

NORTH CAROLINA REGISTER

VOLUME 27 • ISSUE 23 • Pages 2183 - 2304

June 3, 2013

I. EXECUTIVE ORDERS	
Executive Order No. 09	2183 – 2185
II. IN ADDITION	
Decision Letters on "Changes Affecting Voting" from US Attorney General ...	2186
III. PROPOSED RULES	
Health and Human Services, Department of	
Child Care Commission	2187 – 2196
Occupational Licensing Boards and Commissions	
Acupuncture Licensing Board.....	2197 – 2200
IV. APPROVED RULES.....	2201 – 2291
Agriculture and Consumer Services, Department of	
Agriculture, Board of	
Commerce, Department of	
Employment Security, Division of	
Environment and Natural Resources, Department of	
Coastal Resources Commission	
Environmental Management Commission	
Marine Fisheries Commission	
Wildlife Resources Commission	
Health and Human Services, Department of	
Child Care Commission	
Insurance, Department of	
Home Inspector Licensure Board	
Occupational Licensing Boards and Commissions	
Physical Therapy Examiners, Board of	
Real Estate Commission	
Recreational Therapy Licensure, Board of	
V. RULES REVIEW COMMISSION	2292 – 2296
VI. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	2297 – 2304

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.

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Raleigh, North Carolina 27609

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Raleigh, North Carolina 27609

(919) 431-3104 FAX

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amanda.reeder@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

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Jeffrey.hudson@ncleg.net

NORTH CAROLINA REGISTER
Publication Schedule for January 2013 – December 2013

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

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.



State of North Carolina

PAT McCrory
GOVERNOR

May 13, 2013

EXECUTIVE ORDER NO. 9

REAUTHORIZING THE NORTH CAROLINA MOTORSPORTS ADVISORY COUNCIL

WHEREAS, the North Carolina Motorsports Advisory Council was established in Executive Order 49 on February 11, 2010 and is scheduled to terminate February 10, 2014.

WHEREAS, North Carolina is the "State of Racing" and home to the motorsports industry; and

WHEREAS, motorsports racing, including circle track and drag racing, is a part of the heritage of North Carolina; and

WHEREAS, the first NASCAR race was held in Charlotte in 1949, and North Carolina is home to ninety percent of NASCAR teams and the NASCAR Hall of Fame; and

WHEREAS, North Carolina hosts NASCAR events, National Hot Rod Association events, and International Hot Rod Association events; and

WHEREAS, the motorsports industry contributes to the North Carolina economy by providing jobs for the citizens of this State and bolstering tourism; and

WHEREAS, the North Carolina motorsports industry has developed a collaborative partnership with the U.S. Special Operations Command community that allows the military and motorsports industry to mutually benefit through shared capabilities, knowledge, expertise, requirements and interest in National Security; and

WHEREAS, the State of North Carolina must continue to consider measures that will preserve, strengthen, and expand this historical industry in North Carolina.

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

Section 1. Establishment

The North Carolina Motorsports Advisory Council ("Advisory Council") is hereby re-established. The Advisory Council shall consist of at least 15 members, but no more than 30 members, appointed by the Governor. The Governor shall designate a Chair. Members shall include, but not be limited to, representatives of the motorsports industry and related industries.

Section 2. Term of Membership and Vacancies

All members shall be appointed for a term of two (2) years and shall serve at the pleasure of the Governor. A vacancy occurring during a term of appointment shall be filled by the Governor for the balance of the unexpired term.

Section 3. Meetings

The Advisory Council shall meet quarterly and at other times at the call of the Chair or the Governor.

- a. A majority of the members of the Advisory Council shall constitute a quorum for the transaction of business.
- b. No per diem allowance shall be paid to members of the Advisory Council. Members of the Advisory Council may receive necessary travel and subsistence expenses in accordance with State law and the policies and regulations of the Office of State Budget Management.

Section 4. Staff Assistance

The Department of Commerce shall provide clerical support and other services as required by the Advisory Council.

The Governor's Military Affairs Advisor shall provide support and other services to the Advisory Council for matters involving the military and defense industry.

Section 5. Duties

The Advisory Council shall have the following duties:

- a. Recommend initiatives to protect, strengthen, and expand the motorsports industry in North Carolina;
- b. Provide ongoing advice and consultation to State policy leaders as to how to recruit, retain and expand the motorsports industry in North Carolina;
- c. Encourage support for the motorsports industry and serve as a resource for the industry to the North Carolina General Assembly and State departments and agencies; and
- d. Facilitate U.S. Special Operations Command engagement with the motorsports industry including, but not limited to, developing programs and entering into agreements that allow the military and motorsports industry to share advanced technology, knowledge and expertise.

c. Perform such other duties as assigned by the Governor or the Chair.

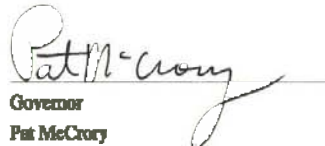
Section 6. Conflicts of Interest

The Advisory Council shall comply with the requirements of Executive Order No. 35, Ethics for Certain Boards, issued December 9, 2009, regarding conflicts of interest standards for members of the Advisory Council.

Section 7. Duration

This Executive Order shall be effective immediately. It supersedes and replaces all other executive orders on this subject and specifically rescinds Executive Order 49, dated February 11, 2010. It shall remain in effect until May 15, 2016, pursuant to N.C.G.S. §147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 13th day of May in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.


Governor
Pat McCrory

ATTEST:

Secretary of State
Elaine F. Marshall





U.S. Department of Justice
Civil Rights Division

TCH:RSB:JR:SHH:par
DJ 166-012-3
2013-0763

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

April 30, 2013

David A. Holec, Esq.
City Attorney
P.O. Box 7207
Greenville, North Carolina 27835-7207

Dear Mr. Holec:

This refers to two annexations (Ordinance Nos. 13-004 and 13-005 (2013)) and their designation to Districts 2 and 4 of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on March 12, 2013.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

A handwritten signature in cursive script, reading "T. Christian Herren, Jr.", is written over the typed name and title.

T. Christian Herren, Jr.
Chief, Voting Section

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 rule cited as 10A NCAC 09 .2701 and amend the rules cited as 10A NCAC 09 .0302, .1702, .2506, .2702-.2704, and .2903.

Agency obtained G.S. 150B-19.1 certification:

- ☒ **OSBM certified on:** March 28, 2013 and April 19, 2013
☐ **RRC certified on:**
☐ **Not Required**

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

Fiscal Note if prepared posted at:
http://www.osbm.state.nc.us/files/pdf_files/DHHS03282013.pdf
and
http://www.osbm.state.nc.us/files/pdf_files/DHHS04192013.pdf

Proposed Effective Date: November 1, 2013

Public Hearing:

Date: June 27, 2013

Time: 1:00 p.m.

