formation fluids outside the injection zone or area.
- (2) Injection between the outermost casing and the well borehole is prohibited.
- (3) Monitoring of the operating processes shall be provided for by the well owner, as well as protection against damage during construction and use.

(f) Monitoring and Reporting.

- (1) Monitoring of any well may be required by the Director as necessary to demonstrate adequate protection of waters of the state to the level of applicable groundwater standards.
- (2) The well owner shall retain copies of records of any site maps showing the location of the injection wells, and any testing, calibration, or monitoring information done on-site. Upon sale or transfer of the property, the owner shall give a copy of these records to the new property owner(s).
- (3) The permittee shall record the number and location of the wells with the register of deeds in the county in which the facility is located.
- (4) A record of the construction, abandonment, or repairs of the injection well shall be submitted to the Director within 30 days of completion of the specified activities.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0225 GROUNDWATER REMEDIATION WELLS

(a) Groundwater Remediation Wells are used to inject additives, treated groundwater, or ambient air for the treatment of contaminated soil or groundwater. Only additives that the Department of Health and Human Services' Division of Public Health determines not to adversely affect human health shall be approved for injection. When on-site contaminated groundwater is used, the groundwater remediation injection wells shall be permitted in accordance with 15A NCAC 02T .1600.

(b) Permitted by Rule. The following are permitted by rule pursuant to Rule .0217 of this Section when constructed and

operated in accordance with the rules of this Section, all criteria for the specific injection system are met, hydraulic or pneumatic fracturing are not conducted, and the injection wells or injection activities do not result in the violation of any groundwater or surface water standard outside the injection zone:

- (1) **Passive Injection Systems.** Injection wells that use in-well delivery systems to diffuse injectants into the subsurface;
 - (2) **Small-scale Injection Operations.** Injection wells used to remediate contaminant plumes located within a land surface area not to exceed 10,000 square feet;
 - (3) **Pilot Tests.** Preliminary studies conducted for the purpose of evaluating the technical feasibility of a remediation strategy in order to develop a full scale remediation plan for future implementation, and where the surface area of the injection zone wells are located within an area that does not exceed five percent of the land surface above the known extent of groundwater contamination. Pilot tests may involve multiple injection wells, injection events, and injectants within the specified area. An individual permit shall be required to conduct more than one pilot test on any separate groundwater contaminant plume;
 - (4) **Air Injection Wells.** Injection wells used to inject ambient air to enhance in-situ treatment of groundwater.
 - (A) The air to be injected shall not exceed the ambient air quality standards set forth in 15A NCAC 02D .0400 and shall not contain petroleum or any other constituent that would cause a violation of groundwater standards specified in Subchapter 02L; and
 - (B) Injection wells of this type shall be constructed in accordance with the well construction standards applicable to monitoring wells specified in Rule .0108 of this Subchapter.
- (c) Notification for Groundwater Remediation Wells described in Subparagraphs (b)(1) through (b)(3) of this Rule. Notification shall be submitted to the Director two weeks prior to injection on forms supplied by the Director. Such notification shall include the following:
- (1) name and contact information of the well owner;
 - (2) name and contact information of the person who can answer technical questions about the proposed injection system if different from the well owner;
 - (3) geographic coordinates of the injection well or well field;
 - (4) maps of the injection zone relative to the known extent of contamination such as:
 - (A) contaminant plume map(s) with isoconcentration lines that show the

horizontal extent of the contaminant plume in soil and groundwater, existing and proposed monitoring wells, and existing and proposed injection wells; and

- (B) cross-section(s) to the known or projected depth of contamination that show the horizontal and vertical extent of the contaminant plume in soil and groundwater, changes in lithology, existing and proposed monitoring wells, and existing and proposed injection wells;
 - (5) purpose, scope, and goals of the proposed injection activity;
 - (6) name, volume, concentration, and Material Safety Data Sheet of each injectant;
 - (7) schedule of injection well construction and injection activities;
 - (8) plans and specifications of each injection well or well system, which include:
 - (A) the number and depth of injection wells;
 - (B) indication whether the injection wells are existing or proposed;
 - (C) well contractor name and certification number; and
 - (D) indication of whether the injection wells are permanent wells, "direct push" temporary injection wells, or are subsurface distribution systems; and
 - (9) description of monitoring plan capable of determining if violations of groundwater quality standards specified in Subchapter 02L result from the injection activity.
- (d) Notification for Air Injection Wells described in Subparagraph (b)(4) of this Rule shall be submitted to the Director two weeks prior to injection on forms supplied by the Director. Such notification shall include the following:
- (1) facility name, address, and location indicated by either:
 - (A) latitude and longitude with reference datum, position accuracy, and method of collection; or
 - (B) a facility site map with property boundaries;
 - (2) name, telephone number, and mailing address of legal contact;
 - (3) ownership of facility as a private individual or organization, or a federal, state, county, or other public entity;
 - (4) number of injection wells and their construction details; and
 - (5) operating status as proposed, active, inactive, temporarily abandoned, or permanently abandoned.
- (e) Permit Applications for all Groundwater Remediation Wells not Permitted by Rule. In addition to the permit requirements

set forth in Rule .0211 of this Section, an application shall be submitted, in duplicate, to the Director on forms furnished by the Director and shall include the following:

- (1) site description and incident information that include the following:
 - (A) name of the well owner or person otherwise legally responsible for the injection wells, mailing address, telephone number, and status as a federal, state, private, public, or other entity;
 - (B) name of the property owner, if different from the well owner, physical address, mailing address, and telephone number;
 - (C) name, mailing address, telephone number, and geographic coordinates of the facility for which the application is submitted and a brief description of the nature of the business;
 - (D) a description of the contamination incident including the source, type, cause, and release date(s) of the contamination; a list of all contaminants in the affected soil or groundwater; the presence and thickness of free product; and the maximum contaminant concentrations detected in the affected soil and groundwater;
 - (E) the state agency responsible for management of the contamination incident, including the incident tracking number, and the incident manager's name and telephone number; and
 - (F) a list of all permits issued for the facility or contamination incident, including: Hazardous Waste Management program permits or approval under the Resource Conservation and Recovery Act (RCRA), waste disposal permits issued in accordance with G.S. 143-215.1, Sewage Treatment and Disposal Permits issued in accordance with G.S. 130A, and any other environmental permits required by state or federal law.
- (2) Injection Zone Determination. The applicant shall specify the horizontal and vertical portion of the injection zone within which the proposed injection activity shall occur based on the hydraulic properties of that portion of the injection zone specified. No violation of groundwater quality standards specified in Subchapter 02L resulting from the injection shall occur outside the specified portion of the

- (3) Hydrogeologic Evaluation. If required by G.S. 89E, G.S. 89C, or G.S. 89F, a licensed geologist, professional engineer, or licensed soil scientist shall prepare a hydrogeologic evaluation of the facility to a depth that includes the injection zone determined in accordance with Subparagraph (e)(2) of this Rule. The hydrogeologic description shall include all of the following:
 - (A) regional and local geology and hydrogeology;
 - (B) changes in lithology underlying the facility;
 - (C) depth to bedrock;
 - (D) depth to the mean seasonal high water table;
 - (E) hydraulic conductivity, transmissivity, and storativity, of the injection zone based on tests of site-specific material, including a description of the test(s) used to determine these parameters;
 - (F) rate and direction of groundwater flow as determined by predictive calculations or computer modeling; and
 - (G) lithostratigraphic and hydrostratigraphic logs of test and injection wells.
- (4) Area of Review. The area of review shall be calculated using the procedure for determining the zone of endangering influence specified in 40 CFR 146.6(a). The applicant must identify all wells within the area of review that penetrate the injection or confining zone, and repair or permanently abandon all wells that are improperly constructed or abandoned.
- (5) Injectant Information. The applicant shall submit the following information for each proposed injectant:
 - (A) injectant name and manufacturer, concentration at the point of injection, and percentage if present in a mixture with other injectants;
 - (B) the chemical, physical, biological, or radiological characteristics necessary to evaluate the potential to adversely affect human health or groundwater quality;
 - (C) the source of fluids used to dilute, carry, or otherwise distribute the injectant throughout the injection zone as determined in accordance with Subparagraph (e)(2) of this Rule. If any well within the area of review of the injection facility is to be used as the fluid source, then the following injection zone as detected by a monitoring plan approved by the Division.

- information shall be submitted: location/ID number, depth of source, formation, rock/sediment type, and a chemical analysis of the water from the source well, including analyses for all contaminants suspected or historically recognized in soil or groundwater on the site;
- (D) a description of the rationale for selecting the injectants and concentrations proposed for injection, including an explanation or calculations of how the proposed injectant volumes and concentrations were determined;
 - (E) a description of the reactions between the injectants and the contaminants present including specific breakdown products or intermediate compounds that may be formed by the injection;
 - (F) a summary of results if modeling or testing was performed to investigate the injectant's potential or susceptibility for biological, chemical, or physical change in the subsurface; and
 - (G) an evaluation concerning the development of byproducts of the injection process, including increases in the concentrations of naturally occurring substances. Such an evaluation shall include the identification of the specific byproducts of the injection process, projected concentrations of byproducts, and areas of migration as determined through modeling or other predictive calculations.
- (6) Injection Procedure. The applicant shall submit a detailed description of the proposed injection procedure that includes the following:
- (A) the proposed average and maximum daily rate and quantity of injectant;
 - (B) the average maximum injection pressure expressed in units of pounds per square inch (psi); and
 - (C) the total or estimated total volume to be injected.
- (7) Fracturing Plan. If hydraulic or pneumatic fracturing is proposed, then the applicant shall submit a detailed description of the fracturing plan that includes the following:
- (A) Material Safety Data Sheets of fracturing media including information on any proppants used;
 - (B) a map of fracturing well locations relative to the known extent of groundwater contamination plus all buildings, wells, septic systems, underground storage tanks, and underground utilities located within the Area of Review as described in Subparagraph (e)(4) of this Rule;
 - (C) a demonstration that buildings, wells, septic systems, underground storage tanks, and underground utilities will not be adversely affected by the fracturing process;
 - (D) injection rate and volume;
 - (E) orientation of bedding planes, joints, and fracture sets of the fracture zone;
 - (F) performance monitoring plan for determining the fracture well radius of influence; and
 - (G) if conducted, the results of geophysical testing or pilot demonstration of fracture behavior conducted in an uncontaminated area of the site.
- (8) Injection well construction details including:
- (A) number and depth of injection wells;
 - (B) number and depth of borings if using multi-level or "nested" well systems;
 - (C) indication whether the injection wells are existing or proposed;
 - (D) depth and type of casing;
 - (E) depth and type of screen material;
 - (F) depth and type of grout;
 - (G) indication whether the injection wells are permanent or temporary "direct push" points; and
 - (H) plans and specifications of the surface and subsurface construction details of each injection well or well system.
- (9) Monitoring Wells. Monitoring wells shall be of sufficient quantity and location as determined by the Director so as to detect any movement of injection fluids, injection process byproducts or formation fluids outside the injection zone as determined by the applicant in accordance with Subparagraph (e)(2) of this Rule. The monitoring schedule shall be consistent with the proposed injection schedule, pace of the anticipated reactions, and rate of transport of the injectants and contaminants. The applicant shall submit a monitoring plan that includes the following:
- (A) target contaminants plus secondary or intermediate contaminants that may result from the injection;
 - (B) other parameters that may serve to indicate the progress of the intended reactions;
 - (C) a list of existing and proposed monitoring wells to be used; and
 - (D) a sampling schedule to monitor the proposed injection.

- (10) Well Data Tabulation. A tabulation of data on all existing or abandoned wells within the area of review of the injection well(s) that penetrate the proposed injection zone, including monitoring wells and wells proposed for use as injection wells. Such data shall include a description of each well's type, depth, record of abandonment or completion, and any additional information the Director may require.
- (11) Maps and Cross-Sections. Scaled, site-specific site plans or maps depicting the location, orientation, and relationship of facility components including the following:
 - (A) area map based on the most recent USGS 7.5' topographic map of the area, at a scale of 1:24,000 and showing the location of the proposed injection site;
 - (B) topographic contour intervals showing all facility related structures, property boundaries, streams, springs, lakes, ponds, and other surface drainage features;
 - (C) all existing or abandoned wells within the area of review of the injection well(s), listed in the tabulation required in Subparagraph (e)(10) of this Rule, that penetrate the proposed injection zone, including, water supply wells, monitoring wells, and wells proposed for use as injection wells;
 - (D) potentiometric surface map(s) that show the direction of groundwater movement, existing and proposed wells;
 - (E) contaminant plume map(s) with isoconcentration lines that show the horizontal extent of the contaminant plume in soil and groundwater, and existing and proposed wells;
 - (F) cross-section(s) to the known or projected depth of contamination that show the horizontal and vertical extent of the contaminant plume in soil and groundwater, major changes in lithology, and existing and proposed wells; and
 - (G) any existing sources of potential or known groundwater contamination, including waste storage, treatment, or disposal systems within the area of review of the injection well or well system.
- (12) Such other information as deemed necessary by the director for the protection of human health and the environment.
- (f) Injection Volumes. The Director may establish maximum injection volumes and pressures necessary to assure that:
 - (1) fractures are not initiated in the confining zone of the injection zone determined in accordance with Subparagraph (e)(2) of this Rule;
 - (2) injected fluids do not migrate outside the injection zone or area;
 - (3) injected fluids and fractures do not cause or contribute to the migration of contamination into uncontaminated areas; and
 - (4) there is compliance with operating requirements.
- (g) Well Construction.
 - (1) Wells shall not be located where:
 - (A) surface water or runoff will accumulate around the well due to depressions, drainage ways, or other landscapes that will concentrate water around the well;
 - (B) a person would be required to enter confined spaces to perform sampling and inspection activities; and
 - (C) injectants or formation fluids would migrate outside the approved injection zone as determined by the applicant in accordance with Subparagraph (e)(2) of this Rule.
 - (2) Wells used for hydraulic or pneumatic fracturing shall be located within the extent of known groundwater contamination but no closer than 75 feet to this boundary unless it can be demonstrated to the satisfaction of the Director that a lesser separation distance will not adversely affect human health or cause a violation of a groundwater quality standard as specified in Subchapter 02L, such as through the use of directional fracturing.
 - (3) The methods and materials used in construction shall not threaten the physical and mechanical integrity of the well during its lifetime and shall be compatible with the proposed injection activities.
 - (4) The well shall be constructed in such a manner that surface water or contaminants from the land surface cannot migrate along the borehole annulus either during or after construction.
 - (5) The borehole shall not penetrate to a depth greater than the depth at which injection will occur unless the purpose of the borehole is the investigation of the geophysical and geochemical characteristics of an aquifer. Following completion of the investigation the borehole beneath the zone of injection shall be grouted completely to prevent the migration of any contaminants.
 - (6) For "direct-push" temporary injection wells constructed without permanent or temporary casing, injection and well abandonment activities shall be conducted within the same

- working day as when the borehole is constructed.
- (7) Drilling fluids and additives shall contain only potable water and may be comprised of one or more of the following:
- (A) the formation material encountered during drilling;
 - (B) materials manufactured specifically for the purpose of borehole conditioning or well construction; and
 - (C) materials approved by the Director, based on a demonstration of not adversely affecting human health or groundwater quality.
- (8) Only allowable grout listed under Rule .0107 of this Subchapter shall be used with the exception that bentonite grout shall not be used:
- (A) to seal zones of water with a chloride concentration of 1,500 milligrams per liter or greater as determined by tests conducted at the time of construction, or
 - (B) in areas of the State subject to saltwater intrusion that may expose the grout to water with a chloride concentration of 1,500 milligrams per liter or greater at any time during the life of the well.
- (9) The annular space between the borehole and casing shall be grouted:
- (A) with a grout that is non-reactive with the casing or screen materials, the formation, or the injectant;
 - (B) from the top of the gravel pack to land surface and in such a way that there is no interconnection of aquifers or zones having differences in water quality that would result in degradation of any aquifer or zone; and
 - (C) so that the grout extends outward from the casing wall to a minimum thickness equal to either one-third of the diameter of the outside dimension of the casing or two inches, whichever is greater; but in no case shall a well be required to have an annular grout seal thickness greater than four inches.
- (10) Grout shall be emplaced around the casing by one of the following methods:
- (A) Pressure. Grout shall be pumped or forced under pressure through the bottom of the casing until it fills the annular space around the casing and overflows at the surface;
 - (B) Pumping. Grout shall be pumped into place through a hose or pipe extended to the bottom of the annular space which can be raised as the grout is applied. The grout hose or pipe shall remain submerged in grout during the entire application; or
 - (C) Other. Grout may be emplaced in the annular space by gravity flow in such a way to ensure complete filling of the space. Gravity flow shall not be used if water or any visible obstruction is present in the annular space at the time of grouting.
- (11) All grout mixtures shall be prepared prior to emplacement per the manufacturer's directions with the exception that bentonite chips or pellets may be emplaced by gravity flow if water is present or otherwise hydrated in place.
- (12) If an outer casing is installed, it shall be grouted by either the pumping or pressure method.
- (13) The well shall be grouted within seven days after the casing is set or before the drilling equipment leaves the site, whichever occurs first.
- (14) No additives that will accelerate the process of hydration shall be used in grout for thermoplastic well casing.
- (15) A casing shall be installed that extends from at least 12 inches above land surface to the top of the injection zone.
- (16) Wells with casing extending less than 12 inches above land surface and wells without casing may be approved by the Director only when one of the following conditions is met:
- (A) site specific conditions directly related to business activities, such as vehicle traffic, would endanger the physical integrity of the well; or
 - (B) it is not operationally feasible for the well head to be completed 12 inches above land surface due to the engineering design requirements of the system.
- (17) Multi-screened wells shall not connect aquifers or zones having differences in water quality which would result in a degradation of any aquifer or zone.
- (18) Prior to removing the equipment from the site, the top of the casing shall be sealed with a water-tight cap or well seal, as defined in G.S. 87-85, to preclude contaminants from entering the well.
- (19) Packing materials for gravel and sand packed wells shall be:
- (A) composed of quartz, granite, or other hard, non-reactive rock material;
 - (B) clean, of uniform size, water-washed and free from clay, silt, or other deleterious material;

- (C) disinfected prior to subsurface emplacement;
 - (D) emplaced such that it shall not connect aquifers or zones having differences in water quality that would result in the deterioration of the water qualities in any aquifer or zone; and
 - (E) evenly distributed around the screen and shall extend to a depth at least one foot above the top of the screen. A minimum one foot thick seal comprised of bentonite clay or other sealing material approved by the Director shall be emplaced directly above and in contact with the packing material.
- (20) All permanent injection wells shall have a well identification plate that meets the criteria specified in Rule .0107 of this Subchapter.
- (21) A hose bibb, sampling tap, or other collection equipment approved by the Director shall be installed on the line entering the injection well such that a sample of the injectant can be obtained immediately prior to its entering the injection well.
- (22) If applicable, all piping, wiring, and vents shall enter the well through the top of the casing unless otherwise approved by the Director based on a design demonstrated to preclude surficial contaminants from entering the well.
- (23) The well head shall be completed in such a manner so as to preclude surficial contaminants from entering the well and well head protection shall include:
- (A) an accessible external sanitary seal installed around the casing and grouting; and
 - (B) a water-tight cap or seal compatible with the casing and installed so that it cannot be removed without the use of hand or power tools.
- (24) For subsurface distribution systems the following shall apply:
- (A) for systems designed to be constructed within seven feet of the land surface and above the seasonal high water table, the distribution system design volume, injection volume, and injection rate shall be based on the hydraulic conductivity of the geologic material having the lowest permeability as determined by appropriate *in situ* or laboratory test methods; and
 - (B) the land surface directly above all systems shall be covered with pavement or compacted soil or other suitable material to prevent stormwater or other fluids on the land surface from infiltrating into the subsurface distribution system.
- (h) Mechanical Integrity. All permanent injection wells require tests for mechanical integrity, which shall be conducted in accordance with Rule .0207 of this Section.
- (i) Operation and Maintenance.
- (1) Unless permitted by this rule, pressure at the well head shall be limited to a maximum which will ensure that the pressure in the injection zone does not initiate new fractures or propagate existing fractures in the injection zone, initiate fractures in the confining zone, or cause the migration of injected or formation fluids outside the injection zone or area.
 - (2) Injection between the outermost casing and the well borehole is prohibited.
 - (3) Monitoring of the operating processes at the well head shall be provided for by the well owner, as well as protection against damage during construction and use.
- (j) Monitoring.
- (1) Monitoring of the injection well may be required by the Director to protect groundwaters of the State.
 - (A) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (B) Analysis of the physical, chemical, biological, or radiological characteristics of the injectant shall be made monthly or more frequently, as approved by the Director, in order to provide representative data for characterization of the injectant.
 - (C) Monitoring of injection pressure, flow rate, and cumulative volume shall occur according to a schedule determined necessary by the Director.
 - (D) Monitoring wells associated with the injection site shall be monitored quarterly or on a schedule determined by the Director to detect any migration of injected fluids from the injection zone.
 - (2) In determining the type, density, frequency, and scope of monitoring, the Director shall consider the following:
 - (A) physical and chemical characteristics of the injection zone;
 - (B) physical and chemical characteristics of the injected fluid(s);
 - (C) volume and rate of discharge of the injected fluid(s);
 - (D) compatibility of the injected fluid(s) with the formation fluid(s);
 - (E) the number, type and location of all wells, mines, surface bodies of water,

- and structures within the area of review;
 - (F) proposed injection procedures;
 - (G) expected changes in pressure, formation fluid displacement, and direction of movement of injected fluid;
 - (H) proposals of corrective action to be taken in the event that a failure in any phase of injection operations that renders the groundwaters unsuitable for their best intended usage as defined in Rule .0202 of Subchapter 02L; and
 - (I) the life expectancy of the injection operations.
- (3) Monitoring wells completed in the injection zone and any of those zones adjacent to the injection zone may be affected by the injection operations. If affected, the Director may require additional monitor wells located to detect any movement of injection fluids, injection process byproducts, or formation fluids outside the injection zone as determined by the applicant in accordance with Subparagraph (e)(2) of this Rule. If the operation is affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected and shall be of an adequate number to detect movement of injected fluids, process byproducts, or formation fluids outside the injection zone or area. In determining the number, location and spacing of monitoring wells, the following criteria shall be considered by the Director:
- (A) the population relying on the groundwater resource affected, or potentially affected, by the injection operation;
 - (B) the proximity of the injection operation to points of withdrawal of groundwater;
 - (C) the local geology and hydrology;
 - (D) the operating pressures;
 - (E) the chemical characteristics and volume of the injected fluid, formation water, and process byproducts; and
 - (F) the density of injection wells.

(k) Reporting.

- (1) For all injection wells, the well owner shall be responsible for submitting to the Director on forms furnished by the Director, or on an alternate approved form that provides the same information:
 - (A) a record of the construction, abandonment, or repairs of the

- (B) injection well within 30 days of completion of the specified activities; the Injection Event Record within 30 days of completing each injection; and
- (2) For injection wells requiring an individual permit, the following shall apply:
 - (A) The well owner shall be responsible for submitting to the Director on forms furnished by the Director or on an alternate approved form, hydraulic or pneumatic fracturing performance monitoring results;
 - (B) All sampling results shall be reported by the well owner to the Division quarterly or on a frequency determined by the Director based on the reaction rates, injection rates, likelihood of secondary impacts, and site-specific hydrogeologic information; and
 - (C) A Final Project Evaluation report shall be submitted within nine months after completing all injection-related activities associated with the permit or produce a project interim evaluation before submitting a renewal application for the permit. This document shall assess the injection projects findings in a written summary. The final project evaluation shall also contain monitoring well sampling data, contaminant plume maps and potentiometric surface maps.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0226 SALINITY BARRIER WELLS

Salinity Barrier Wells inject uncontaminated water into an aquifer to prevent the intrusion of salt water into the fresh water. The requirements for Salinity Barrier Wells shall be the same as in Rule .0219 of this Section except that the Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0227 STORMWATER DRAINAGE WELLS

(a) Stormwater Drainage Wells receive the flow of water that results from precipitation occurring immediately following rainfall or a snowmelt event.

(b) The following Stormwater Drainage Wells are permitted by rule pursuant to Rule .0217 of this Section:

- (1) systems designed in accordance with stormwater controls required by federal laws and regulations, state statutes and rules, or local controls adopted consistent with these federal or state requirements; and
- (2) roof-top runoff infiltration systems.

(c) Nothing in this Rule shall be construed as to allow untreated stormwater to be emplaced directly into any aquifer or to otherwise result in the violation of any groundwater quality standard as specified in Subchapter 02L.

(d) Reporting. Within 30 days of a change of status of the well, the owner/operator shall provide the following information:

- (1) facility name, address, and location indicated by either:
 - (A) latitude and longitude with reference datum, position accuracy, and method of collection; or
 - (B) a facility site map with property boundaries;
- (2) name, telephone number, and mailing address of legal contact;
- (3) ownership of facility as a private individual or organization, or a federal, state, county, or other public entity;
- (4) number of injection wells; and
- (5) well status as proposed, active, inactive, temporarily abandoned, or permanently abandoned.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0228 SUBSIDENCE CONTROL WELLS

Subsidence Control Wells are used to inject uncontaminated fluids [to reduce or eliminate subsidence associated with overdraft of fresh water or other activities not related to oil or natural gas production. The requirements for Subsidence Control Wells shall be the same as described in Rule .0219 of this Section except that the Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A;

143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0229 TRACER WELLS

Tracer Wells are used to inject substances for the purpose of determining hydrogeologic properties of aquifers. The requirements for Tracer Wells shall be the same as described in Rule .0225 of this Section except that the Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0230 OTHER WELLS

Rule requirements for Other Wells shall be evaluated and treated as one of the injection well types in Rule .0209(5)(b) of this Section that the Director determines most closely resembles the equivalent hydrogeologic complexity and potential to adversely affect groundwater quality. The Director may impose additional requirements for the protection of human health and the environment based on site specific criteria, existing or projected environmental impacts, compliance with the provisions of the rules of this Section, or the compliance history of the facility owner. The Director may permit by rule the emplacement or discharge of a fluid or solid into the subsurface for any activity that meets the definition of an “injection well” that the Director determines not to have the potential to adversely affect groundwater quality and does not fall under other rules in this Section.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. May 1, 2012.

15A NCAC 02C .0240 ABANDONMENT AND CHANGE-OF-STATUS OF WELLS

(a) The well(s) shall be abandoned by the well owner in accordance with one of the following procedures or other alternatives approved by the Director based on a demonstration of not adversely affecting human health or the environment:

- (1) Procedures for temporarily or permanently abandoning wells other than closed-loop geothermal wells shall be the same as described in Rule .0113 of this Subchapter.
- (2) For temporarily abandoning a closed-loop geothermal well, the well shall be maintained whereby it is not a source or channel of contamination during the period of abandonment.

- (3) Procedures for permanently abandoning closed-loop geothermal wells shall be as follows:
- (A) all casing, tubing or piping, and associated materials shall be removed prior to initiation of abandonment procedures if such removal will not cause or contribute to contamination of groundwater;
 - (B) the boring shall be filled from bottom to top with grout through a hose or pipe which extends to the bottom of the well and is raised as the well is filled;
 - (C) for tubing with an inner diameter of one-half inch or greater, the entire vertical length of the inner tubing shall be grouted;
 - (D) for tubing with an inner diameter less than one-half inch, the tubing shall be refilled with potable water and capped or sealed at a depth not less than two feet below land surface in the event that the inner tubing cannot feasibly be grouted; and
 - (E) any protective or surface casing not grouted in accordance with the requirements set forth in this Section shall be removed and grouted in accordance with the requirements set forth in this Section.
- (4) In those cases when, as a result of the injection operations, a subsurface cavity has been created, the well shall be abandoned in such a manner that will prevent the movement of fluids into or between aquifers and in accordance with the terms and conditions of the permit.

(b) Any well which acts as a source or channel of contamination shall be brought into compliance with the standards and criteria of these rules, repaired, or permanently abandoned. Repair or permanent abandonment shall be completed within 15 days of the discovery of the violation.

(c) Exploratory or test wells, constructed for the purposes of obtaining information regarding an injection well site, shall be permanently abandoned in accordance with Rule .0113 of this Subchapter within two days after drilling or two days after testing is complete, whichever is less restrictive. An exception would be when a test well is being converted to a permanent injection well, in which case conversion shall be completed within 30 days.

(d) An injection well shall be permanently abandoned by the drilling contractor before removing his equipment from the site if the well casing has not been installed or has been removed from the well bore.

(e) The well owner is responsible for permanent abandonment of a well except when the well contractor is responsible due to improper location, construction, repair, or completion of the well.

History Note: Authority G.S. 87-87; 87-88; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. May 1, 2012.

15A NCAC 02C .0241 VARIANCE

(a) The Director may grant a variance from any construction or operation standards under the rules of this Section. Any variance shall be in writing by the person responsible for construction of the well for which the variance is sought. The Director shall grant the variance if the Director finds facts to support the following conclusions:

- (1) that the use of the well will not endanger human health and welfare or the groundwater; and
- (2) that construction or operation in accordance with the standards was not technically feasible or the proposed construction provides equal or better protection of the groundwater.

(b) The Director may require the variance applicant to submit such information as the Director deems necessary to make a decision to grant or deny the variance. The Director may impose such conditions on a variance or the use of a well for which a variance is granted as the Director deems necessary to protect human health and welfare and the groundwater resources. The findings of fact supporting any variance under this rule shall be in writing and made part of the variance.

(c) The Director shall respond in writing to a request for a variance within 30 days from the receipt of the variance request.

(d) For variances requested as a part of a permit application, the Director may include approval as a permit condition.

(e) A variance applicant who is dissatisfied with the decision of the Director may commence a contested case by filing a petition under G.S. 150B-23 within 60 days after receipt of the decision.

History Note: Authority G.S. 87-87(4); 87-88; 143-215.1A; 143-215.3(a)(4); 150B-23; Eff. May 1, 2012.

15A NCAC 02C .0242 DELEGATION

(a) The Director is delegated the authority to grant permission for well construction under G.S. 87-87.

(b) The Director is delegated the authority to give notices and sign orders for violations under G.S. 87-91.

(c) The Director may grant a variance from any construction standard, or the approval of alternate construction methods or materials, as specified under the rules of this Section.

History Note: Authority G.S. 87-87(4); 143-215.1A; 143-215.3(a)(1); 143-215.3(a)(4); Eff. May 1, 2012.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 – MEDICAL BOARD

21 NCAC 32C .0102 NAME OF PROFESSIONAL CORPORATION

The following requirements must be met regarding the name of a professional corporation to practice medicine:

- (1) The name shall not include any adjectives or other words not in accordance with ethical customs of the medical profession as defined by the American Medical Association Code of Medical Ethics, and shall not be false, misleading, deceptive or patently offensive.
- (2) The professional corporation may not be identical or so similar in name to an existing registered business entity as to be misleading.
- (3) The professional corporation may not use any name other than its corporate name.
- (4) The professional corporation shall specify its corporate structure in the public domain by the use of the designation "P.C.", "P.A." or "P.L.L.C."
- (5) A shareholder may authorize the retention of his surname in the corporate name after his retirement or inactivity because of age or disability, even though he may have disposed of his stock. The estate of a deceased shareholder may authorize the retention of the deceased shareholder's surname in the corporate name after the shareholder's death.
- (6) If a living shareholder in a professional corporation whose surname appears in the corporate name becomes a "disqualified person" as defined in the Professional Corporation Act, the name of the professional corporation shall be promptly changed to eliminate the name of the shareholder, and the shareholder shall promptly dispose of his stock in the corporation.

History Note: Authority G.S. 55B-5; 55B-7; 55B-12; Eff. February 1, 1976; Amended Eff. May 1, 2012; July 1, 1993; May 1, 1989.

21 NCAC 32C .0105 STOCK AND FINANCIAL MATTERS

- (a) The corporation may acquire and hold its own stock.
- (b) No person other than a licensee of the Board shall exercise any authority or influence over the practice of medicine as defined in Article 1 of Chapter 90.
- (c) Subject to the provisions of G.S. 55B-7, the corporation may make such agreement with its shareholders or its shareholders may make such agreement between themselves as they deem just for the acquisition of the shares of a deceased or retiring shareholder or of a shareholder who becomes disqualified to own shares under the Professional Corporation Act or under the rules in this Subchapter.
- (d) Failure to display on the face of all stock certificates a legend that any stock transfers are subject to the provisions of the Professional Corporations Act and the rules of the Board shall be a violation of G.S. 90-14(a).

History Note: Authority G.S. 55B-6; 55B-7; 55B-8; 90-1.1(5), 90-2(a); 90-5.1(a)(3); 90-14(a)(6); 90-14(a)(8); Eff. February 1, 1976; Amended Eff. May 1, 2012; May 1, 1989; November 1, 1985.