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

Reason for Proposed Action:

10A NCAC 09 .2506 (Supervision)

The NC Child Care Commission is proposing to amend this rule regarding the supervision for school-age children while in child care. This change will allow for school-age children to be heard “or” seen instead of heard “and” seen. This amendment will also be in alignment with the rules for pre-school children.

10A NCAC 09 .2701, .2702, .2703, .2704, .0302 and .1702 (Criminal Record Checks)

The NC Child Care Commission propose to adopt and amend child care rules to effectuate changes to N.C.G.S. § 110-90.2 enacted during the 2012 session of the General Assembly. New amendments to the statute became effective January 1, 2013. The amendments changed the existing statutory scheme to include: pre-service qualification for all child care providers, a more comprehensive federal fingerprint check for providers (prior law only required certain providers to obtain a federal fingerprint check), and allocated the cost of the federal check to child care providers while shifting the cost of the local and state level criminal record checks to DHHS. An explanation for each proposed rule is as follows:

.2701 This rule sets forth the procedural change from qualifying applicants, through the criminal record check process, to work in child care on an individual basis rather than qualifying them to work at a specific child care facility. Under the current process, applicants have to be qualified, through the criminal record check process, at each individual child care facility they work for. The new process will qualify an individual to work at any child care facility during the three (3) year time period the criminal record check qualification is valid without the burden of having to repeat the criminal record check process each time they change employment.

.2702 This rule defines terms used in support of NCGS 110-90.2.

.2703 This rule is a consolidation of two sections of current rules (.2701 and .2702) that outlines the requirements of a criminal record check and the process the Division of Child Development and Early Education will follow.

.2704 This rule is essentially the current .2704 rule with elimination of requirements that no longer apply based on the law change to NCGS 110-90.2 effective January 1, 2013.

.1702 This rule is essentially the current .1702 rule with elimination of the requirement that individuals purchase a local criminal record check. This check will now be performed by DHHS and will be free of cost to providers.

.0302 This rule is essentially the current .0302 rule with elimination of the requirement that individuals purchase a local criminal record check. This check will now be performed by DHHS and will be free of cost to providers.

10A NCAC 09 .2903 (Developmental Day)

The NC Child Care Commission proposes to amend rule 10A NCAC 09 .2903 as the result of a rule-making petition submitted by Ms. Diane Killen and Ms. Jan Guynn. The proposed rule amendment will serve children in developmental day programs in a way that is more cost effective and attainable for the service provider. The proposed rule change would relax the requirement for children three-years or older to be served by a B-K teacher by limiting its application only to children with an IEP. Children without an IEP would have to have turned three before the start of the school year for the requirement to be served by a B-K teacher to apply. The amendment aims to reduce the costs incurred by developmental day centers that maintain a higher ratio of typically developing children. The rule change would reduce the expenses of centers related to Birth-through-Kindergarten (B-K) certified staff.

NOTE: This rule was submitted pursuant to a rule-making petition and the NC Child Care Commission wishes to solicit comments regarding the potential impact of the proposed rule language. The commission has not taken a position as to whether the rule should be adopted.

Procedure by which a person can object to the agency on a proposed rule: *Objections to the proposed rules may be submitted in writing or via electronic mail during the comment period to Ms. Dedra Alston, Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201 or Dedra.Alston@dhhs.nc.gov.*

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: *August 2, 2013*

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: March 2012**
- ☒ **Substantial economic impact (≥\$500,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required by G.S. 150B-21.4**

CHAPTER 09 - CHILD CARE RULES

SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE

10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER

(a) The individual who will be legally responsible for the operation of the center, which includes assuring compliance with the licensing law and standards, shall apply for a license for a child care center using the form provided by the Division. If the operator will be a group, organization, or other entity, an officer

of the entity who is legally empowered to bind the operator shall complete and sign the application.

(b) The applicant shall arrange for inspections of the center by the local health, building and fire inspectors. The applicant shall provide an approved inspection report signed by the appropriate inspector to the Division representative. A provisional classification may be accepted in accordance with Rule .0401(1) of this Chapter. When a center does not conform with a building, fire, or sanitation standard, the appropriate inspector may submit a written explanation of how equivalent, alternative protection is provided. The Division shall accept the inspector's documentation in lieu of compliance with the standard. Nothing in this Rule precludes or interferes with issuance of a provisional license pursuant to Section .0400 of this Chapter.

(c) The applicant, or the person responsible for the day-to-day operation of the center, shall be able to describe the plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient detail to show that the center shall comply with applicable requirements for activities, equipment, and staff/child ratios for the capacity of the center and type of license requested. The applicant will make the following written information available to the Division for review to verify compliance with provisions of this Chapter and G.S. 110:

- (1) daily schedules;
- (2) activity plans;
- (3) emergency care plan;
- (4) discipline policy;
- (5) incident reports; and
- (6) incident logs; and logs.
- (7) ~~a copy of the certified criminal history check for the applicant, or the applicant's designee as defined in Rule .2701(g) of this Chapter, from the Clerk of Superior Court's office in the county or counties where the individual has resided during the previous 12 months.~~

(d) The applicant shall demonstrate to the Division representative that measures will be implemented to have the following information in the center's files and readily available to the representative for review:

- (1) Staff records which include an application for employment and date of birth; documentation of previous education, training, and experience; medical and health records; documentation of participation in training and staff development activities; and required criminal records check documentation;
- (2) Children's records which include an application for enrollment; medical and immunization records; and permission to seek emergency medical care;
- (3) Daily attendance records;
- (4) Daily records of arrival and departure times at the center for each child;
- (5) Records of monthly fire drills giving the date each drill is held, the time of day, the length of time taken to evacuate the building, and the signature of the person who conducted the drill;

(6) Records of monthly playground inspections documented on a checklist provided by the Division; and

(7) Records of medication administered.

(e) The Division representative shall measure all rooms to be used for child care and shall assure that an accurate sketch of the center's floor plan is part of the application packet. The Division representative shall enter the dimensions of each room to be used for child care, including ceiling height, and shall show the location of the bathrooms, doors, and required exits on the floor plan.

(f) The Division representative shall make one or more inspections of the center and premises to assess compliance with all applicable requirements as follows:

(1) If all applicable requirements of G.S. 110 and this Section are met, the Division shall issue the license.

(2) If all applicable requirements of G.S. 110 and this Section are not met, the representative may recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or the representative may recommend denial of the application. Final disposition of the recommendation to deny is the decision of the Secretary.

(3) The license shall be displayed in an area that parents are able to view daily.

(g) When a person applies for a child care center license, the Secretary may deny the application for the license under the following circumstances:

(1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;

(2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;

(3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;

(4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (1), (2), or (3) of this Paragraph. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:

(A) would participate in the administration or operation of the facility;

(B) has a financial interest in the operation of the facility;

(C) provides care to children at the facility;

(D) resides in the facility; or

(E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;

(5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this Chapter; ~~or~~

(6) if abuse or neglect has been substantiated against the ~~person~~ person; or

(7) is a disqualified child care provider or has a disqualified household member residing in the center.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

(1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues which led to any prior administrative action taken against a license previously held by the applicant;

(2) training certificates or original transcripts from a nationally recognized regionally accredited institution of higher learning related to providing quality child care for any coursework, and which were taken subsequent to any prior administrative action taken against a license previously held by the applicant. Nationally recognized means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the six regional accrediting bodies;

(3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;

(4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and

(5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.

Authority G.S. 110-85; 110-88(2); 110-88(5); 110-91; 110-92; 110-93; 110-99; 143B-168.3.

SECTION .1700 - FAMILY CHILD CARE HOME REQUIREMENTS

10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME

(a) Any person who plans to operate a family child care home shall apply for a license using a form provided by the Division. The applicant shall submit the completed application, which complies with the following, to the Division:

- (1) Only one licensed family child care home shall operate at the location address of any home.
 - (2) The applicant shall list each location address where a licensed family child care home will operate.
- (b) When a family child care home will operate at more than one location address by cooperative arrangement among two or more families, the following procedures apply:
- (1) One parent whose home is used as a location address shall be designated the coordinating parent and shall co-sign the application with the applicant.
 - (2) The coordinating parent shall know the current location address at all times and shall provide the information to the Division upon request.
- (c) The applicant shall assure that the structure in which the family child care home is located complies with the following requirements:
- (1) The structure complies with the North Carolina Building Code for family child care homes or has written approval for use as a family child care home by the local building inspector.
 - (2) The structure meets North Carolina Residential Building Code or is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations adopted by the NC Department of Insurance. Exception: Single wide manufactured homes are limited to a maximum of three preschool-age children (not more than two may be two years of age or less) and two school-age children.
 - (3) All children are kept on the ground level with an exit at grade.
 - (4) All homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
 - (5) All homes are provided with at least one five pound 2-A: 10-B: C type extinguisher readily accessible for every 2,500 square feet of floor area.
 - (6) Fuel burning space heaters, fireplaces and floor furnaces which are listed and approved by the Department of Insurance for that installation and are provided with a protective screen attached securely to supports are allowed. Unvented fuel burning heaters and portable electric space heaters of all types are prohibited.
 - (7) All indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees.
 - (8) Hot pipes or radiators which are hot enough to be capable of burning children and are accessible to the children are covered or insulated.
 - (9) Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.
- (d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:
- (1) a copy of a non-expired qualification letter, ~~the certified criminal history check from the Clerk of Superior Court's office in the county or counties where the applicant and any household member(s) over age 15, have resided during the previous 12 months;~~
 - (2) a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course;
 - (3) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;
 - (4) a completed health questionnaire;
 - (5) a copy of current pet vaccinations for any pet in the home;
 - (6) a negative well water bacteriological analysis if the home has a private well;
 - (7) copies of any inspections required by local ordinances; and
 - (8) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.
- (e) Upon receipt of a complete application and supporting documentation, a Division representative shall make an announced visit to each home unless the applicant meets the criteria in Paragraph (g) of this Rule to determine compliance with the requirements, to offer technical assistance when needed, and to provide information about local resources. The issuance of a license applies as follows:
- (1) If all applicable requirements of G.S. 110 and this Section are met, a license shall be issued;
 - (2) If the applicable requirements are not met but the applicant has the potential to comply, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements are met within the established time period, a license shall be issued; or
 - (3) If all applicable requirements are not met or cannot be met within the established time, the

Division shall deny the application. Final disposition of the recommendation to deny is the decision of the Division.

(f) The Division shall allow the applicant to temporarily operate prior to the Division representative's visit described in Paragraph (e) of this Rule when the applicant is currently licensed as a family child care home operator, needs to relocate, and notifies the Division of the relocation; and the Division representative is unable to visit before the relocation occurs. A person shall not operate until he or she has received from the Division either temporary permission to operate or a license.

(g) When a person applies for a family child care home license, the Secretary may deny the application for the license under the following circumstances:

- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
- (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
- (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
- (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
 - (A) would participate in the administration or operation of the facility;
 - (B) has a financial interest in the operation of the facility;
 - (C) provides care to the children at the facility;
 - (D) resides in the facility; or
 - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
- (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this Chapter; ~~or~~
- (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was substantiated against a household ~~member~~ member; or
- (7) is a disqualified child care provider or has a disqualified household member residing in the FCCH.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

- (1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues which led to any prior administrative action taken against a license previously held by the applicant;
- (2) training certificates or original transcripts from a nationally recognized regionally accredited institution of higher learning related to providing quality child care for any coursework, and which were taken subsequent to any prior administrative action taken against a license previously held by the applicant. Nationally recognized means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the six regional accrediting bodies;
- (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
- (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and
- (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.

(i) The license shall not be bought, sold, or transferred from one individual to another.

(j) The license is valid only for the location address listed on it.

(k) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.

(l) The license shall be displayed in a prominent place that parents are able to view daily and shall be shown to each child's parent when the child is enrolled.

(m) A licensee shall notify the Division whenever a change occurs which affects the information shown on the license.

Authority G.S. 110-85; 110-88(5); 110-91; 110-93; 110-99; 143B-168.3.

SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS

(a) First aid equipment shall always be available regardless of where activities are provided.

(b) All regulations in Rule .1403 regarding swimming pools apply.

(c) Potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, or propane stoves, shall be used by children only when adult supervision is provided. Such potentially hazardous items, whether or not intended for

use by the children, shall be stored in locked areas or with other safeguards, or shall be removed from the premises.

(d) All children shall be adequately supervised. Adequate supervision means staff shall be with the group of children and able to hear ~~and or~~ see each child in ~~his/her~~ his or her care, except:

- (1) Children who are developmentally able may be permitted to go to the restroom independently, provided that:
 - (A) Staff members' proximity to children assures immediate intervention to safeguard a child from harm;
 - (B) Individuals who are not staff members may not enter the restroom area while in use by any child; and
 - (C) Children up to nine years of age are supervised by staff members who are able to hear the child. Children nine years of age and older are not required to be directly supervised, however, staff members shall know the whereabouts of children who have left their group to use the restroom.
- (2) Adequate supervision for children ages nine and older means that staff are with the group of children and able to hear or see each child in ~~his/her~~ his or her care. A staff member shall accompany any children that leave the group to go indoors or outdoors.
- (3) When emergencies necessitate that direct supervision is impossible for brief periods of time.

(e) Children riding bicycles must wear safety helmets.

Authority G.S. 110-85; 110-91; 143B-168.3.

SECTION .2700 - CRIMINAL RECORD CHECKS

10A NCAC 09 .2701 SCOPE

The rules in this Section apply to all child care providers as defined in G.S.110-90.2. The Division, in accordance with G.S.110-90.2, shall determine if an individual is a qualified child care provider. If the Division determines an individual is a qualified child care provider, that individual may work or be present in any child care facility during the time the individual holds a valid qualification letter.