21 NCAC 32C .0106 CHARTER AMENDMENTS AND STOCK TRANSFERS

The following provisions apply to all professional corporations to practice medicine:

- (1) An agent of the corporation shall ensure all changes to the articles of incorporation of the corporation are filed with the Board for approval before being filed with the Secretary of State. An agent of the corporation shall ensure a copy of the changes filed with the Secretary of State are subsequently sent to the Board within 10 days after filing with the Secretary of State.
- (2) The Board shall issue the certificate (N.C.M.B.-P.C.Form 5) required by G.S. 55B-6 when stock is transferred in the corporation. N.C.M.B.-P.C.Form 5 shall be permanently retained by the corporation. The stock books of the corporation shall be kept at the principal office of the corporation and shall be subject to inspection by the Board during business hours.

History Note: Authority G.S. 55B-6; 55B-7; 55B-8; 55B-12; 90-1.1(5); 90-2(a); 90-5.1(a)(3); 90-14(a)(6); 90-14(a)(8); Eff. February 1, 1976; Amended Eff. May 1, 2012; September 1, 1995; July 1, 1993; May 1, 1989.

21 NCAC 32C .0109 REGISTRATION OF FOREIGN PROFESSIONAL CORPORATION

(a) In addition to the other rules in this Subchapter, foreign professional corporations applying for a Certificate of Authority to Transact Business must meet the following requirements:

- (1) provide proof that shareholders licensed in other states are currently licensed and in good standing with their respective licensing boards;
- (2) at least one shareholder must be currently licensed and in good standing with the Board; and
- (3) no person other than a licensee of the Board shall exercise any authority or influence over the practice of medicine as defined by Article 1 of Chapter 90.

(b) For purposes of this Rule, "in good standing" means has not been disciplined by a licensing Board and is not currently subject to disciplinary proceedings.

History Note: Authority G.S. 55B-16; 90-1.1(5); 90-2(a); 90-5.1(a)(3); Eff. May 1, 2012.

TITLE 25 – OFFICE OF STATE PERSONNEL

25 NCAC 01L .0102 PURPOSE

(a) Agencies and universities of the State of North Carolina shall provide all current employees and applicants for state employment with equal employment opportunities, without discrimination on the basis of race, color, religion, national origin, sex, age, genetic information, or disabling condition as defined by G.S. 168A or disability as defined by the Americans With Disabilities Act, as amended. All personnel policies, practices and programs shall be administered and implemented in a non-discriminatory manner by all state agencies and universities.

(b) Each agency and university shall adopt and implement an equal employment opportunity plan in order to:

- (1) assure that all personnel policies and practices relevant to total employment in state government will guarantee and preserve equal employment opportunities for all applicants and employees; and
- (2) assure diversity of the state's workforce at all occupational levels.

History Note: Authority G.S. 95-28.1A; 126-4(10); 126-16; 126-19; P.L. 110-233; 122 Stat. 881; Eff. October 1, 1977; Amended Eff. May 1, 2012; December 2, 1995; November 1, 1987; October 1, 1984.

25 NCAC 01L .0104 PROGRAM IMPLEMENTATION: AGENCY AND UNIVERSITY LEVEL

(a) Each state agency head and University Chancellor shall develop and implement an agency or university equal employment opportunity program and plan.

(b) Each state agency and university shall submit a plan by March 1 of each year to the Office of State Personnel for review, technical assistance and approval by the Director of State Personnel. The Plan and program shall be approved if they comply with the requirements in this Rule.

(c) Each state agency's and university's equal employment opportunity plan and program shall include the following elements:

- (1) The State EEO policy and an EEO policy statement applicable to the agency or university. The policy shall:
 - (A) commit the agency or university to equal employment opportunity;
 - (B) prohibit discrimination and provide equal employment opportunity to applicants and employees without regard to race, color, national origin, religion, creed, sex, age, the genetic information, or disability;
 - (C) list applicable laws, regulations and guidelines pertaining to EEO compliance including Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1968, as

amended; Executive Order 11246, as amended; the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1988; the Americans with Disabilities Act of 1990, as amended; the Civil Rights Act of 1991; Genetic Information Nondiscrimination Act of 2008; G.S. 126-16; as amended; and other state EEO and anti-discrimination laws or statutes;

(D) prohibit retaliatory actions against employees who file a complaint or charge of employment discrimination, testify, assist or participate in any manner in a hearing, proceeding or investigation of employment discrimination;

(E) commit the agency or university to non-discriminatory practices in recruitment, selection, hiring, promotion, compensation, performance appraisal, disciplinary and grievance procedures, separations, and reduction in force;

(F) describe provisions for providing reasonable accommodation for persons with disabilities;

(G) prevent harassment, including sexual harassment;

(H) describe the accountability of agency head or chancellor, managers, supervisors and others for EEO compliance;

(I) provide for monitoring and evaluating the plan and program effectiveness; and

(J) include the signature of the agency head or the chancellor and date;

(2) The assignment of responsibility and accountability. The assignment of responsibility and accountability shall describe the responsibilities of the following:

(A) The agency head's or the university chancellor's responsibilities shall include:

(i) the appointing or designating of a management-level official responsible to oversee the EEO program;

(ii) communication of agency or university commitment to EEO policies, plans, and procedures to all employees, applicants and the general public;

(iii) providing necessary resources to ensure the successful implementation of the EEO program; and

- (iv) ensuring the development and implementation of policies, procedures, and programs necessary to achieve a workforce in each occupational category that reflects the N.C. State working population as defined by U.S. Census data.
- (B) The managers' and supervisors' responsibilities shall include:
 - (i) assisting in the development and implementation of the EEO plan and program and establishing program objectives;
 - (ii) maintaining a diverse workforce for the department, division, work unit, or section;
 - (iii) assisting the EEO officer in periodic evaluations to determine the effectiveness of the EEO program; and
 - (iv) providing a work environment and management practices which support equal opportunity in all terms and conditions of employment.
- (C) The EEO Officer(s) responsibilities shall include:
 - (i) the interpreting and applying of Federal laws, state statutes, policy regulations and guidelines related to discrimination in employment and equal opportunity;
 - (ii) reviewing hiring recommendations for compliance with EEO program objectives prior to the final agency or university hiring decision;
 - (iii) maintaining and analyzing workforce utilization data for development of the equal employment plan and program in conjunction with management;
 - (iv) maintaining and analyzing data on employment practices to monitor and evaluate the effectiveness of the EEO program and to make recommendations on improvements;
- (v) advising management of the program's impact and effectiveness on workforce demographics at all occupational levels;
- (vi) providing or coordinating EEO training for management and employees;
- (vii) providing confidential counseling or consultation for management and employees in matters involving EEO concerns or complaints alleging discrimination (formally, informally and within agency or university guidelines);
- (viii) establishing and maintaining effective working relations with groups concerned with equal employment opportunity;
- (ix) coordinating programs (internally or in cooperation with State Personnel) to achieve program objectives and to provide for management and employee input and assistance in program development and implementation; and
- (x) presenting information on the EEO plan and program to management and employees on a regular basis.
- (D) The EEO Committee responsibilities shall include:
 - (i) serving as a communication link between managers and employees and the EEO staff on aspects of the EEO plan and program;
 - (ii) reviewing and evaluating the equal employment opportunity plan and program;
 - (iii) reviewing workforce representation data in each occupational category;
 - (iv) surveying the organizational climate and employee attitudes and evaluating the resultant data;
 - (v) meeting with the agency head or university chancellor in conjunction with the EEO Officer to discuss EEO

- programs, report on the employees' concerns, and recommend changes or additions to the EEO policy, plan, or program; and
- (vi) identifying recruitment resources and other activities designed to strengthen the EEO program; meeting as a committee at least quarterly.
- (3) The dissemination procedures. These procedures shall include methods for communicating the commitment, intent, and provisions of the EEO plan and program to employees and the general public.
 - (4) The workforce analysis. This analysis shall be used to examine the representation of each demographic group within each occupational category using one of the following three bases for comparison:
 - (A) the N.C. working populations (ages 18-64) as established by the U.S. Census. The statewide N.C. working population shall be used for the officials and administrators, management related and professional occupational categories; and the geographical recruiting area working population shall be used for the other occupational categories;
 - (B) the two factor analysis as defined by the Office of Federal Contract Compliance Programs (OFCCP) regulations; or
 - (C) the N.C. Occupational specific civilian labor force and N.C. working population (18-64) compromise standard, as established by the State Personnel Commission. The occupation specific labor force of each demographic group and the working population by each demographic group shall be compared to the agency or university workforce. An average of the underutilization resulting from the comparisons of the two criteria shall be used to determine the workforce underutilization by occupational category for each demographic group. When calculating the underutilization resulting from the occupation specific/working population comparison, the statewide working population and the statewide occupational specific category compromise numbers shall be used for analyzing the officials and administrators, management related and the professional occupational categories. When calculating the underutilization resulting from the occupation specific/working population comparison, the working population in the local geographical recruiting area and the occupation specific category compromise numbers in the local geographical recruiting area may be used for analyzing the other occupational categories. Only one basis or criteria for comparison shall be selected for use by an agency head or university chancellor. The analysis shall identify each occupational category in which groups are underutilized, (defined as having fewer employees in a demographic group in a particular occupational category than would be expected based on the selected basis or criteria for comparison). The analysis shall also assess the agency's or university's workforce needs and capability for addressing the identified underutilization;
 - (5) The program objectives. These objectives shall establish strategies targeted at eliminating or reducing any underutilization identified in each occupational category;
 - (6) The program activities and strategies. These activities and strategies shall be implemented to accomplish program objectives. These strategies shall include the following:
 - (A) recruitment procedures to attract a diverse pool of applicants to each occupational category;
 - (B) disciplinary process designed to provide equitable treatment for all employees in accordance with the State's discipline rules;
 - (C) selection procedures designed to ensure that all of the steps in the process are nondiscriminatory and job related;
 - (D) hiring process designed to include consistent information for new hires regarding employment conditions (e.g., type of appointment or salary);
 - (E) promotion procedures designed to enhance upward mobility and fully utilize the skills of the existing workforce;
 - (F) training procedures designed to enhance employee development and advancement opportunities;
 - (G) compensation and benefits analysis procedures designed to review

- benefits, monitor salaries, analyze practices in order to determine trends, and ensure that all employees receive compensation and benefits without discrimination;
- (H) performance appraisal designed to hold managers and supervisors accountable for the progress of the agency's or university's EEO program, and to establish, maintain, and apply employee performance standards that are free from bias;
- (I) transfer or separation analysis designed to identify trends and to measure impact on underutilized groups;
- (J) grievance procedures to ensure fair and equitable review of complaints in accordance with agency or university procedures and State rules on grievance; and
- (K) a process to enroll managers and supervisors in the Equal Employment Opportunity Institute (EEOI), an EEO educational and diversity training program, as defined by G.S. 126-16.1;
- (7) An evaluation mechanism. This evaluation mechanism shall be designed to assess overall effectiveness of the equal employment opportunity program and to determine the achievement of agency or university EEO objectives as identified in the EEO plan and program;
- (8) A reporting mechanism. This reporting mechanism shall be designed to provide agency or university management, on a regular basis throughout the year, with data on the various program activities, workforce trends, and progress towards achievement of program objectives;
- (9) Procedures to prevent and eliminate harassment. These procedures shall be designed to create an environment that is fair to all employees without regard to race, sex, age, national origin, color, creed, religion, genetic information, or disability, as defined by G.S. 168A-3, or the American with Disabilities Act, as amended.
- (10) Reduction-in-force procedures. These procedures shall be designed to analyze layoff decisions and to determine their actual or potential adverse impact on underutilized groups; and
- (11) Procedures for monitoring. These procedures shall establish a data management system for maintaining and analyzing data on transactions regarding agency or university trends in compensation, promotion, selection, recruitment, training, separations, performance appraisals, and all other terms and conditions of employment.
- (d) Each state agency head and university chancellor shall designate an official at the deputy secretary, assistant secretary, vice-chancellor or assistant vice-chancellor level or an official with a direct reporting relationship to the agency head or chancellor, to assume responsibility for the operation and implementation of their equal opportunity plan and program.

History Note: Authority G.S. 95-28.1A; 126-4(10); 126-16; 126-19; P.L. 110-233; 122 Stat. 881; Eff. October 1, 1977; Amended Eff. May 1, 2012; August 1, 2002; December 2, 1995; November 1, 1988; November 1, 1987; October 1, 1984.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on Wednesday June 20, 2012 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

June 20, 2012 July 19, 2012
August 16, 2012 September 20, 2012

AGENDA

RULES REVIEW COMMISSION

Wednesday, June 20, 2012 10:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- 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. Commission for Public Health – 10A NCAC 41A .0205 (Bryan)
 - B. Criminal Justice Education and Training Standards Commission – 12 NCAC 09E .0102 (DeLuca)
 - C. Hearing Aid Dealers and Fitters Board – 21 NCAC 22F .0103, .0114 (Bryan)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between April 23, 2012 and May 21, 2012
- 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: July 19, 2012

Commission Review
Log of Permanent Rule Filings
April 23, 2012 through May 21, 2012

* Approval Recommended, ** Objection Recommended, *** Other

COMMERCE, DEPARTMENT OF

The rules in Chapter 4 are departmental rules.

The rules in Subchapter 1H concern the private activity bond volume capacity program including general description (.0100); applications and procedures (.0200); review criteria (.0300); recovery zone bonds (.0400); and qualified energy conservation bonds (.0500).

Procedures and Criteria for Allocation of Qualified Energ... 04 NCAC 01H .0501
 Adopt/*

COMMERCE, DEPARMTENT OF

The rules in Subchapter 1I concern the industrial development fund including purpose and definitions (.0100); general requirements (.0200); selection process (.0300); approval criteria (.0400); reservation of funds (.0500); environmental compliance (.0800).

Background and Objectives 04 NCAC 01I .0101
 Amend/*

COMMERCE, DEPARTMENT OF

The rules in Subchapter 01J concern the North Carolina jobs tax credit including purpose and definitions (.0100); designation of severely distressed counties (.0200); letter of commitment (.0300); substantiation of credit claimed (.0400); and determination of eligibility (.0500).

Background and Objectives 04 NCAC 01J .0101
 Repeal/*

Definitions 04 NCAC 01J .0102
 Repeal/*

Designation of Severely Distressed Counties 04 NCAC 01J .0201
 Repeal/*

Letter of Commitment 04 NCAC 01J .0301
 Repeal/*

Substantiation of Credit Claimed 04 NCAC 01J .0401
 Repeal/*

Determination of Eligibility 04 NCAC 01J .0501
 Repeal/*

The rules in Subchapter 1K concern economic development activity of the community development block grant program including general provisions (.0100); application procedure (.0200); findings required for approval (.0300); and grant administration (.0400);

Projects not to be Considered for Funding 04 NCAC 01K .0105
 Amend/*

Pre-Application Conference 04 NCAC 01K .0202
 Repeal/*

Discretionary Public Hearing by the Department 04 NCAC 01K .0204
 Repeal/*

Reimbursement of Department Expense 04 NCAC 01K .0207
 Repeal/*

The rules in Chapter 14 concern the Economic Development Division of Business Assistance.

The rules in Subchapter 14B concern the governor's community of excellence award program including purpose and procedure (.0100); and award criteria (.0200).

Purpose 04 NCAC 14B .0109

Repeal/*	
<u>Initial Contact</u>	04 NCAC 14B .0110
Repeal/*	
<u>Staff Presentation</u>	04 NCAC 14B .0111
Repeal/*	
<u>Entry Form</u>	04 NCAC 14B .0112
Repeal/*	
<u>Status Report</u>	04 NCAC 14B .0113
Repeal/*	
<u>Inspection</u>	04 NCAC 14B .0114
Repeal/*	
<u>Agency Decision</u>	04 NCAC 14B .0115
Repeal/*	
<u>Governor's Community of Excellence Plaque</u>	04 NCAC 14B .0116
Repeal/*	
<u>Maximum Size of Community</u>	04 NCAC 14B .0211
Repeal/*	
<u>Sponsoring Organization</u>	04 NCAC 14B .0212
Repeal/*	
<u>Community Profile</u>	04 NCAC 14B .0213
Repeal/*	
<u>Industrial Sites</u>	04 NCAC 14B .0214
Repeal/*	
<u>Promotion of Materials</u>	04 NCAC 14B .0215
Repeal/*	
<u>Existing Industry Committee</u>	04 NCAC 14B .0216
Repeal/*	
<u>Community Planning Requirement</u>	04 NCAC 14B .0217
Repeal/*	
<u>Livability Requirement: Cleanup-Fixup</u>	04 NCAC 14B .0218
Repeal/*	
<u>Recreation</u>	04 NCAC 14B .0219
Repeal/*	
<u>Development Team Requirement</u>	04 NCAC 14B .0220
Repeal/*	

The rules in Chapter 19 are from the Division of Community Assistance.

The rules in Subchapter 19L concern the North Carolina community development block grant program including general provisions (.0100); eligible and ineligible activities (.0300); distribution of funds (.0400); community revitalization projects (.0500); development planning projects (.0700); urgent needs/contingency projects (.0800); grant administration (.0900); compliance requirements (.1000); performance (.1100); contingency projects (.1200); housing development projects (.1300); scattered site housing category (.1700); North Carolina development loan fund (.1800); hurricane floyd recovery assistance (.1900); and infrastructure (.2000).

<u>Description</u>	04 NCAC 19L .1301
Repeal/*	
<u>Eligibility Requirements</u>	04 NCAC 19L .1302
Repeal/*	
<u>Selection Criteria</u>	04 NCAC 19L .1303
Repeal/*	

The rules in Chapter 20 concern employment training.

The rules in Subchapter 20B concern administrative provisions including designation of service delivery areas (.0100); planning and construction (.0200); fiscal standards (.0300); personnel standards for subrecipients (.0400); reporting and evaluation (.0500); audit standards (.0600); state job training coordinating council (.0700); miscellaneous provisions (.0800); and employment and training grant program (0900).

<u>Federal Personnel Standards</u>	04	NCAC 20B	.0402
Repeal/*			
<u>State Personnel Standards for Subrecipients</u>	04	NCAC 20B	.0403
Repeal/*			
<u>Purpose</u>	04	NCAC 20B	.0901
Repeal/*			
<u>Grant Applications</u>	04	NCAC 20B	.0902
Repeal/*			
<u>Coordination with Other Employment and Training Funds</u>	04	NCAC 20B	.0904
Repeal/*			
<u>Use of Funds</u>	04	NCAC 20B	.0906
Repeal/*			
<u>Cost Limitations/Categories</u>	04	NCAC 20B	.0907
Repeal/*			
<u>Performance Standards</u>	04	NCAC 20B	.0909
Repeal/*			
<u>Monitoring/Oversight</u>	04	NCAC 20B	.0910
Repeal/*			
<u>Fund Availability/Redistribution</u>	04	NCAC 20B	.0911
Repeal/*			

CHILD CARE COMMISSION

The rules in Chapter 9 are 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).

<u>Definitions</u>	10A	NCAC 09	.0102
Amend/*			
<u>Other Staffing Requirements</u>	10A	NCAC 09	.0714
Amend/*			
<u>General Nutrition Requirements</u>	10A	NCAC 09	.0901
Amend/*			
<u>General Nutrition Requirements for Infants</u>	10A	NCAC 09	.0902
Amend/*			
<u>Scope</u>	10A	NCAC 09	.1501
Repeal/*			
<u>Medical Examination</u>	10A	NCAC 09	.1502
Repeal/*			

<u>Beds, Cots, Mats and Linens</u> Repeal/*	10A NCAC 09 .1503
<u>Attendance Records</u> Repeal/*	10A NCAC 09 .1504
<u>Outdoor Play Area</u> Repeal/*	10A NCAC 09 .1506
<u>Application for a License for a Family Child Care Home</u> Amend/*	10A NCAC 09 .1702
<u>Nutrition Standards</u> Adopt/*	10A NCAC 09 .1706
<u>Requirements for Daily Operations</u> Amend/*	10A NCAC 09 .1718
<u>Program Requirements</u> Amend/*	10A NCAC 09 .2904

MEDICAL CARE COMMISSION

The rules in Chapter 13 are from the NC Medical Care Commission.

The rules in Subchapter 13D are rules from the licensing of nursing homes including general information (.2000); licensure (.2100); general standards of administration (.2200); patient and resident care and services (.2300); medical records (.2400); physician's services (.2500); pharmaceutical services (.2600); dietary services (.2700); activities, recreation and social services (.2800); special requirements (.2900); specially designated units (.3000); design and construction (.3100); functional requirements (.3200); fire and safety requirements (.3300); and mechanical electrical plumbing (.3400).

<u>Application Requirements</u> Amend/*	10A NCAC 13D .2101
<u>Public Access to Department Licensure Records</u> Repeal/*	10A NCAC 13D .2110
<u>Infection Control</u> Amend/*	10A NCAC 13D .2209
<u>Nurse Aides</u> Amend/*	10A NCAC 13D .2304
<u>Adult Care Home Personnel Requirements</u> Amend/*	10A NCAC 13D .2308
<u>Drug Storage and Disposition</u> Amend/*	10A NCAC 13D .2605
<u>Pharmaceutical Records</u> Amend/*	10A NCAC 13D .2606
<u>Emergency Drugs</u> Amend/*	10A NCAC 13D .2607
<u>Provision of Nutrition and Dietetic Services</u> Amend/*	10A NCAC 13D .2701

The rules in Subchapter 13P concern emergency medical services and trauma including definitions (.0100); ems systems (.0200); specialty care transport programs (.0300); medical oversight (.0400); ems personnel (.0500); ems educational institutions (.0600); enforcement (.0700); trauma system definitions (.0800); trauma center standards and approval (.0900); trauma center designation enforcement (.1000); trauma system design (.1100); and recovery and rehabilitation of chemically dependent ems personnel (.1400).

<u>Patient Transportation Between Hospitals</u> Adopt/*	10A NCAC 13P .0221
--	--------------------

MENTAL HEALTH, COMMISSION FOR

The rules in Chapter 26 are from the Mental Health, Developmental Disabilities and Substance Abuse Services Commission.

The rules in Subchapter 26F concern controlled substances including schedules of controlled substances (.0100).

<u>Schedule IV</u>	10A NCAC 26F .0105
Amend/*	
<u>Schedule V</u>	10A NCAC 26F .0106
Amend/*	

BLIND, COMMISSION FOR THE

The rules in Chapter 63 concern the services for the blind.

The rules in Subchapter 63F concern vocational rehabilitation including services (.0100); construction of rehabilitation facility (.0200); standards for facilities (.0300); economic need (.0400); applicants (.0500); and hearing procedure (.0600).

<u>Economic Needs Policies</u>	10A NCAC 63F .0402
Amend/*	

SOCIAL SERVICES COMMISSION

The rules in Chapter 67 concern social services procedures.

The rules in Subchapter 67A concern general administration including administration (.0100); and hearing policy (.0200).

<u>State Public Assistance Equalizing Fund</u>	10A NCAC 67A .0109
Repeal/*	

The rules in Chapter 68 concern rulemaking for the Social Services Commission (.0100); and the Social Services Division Director (.0200).

<u>Petitions</u>	10A NCAC 68 .0201
Repeal/*	
<u>Fees</u>	10A NCAC 68 .0207
Repeal/*	

The rules in Chapter 71 are from the Social Services Commission and cover various adult and family support services. These are generally administered by the Division of Social Services within the Department of Health and Human Services.

The rules in Subchapter 71E concern resident evaluation services for adults.

<u>Definitions</u>	10A NCAC 71E .0101
Repeal/*	
<u>Availability of the Service</u>	10A NCAC 71E .0102
Repeal/*	
<u>Definition of the Services</u>	10A NCAC 71E .0103
Repeal/*	
<u>Target Population</u>	10A NCAC 71E .0104
Repeal/*	
<u>Resident Evaluation Instrument</u>	10A NCAC 71E .0105

Repeal/*	
<u>Evaluation and Referral</u>	10A NCAC 71E .0106
Repeal/*	
<u>Training and Requirements for Resident Evaluators</u>	10A NCAC 71E .0107
Repeal/*	
<u>Methods of Service Provision</u>	10A NCAC 71E .0108
Repeal/*	
<u>Case Record</u>	10A NCAC 71E .0109
Repeal/*	

The rules in Subchapter 71U cover the Food Assistance Program. They include administration and supervision (.0100); all the program's substantive requirements transferred from the program manual (.0200); the substantive requirements to complete various forms (.0300); and electronic benefit transfer cards and fair hearings (.0400).

<u>Coupon Issuance</u>	10A NCAC 71U .0202
Repeal/*	
<u>Farmer or Day Laborer Income Verification</u>	10A NCAC 71U .0301
Repeal/*	
<u>Transmittal of ATP Cards</u>	10A NCAC 71U .0304
Repeal/*	

The rules in Subchapter 71V concern the low income energy assistance program.

<u>Funding</u>	10A NCAC 71V .0101
Repeal/*	

The rules in Subchapter 71W concern general program administration (.0100); coverage (.0200); application process (.0300); eligibility factors (.0400); redetermination of eligibility (.0500); payment procedures (.0600); emergency assistance coverage (.0700); unemployed parent program (.0800); and transitional child care (.0900).

<u>General AFDC Program Procedures</u>	10A NCAC 71W .0102
Repeal/*	
<u>Optional</u>	10A NCAC 71W .0201
Repeal/*	
<u>Acceptance of Application</u>	10A NCAC 71W .0301
Repeal/*	
<u>Age</u>	10A NCAC 71W .0401
Repeal/*	
<u>School Attendance</u>	10A NCAC 71W .0402
Repeal/*	
<u>Deprivation</u>	10A NCAC 71W .0406
Repeal/*	
<u>Need</u>	10A NCAC 71W .0409
Repeal/*	
<u>State Work Requirement</u>	10A NCAC 71W .0411
Repeal/*	
<u>Changes in Situation</u>	10A NCAC 71W .0501
Repeal/*	
<u>Eligibility for Coverage</u>	10A NCAC 71W .0701
Repeal/*	
<u>Emergencies Covered</u>	10A NCAC 71W .0702
Repeal/*	
<u>Emergency Not Covered</u>	10A NCAC 71W .0703

Repeal/*	
<u>Types of Assistance Provided</u>	10A NCAC 71W .0705
Repeal/*	
<u>Methods of Payment</u>	10A NCAC 71W .0706
Repeal/*	
<u>Application and Disposition</u>	10A NCAC 71W .0707
Repeal/*	
<u>Reserve</u>	10A NCAC 71W .0708
Repeal/*	
<u>Income</u>	10A NCAC 71W .0709
Repeal/*	
<u>Reserve and Income Services</u>	10A NCAC 71W .0710
Repeal/*	
<u>Procedures</u>	10A NCAC 71W .0711
Repeal/*	
<u>General Procedures</u>	10A NCAC 71W .0801
Repeal/*	
<u>Coverage and Participation</u>	10A NCAC 71W .0802
Repeal/*	
<u>Eligibility</u>	10A NCAC 71W .0803
Repeal/*	
<u>General Requirements</u>	10A NCAC 71W .0901
Repeal/*	
<u>Methods of Providing Child Care</u>	10A NCAC 71W .0902
Repeal/*	
<u>Sliding Fee Scale</u>	10A NCAC 71W .0903
Repeal/*	
<u>Child Care Rates and Maximum Payment</u>	10A NCAC 71W .0904
Repeal/*	

The rules in Subchapter 71X concern the job opportunities and basic skills training (JOBS) program including administration (.0100); JOBS participation (.0200); JOBS program components and activities (.0300); and supportive services (.0400).

<u>Implementation Schedule</u>	10A NCAC 71X .0101
Repeal/*	
<u>County Plan</u>	10A NCAC 71X .0102
Repeal/*	
<u>Optional Components</u>	10A NCAC 71X .0103
Repeal/*	
<u>Post-Secondary Education</u>	10A NCAC 71X .0104
Repeal/*	
<u>Participation Rate</u>	10A NCAC 71X .0105
Repeal/*	
<u>Expenditure Rate</u>	10A NCAC 71X .0106
Repeal/*	
<u>Applicants</u>	10A NCAC 71X .0107
Repeal/*	
<u>JOBS Case Management</u>	10A NCAC 71X .0108
Repeal/*	
<u>Participation of Unemployed Parent in Education</u>	10A NCAC 71X .0201
Repeal/*	

<u>Conciliation Procedure</u> Repeal/*	10A NCAC 71X .0202
<u>Assignment of 16 and 17 Year Old Custodial Parents</u> Repeal/*	10A NCAC 71X .0203
<u>Assignment of 18 and 19 Year Old Custodial Parents</u> Repeal/*	10A NCAC 71X .0204
<u>Assignment of Participants 20 Years of Age or Older</u> Repeal/*	10A NCAC 71X .0205
<u>Satisfactory Progress in an Educational Component</u> Repeal/*	10A NCAC 71X .0206
<u>Continuation in Program Components After AFDC Termination</u> Repeal/*	10A NCAC 71X .0207
<u>Provision of Case Management and Supportive Services</u> Repeal/*	10A NCAC 71X .0208
<u>Criteria for Self-Initiated Education or Training</u> Repeal/*	10A NCAC 71X .0209
<u>Services During Gaps in Participation</u> Repeal/*	10A NCAC 71X .0210
<u>JOBS Component Expenses</u> Repeal/*	10A NCAC 71X .0301
<u>Work Experience</u> Repeal/*	10A NCAC 71X .0302
<u>Post-Secondary Education</u> Repeal/*	10A NCAC 71X .0303
<u>Alternative Work Experience</u> Repeal/*	10A NCAC 71X .0304
<u>Supportive Services to be Available in JOBS Counties</u> Repeal/*	10A NCAC 71X .0401
<u>Health Support Services</u> Repeal/*	10A NCAC 71X .0402
<u>In-Home Aide Services</u> Repeal/*	10A NCAC 71X .0403
<u>Transportation Services</u> Repeal/*	10A NCAC 71X .0404
<u>Child Care Transportation</u> Repeal/*	10A NCAC 71X .0405
<u>Personal and Family Counseling</u> Repeal/*	10A NCAC 71X .0406
<u>Individual and Family Adjustment Services</u> Repeal/*	10A NCAC 71X .0407
<u>Participation Expenses</u> Repeal/*	10A NCAC 71X .0408
<u>One-Time Work Related Expenses</u> Repeal/*	10A NCAC 71X .0409
<u>Day Care Services for Adults</u> Repeal/*	10A NCAC 71X .0410
<u>Supportive Services to be Available in Non-JOBS Counties</u> Repeal/*	10A NCAC 71X .0411
<u>Supportive Services Limits</u> Repeal/*	10A NCAC 71X .0412
<u>Definition of Family Member</u> Repeal/*	10A NCAC 71X .0413

INSURANCE, DEPARTMENT OF

The rules in Chapter 1 are departmental rules including those covering general matters (.0100); departmental rules (.0200); declaratory rulings (.0300); administrative hearings (.0400); and departmental policies (.0600).

Facsimile Countersignature Not Valid 11 NCAC 01 .0603
 Repeal/*

The rules in Chapter 4 are from the Consumer Services Division including general provisions (.0100); market conduct examination section (.0200); life: accident and health (.0300); property and liability (.0400); and life insurance illustrations (.0500).

Inquiries and Information 11 NCAC 04 .0116
 Amend/*

Provisions of Contracts 11 NCAC 04 .0313
 Amend/*

Claims Practices Life Accident and Health Insurance 11 NCAC 04 .0319
 Amend/*

Drive-In Claim Service Facilities 11 NCAC 04 .0417
 Amend/*

Proof of Mailing Automobile Insurance 11 NCAC 04 .0430
 Amend/*

Refund of Excess Premium on Scheduled Items 11 NCAC 04 .0432
 Amend/*

The rules in Chapter 6 are from the Agent Services Division.

The rules in Subchapter 6A cover general provisions (.0100); forms (.0200); examinations (.0300); licensing (.0400); license renewals and cancellations (.0500); license denials (.0600); preclicensing education (.0700); continuing education (.0800); and public adjusters (.0900).

Attendance 11 NCAC 06A .0806
 Repeal/*

The rules in Chapter 10 are from the property and casualty division and include general provisions (.0100); interpretations (.0300); fire and casualty rating organizations (.0400); consent to rate (.0600); insurance in unlicensed foreign and alien companies (.0700); licensing of rating organizations (.0800); licensing of advisory organizations (.0900); licensing of joint underwriting organizations (.1000); rate filings (.1100); forms filings (.1200); NC Joint Underwriting Association (.1300); NC Insurance Underwriting Association (.1400); prospective loss costs filings (.1600); and licensing of statistical organizations (.1700).