Authority G.S. 110-85; 110-90.2.

10A NCAC 09 .2702 DEFINITIONS

For purposes of this Section:

- (1) a "qualified child care provider" means an individual who the Division has determined is fit to have responsibility for the safety and well-being of children based on the criminal history as set forth in G.S. 110-90.2.
- (2) a "disqualified child care provider" means an individual who:

- (a) the Division has determined is not fit to have responsibility for the safety and well-being of children based on the criminal history in accordance with G.S. 110-90.2;
- (b) has been convicted of a misdemeanor or felony crime involving child neglect or child abuse;
- (c) has been adjudicated a "responsible individual" under G.S. 7B-807(a1);
- (d) has been convicted of a "reportable conviction" as defined in G.S. 14-208.6(4);
- (e) the Division determines to be an habitually excessive user of alcohol, who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children;
- (f) refuses to consent to a criminal history record check; or
- (g) intentionally falsifies any information required to conduct a criminal history record check.

(3) For purposes of this Section, a "qualification letter" or "qualifying letter" shall mean the letter issued by the Division notifying an individual that he or she is a qualified child care provider.

~~(a) Child care providers shall submit the following to their employer no later than five business days after beginning work:~~

- ~~(1) a certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides;~~
- ~~(2) a signed Authority for Release of Information using the form provided by the Division;~~
- ~~(3) a fingerprint card using SBI form FD-258; and~~
- ~~(4) a signed statement declaring under penalty of perjury if he or she has been convicted of a crime other than a minor traffic violation.~~

~~If the child care provider has been convicted, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, the child care provider shall acknowledge on the statement that he or she is aware that the employment is conditional pending approval by the Division. If the child care provider has lived in North Carolina for less than five consecutive years immediately preceding the date the fingerprint card is completed, a national check shall be completed pursuant to G.S. 110-90.2(c).~~

~~(b) If the child care provider has been convicted, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, he or she may submit to the Division additional information concerning the conviction or charges that could be used by the Division in making the determination of the provider's qualification for employment. The Division may consider the following in making a decision:~~

- ~~(1) length of time since conviction;~~
- ~~(2) nature of the crime;~~

- (3) ~~circumstances surrounding the commission of the offense or offenses;~~
- (4) ~~evidence of rehabilitation;~~
- (5) ~~number and type of prior offenses; and~~
- (6) ~~age of the individual at the time of occurrence.~~

(e) ~~The child care provider's employer shall mail a complete and accurate packet that includes a certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides, Authority for Release of Information using the form provided by the Division, and a fingerprint card to the Division no later than three business days after receipt. A copy of the submitted information and the declaration statement shall be maintained in the child care provider's personnel file, and shall be available for review by a representative of the Division until the notice of qualification is received by the provider. At that time the submitted information and the declaration statement may be discarded. The notice of qualification shall be maintained in the child care provider's personnel file, and shall be available for review by a representative of the Division.~~

(d) ~~The child care provider shall be on probationary status pending the determination of qualification or disqualification by the Division.~~

(e) ~~If the child care provider changes employers within one year from the date of qualification that was based on fingerprinting, he or she shall submit a certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides. This local check shall be submitted to his or her employer no later than five business days after beginning work. The employer shall complete the steps as defined in Paragraphs (c), (d) and (g) of this Rule, except that the fingerprint card and the Authority for Release of Information as referenced in Paragraph (c) is not required. If the criminal history check was completed more than one year prior to employment, the child care provider shall complete all forms required in Paragraph (a) of this Rule.~~

(f) ~~If a family child care home changes the location of operation, the family child care home providers and household members over 15 years old, including family members and non-family members who use the home on a permanent or temporary basis as their primary residence, shall submit a certified criminal history check from the Clerk of Superior Court's office in the county or counties where the provider and household members have lived during the previous 12 months. This local check shall be submitted to the child care consultant no later than 10 business days after the location change. A new fingerprint card is not required unless deemed necessary by the Division in making its determination of qualification.~~

(g) ~~Child care providers determined by the Division to be disqualified shall be terminated by the center or family child care home immediately upon receipt of the disqualification notice.~~

(h) ~~Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the permit in addition to any other administrative action or civil penalties pursued by the Division. If an employer appeals the administrative action, the child care provider shall not be employed during the appeal process.~~

(i) ~~A substitute child care provider who is employed for more than five days, whether working full or part time, shall submit all forms as required in Paragraph (a) of this Rule to the employer by the end of the fifth working day. The employer shall complete the steps as defined in Paragraphs (c), (d) and (g) of this Rule.~~

(j) ~~If a child care provider or household member is employed or remains at the same facility for three consecutive years, a modified criminal record check shall be conducted by using the Administrative Office of the Courts (AOC) System. On each three year anniversary date of employment, the child care provider or household member shall complete and submit the form provided by the Division. The Division may request a certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides or from the provider or household member to verify the AOC results.~~

(k) ~~For persons employed at the same facility for more than three consecutive years, as of the effective date of this Rule, the required form shall be mailed to the provider by the Division on a schedule determined by the Division. These existing staff members shall complete and submit the form to the Division within 10 business days of Division notification.~~

(l) ~~Existing family child care home providers and household members who were qualified more than three years prior to January 1, 2008, shall be notified by a separate mailing and shall complete and submit the required form to the Division within 10 business days of receipt of Division notification.~~

(m) ~~After a child care provider or household member has been qualified, the Division may complete a new criminal record check at any time there has been an investigation that references the child care provider or household member conducted by the Department of Social Services or the Division of Child Development. The Division may complete a new criminal record check for the discovery or indication of any charges or indictments (pending or otherwise) that occurred after the initial qualification. When requested, the child care provider or household member shall complete and submit the packet as described in Paragraph (c) of this Rule to the Division within five business days of the request for a new criminal record check.~~

(n) ~~Any individuals over 15 years old who move into the household or any individuals who live in the household who have had their 16th birthday after the initial licensing of a family child care home, including family members and non family members who use the home on a permanent or temporary basis as their primary residence, shall complete and submit the packet as described in Paragraph (c) of this Rule to the Division within five business days of moving into the home or their 16th birthday.~~

Authority G.S. 110-85; 110-90.2; 114-19.5; 143B-168.3; S.L. 1995, c. 507, s. 23.25.

10A NCAC 09 .2701,2703 CRIMINAL RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS

(a) ~~In addition to the requirements in Rules .0302 and .1702, of this Chapter, Chapter a prospective child care provider shall submit to the Division at the time of application the following~~

~~forms; the following to the Division prior to the issuance of a license or prior to beginning employment:~~

- ~~(1) a certified criminal history check from the Clerk of Superior Court's office in the county or counties where the individual has resided during the previous 12 months;~~
- ~~(2)(1) a signed and completed Authority for Release of Information form; and~~
- ~~(3)(2) a completed fingerprint card using SBI form FD-258, fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation.~~

If a prospective child care provider is an out of state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence along with items listed in Subparagraphs (a)(1) and (2) of this Paragraph.