Form: Instructions/Requirements/Surplus Lines Company 11 NCAC 10 .0714
 Repeal/*

The rules in Chapter 12 cover life and health insurance including general provisions applicable to all rules and all life and health insurance policies (.0100 - .0300); general life insurance provisions (.0400); general accident and health insurance provisions (.0500); replacement of insurance (.0600); credit insurance (.0700); medicare supplement insurance (.0800); long-term care insurance (.1000); mortgage insurance consolidations (.1100); accelerated benefits (.1200); small employer group health coverage (.1300); HMO and point-of-service coverage (.1400); uniform claim forms (.1500); retained asset accounts (.1600); viatical settlements (.1700); preferred provider plan product limitations (.1800); and domestic violence - prohibited acts (.1900).

Occupational Injuries or Diseases 11 NCAC 12 .0325
 Repeal/*

Offset of Increased Social Security: Group Disability 11 NCAC 12 .0545

Repeal/*			
<u>Uniform Claim Forms</u>	11	NCAC 12	.0560
Repeal/*			
<u>Reinsurance Pool</u>	11	NCAC 12	.1306
Repeal/*			

The rules in Chapter 14 concern admission requirements including formation of domestic insurance company (.0200); description of forms (.0400); admission of a foreign or alien insurance company (.0500); surplus lines (.0600); and federal risk retention act entities (.0700).

<u>Admission Data Guidelines</u>	11	NCAC 14	.0413
Repeal/*			
<u>Check Sheet and Analysis of Application for Admission</u>	11	NCAC 14	.0414
Repeal/*			
<u>Standard Questions for Applicant Insurance Co.</u>	11	NCAC 14	.0418
Repeal/*			
<u>Marketing Questions for Applicant Life Insurance Co.</u>	11	NCAC 14	.0419
Repeal/*			
<u>Marketing Questions for Applicant Fire/Casualty Insurance...</u>	11	NCAC 14	.0420
Repeal/*			
<u>Unconditional Guaranty</u>	11	NCAC 14	.0421
Repeal/*			
<u>Corporate Resolution of Guarantor</u>	11	NCAC 14	.0422
Repeal/*			
<u>Eligibility Requirements for Surplus Lines Insurance Co.</u>	11	NCAC 14	.0423
Repeal/*			
<u>Filing Requirements for Surplus Lines Insurance Co.</u>	11	NCAC 14	.0424
Repeal/*			
<u>Bulletin 87-L-7</u>	11	NCAC 14	.0425
Repeal/*			
<u>Bulletin 87-L-6</u>	11	NCAC 14	.0426
Repeal/*			
<u>Application for License: Insurance Company</u>	11	NCAC 14	.0432
Repeal/*			
<u>Application Forms</u>	11	NCAC 14	.0501
Repeal/*			

PRIVATE PROTECTIVE SERVICES BOARD

The rules in Subchapter 7D cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator and counterintelligence (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); courier (.1200); and continuing education (.1300).

<u>Location</u>	12	NCAC 07D	.0102
Amend/*			
<u>Disciplinary Actions</u>	12	NCAC 07D	.0107
Amend/*			

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).

Neuse River Basin
Amend/*

15A NCAC 02B .0315

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); transportation conformity (.1500); general conformity for federal actions (.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); mercury rules for electric generators (.2500); and source testing (.2600).

Prevention of Significant Deterioration Requirements for ...
Amend/*

15A NCAC 02D .0544

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

Big Game Kill Reports
Amend/*

15A NCAC 10B .0113

Permitted Archery Equipment
Amend/*

15A NCAC 10B .0116

Coyote
Amend/*

15A NCAC 10B .0219

Feral Swine
Amend/*

15A NCAC 10B .0223

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

Carteret County
Amend/*

15A NCAC 10F .0330

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D).

The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day

care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

<u>Definitions</u>	15A NCAC 18A .2601
Repeal/*	
<u>Permits</u>	15A NCAC 18A .2602
Repeal/*	
<u>Public Display of Grade Card</u>	15A NCAC 18A .2603
Repeal/*	
<u>Inspections and Reinspections</u>	15A NCAC 18A .2604
Repeal/*	
<u>Inspection Forms</u>	15A NCAC 18A .2605
Repeal/*	
<u>Grading</u>	15A NCAC 18A .2606
Repeal/*	
<u>Standards and Approval of Plans</u>	15A NCAC 18A .2607
Repeal/*	
<u>Sources of Food</u>	15A NCAC 18A .2608
Repeal/*	
<u>Refrigeration Thawing and Preparation of Food</u>	15A NCAC 18A .2609
Repeal/*	
<u>Storage Handling and Display of Food</u>	15A NCAC 18A .2610
Repeal/*	
<u>Re-Serving of Food</u>	15A NCAC 18A .2611
Repeal/*	
<u>Shellfish</u>	15A NCAC 18A .2612
Repeal/*	
<u>Barbecue Places</u>	15A NCAC 18A .2613
Repeal/*	
<u>Outdoor Living</u>	15A NCAC 18A .2614
Repeal/*	
<u>Milk and Milk Products</u>	15A NCAC 18A .2615
Repeal/*	
<u>Requirements for Employees</u>	15A NCAC 18A .2616
Repeal/*	
<u>Utensils and Equipment</u>	15A NCAC 18A .2617
Repeal/*	
<u>Cleaning of Equipment and Utensils</u>	15A NCAC 18A .2618
Repeal/*	
<u>Methods of Bactericidal Treatment</u>	15A NCAC 18A .2619
Repeal/*	
<u>Storage and Handling of Utensils and Equipment</u>	15A NCAC 18A .2620
Repeal/*	
<u>Drinking Water Fountains</u>	15A NCAC 18A .2621
Repeal/*	
<u>Storage Handling and Use of Ice</u>	15A NCAC 18A .2622
Repeal/*	
<u>Water Supply</u>	15A NCAC 18A .2623
Repeal/*	
<u>Toilet Facilities</u>	15A NCAC 18A .2624
Repeal/*	

<u>Lavatory Facilities</u>	15A NCAC 18A .2625
Repeal/*	
<u>Disposal of Wastes and By-Products</u>	15A NCAC 18A .2626
Repeal/*	
<u>Floors</u>	15A NCAC 18A .2627
Repeal/*	
<u>Walls and Ceilings</u>	15A NCAC 18A .2628
Repeal/*	
<u>Doors and Windows</u>	15A NCAC 18A .2629
Repeal/*	
<u>Lighting</u>	15A NCAC 18A .2630
Repeal/*	
<u>Ventilation</u>	15A NCAC 18A .2631
Repeal/*	
<u>Storage Spaces</u>	15A NCAC 18A .2632
Repeal/*	
<u>Premises: Miscellaneous Vermin Control</u>	15A NCAC 18A .2633
Repeal/*	
<u>Requirements for Food Stands</u>	15A NCAC 18A .2634
Repeal/*	
<u>Requirements for Temporary Food Establishments</u>	15A NCAC 18A .2635
Repeal/*	
<u>Requirements for Temporary Restaurants</u>	15A NCAC 18A .2636
Repeal/*	
<u>Employees Cook Tents</u>	15A NCAC 18A .2637
Repeal/*	
<u>General Requirements for Pushcarts and Mobile Food Units</u>	15A NCAC 18A .2638
Repeal/*	
<u>Specific Requirements for Pushcarts</u>	15A NCAC 18A .2639
Repeal/*	
<u>Specific Requirements for Mobile Food Units</u>	15A NCAC 18A .2640
Repeal/*	
<u>Procedure When Infection Suspected</u>	15A NCAC 18A .2641
Repeal/*	
<u>Severability</u>	15A NCAC 18A .2642
Repeal/*	
<u>Informal Review Process and Appeals Procedure</u>	15A NCAC 18A .2643
Repeal/*	
<u>Requirements for Catered Elderly Nutrition Sites</u>	15A NCAC 18A .2644
Repeal/*	
<u>Requirements for Limited Food Service Establishments</u>	15A NCAC 18A .2645
Repeal/*	
<u>General - Adoption by Reference</u>	15A NCAC 18A .2650
Adopt/*	
<u>Definitions</u>	15A NCAC 18A .2651
Adopt/*	
<u>Management and Personnel</u>	15A NCAC 18A .2652
Adopt/*	
<u>Food</u>	15A NCAC 18A .2653
Adopt/**	
<u>Equipment, Utensils, and Linens</u>	15A NCAC 18A .2654
Adopt/*	

<u>Water, Plumbing, and Waste</u> Adopt/*	15A NCAC 18A .2655
<u>Physical Facilities</u> Adopt/*	15A NCAC 18A .2656
<u>Poisonous or Toxic Materials</u> Adopt/*	15A NCAC 18A .2657
<u>Compliance and Enforcement</u> Adopt/*	15A NCAC 18A .2658
<u>Permits</u> Adopt/*	15A NCAC 18A .2659
<u>Public Display of Grade Cards</u> Adopt/*	15A NCAC 18A .2660
<u>Inspections and Reinspections</u> Adopt/*	15A NCAC 18A .2661
<u>Grading</u> Adopt/*	15A NCAC 18A .2662
<u>Outdoor Dining and Beverage Facilities</u> Adopt/*	15A NCAC 18A .2663
<u>Supplemental Cooking Rooms</u> Adopt/*	15A NCAC 18A .2664
<u>Temporary Food Establishment and Temporary Food Establish...</u> Adopt/*	15A NCAC 18A .2665
<u>Temporary Food Establishment Food Handling Requirements</u> Adopt/*	15A NCAC 18A .2666
<u>Temporary Food Establishment Employee Requirements</u> Adopt/*	15A NCAC 18A .2667
<u>Temporary Food Establishment Equipment and Utensil Requir...</u> Adopt/*	15A NCAC 18A .2668
<u>Temporary Food Establishment Physical Requirements</u> Adopt/*	15A NCAC 18A .2669
<u>General Requirements for Pushcarts and Mobile Food Units</u> Adopt/*	15A NCAC 18A .2670
<u>Specific Requirements for Pushcarts</u> Adopt/*	15A NCAC 18A .2671
<u>Specific Requirements for Mobile Food Units</u> Adopt/*	15A NCAC 18A .2672
<u>Congregate Nutrition Sites</u> Adopt/*	15A NCAC 18A .2673
<u>Limited Food Establishments</u> Adopt/*	15A NCAC 18A .2674
<u>Procedure When Infection Suspected</u> Adopt/*	15A NCAC 18A .2675
<u>Informal Review Process and Appeals Procedure</u> Adopt/*	15A NCAC 18A .2676

ARCHITECTURE, BOARD OF

The rules in Chapter 2 are from the Board of Architecture and include general provisions (.0100); practice of architecture (.0200); examination procedures (.0300); rules, petitions, and hearings (.0400); declaratory rulings (.0500); administrative hearings: procedures (.0600); administrative hearings: decisions and related rights (.0700); judicial review (.0800); and continuing education (.0900).

<u>Forms of Practice</u>	21 NCAC 02 .0204
--------------------------	------------------

Amend/**

ATHLETIC TRAINER EXAMINERS

The rules in Chapter 3 are Athletic Trainer Examiner rules including rules about licensure (.0100); fees (.0200); renewal of license (.0300); disciplinary procedures (.0400); and athletic trainer protocol (.0500).

<u>Fees</u>	21	NCAC 03	.0201
Amend/**			
<u>Suspension of Authority and Escrow of Funds</u>	21	NCAC 03	.0202
Adopt/*			
<u>Armed Services Extension for Credential</u>	21	NCAC 03	.0310
Adopt/*			

CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

<u>Temporary Rules</u>	21	NCAC 10	.0405
Repeal/*			
<u>Notice of Hearing: Answer</u>	21	NCAC 10	.0603
Repeal/*			
<u>Location of Hearing</u>	21	NCAC 10	.0607
Repeal/*			
<u>Intervention</u>	21	NCAC 10	.0608
Repeal/*			
<u>Subpoenas</u>	21	NCAC 10	.0611
Repeal/*			
<u>Decision of Board</u>	21	NCAC 10	.0707
Repeal/*			

NURSING, BOARD OF

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

<u>Definitions</u>	21	NCAC 36	.0120
Amend/*			
<u>Issuance of a License by a Compact Party State</u>	21	NCAC 36	.0702
Amend/*			
<u>Limitations on Multistate Licensure Privilege</u>	21	NCAC 36	.0703
Amend/*			

STATE PERSONNEL COMMISSION

The rules in Subchapter 1B are from the state personnel commission and concern general provisions (.0100); rule-making (.0200); contested case hearing procedures (.0300); and appeal to the commission (.0400).

<u>Settlements/Consent Agreements in Grievances, Contested C...</u>	25	NCAC 01B	.0436
Amend/*			
<u>State Personnel Commission: Procedures</u>	25	NCAC 01B	.0437
Amend/*			

Establishment of Reasonable Attorney Fees by the Commission 25 NCAC 01B .0438
Amend/*

The rules in Subchapter 1D are the rules dealing with compensation and include administration of the pay plan (.0100); new appointments (.0200); promotion (.0300); demotions or reassignments (.0400); separation (.0500); reallocation (.0600); salary range revision (.0700); initial classification (.0800); transfer (.0900); reinstatement (.1000); longevity pay (.1200); holiday premium pay (.1300); shift premium pay (.1400); emergency call-back pay (.1500); foreign service pay (.1600); employment of physicians for extended duty (.1800); hours of work and overtime compensation (.1900); unemployment insurance (.2000); special salary adjustments (.2100); comprehensive compensation system (.2500); and in-range salary adjustments (.2600).

Cross Hiring 25 NCAC 01D .0107
Repeal/*

Effective Date 25 NCAC 01D .0303
Amend/*

Salary Increases 25 NCAC 01D .0308
Amend/*

Effective Date 25 NCAC 01D .0403
Repeal/*

Effective Date 25 NCAC 01D .0605
Amend/*

Reallocation/Salary Rate 25 NCAC 01D .0611
Amend/*

Salary Rate 25 NCAC 01D .0808
Amend/*

Agency Responsibility 25 NCAC 01D .1205
Repeal/*

The rules in Subchapter 1E cover employee benefits including general leave provisions (.0100); vacation leave (.0200); sick leave (.0300); workers compensation leave (.0700); military leave (.0800); holidays (.0900); miscellaneous leave (.1000); other types of leave without pay (.1100); community involvement (.1200); the voluntary shared leave program (.1300); family and medical leave (.1400); child involvement leave (.1500); community services leave (.1600); administrative leave (.1700) and incentive leave (.1800).