If the prospective child care provider has lived in North Carolina for less than five consecutive years, immediately preceding the date the fingerprint card is completed, a national check shall be completed pursuant to G.S. 110-90.2(e).

(b) ~~The prospective child care provider shall sign a statement declaring under penalty of perjury if he or she has been convicted of a crime other than a minor traffic violation. The prospective child care provider shall maintain this statement on file available for review by a representative of the Division until the notice of qualification is received by the provider. The Division, in accordance with G.S. 110-90.2, may disqualify a~~ If the prospective child care provider if he or she has been convicted, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, ~~erime, the prospective child care provider shall acknowledge that he or she is aware that the issuance of a permit is conditional pending approval by the Division.~~

(c) If the prospective child care provider has been ~~convicted, convicted of a crime~~, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, he or she may submit to the Division additional information concerning the conviction or charges that ~~could be used by the Division shall use~~ in making the determination of the prospective child care provider's qualification. The Division ~~shall also may~~ consider the following in making its decision:

- (1) length of time since conviction;
- (2) nature of the crime;
- (3) circumstances surrounding the commission of the offense or offenses;
- (4) evidence of rehabilitation;
- (5) number and type of prior offenses; and
- (6) age of the individual at the time of occurrence.

(d) A prospective ~~child care provider's operator's~~, as defined by G.S. 110-86(7), refusal to complete the required criminal history record check paperwork is grounds to deny issuance of a ~~permit~~ license or Notice of Compliance as set forth in 10A NCAC 09 .2101(c).

(e) Determination by the Division that the prospective ~~child care provider operator~~, as defined by G.S. 110-86(7), is disqualified is grounds ~~reasonable cause~~ to deny issuance of a ~~permit~~ license or Notice of Compliance as set forth in 10A NCAC 09 .2101(c).

(f) If the prospective child care provider is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity or a person designated by the chief executive officer as responsible for the operation of the facility, shall complete the criminal history record check as specified in Paragraph (a) of this Rule.

(g) When a Letter of Intent to Operate pursuant to G.S. 110-106 is submitted to the Division, the person signing the Letter of Intent shall also submit all forms as required in ~~Rule .2702(a) Paragraph (a) of this Section. Rule.~~

~~(h) Determination by the Division by the person submitting the Letter of Intent is disqualified is reasonable cause to issue a Notice to Cease Operation.~~

~~(i) Any child care provider who owns or operates an existing child care program, and who is applying for a permit for an additional child care program within one year from the date of qualification that was based on fingerprinting, shall submit a certified criminal history check from the Clerk of Superior Court's office in the county or counties where the individual has resided during the previous 12 months. A new fingerprint card is not required unless deemed necessary by the Division in making the determination of qualification. If the criminal history check was completed more than one year prior to the application for an additional child care program, the applicant shall complete all forms as required in Paragraph (a) of this Rule.~~

~~(h) Child care providers determined by the Division to be disqualified shall be terminated by the center or family child care home immediately upon receipt of the disqualification notice. Child care providers found to be disqualified are not eligible for employment in child care until a qualification letter has been issued by the Division.~~

~~(i) Disqualification of a child care provider living in a family child care home shall be grounds for issuance of a summary suspension of the family child care home license in accordance with 10A NCAC 09 .2207.~~

~~(j) Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the license or any other administrative action or civil penalty permitted by law or rule. If an applicant appeals the disqualification, the child care provider shall not be employed during the appeal process.~~

~~(k) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. Mandatory reporting requires all child care providers and household members who have incurred any pending charges, indictments or convictions (other than minor traffic offenses) since the last qualification letter was issued by the Division to notify the owner, operator or director of such charges within five business days before returning to work whichever comes first. The owner, operator or director shall notify the Division of any such pending charges, indictments or convictions within one business day of being notified.~~

~~(l) On or before three years from the date of the qualification letter was issued, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule. Out of state residents shall submit a certified local history from the Clerk of Superior Court in their county of residence along with the form provided by the Division.~~

(m) The qualification letter is valid for a maximum of three years from the date of issuance.

(n) After a child care provider has been qualified, the Division may complete a new criminal record check at any time when there has been an investigation that references the child care provider conducted by the Department of Social Services or the Division of Child Development and Early Education. The Division may complete a new criminal record check for the discovery or indication of any charges or indictments (pending or otherwise) that occurred after the initial qualification. When requested, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days of the request for a new criminal record check.

(o) Any individuals who live in the household who have had their 16th birthday after the initial licensing of a family child care home, shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days.

(p) Child care providers must have a valid qualification letter prior to employment or living in the family child care home and the qualification letter must be kept on file at the facility for review by representatives of the Division.

(q) Child care owners or directors must notify the Division of any new child care providers who are hired or moved into the home within five business days by submitting the form provided by the Division.

Authority G.S. 110-85; 110-90.2; 114-19.5; 143B-168.3; 110-106; S.L. 1995, c. 507, s. 23.25.

10A NCAC 09 .2704 CRIMINAL RECORD CHECK REQUIREMENTS FOR NONLICENSED HOME PROVIDERS

(a) A nonlicensed home provider and household members over 15 years old, including family members and non-family members who use the home on a permanent or temporary basis as their primary residence, shall submit the following to the local purchasing agency: agency prior to caring for children and receiving subsidy payments:

- ~~(1) a certified criminal history check from the Clerk of Superior Court's office in the county or counties where the individual has resided during the previous 12 months;~~
- ~~(2)(1) a signed Authority for Release of Information using the form provided by the Division; and~~
- ~~(3)(2) a fingerprint card using SBI form FD 258; and fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation.~~
- ~~(4) a signed statement declaring under penalty of perjury if he or she has been convicted of a crime other than a minor traffic violation.~~

If a prospective child care provider is an out of state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in their county of residence along with the items listed in Subparagraphs (a)(1) and (2) of this Rule.

This Rule also includes any individuals over 15 years old who move into the household, or any individuals who live in the household who have had their his or her 16th birthday after initial

approval, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence. These persons shall submit items in Subparagraphs (a)(1) through ~~(a)(4)~~ (a)(2) of this Rule to the local purchasing agency within five business days of moving into the home or their 16th birthday.

(b) New nonlicensed home providers and any household members over 15 years old shall submit the complete and accurate packet no later than five business days after applying for enrollment as a nonlicensed home provider of subsidized child care. If more than ~~12 months~~ three years have elapsed since the criminal record check has been completed and subsidy funds were not received, then a new criminal record check must be submitted by the nonlicensed home provider and any household member over 15 years old.

(c) Any individual over 15 years old, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence, shall submit all criminal record check forms as required in 10A NCAC 09 .2704, Subparagraphs (a)(1) through and ~~(a)(4)~~ (a)(2) of this Rule, within 10 business days of joining the household.

~~(d) If the nonlicensed home provider or household member has been convicted, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, the nonlicensed home provider shall acknowledge on the statement that he or she is aware that payment is conditional pending approval by the Division. If the nonlicensed home provider has lived in North Carolina for less than five consecutive years immediately preceding the date the fingerprint card is completed, a national check shall be completed pursuant to G.S. 110-90.2(e).~~

(e) If a nonlicensed home provider or household member has been convicted, has pending charges or indictments, is under deferred prosecution, has received a Prayer For Judgment, or is on probation for a crime, he or she may submit to the Division additional information concerning the conviction or charges that could be used by the Division in making the determination of the provider's qualification. The Division may consider the following in making a decision:

- (1) length of time since conviction;
- (2) nature of the crime;
- (3) circumstances surrounding the commission of the offense or offenses;
- (4) evidence of rehabilitation;
- (5) number and type of prior offenses; and
- (6) age of the individual at the time of occurrence.

(f) The local purchasing agency shall mail the ~~certified criminal history check from the Clerk of Superior Court's office in the county where the individual resides,~~ Authority for Release of Information using the form provided by the Division, and ~~fingerprint impressions~~ a fingerprint card to the Division no later than five business days after receipt. A copy of the submitted information and the declaration statement shall be maintained in the nonlicensed home provider's file until the notice of qualification is received by the nonlicensed home provider. ~~At that time the submitted information and the declaration~~

statement may be discarded. The notice of qualification shall be maintained in the nonlicensed home provider's file.

(g) A nonlicensed home provider may not receive payment during the period in which the state and federal or national criminal history check is being completed, ~~completed if the applicant would otherwise receive approval or temporary approval from the local purchasing agency for enrollment in the subsidized child care program, subject to the provisions referenced in 10A NCAC 10 .0803(b), .0810, and .0811.~~

(h) Disqualification of a nonlicensed home provider by the Division shall be reasonable cause for the local purchasing agency to deny ~~further~~ payment.

(i) If a nonlicensed home provider disagrees with the decision of disqualification and files a civil action in district court, the provider may continue to operate as a nonlicensed home provider only but shall not receive payment during the proceedings. If the determination is that the nonlicensed home provider is qualified, the nonlicensed provider shall receive retroactive payment for the care that was provided.

(j) After a child care provider or household member, including family members and non-family members over 15 years old who use the home on a permanent or temporary basis as their primary residence, has been qualified, the Division shall complete a new criminal record check at any time there has been an investigation that references the child care provider or household member conducted by the Department of Social Services or the Division of Child Development and Early Education. The Division may complete a new criminal record check for the discovery or indication of any charges or indictments (pending or otherwise) that occurred after the initial qualification. When requested, the child care provider or household member shall complete and submit the packet as described in Paragraph (a) of this Rule to the Division within five business days of the request for a new criminal record check. If a nonlicensed home provider remains open for three consecutive years, a provider and household member(s) shall have a modified criminal record check conducted using the Administrative Office of the Courts (AOC) System. On each three year anniversary date of approval by the local purchasing agency to receive subsidy funds, the provider or household member shall complete and submit the form provided by the Division. The Division may request a certified criminal history from Clerk of Superior Court, from the provider, or household member to verify the AOC results.

(k) On or before three years from the date of the qualification letter was issued, the nonlicensed child care provider and any household members may complete and submit the forms described in Paragraph (a) of this Rule. The Division may request a certified criminal history check from the provider or household member to verify the Administrative Office of the Courts (AOC) results. Existing nonlicensed home providers who have been operating for more than three consecutive years, as of December 1, 2007, shall be notified by a separate mailing and shall complete and submit the form to the Division within 40 business days of receipt.

(l) The qualification letter is valid for a maximum of three years from the date of issuance.

(m) Nonlicensed home providers and household members must have a valid qualification letter prior to receiving subsidy payments.

~~(l) After a nonlicensed home provider or household member has been qualified, the Division may complete a new criminal record check at any time there has been an investigation that references the nonlicensed home provider or household member conducted by the Department of Social Services or the Division of Child Development.~~

~~The Division may complete a new criminal record check for the discovery or indication of any charges or indictments (pending or otherwise) that occurred after the initial qualification. When requested, the nonlicensed home provider or household member shall complete and submit the packet as described in Subparagraphs (a)(1) through (a)(3) of this Rule to the Division within five business days of the request for a new criminal record check.~~

Authority G.S. 110-90.2; 114-19.5; 143B-168.3; S.L. 1995, c. 507, s. 23.25.

10A NCAC 09 .2903 STAFF QUALIFICATIONS

(a) Each center serving children ages birth to three years shall have a minimum of one staff who holds a Infant Toddler Family Specialist certification issued from the North Carolina Division of Public Health, or Birth-through-Kindergarten (B-K) Standard Professional I licensure or provisional licensure in B-K issued from the Department of Public Instruction. This staff shall provide program oversight and supervision for any caregivers in classrooms with children ages birth to three years.

(b) During the 10 month school year (as defined by the State Board of Education), each ~~group of preschool children~~ child (as defined by the State Board of Education) aged three and older who is identified as having special needs as evidenced by an IEP (excluding children identified as speech/language impaired only) shall have at least one lead teacher who holds Birth-through-Kindergarten (B-K) Standard Professional I licensure or provisional licensure in B-K, or Preschool Add-on licensure issued from the Department of Public Instruction. Children who do not have an IEP but are three years old on or before August 31 shall be served by a B-K certified teacher. During the time when school is not in session, each group of preschool children shall have at least one lead teacher with a minimum of an A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development.

(c) During the 10 month school year, (as defined by the State Board of Education), each group of school-age children shall have at least one teacher who holds State certification as a Special Education Teacher. During the time when school is not in session, each group of school-age children shall have at least one teacher who has completed at least two semester hours of school-age care related coursework and has completed or is enrolled in at least two additional semester hours of school-age related coursework.

(d) Center administrators shall have a Level III North Carolina Early Childhood Administration Credential and two years of verifiable work experience with children with developmental delays or disabilities.

Authority G.S. 110-85; 110-88(14).

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 01 - NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Acupuncture Licensing Board intends to adopt the rules cited as 21 NCAC 01 .0601-.0610 and amend the rule cited as 21 NCAC 01 .0104.

Agency obtained G.S. 150B-19.1 certification:

- ☐ OSBM certified on:
- ☐ RRC certified on:
- ☒ Not Required

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

Proposed Effective Date: January 1, 2014

Public Hearing:

Date: July 24, 2013

Time: 10:00 a.m.