Types of Leave 25 NCAC 01E .0102
Repeal/*

CONTESTED CASE DECISIONS

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
Selina Brooks
Melissa Owens Lassiter
Don Overby

Randall May
A. B. Elkins II
Joe Webster

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u>			
ABC Commission v. TruVisions Enterprises, LLC, T/A Touch	10 ABC 7025	06/29/11	26:06 NCR 509
Elm Street Connection LLC, DBA Bella Mea Coal Fired Pizza v. ABC Commission	10 ABC 06298	11/07/11	
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. Lead C. Corp v. T/A Burger King/Shell Convenience Store	11 ABC 5066	10/19/11	
ABC Commission v. CK2, LLC, T/A Quick Mart	11 ABC 02087	02/29/11	26:20 NCR 1566
ABC Commission v. GK Mart Inc., T/A GK Mart	11 ABC 02647	07/22/11	
ABC Commission v. Universal Entertainment, LLC T/A Zoo City Saloon (name changed to El Patron Night Club and Bar)	11 ABC 06892	11/04/11	
ABC Commission v. Triangle Food and Fun LLC, T/A Six Forks Pub	11 ABC 07107	09/16/11	
ABC Commission v. CH Pub LLC, T/A Kildares Irish Pub	11 ABC 07109	08/16/11	
ABC Commission v. G K Mart Inc., T/A G K Mart	11 ABC 07110	03/12/12	
ABC Commission v. Andrea Michelle Douglas T/A Hot Spot Convenience	11 ABC 10547	02/03/12	
ABC Commission v. MBM of NC Inc, T/A Super Mart 3	11 ABC 10549	11/15/11	
ABC Commission v. Octobers, Inc., T/A Toxaway House Restaurant	11 ABC 10955	12/20/11	
ABC Commission v. Charles Franklin Liles, T/A Leather Pockets Billiards and Lounge	11 ABC 11584	11/15/11	
ABC Commission v. Cueva de Lobos LLC v. T/A Cueva de Lobos Mexican Restaurant	11 ABC 11588	02/03/12	
ABC Commission v. FFM Bar Inc. T/A Drifters Country Saloon	11 ABC 11589	02/03/12	
ABC Commission v. Uptowne Tavern LLC, T/A Uptowne Bar and Grille	11 ABC 12445	03/21/12	
ABC Commission v. Fat Cats Grill and Oyster Bar, Inc., T/A Fat Cats Grill and Oyster Bar	11 ABC 12674	02/28/12	
ABC Commission v. Future Holdings of NC LLC, T/A Pit Stop 2	11 ABC 12960	04/02/12	
ABC Commission v. Stanley Ray Edwards, T/A Woogies	11 ABC 12968	01/04/12	
ABC Commission v. Christian Broome Hunt T/A Ricky J's Sports Bar and Grill	11 ABC 13161	05/03/12	
ABC Commission v. Walter Anthony Cox, T/A Dirty T's Tavern	11 ABC 13604	02/28/12	
ABC Commission v. Michael and Michelle, Inc. T/A Misundries	11 ABC 14331	03/20/12	
ABC Commission v. Ahmed Taher Ali d/b/a Adam Mini Mart	12 ABC 00862	04/23/12	
<u>BOARD OF BARBER EXAMINERS</u>			
Michael Lindsey v. Board of Barber Examiners	11 BBE 09307	01/11/12	
<u>BOARD OF MASSAGE AND BODYWORK THERAPY</u>			
Byung Yoon Kim v. Board of Massage and Bodywork Therapy	11 BMT 09241	09/30/11	
<u>BOARD OF FUNERAL SERVICE</u>			
Board of Funeral Service v. David B. Lawson and David B. Lawson Mortuary, Inc	11 BMS 01794	11/08/11	26:20 NCR 1574
Board of Funeral Service v. David B. Lawson and David B. Lawson Mortuary, Inc	11 BMS 11820	11/08/11	26:20 NCR 1574
<u>BOARD OF NURSING</u>			
Daniel J Gleber v. Board of Nursing, Donna Mooney	11 BON 13615	01/27/12	

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Donnie R. Holbrook, Susan R Holbrook v. Victim and Justice Service	09 CPS 0449	08/19/11
Felicia G. Awaritoma v. Crime Victims Compensation Commission	10 CPS 01451	09/01/11
Larry Overby v. Department of Crime Control Victim Compensation Division	10 CPS 06106	10/14/11
Dianne Moody Costello v. Victim and Justice Services	11 CPS 05780	06/20/11
Kimberly A. Whiteside v. Crime Victims Compensation Commission	11 CPS 08900	12/12/11
Judy D. Hinson v. Department of Crime Control and Public Safety	11 CPS 08984	11/14/11
Angie T. Hawkins v. Victims Compensation Commission	11 CPS 09142	12/19/11
Damon Arroys v. Crime Victim Compensation Services Division	11 CPS 09195	03/28/12
Gregory Keith Moseley v. Crime Victim Compensation	11 CPS 09309	11/14/11
Rosalena Merriam v. Victims Compensation	11 CPS 09780	09/19/11
Judy Hinson v. Crime Control and Motor Vehicles Section	11 CPS 14338	04/27/12
Joyce Marshburn Hoe v. Victims Compensation Board	11 CPS 15014	03/23/12
Mary R Cameron v. Victim Compensation Services, NC Dept of Crime Control & Public Safety	12 CPS 00429	02/28/12
Mary A Hobson v. Crime Victim Compensation Commission	12 CPS 01364	04/30/12

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Gail Taylor-Hilliard v. DHHS	09 DHR 2455	11/02/11	
Scott M. Jensen, DMD v. DHHS, Division of Medical Assistance	09 DHR 3252	06/21/11	
Association of Home and Hospice Care of North Carolina, Inc., v. DMA, DHHS	09 DHR 6765	10/12/11	
Nanette B Daniels v. DHHS, Medical Examiner's Office	09 DHR 05281	10/07/11	26:16 NCR 1218
Patricia Anne Edwards v. DHHS, Division of Child Development	10 DHR 0292	06/06/11	
Marchell Gunter, The Home of Marchell F Gunter v. DHHS	10 DHR 0557	06/03/11	
Qingxia Chen and Chen Family Child Care Home Inc v. Division of Child Development	10 DHR 0790	07/29/11	
Theracare Home Health and Staffing, LLC v. DHHS, Division of Medical Assistance Program Integrity	10 DHR 1455	06/01/11	
Ronnie Newton v. DHHS, Division of Health Service Regulation	10 DHR 2172	08/22/11	
Alternative Life Programs, Inc. Marchell F Gunter v. DHHS	10 DHR 3583	06/03/11	
Carolyn Rucker v. DHHS, Division of Medical Assistance	10 DHR 3717	05/19/11	
Doris Kumba Abu v. DHHS, Division of Health Service Regulation	10 DHR 3995	12/22/11	
Qingxia Chen and Chen Family Child Care Home Inc v. Division of Child Development	10 DHR 4182	07/29/11	
Nanny's Korner Care Center by Mrs. Bernice M. Cromartie CEO v. DHHS, Division of Child Development	10 DHR 4241	12/21/11	
WakeMed v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc, d/b/a Rex Healthcare, Holly Springs Surgery Center, LLC and Novant Health, Inc	10 DHR 5274	05/17/11	26:04 NCR 274
Rex Hospital Inc d/b/a Rex Healthcare v. DHHS, Division of Health Service Regulation, CON Section And WakeMed, Springs Surgery Center, LLC and Novant Health, Inc	10 DHR 5275	05/17/11	26:04 NCR 274
Angela Mackey v. DHHS, Division of Health Service Regulation	10 DHR 5499	06/01/11	
Cynthia Dawn Sloope v. DHHS	10 DHR 5500	06/07/11	
Carteret Family Practice Clinic, P.A., v. DHHS, DMA, Program Integrity Section	10 DHR 5859	07/13/11	26:06 NCR 516
Alternative Life Programs, Inc. Marchell F Gunter	10 DHR 6204	06/03/11	
Cherie L Russell v. DHHS, Division of Health Services Regulation	10 DHR 6240	05/17/11	
Yalonda Coleman v. Coleman Health Facility v. DHHS	10 DHR 6465	12/20/11	
Grover L. Hunt v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	10 DHR 6710	05/25/11	
Christopher Sanders v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	10 DHR 7511	06/23/11	
Raymond Taylor Mabe Jr. v. OAH, Debbie Odette/Glana Surles	10 DHR 8094	05/26/11	
Shanta M. Collins v. DHHS, Division of Health Service Regulation	10 DHR 8444	06/22/11	
Geraldine Highsmith, Pediatric Therapy Associates v. DHHS	10 DHR 8735	07/08/11	
First Path Home Care Services, Gregory Lockler v. DHHS	10 DHR 8736	09/20/11	
Randall Ephraim v. DHHS, Division of Health Service Regulation	10 DHR 9278	09/12/11	
Charline Emory v. DHHS, Division of Health Service Regulation	10 DHR 00011	03/13/12	
Coretta Francine Hicks v. Health Care Registry	10 DHR 01065	08/19/11	
Brenda P Simms v. Longleaf Neuromedical Treatment Center, Dept. of Health and Human Services	10 DHR 01572	10/14/11	
Marcell Gunter, Alternative Life Programs Inc. v. DHHS, Durham Center LME and DMA (CSCEVC NC Medicaid Provider)	10 DHR 03827	06/23/11	
Cherry's Family Care #2, Albert Dominique Cherry v. DHHS, Regulations Adult Care License Section	10 DHR 04057	11/01/11	
Julia L. Dawes v. DHHS, Division of Health Service Regulation	10 DHR 04669	11/03/11	
Revonda McCluney Smith v. DHHS, Division of Health Service Regulation	10 DHR 04755	09/29/11	
Tonya M. Faison v. DHHS, Division of Health Service Regulation	10 DHR 05355	11/07/11	
Ivy Kearney v. DHHS, Division of Health Service Regulation	10 DHR 05653	02/20/12	
Angela E. Bynum v. DHHS, Division of Health Service Regulation	10 DHR 05654	11/07/11	
American Human Services Inc, v. DHHS, Division of Medical Assistance	10 DHR 05575	08/19/11	26:06 NCR 540
Chera L Dargan v. Department of Health and Human Services Registry	10 DHR 05796	09/01/11	
Yourlinda Farrish v. DHHS, Division of Health Service Regulation	10 DHR 06107	11/07/11	
Gwendolyn Fox, Trinity III v. DMA Program Integrity DMA Controller's Section	10 DHR 06499	09/01/11	
Carter Behavior Health Services Inc. Terry Speller v. DMA/Program Integrity	10 DHR 06715	10/14/11	
Nancy Njeri Kanyua v. DHHS, Division of Health Service Regulation	10 DHR 06907	03/09/12	
WakeMed v. DHHS, Division of Health Service Regulation, CON Section	10 DHR 08008	08/19/11	26:08 NCR 705
Terry Melvin v. Health Care Personnel Registry	10 DHR 08545	10/26/11	
Edna Lee v. DHHS, Division of Health Service Regulation	10 DHR 08938	07/22/11	

CONTESTED CASE DECISIONS

Eugene J Byrom v. DHHS, Division of Health Service Regulation	10 DHR 09629	01/04/12	26:20 NCR 1587
Gary Alton Godwin v. DHHS, Division of Medical Assistance	10 DHR 09701	03/13/12	
Yolanda M. Brown v. Health Care Registry Personnel	10 DHR 09708	07/14/11	
James L. Graham v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	10 DHR 0303	06/28/11	
Geraldine Highsmith, Pediatric Therapy Associates v. DHHS	10 DHR 0691	07/08/11	
Geraldine Highsmith, Pediatric Therapy Associates v. DHHS	10 DHR 0762	07/08/11	
Geraldine Highsmith, Pediatric Therapy Associates v. DHHS	10 DHR 0763	07/08/11	
Angela Clark v. DHHS	11 DHR 1565	06/03/11	
Geraldine Highsmith, Pediatric Therapy Associates v. DHHS	11 DHR 2021	07/08/11	
April G. Cooper v. Edgecombe County, Dept. of Social Services (DHHS) Food Stamps	11 DHR 2146	06/15/11	
Patricia Anne Edwards v. DHHS, Division of Child Development	11 DHR 2149	06/06/11	
Nicole Shante McGee v. DHHS, Division of Facility Services, Health Care Personnel	11 DHR 2355	08/08/11	
Demetrius L. Brooks v. DHHS, Division of Health Service Regulation	11 DHR 2441	06/30/11	
Koisey Lorlu Dahn v. DHHS, Division of Health Service Regulation	11 DHR 2443	09/08/11	
Danielle Whitman v. DHHS	11 DHR 2709	08/08/11	
Cyonna Hallums v. DHHS, Healthcare Registry	11 DHR 2858	06/30/11	
Angela L. Jordan v. DHHS, Division of Health Service Regulation	11 DHR 2920	06/30/11	
Creative Hands Occupational Therapy v. Susan Olmschenk v. Office of Administrative Hearings	11 DHR 2924	06/10/11	
Singleton Developmental Center Inc, dba In The Beginning Child Care #3 v. Division of Child Development, DHHS	11 DHR 2990	05/27/11	
Singleton Developmental Center Inc, dba In The Beginning Child Care #3 v. Division of Child Development, DHHS	11 DHR 2993	05/27/11	
Singleton Developmental Center Inc, dba In The Beginning Child Care #3 v. Division of Child Development, DHHS	11 DHR 2994	05/27/11	
Singleton Developmental Center Inc, dba In The Beginning Child Care #3 v. Division of Child Development, DHHS	11 DHR 2995	05/27/11	
Regina Michelle Massey v. DHHS, Division of Health Service Regulation	11 DHR 3107	12/08/11	
Daphne Davis v. DHHS, Division of Facility Services, Health Care Personnel Registry	11 DHR 3110	07/13/11	
Hee Soon Kwon d/b/a Beatties Ford Mart v. DHHS	11 DHR 3168	07/18/11	
Rai Care Centers of North Carolina II, LLC d/b/a Rai Care Centers-Concord v. DHHS, Division of Health Service Regulation, Certificate of Need Section and Total Renal Care of North Carolina	11 DHR 3173	12/15/11	
Willie and Vivian Blount v. DHHS, Division of Social Services, Regulatory and Licensing Services	11 DHR 3174	12/05/11	
Nellie v. Mitchell, Little Lamb's Daycare v. DHHS, Division of Child Development	11 DHR 3391	06/13/11	
The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Rehabilitation-Mount Holly and d/b/a Carolinas Healthcare System v. DHHS, Division of Health Service Regulation, Certificate of Need Section and Caromount Health, Inc. and Gaston Memorial Hospital, Inc.,	11 DHR 3396	12/13/11	
Rai Care Centers of North Carolina II, LLC d/b/a Rai Care Centers-Concord v. DHHS, Division of Health Service Regulation, Certificate of Need Section and Total Renal Care of North Carolina	11 DHR 3476	12/15/11	
Yolanda McKinnon v. DHHS, Division of Child Development	11 DHR 4117	06/09/11	
Kenneth Dellinger Executive Office KD Support Services d/b/a Kellys Care #5 v. DHHS, Division of Health Care Service Regulation Adult Care Licensure Section	11 DHR 4755	07/14/11	
Amy Robinson v. DHHS, Division of Facility Services	11 DHR 4758	07/27/11	
Angelicia Linney v. Alexander County DSS	11 DHR 4965	06/21/11	
Robin Whistsett-Crite/RJ Whistsett Residential Services v. DHHS	11 DHR 5146	07/12/11	
Lucretia Houston v. DHHS, Division of health Service Regulation, Health Care Personnel Registry Section	11 DHR 5176	04/05/12	
Caromount Health, Inc., Gaston Memorial Hospital, Inc., and Caromount Ambulatory Services, LLC d/b/a Caromount Endoscopy Center v. DHHS, Division of Health Services, Division of Health Service Regulation, Certificate of Need Section and Greater Gaston Center, LLC	11 DHR 5177	01/19/12	
Stephanie L. Phillips v. DHHS, Division of Child Development	11 DHR 5520	01/22/12	
Teresa Hall v. DHHS	11 DHR 5948	12/05/11	
Kathy Daniels v. CNS Registry	11 DHR 6318	08/04/11	
Calvin E. Cowan, Shirley Cowan v. DHHS	11 DHR 6880	08/16/11	
Melody Barnette v. Department of Social Services	11 DHR 7330	09/06/11	
Samuel Swindell v. DHHS, Regulatory and Licensing Section and Alexander Youth Network	11 DHR 8314	08/22/11	
Dwight Duncan v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 9776	03/20/12	
Hetu Ngandu v. DHHS, Division of Health Service Regulation	11 DHR 00084	11/14/11	
Joyce Muhammad v. DHHS	11 DHR 00198	07/11/11	
Abiemwense Osagie v. DHHS, Health Service Regulation, Health Care Personnel Registry	11 DHR 00462	12/02/11	
Nancy Njeri Kanyua v. DHHS, Division of Health Service Regulation	11 DHR 00579	03/09/12	
Sarah Wanjiku Wambaa v. DHHS, Division of Health Service Regulation	11 DHR 01256	01/20/12	
Support Staff v. DHHS, Division of Medical Assistance	11 DHR 01449	07/11/11	
Pamela Terry – President/Administrator PALS-Magnolia v. DHHS, Division of Health Service Regulation Mental Health Licensure & Certification Section	11 DHR 01952	09/06/11	
Rashea Fields v. DHHS, Division of Health Service Regulation	11 DHR 02088	11/07/11	
Maithily H Patel v. Nutrition Service Branch, DHHS	11 DHR 02144	06/30/11	
Julia Ellen Brown v. DHHS, Division of Medical Assistance	11 DHR 02145	12/19/11	
Richard G. Ruffin v. DHHS	11 DHR 02295	11/01/11	
Diane Adams v. DHHS, Healthcare Personnel Registry	11 DHR 02987	10/13/11	
Rosanna Vernetta Leigh v. DHHS, Division of Health Service Regulation	11 DHR 03108	02/27/12	26:20 NCR 1592
Kishja Marlin v. DHHS	11 DHR 03313	07/07/11	

CONTESTED CASE DECISIONS

John Kato v. DHHS, Division of Health Service Regulation	11 DHR 03388	12/07/11	
Wonne Mills v. Department of Social Services/Fraud Department, Office of Administrative Hearings	11 DHR 03389	06/27/11	
Beau A. Davis v. DHHS	11 DHR 03691	06/20/11	
Edna Lee v. DHHS, Division of Health Service Regulation	11 DHR 03836	07/22/11	
Bertha's Place Inc, Wayne Louis Garris v. Mecklenburg County LME	11 DHR 04186	06/17/11	
Karana Kolivia Wallace v. DHHS	11 DHR 04190	11/14/11	
Crystal Lashay Eason v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 04473	08/12/11	
Nicole McGee v. Health Care Personnel Registry	11 DHR 04475	06/17/11	
Nyanga G. (Godee) Lumumba v. DHHS	11 DHR 01387	06/24/11	
Nyanga G. (Godee) Lumumba v. DHHS	11 DHR 01913	06/24/11	
Harvest Learning Center, LLC v. DHHS, Division of Child Development	11 DHR 04754	01/10/12	
Dondra R. Sugg v. Carteret County Social Services Food Stamp	11 DHR 04958	07/15/11	
Joann Everette v. Division of Child Development	11 DHR 04963	11/01/11	
Sandra Davis v. DHHS, Division of Medical Assistance	11 DHR 04967	08/29/11	
Stepping Stones Group Homes Inc v. DHHS, Division Of Health Service Regulation Mental Health Licensure and Certification	11 DHR 05068	07/19/11	
Sarah Wanjiku Wambaa v. DHHS, Division of Health Service Regulation	11 DHR 05144	01/20/12	
Donna Alicia Pant Deese v. DHHS, Division of Health Service Regulation, Health Care Personnel Register	11 DHR 05295	02/14/12	26:20 NCR 1597
Leslie Cowans v. DHHS, Division of Health Services Regulation	11 DHR 05426	09/08/11	
Janet K Wallace v. DHHS, Division of Health Service Regulation	11 DHR 05517	10/11/11	
Jerris McPhail v. Department of Health and Human Services	11 DHR 05518	07/19/11	
Deloris Lewis v. DHHS, Division of Health Service Regulation	11 DHR 05649	02/21/12	
Cynthia Neely v. Dept. of Social Services	11 DHR 05786	07/28/11	
Sneed Academy, Annissianna Sneed v. DHHS, Child Development Division	11 DHR 05885	12/05/11	
Tonya Monique Little v. Health Care Personnel Registry	11 DHR 06066	10/04/11	
Shakir N. Brooks v. DHHS, Division of Social Services, Child Support Section	11 DHR 06074	03/19/12	
Bobby F Huskey v. Dept. of Health and Human Service Division Health Service Regulation	11 DHR 06238	08/04/11	
Silverette Denise Swindell v. DHHS	11 DHR 06429	08/11/11	
Recovery Center of Durham v. Division of Health Service Regulation	11 DHR 06491	09/15/11	
Sandra Grace and Making Changes, Inc., v. The Beacon Center and DHHS	11 DHR 06792	08/26/11	
Comprehensive Rehab of Wilson Inc. Eileen R Carter v. Office of Controller DMA-Accounts Receivable, Rheba C Heggs	11 DHR 07331	08/18/11	
Darnell Holman v. DHHS, Division of Health Service Regulation	11 DHR 07856	09/23/11	
Teresa Slye v. DHHS, Office of the Chief Medical Examiner	11 DHR 07858	08/19/11	
Nicole Jackson v. DHHS, Division of Health Service Regulation	11 DHR 08103	08/22/11	
Tony Ledwell v. DHHS, Division of Health Service Regulation	11 DHR 08158	08/31/11	
Kevin Warren v. Health Care Personnel Registry	11 DHR 08552	08/23/11	
Cloyd A. Greene v. DHHS, Division of Medical Assistance	11 DHR 08556	03/21/12	
Jenny Michelle Lee v. DHHS, Division of Health Service Regulation	11 DHR 08558	11/30/11	
Orlando Stephen Murphy v. DHHS, Division of Health Service Regulation Health Care Personnel Health Care Personnel Registry Section	11 DHR 08677	03/05/12	
Aspirations and Miracles Community Support LLC, Embracing Change Center Inc & Embracing Change Services Inc v. DHHS, Division of Mental Health Developmental Disability and Substance Abuse Services, The Beacon Center, Edgecombe County, Local Management Entity & Karen Salaki Area Director in Her Official & Personal Capacities	11 DHR 08712	01/03/12	
At Home Personal Care Services Inc., v. DHHS, Division of Medical Assistance	11 DHR 08755	02/13/12	26:20 NCR 1607
Annette Adams v. DHHS, Division of Health Service Regulation	11 DHR 08897	09/19/11	
Robin R Chavis v. Division of Child Development, DHHS	11 DHR 08932	10/14/11	
Carson Daycare, Brenda Carson v. Division of Child Development – DHHS	11 DHR 09030	09/23/11	
Sherry Marie Jones v. Health Care Personnel Registry HCPR Investigations Branch	11 DHR 09146	09/29/11	
Charlene Johnson v. DHHS, Division of Health and Human Services	11 DHR 09147	11/10/11	
Bruce Buley v. DHHS, Division of Medical Assistance	11 DHR 09197	12/12/11	
Family Intervention & Prevention Services LLC, a North Carolina limited liability company	11 DHR 09243	08/05/11	
Audrey A Crawford v. DHHS	11 DHR 09308	09/09/11	
Ronald Theodore Harlee v. DHHS, Division of Health Service Regulation	11 DHR 09677	11/04/11	
Christina Bullard v. DHHS, Division of Health Service Regulation	11 DHR 09717	01/03/12	26:20 NCR 1619
Barbara Johnson v. Division of Child Development and Early Education	11 DHR 09832	04/02/12	
Cheny Melton v. Health Care Personnel Registry	11 DHR 09839	12/01/11	
Precious Haven Inc, Melissa McAllister v. DHHS, Program Integrity	11 DHR 10077	12/12/11	
Booby Jean Graves v. Health Care Personnel Registry	11 DHR 10120	11/29/11	
Virgil Hutchinson/Southeastern Behavioral Healthcare Services LLC v. DHHS, Division of Health Service Regulation, Mental Health Licensure and Certification	11 DHR 10170	12/12/11	
Hope Mills v. DHHS, Health Services Regulation	11 DHR 10738	10/11/11	
Leslie Sasser v. DHHS, Division of Health Service Regulation	11 DHR 10741	03/28/12	
Cathy Crosland v. DHHS	11 DHR 10959	11/01/11	
Selinda Davis v. DHHS, Division of Health Service Regulation	11 DHR 11067	03/23/12	
Shenika Boller v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 11280	01/12/12	
Tawanda Thompson v. DHHS, Division of Health Care	11 DHR 11321	12/08/11	
Edna Ford v. DHHS, Division of Health Service Regulation	11 DHR 11591	03/21/12	
Shenika Boller v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 11733	01/12/12	
Trina Jackson v. Richmond County, Department of Social Services	11 DHR 12017	02/28/12	
Randolph Surgery Center, LLC and The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Healthcare System v. DHHS, Division of Health Service Regulation, Certificate of Need	11 DHR 12275	03/19/12	

CONTESTED CASE DECISIONS

Section

Elizabeth Young v. Division of Child Development, DHHS	11 DHR 12802	01/20/12
Raaed Ahmad, Basil Ahmad, Manhattan Grocery v. WIC, Division of Public Health	11 DHR 12909	03/15/12
Lisa Eaddy v. Division of Health Care Personnel Registry	11 DHR 13039	03/13/12
Barbara Johnson v. Division of Child Development and Early Education	11 DHR 13263	04/02/12
Estella White v. DHHS, Division of Health Service Regulation	11 DHR 13857	03/19/12
Carolyn S. Harris v. Division of Child Development, DHHS	11 DHR 13905	02/01/12
Felicia Skeen v. DHHS, Division of Health Service Regulation	11 DHR 13993	03/16/12
Natalka Lock Massey Director Professional Group Living LLC v. DHHS, Division of Mental Health, Developmental Disabilities and Substance Abuse Services	11 DHR 14182	03/10/12
Building Bridges for Communities v. DHHS/DMA	11 DHR 14340	03/13/12
Robin Fleishman v. DHHS	11 DHR 14342	04/25/12
South Street Grocery, Arazak Alhakari v. DHHS, Division of Public Health WIC Program	11 DHR 14484	03/22/12
Feeling Great, Inc v. DHHS, DMA/NC Medicaid	11 DHR 14490	04/02/12
Dwain Wolf v. DHHS, Division of Health Service Regulation	11 DHR 14682	03/14/12
Gayle Lever Freeman v. DHHS	11 DHR 14743	03/28/12
Wanda Fuller Hardy v. NC Nurse Aide I Registry and NC Health Care Personnel Registry	12 DHR 00002	03/29/12
Shaleah N. Blount v. Division of Child Development, DHHS	12 DHR 00003	04/05/12
Kelsha Peterson v. DHSR	12 DHR 00114	03/13/12
Lovey Synethia Ash v. DHHS, Division of Health Service Regulation	12 DHR 00198	04/14/12
April Dawn Cockerman v. DHHS, Division of Health Service Regulation	12 DHR 00329	03/29/12
21 st Century Child Care Inc., Serwaa Toran v. DHHS, Division of Public Health, Child and Adult Care Food Program	12 DHR 00431	03/09/12
Termaine Mason v. NC Personnel Registry, DHHS, Health Care Personnel Registry Section	12 DHR 00496	04/17/12
Charlene Johnson v. DHHS, Division of Health Service Regulation	12 DHR 00523	02/29/12
Helen Graves v. DHHS, Division of Health Service Regulation	12 DHR 00524	03/30/12
Willa Dean McNeill v. DHHS, DHSR, Office of the Director	12 DHR 00555	04/30/12
Precious Haven Inc., Melissa McAllister v. DHHS, Program Integrity	12 DHR 00638	03/22/12
Mandy Bloch v. DHHS, Division of Health Service Regulation	12 DHR 00759	03/02/12
Jessica L. Thomas v. Randolph County Department of Social Services (food stamps)	12 DHR 01018	04/23/12
Diane Felton, Eye Ear Nose & Throat v. Medicaid	12 DHR 01020	04/26/12
Timarah L Bass v. DHHS, Division of Health Service Regulation	12 DHR 01059	04/18/12
Paula N Umstead v. DHHS	12 DHR 01098	05/11/12
Fannie M Blackwell v. Health Human Service	12 DHR 01162	04/10/12
Mimose Marie Bernier v. DHHS, Division of Health Service Regulation	12 DHR 01186	04/18/12

DEPARTMENT OF CORRECTION

Andria Lambert v. DOC	10 DOC 3417	08/11/11
Robert Lee Hood v. DOC	11 DOC 7655	08/16/11
John Channon Engle v. Department of Correction	11 DOC 07333	07/11/11

DEPARTMENT OF JUSTICE

Timothy Scott Phillips v. Criminal Justice Education and Training Standards Commission	10 DOJ 2518	07/20/11
Aaron R Taylor v. Company Police Program	10 DOJ 5356	05/27/11
Dustin Clark v. Department of Justice, Company Police Program	10 DOJ 5877	05/24/11
Travis Mark Caskey v. Sheriffs' Education and Training Standards Commission	10 DOJ 6966	06/02/11
John Patrick Harris v. Sheriffs' Education and Training Standards Commission	10 DOJ 7772	07/21/11
Robert Scott MacFayden v. Sheriffs' Education and Training Standards Commission	10 DOJ 7773	06/01/11
Mark Mauldin v. Criminal Justice Education and Training Standards Commission	10 DOJ 00583	11/28/11 26:16 NCR 1349
Ahmed Joseph Blake v. Criminal Justice Education and Training Standards Commission	10 DOJ 03791	10/04/11
Bryson Lawrence Cornett v. Criminal Justice Education and Training Standards Commission	10 DOJ 05279	10/31/11 26:16 NCR 1336
Thomas Lee Midgette v. Criminal Justice Education and Training Standards Commission	10 DOJ 07778	10/14/11
Darryll Grey DeCotis v. Criminal Justice Education and Training Standards Commission	10 DOJ 07779	12/22/11 26:20 NCR 1628
Ikeisha Simone Jacobs v. Criminal Justice Education and Training Standards Commission	10 DOJ 07780	07/15/11
Edwards Lee Bombria, IV v. Sheriffs' Education and Training Standards Commission	10 DOJ 08360	07/14/11
Clifford Allan Jones v. Sheriffs' Education and Training Standards Commission	11 DOJ 2018	06/28/11
Richard Alan Hadley v. Sheriffs' Education and Training Standards Commission	11 DOJ 2019	07/28/11
Kristopher Adam Vance v. Sheriffs' Education and Training Standards Commission	11 DOJ 2020	07/21/11
Jason Timothy Winters v. Sheriffs' Education and Training Standards Commission	11 DOJ 4825	07/28/11
James Robert Graham v. Private Protective Services Board	11 DOJ 4956	09/09/11
Heath Dwayne Kinney v. Alarm Systems Licensing Board	11 DOJ 4957	06/28/11
Eric Steven Britt v. Alarm Systems Licensing Board	11 DOJ 5515	07/21/11
Darren Jay Taylor v. Alarm Systems Licensing Board	11 DOJ 5516	07/21/11
William Edgar Whidbee v. Sheriffs' Education and Training Standards Commission	11 DOJ 6778	09/03/11
Debra Morgan Bordeaux v. Sheriffs' Education and Training Standards Commission	11 DOJ 6779	02/02/12
Clarence Carroll Hill v. Sheriffs' Education and Training Standards Commission	11 DOJ 6782	12/13/11
Vakesha Barcliff Skinner v. Sheriffs' Education and Training Standards Commission	11 DOJ 6783	10/17/11
Lisa Michelle Thomas v. Sheriffs' Education and Training Standards Commission	11 DOJ 6784	11/29/11 26:16 NCR 1375
John Benjamin Whitehurst v. Criminal Justice Education and Training Standards Commission	11 DOJ 6786	12/29/11
Laduan Vinyah Jacobs v. Private Protective Services Board	11 DOJ 7650	07/21/11
Glen Thomas Buckner v. Alarm Systems Licensing Board	11 DOJ 8429	09/09/11
Charles William Evegane v. Sheriffs' Education and Training Standards Commission	11 DOJ 02016	06/03/11
Darius Antuan McLean v. Sheriffs' Education and Training Standards Commission	11 DOJ 04824	07/11/11

CONTESTED CASE DECISIONS

Dustin Elvin Campbell v. Criminal Justice Education and Training Standards Commission	11 DOJ 04832	08/30/11
Drew Wayne Adkins v. Sheriffs' Education and Training Standards Commission	11 DOJ 06780	08/15/11
Brandon Scott Faucette v. Sheriffs' Education and Training Standards Commission	11 DOJ 06785	10/24/11
Robert Wayne Gregg v. Criminal Justice Education and Training Standards Commission	11 DOJ 06787	08/04/11
Gary Richard Sessions v. Criminal Justice Education and Training Standards Commission	11 DOJ 06790	08/30/11
Miriam A. Pearson v. DOJ, Campus Police Program	11 DOJ 07218	10/20/11
Mary Rhenee Freedle v. Private Protective Services Board	11 DOJ 08430	01/05/12
Charles Hubert Beatty v. Private Protective Services Board	11 DOJ 08757	01/05/12
Samuel Spencer Caldwell v. DOJ, Campus Police Program	11 DOJ 08989	02/06/12
James Bennett Barbour v. Office of Administrative Hearings, Company Police Program	11 DOJ 09435	11/01/12
John Forest Dupree v. Private Protective Services Board	11 DOJ 09436	10/19/12
Rodney Dale; Class (John Doe) Health Taylor Gerard v. State of North Carolina, Department of Justice, Charlotte Mecklenburg Police Department, Mecklenburg County Superior Court, Mecklenburg County Sheriffs' Office, Mecklenburg County Attorney's Office	11 DOJ 09708	08/10/11
Shawn Robinson v. DOJ, Company Police Program	11 DOJ 09777	03/02/12
Charles Lovelace Williams v. Criminal Justice Education and Training Standards Commission	11 DOJ 10313	10/25/11
Dustin Matthew James v. Criminal Justice Education and Training Standards Commission	11 DOJ 10314	10/31/11
Horatio Vernon Cameron Jr v. Criminal Justice Education and Training Standards Commission	11 DOJ 10317	01/09/12
Stacey Lanier Green v. Criminal Justice Education and Training Standards Commission	11 DOJ 10319	01/06/12
Julian Maurice Sideberry v. Criminal Justice Education and Training Standards Commission	11 DOJ 10320	12/12/11
David Lee Putman v. Criminal Justice Education and Training Standards Commission	11 DOJ 10321	10/26/11
Grover W. Singleton v. Private Protective Services Board	11 DOJ 10366	11/14/11
Dwight Edward Sale v. DOJ, Company Police Program	11 DOJ 11396	02/06/12
Cameron Reed Greer v. Alarm Systems Licensing Board	11 DOJ 11399	11/10/11
Ernest A. Rhyne v. Private Protective Services Board	11 DOJ 11546	01/10/12
Roy R. Carpenter v. Private Protective Services Board	11 DOJ 11547	01/10/12
Joshua O. Brown v. Private Protective Services Board	11 DOJ 11590	01/10/12
Kevin John King v. Sheriffs' Education and Training Standards Commission	11 DOJ 11631	02/28/12
Melvin Eugene Honeycutt Jr. v. Alarm Systems Licensing Board	11 DOJ 12446	12/29/11
Corey Phillip Bauer v. Alarm Systems Licensing Board	11 DOJ 12477	12/21/11
Joland Hancock Beverly v. Private Protective Services Board	11 DOJ 13034	01/05/12
Kathryn Corder Griffin v. Sheriffs' Education and Training Standards Commission	11 DOJ 13147	04/04/12
Chanita Hopson v. Sheriffs' Education and Training Standards	11 DOJ 13149	02/03/12
James Travis Pack v. Sheriffs' Education and Training Standards Commission	11 DOJ 13150	04/04/12
Vinson Aaron Manuel v. Sheriff's Education and Training Standards Commission	11 DOJ 14142	04/17/12
Nicholas Cody Baird v. Alarm Systems Licensing Board	11 DOJ 14492	03/28/12
Peter A. Inman v. Alarm Systems Licensing Board	12 DOJ 00367	03/15/12
Shawn Carson Houston v. Sheriffs' Education and Training Standards Commission	12 DOJ 00648	03/21/12
David Len Nealy v. Private Protective Services Board	12 DOJ 00761	03/21/12
Robert John Farmer v. Alarm Systems Licensing Board	12 DOJ 00887	05/04/12
Akbar Muhammad Hasan v. Private Protective Services Board	12 DOJ 01212	04/18/12