Location: 11 Glenwood Avenue, Raleigh, NC 27603

Reason for Proposed Action: *As professional field is growing these proposed rules respond to greater need of public and professionals to obtain clarity regarding ethical standards for the practice of acupuncture. Additional definitions as well as revisions to avoid confusion and enable better enforcement of ethical standards. Use of term "doctor" by virtue of being a licensed acupuncturist is limited by statute but need greater clarity for its use by a professional who may have another basis.*

Procedure by which a person can object to the agency on a proposed rule: *Any person may submit comments to the Board either orally or in writing at the Public Hearing. Other written comments should be mailed (to be received by the end of the comment period) to: Ms. Paola Learoyd, Executive Director, NC Acupuncture Licensing Board, P. O. Box 10686, Raleigh, NC 27605.*

Comments may be submitted to: Ms. Paola Learoyd, Executive Director, NCALB, P. O. Box 10686, Raleigh, NC 27605; email paola@recanc.com

Comment period ends: August 16, 2013

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 by G.S. 150B-21.4

SECTION .0100 - LICENSURE

21 NCAC 01 .0104 DEFINITIONS

The following definitions shall apply throughout this Chapter:

- (1) "Acupuncture adjunctive therapies" ~~include but are not limited to~~ means auricular, nose, face, hand, foot, and scalp acupuncture therapy; and stimulation to acupuncture points and channels by any of the following: ~~needles, cupping, thermal methods, magnets, gua sha scraping techniques.~~
 - (a) Needles;
 - (b) Cupping;
 - (c) Thermal methods;
 - (d) Magnets;
 - (e) Gua-sha scraping techniques; and
 - (f) Laser therapy.
- (2) "Acupuncture diagnostic techniques" include but are not limited to the use of observation, listening, smelling, inquiring, palpation, pulse diagnosis, tongue diagnosis, hara diagnosis, physiognomy, five element correspondence, ryodoraku, akabani, and electro-acupuncture.
- (3) "Acupuncture needles" mean solid filiform needles and include but are not limited to intradermal, plum blossom, press tacks, and prismatic needles.
- (4) "Dietary guidelines" include but are not limited to nutritional counseling and the recommendation of food and supplemental substances.
- (5) "Dual relationship" means a relationship in addition to the professional relationship with a patient to whom the acupuncturist delivers service during the course of the practice.
- (5)(6) "Electrical stimulation" includes but is not limited to the treatment or diagnosis of energetic imbalances using TENS, Piezo electrical stimulation, acuscope therapy, auricular therapy devices, and percutaneous

- and transcutaneous electrical nerve stimulation.
- (6)(7) "Herbal medicine" ~~includes but is not limited to tinctures, patent remedies, decoction, powders, diluted herbal remedies, freeze dried herbs, salves, poultices, medicated oils, and liniments.~~ means the use, prescription, recommendation, and administration of plants, animals or mineral substances and includes all such preparations to promote, maintain and restore health and to prevent disease.
- (8) "Impairment" means a mental illness, substance abuse, chemical dependence, physical illness, or physical disability that impacts professional competence.
- (7)(9) "Massage and manual techniques" include but are not limited to acupressure, shiatsu, Tui-Na, qi healing, and medical qi gong.
- (10) "Reprimand" means a disciplinary action imposed when the acupuncturist violates a statute or rule, causing harm or potential harm to a patient, the profession, or the public.
- (11) "Revocation" means a disciplinary action resulting in the loss of licensure imposed when an acupuncturist violates a statute or rule, causing harm to a patient, the profession or the public and for a period of at least five years at which time the professional may then petition the Board for reinstatement.
- (12) "Sexual activity" means contact between the penis and the vulva or the penis and the anus; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (13) "Sexual contact" means vaginal intercourse, cunnilingus, fellatio, or anal intercourse, kissing or the intentional touching of the other's lips, genital area, groin, inner thigh, buttocks, breasts, or any other body parts, as well as the clothing covering any of these body parts for the purpose of sexual stimulation or gratification of either the acupuncturist or the patient.
- (14) "Suspension" means a disciplinary action resulting in the loss of licensure imposed for a period of up to five years when an acupuncturist violates a statute or rule, causing harm to a patient, the profession, or the public after which the professional may be reinstated upon payment of the required fees and compliance with any other conditions established by the Board.
- (8)(15) "Therapeutic exercise" ~~includes but is not limited to~~ means a type of exercise including qi gong, Taoist self-cultivation exercises, dao

yin, tai qi chuan, ba gua, and meditative exercises.

- (9)(16) "Thermal methods" ~~include but are not limited to~~ means a heat therapy and moxibustion, hot and cold packs and laser acupuncture. heat lamps. All acupuncture devices shall be administered in accordance with Federal Drug Administration guidelines.

Authority G.S. 90-454.

SECTION .0600 – CODE OF ETHICS

21 NCAC 01 .0601 PURPOSE AND SCOPE

(a) The primary goal of the rules in this Section is to set forth standards to guide the conduct of the acupuncturist in the profession. The Board may find deviation from the rules in this Section to be malpractice, gross negligence, incompetence or engaging in conduct that could result in harm or injury to the public.

(b) Prior to completion of the application process, each applicant shall review the ethical standards set forth in the rules in this Section, consent to be governed by these standards, and return a signed and dated statement appearing in the application form to the Board as evidence of this consent.

Authority G.S. 90-450; 90-454; 90-455; 90-456.

21 NCAC 01 .0602 NON-DISCRIMINATION

The acupuncturist shall not discriminate on any basis prohibited by federal or state law.

Authority G.S. 90-450; 90-454; 90-455; 90-456.

21 NCAC 01 .0603 COMPETENCE

(a) An acupuncturist shall employ the requisite knowledge, skill, and proficiencies of a competent professional providing services within his or her scope of practice as a licensed acupuncturist.

(b) An acupuncturist who has personal knowledge of unethical conduct or of unprofessional practice by an acupuncturist shall report the conduct or practice to the Board.

(c) An acupuncturist shall only offer services or use techniques within his or her professional competency and scope of practice.

(d) An acupuncturist who identifies a need for services outside his or her skill, training or experience shall refer the patient to an appropriate professional or shall seek supervision and training to provide the required services for the individual.

(e) An acupuncturist shall complete reports and record keeping in a manner that supports the patient's treatment and welfare.

(f) An acupuncturist shall recognize and acknowledge the negative impact that impairment has on his or her professional performance and shall seek an assessment by a licensed provider of substance abuse services or licensed health professional and follow all of his or her recommendations if the acupuncturist or the Board determines he or she has an impairment.

Authority G.S. 90-450; 90-451; 90-454; 90-455; 90-456; 90-457.

21 NCAC 01 .0604 SERVING SENTENCE

No applicant shall be licensed as an acupuncturist who is serving any part of a court-ordered sentence for a felony or Class 1A misdemeanor. Service of a sentence includes community service, supervised or unsupervised probation, or the payment of restitution. If any person is serving or begins serving such sentence during the course of the application process, this person shall notify the Board as soon as is practicable.