DEPARTMENT OF LABOR

Hilliard Glass Company, Inc v. Department of Labor, Wage and Hour Bureau	11 DOL 07329	07/15/11
--	--------------	----------

DEPARTMENT OF TRANSPORTATION

Whalebone Chevron v. DOT	11 DOT 08554	12/06/11
Vladimir Repinetsky v. DOT, DMV	12 DOT 01240	04/20/12

DEPARTMENT OF STATE TREASURER

Malcolm Woodall v. Department of State Treasurer, Retirement Systems Division	10 DST 6343	09/01/11
Edwinna Sexton v. DST, Retirement Systems Divisions	10 DST 02710	10/23/11
John E. Legette v. Retirement System	10 DST 07375	10/18/11
Evelyn C Howard v. Department of State Treasurer, Retirement Systems Division	11 DST 02726	10/31/11
William H Borden v. Department of State Treasurer Retirement Systems Division	11 DST 10072	01/04/12

STATE BOARD OF EDUCATION

Ralph David Surridge v. Board of Education, June Atkinson, Superintendent of Public Instruction	09 EDC 06818	01/25/12
Jeffery Covington v. State Board of Education	10 EDC 7273	06/21/11
Barbara Cheskin v. The Appeals Panel for Graduate Pay Approval and Non-Teaching Work Experience Credit Public Schools of NC		
Joseph Dawson v. State Board of Education	10 EDC 06744	07/25/11
Paula Frances v. Department of Public Instruction State Superintendent's Ethic Committee	11 EDC 02922	01/06/12
Charla Ann Lewallen v. State Board of Education	11 EDC 04191	07/20/11
Barbara Cheskin v. The Appeals Panel For Graduate Pay Approval and Non-Teaching Work Experience Credit Public Schools of NC	11 EDC 04952	10/11/11
Claire Scarborough-Hakin v. Department of Public Instruction	11 EDC 07328	11/22/11
Janice Lucille Muse v. Public Schools of North Carolina State Board of Education, Department of Public Instruction	11 EDC 08155	07/19/11
Stephanie Alina Sossamon v. Dept. of Public Instruction	11 EDC 08431	07/19/11
Maxine L. Hardy v. Board of Education	11 EDC 08754	04/05/12
Denise Spodnick v. DPI	11 EDC 08849	02/06/12
Thomas Glenn Baker v. Board of Education	11 EDC 10323	02/21/12

CONTESTED CASE DECISIONS

Adronna Leggette v. State Board of Education	11 EDC 10737	02/06/12	
Casey K. Vaughn v. DPI	11 EDC 11397	04/03/12	
<u>DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES</u>			
Superior Realty, LLC v. DENR	09 EHR 6631	06/10/11	
Randy Blalock v. DENR	09 EHR 03186	04/26/12	
William & Kathy Teague v. DENR, Division of Coastal Management	10 EHR 4673	12/19/11	26:20 NCR 1652
James & Vicky Snead v. DENR, Division of Coastal Management	10 EHR 4674	12/19/11	26:20 NCR 1652
Alvin Raynor v. DENR, Division of Coastal Management	10 EHR 4689	12/19/11	26:20 NCR 1652
Floyd A. Rager, Jr., and Marianne Rager v. Cherokee Co. Health Department, DENR	10 EHR 6163	07/20/11	
Rose Acre Farms, Inc., NPDES Permit No. NCA 148024 and NC Poultry Federation Inc. v. DENR	10 EHR 6501	10/17/11	26:16 NCR 1383
Don Hillebrand v. County of Watauga County Health Dept.	10 EHR 00933	05/10/12	
Farmington Square LLC, Jawahar Muniyandi v. City of Raleigh Stormwater Management	10 EHR 01613	07/14/11	
Kevan Busik v. DENR, Division of Coastal Management and 1118 Longwood Avenue, Realty Corporation	10 EHR 08355	06/01/11	26:05 NCR 427
Jeff Snavely/Triad Siteworks Inc v. NCDENR	11 EHR 2475	06/06/11	
Mary Louies Haggins v. Environmental Service, Terra Jane Barnhill	11 EHR 03694	07/21/11	
Jeryl D Jones v. DENR	11 EHR 04312	08/31/11	
Chris & Mary Rickson v. Swain County Health Department, DENR	11 EHR 05427	08/05/11	
Gwendolyn F Carter v. DHHS, Division of Public Health	11 EHR 07106	05/01/12	
Todd L & Michelle C Pearce v. DENR, Office of General Council	11 EHR 08492	04/23/12	
Lacy H. Caple DDS v. Division of Radiation Protection, Bennifer Pate	11 EHR 11454	05/09/12	
Carolyn Grayson Owens and Guy Owens	11 EHR 11866	10/04/11	
<u>DEPARTMENT OF INSURANCE</u>			
Janet McKillop v. Blue Cross Blue Shield of, State Health Plan	11 INS 2711	08/04/11	
Nate B. McGee v. Blue Cross & Blue Shield	11 INS 14282	04/09/12	
<u>OFFICE OF STATE PERSONNEL</u>			
Charline Emory v. DHHS, O'Berry Neuro-Medical Treatment Center	09 OSP 4492	11/18/11	26:16 NCR 1239
Angela M. Miles Stephens v. DHHS, Division of Health Service Regulation	09 OSP 4796	04/09/12	
Lewis Ray Murray v. NCSU	09 OSP 00570	08/30/11	
Millie E. Hershner v. DOA and The NC Human Relations Commission	09 OSP 06538	02/03/12	26:20 NCR 1672
Sandra J. Barile v. Dare County Department of Social Services	10 OSP 0469	07/11/11	
Vlzdimir Zaytsev v. DENR	10 OSP 0905	07/13/11	
Gary W. Buchanan v. DOC	10 OSP 3181	07/15/11	
Mary Bach v. Gaston County DSS	10 OSP 3419	06/23/11	
Daniel Wayne Creson v. DOC	10 OSP 4113	06/16/11	
Robert Lindsey v. Department of Correction	10 OSP 5362	07/05/11	
Beverly M. Terry v. County of Durham, Department of Social Services	10 OSP 5765	07/26/11	26:06 NCR 526
Christopher Sanders v. DHHS	10 OSP 5943	06/23/11	
Katherine Kwesell Harris v. DOT, Retirement of Systems Division	10 OSP 5946	08/24/11	
Jason M. Grady v. J. Iverson Riddle Developmental Center	10 OSP 6002	12/09/11	
Denise Pavletic v. DHHS	10 OSP 6467	04/17/12	
Charlotte Boyd v. DOT	10 OSP 6533	06/17/11	
Vivian Parker v. DOC	10 OSP 6901	09/26/11	26:16 NCR 1401
Tanisha M. Moore v. DOC	10 OSP 7756	12/06/11	
Denise Mclean v. DOC	10 OSP 8549	08/01/11	
Laren Pinnix-Ingram v. Cabarrus County DSS	10 OSP 9271	09/13/11	
Dewayne Johnson v. Department of Correction	10 OSP 9415	01/26/12	
Johnathan Wesley Bunn v. Albemarle Correctional Institution	10 OSP 03990	01/06/12	
Major Anthony Moss v. Butner Public Safety, a Division of the North Carolina Department of Crime Control and Public Safety	10 OSP 05078	11/22/11	26:16 NCR 1423
Earlene F. Hicks v. State Health Plan	10 OSP 06200	09/19/11	
Cynthia White v. School of Science and Math	10 OSP 06491	07/21/11	
Tiffany Ann Benson v. Debbie Hughes, DOC	10 OSP 07416	01/18/12	26:20 NCR 1695
Shelia A. Hawley v. DOC, EEO/Title VII Section	10 OSP 07698	10/28/11	
Fay Lassiter v. Department of Correction, Division of Prisons	10 OSP 07880	12/19/11	
Barbara Jenkins v. Department of Commerce/NCIC	10 OSP 08215	08/15/11	
Lakisha Cherry v. Pitt Co, Public Health	10 OSP 08277	03/13/12	
Michael Shaw v. NCCU	10 OSP 09086	12/21/11	
Reginald Lyons v. Fayetteville State University	11 OSP 0510	08/19/11	
Melissa A McLean v. Ms. Gerri Robinson, MSW Social Services Director, Durham County, Dept. of Social Services	11 OSP 1379	06/03/11	
Tenaysia M. Perry v. NCCU-Human Resources, James Dockery	11 OSP 1920	12/08/11	
Oswald Woode v. DHHS	11 OSP 1960	12/09/11	
Cheryl Simmons v. Department of Corrections	11 OSP 2720	01/25/12	26:20 NCR 1719
Vickie D. Randleman v. NCSU	11 OSP 3838	06/09/11	
David Hill v. DOC	11 OSP 4671	02/03/12	26:20 NCR 1733
Mary K. Severt v. Iredell Dept. of Social Services	11 OSP 4757	06/27/11	
Damien C Washington v. Caswell Development Center	11 OSP 4819	02/29/12	
Carol Ann Melton v. Allen Reed Rutherford Correctional Center	11 OSP 5143	07/14/11	
Dr. Arlise McKinney v. UNC at Greensboro	11 OSP 6163	07/14/11	

CONTESTED CASE DECISIONS

Olewole Popoola v. DHHS, Dorothea Dix Hospital	11 OSP 9962	10/04/10	
Dr. Donnal F P Crohan II v. DHHS	11 OSP 01382	02/21/12	
Christopher L Swayzer v. Department of Social Services	11 OSP 06767	10/25/11	
Lynnette Cole v. Davidson County	11 OSP 10019	07/26/11	
Henry Dennis Tysor III v. Dept. of Corrections, Fountain Corrections	11 OSP 02643	07/12/11	
Jessie M Chambers v. Brown Creek Correctional Institution	11 OSP 03747	06/23/11	
Janet R Reed v. Brunswick County, Department of Social Services	11 OSP 03751	02/17/12	26:21 NCR 1807
Archie Andrew Copeland v. Department of Juvenile Justice and Delinquency Prevention	11 OSP 04591	02/02/12	26:21 NCR 1814
David Wesley Vondiford v. DOT	11 OSP 04954	07/29/11	
Rodney Dale Waugh v. DOC	11 OSP 06878	04/09/12	
Kennedy Willams v. UNC Charlotte	11 OSP 06901	10/26/11	
Tiffany Lashanda Elkerson v. RJ Blackley ADATC	11 OSP 08106	10/07/11	
John Fargher v. DOT	11 OSP 08111	12/15/11	
Willie McBryde v. DOC	11 OSP 08112	12/09/11	
Sherry Young v. Division of Child Development	11 OSP 08380	01/30/12	
Kimberly B. Allison v. Office of Administrative Office of the Courts	11 OSP 08847	08/15/11	
Hubert Junior Sealey v. Department of Crime Control and Public Safety, NC Highway Patrol	11 OSP 08851	04/11/12	
Elton Bryan Weaver v. Duplin Soil & Water Conservation District, Mike Aldridge, County Manager, Donna Rouse, Department Head	11 OSP 09303	02/03/12	
Latega Powell v. Department of Agriculture & Consumer Services, Veterinary Division	11 OSP 10121	03/09/12	
Clark D. Whitlow v. Human Resource Department of Charlotte Mecklenburg Library	11 OSP 10873	12/08/11	
Helaina Himson v. Department of Public Instruction	11 OSP 11404	03/05/12	
Renee Delores Roberts v. Department of Administration	11 OSP 11457	12/15/11	
Natalynn P. Tollison v. Patty Killion, PHP Department N.C. State University	11 OSP 11732	02/15/12	
Katherine Kwesell Harris v. Dr. Barry Sheperd, Superintendent and Cabarrus County Schools, State of North Carolina	11 OSP 11735	12/13/11	
Salwah Holder-Lucky v. Department of Community Corrections Probation, Parole Division	11 OSP 11865	01/06/12	
Natalynn P. Tollison v. Dan McWhorter, CVM Academic Affairs, N.C. State University	11 OSP 11958	02/15/12	
Devin Drye v. DOT, Division of Motor Vehicles	11 OSP 12181	02/29/12	
Ricky Simmons v. Employment Security Commission	11 OSP 12323	02/01/12	
Larry M. Ivey v. DOC, Division of Prisons	11 OSP 13033	03/13/12	
Wanda Edwards v. UNC-Dental Facility Practice ("UNC-DEP"), Office of the Vice Chancellor for Human Resources	11 OSP 13045	01/20/12	
Onie Whitely v. Gay Long Disability Determination Services	11 OSP 13211	12/22/11	
Herman Jones v. Department of Corrections, Alvin W. Keller Jr., Secretary Bianca N. Harris, Warden	11 OSP 13607	02/27/12	
Reginald L Saunders v. DOT	11 OSP 14185	03/23/12	
Lynn D. Davis v. DJJDP	11 OSP 14279	04/23/12	
Jeff Sloan v. Chancellor Harold L. Martin Sr and William B. Harvey and Melody C. Pierce at North Carolina A&T University	11 OSP 14884	03/01/12	
Charles T. Hodge v. Mike Rotolo, Vance County Public Schools	11 OSP 14488	04/20/12	
Ray Barrett Flowers v. Department of Cultural Resources, Division of State Historic Site/Jim Steele Manager, Fort Fisher State Historical Site	12 OSP 00115	02/22/12	
Michael Clenn (Glenn) Martin v. Alamance-Burlington School System	12 OSP 01292	04/24/12	
Johnnie L. Johnson v. NC A&T State University	12 OSP 01624	05/03/12	
<u>OFFICE OF SECRETARY OF STATE</u>			
Husayn Ali Bey v. Department of Secretary of State	10 SOS 09195	06/28/11	
Christopher R. Eakin v. Department of Secretary of State	11 SOS 0139	06/08/11	
Jennifer M Bingham v. State of NC Department of Secretary of State, Notary Enforcement Section	11 SOS 12321	01/30/12	
<u>UNC HOSPITALS</u>			
Arthur R. Morris, Jr., v. UNC Hospitals	11 UNC 3693	11/16/11	
Mirian Rodriguaz Rayes v. UNC Hospitals	11 UNC 03556	12/06/11	
Julie D Laramie v. UNC Hospital	11 UNC 03625	12/06/11	
Elizabeth Pate v. UNC Hospital Systems	11 UNC 06879	08/31/11	
Linda K Shaw v. UNC Hospitals	11 UNC 09432	09/30/11	
Jesse Wesley Johnson, III v. UNC Hospitals	11 UNC 14948	04/02/12	