Authority G.S. 90-450; 90-451; 90-454; 90-455; 90-456; 90-457.

21 NCAC 01 .0605 EDUCATION AND TRAINING STANDARDS

(a) The acupuncturist shall not knowingly make false, deceptive, or fraudulent statements concerning his or her:

- (1) Training, experience, or competence;
- (2) Academic degrees;
- (3) Credentials;
- (4) Institutional or association affiliations;
- (5) Services;
- (6) Products;
- (7) Fees;
- (8) Publications or research findings; or
- (9) Results or degree of success of his or her services and the historical, scientific or clinical basis for these services.

(b) The acupuncturist shall, upon request by the Board, provide the Board an oral or written source for any materials or techniques used when making either public statements or providing education and training.

Authority G.S. 90-450; 90-454; 90-455.

21 NCAC 01 .0606 PATIENT WELFARE

(a) An acupuncturist shall treat each patient with respect and protect the safety and welfare of the patient.

(b) In the presence of a personal or professional conflict of interest, an acupuncturist shall act primarily with the welfare of the patient in mind.

(c) An acupuncturist shall inform the patient, guardian, or patient designated entity of any responsibilities or inquiries to and from third parties involved with the care and welfare of the patient.

(d) When faced with a complaint pursuant to Rule 21 NCAC 01 .0702, an acupuncturist shall discontinue the behavior in question, taking care to minimize any adverse effects.

(e) An acupuncturist shall inform the patient when the patient is not benefiting from services as defined by current treatment goals.

(f) An acupuncturist who anticipates the cessation or interruption of service to a patient shall notify the patient and seek the cessation, transfer, referral, or continuation of service in relation to the patient's needs and preferences.

(g) An acupuncturist shall only disclose details of treatment with other health care professionals with the written consent from the patient. In an emergency situation or when facing imminent harm to the patient, written consent is not required.

Authority G.S. 90-450; 90-451; 90-454; 90-455; 90-456; 90-457; 90-457.1.

21 NCAC 01 .0607 CONFIDENTIALITY

(a) An acupuncturist shall protect the privacy of a patient and shall not disclose confidential information without consent except as set out in Paragraph (d) of this Rule.

(b) When using personally identifying information such as an observation, recording or photograph of a patient, an acupuncturist shall inform the patient and obtain written permission that specifies the intended use of the information.

(c) An acupuncturist shall provide for the maintenance of confidentiality, storage and disposition of patient records. Records shall be retained for at least five years before disposition.

(d) An acupuncturist shall only reveal information received in confidence as follows:

- (1) When the patient is in imminent danger or experiencing a medical emergency, and then only to the professional providing emergency care or public safety authorities;
- (2) When compelled by law to provide such information;
- (3) With written consent, by the patient or guardian; or
- (4) For internal clinical communications and communications that do not disclose patient-identifying information.

(e) An acupuncturist shall use material in classroom teaching and writing only when the identity of the person involved is protected adequately to prevent disclosure or with the written permission of the patient.

Authority G.S. 90-450; 90-454; 90-455; 90-456; 90-457.1.

21 NCAC 01 .0608 CLIENT RELATIONSHIPS

An acupuncturist shall avoid dual relationships that impair professional judgment or increase the risk of exploitation of the patient. Unless a sexual relationship existed prior to the treatment of the patient, sexual activity or sexual contact of an acupuncturist with a patient shall be restricted as follows:

- (1) An acupuncturist shall not engage in or solicit sexual activity or sexual contact with a current patient.
- (2) An acupuncturist shall not engage in or solicit sexual activity or sexual contact with a former patient for a period of at least six months after termination of the professional relationship after which a copy of a patient termination statement shall be kept in the patient record.

Authority G.S. 90-450; 90-451; 90-454; 90-455; 90-456; 90-457; 90-457.1.

21 NCAC 01 .0609 BOARD INVESTIGATION

An acupuncturist shall cooperate with any Board investigation and promptly supply requested information unless prohibited by law. A response is considered prompt if supplied within 30 days

from the date the request is received or sent to the last known address of the respondent.

Authority G.S. 90-450; 90-454; 90-455; 90-456.

21 NCAC 01 .0610 TITLES

(a) The title "doctor" shall only be used by a licensed acupuncturist who has completed a doctorate degree accredited by an organization recognized by the Board. An organization recognized by the Board that awards a doctorate degree includes the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or its successor organization, the National Oriental Medicine Accreditation Agency (NOMAA) or its successor organization, or any foreign doctorate degree accredited as a doctorate degree by the ACAOM or its successor organization.

(b) A licensed acupuncturist with a doctorate degree in any other non-medical field shall only use the term "Dr." or physician in an acupuncture practice when it meets the

requirements of the North Carolina Medical Practice Act. Publications, teaching, online materials or anything relating to the practice of acupuncture may list this credential but shall identify the field or degree to clarify the source on the same line or sentence in which the credential is used.

(c) A licensed acupuncturist granted the title "doctor" or "physician" as a licensing title by the licensing entity of another state shall not use the term "doctor" or physician" in an acupuncture practice. Publications, teaching, online materials or anything relating to the practice of acupuncture may list this credential but shall identify the state in which this title was awarded. When used in oral presentation, the fact that this title "doctor" is from another state shall be disclosed during the oral presentation.

Authority G.S. 90-450; 90-451; 90-454; 90-455; 90-456; 90-457; 90-458.

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 18, 2013.

**REGISTER CITATION TO THE
NOTICE OF TEXT****AGRICULTURE, BOARD OF**

<u>Adoptions by Reference</u>	02	NCAC	09B	.0116*	27:12 NCR
<u>General</u>	02	NCAC	09F	.0101*	27:12 NCR
<u>Physical and Chemical Requirements</u>	02	NCAC	09F	.0102*	27:12 NCR
<u>Performance Requirements</u>	02	NCAC	09F	.0103*	27:12 NCR
<u>General</u>	02	NCAC	09F	.0201*	27:12 NCR
<u>Physical and Chemical Requirements</u>	02	NCAC	09F	.0202*	27:12 NCR
<u>Performance Requirements</u>	02	NCAC	09F	.0203*	27:12 NCR
<u>Methods of Testing</u>	02	NCAC	09F	.0204*	27:12 NCR
<u>Physical and Chemical Requirements</u>	02	NCAC	09F	.0305*	27:12 NCR
<u>Performance Requirements</u>	02	NCAC	09F	.0306*	27:12 NCR

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

<u>Confidentiality of Unemployment Insurance Information</u>	04	NCAC	24E	.0101*	27:12 NCR
<u>Fees for Copies and Services</u>	04	NCAC	24E	.0103*	27:12 NCR

CHILD CARE COMMISSION

<u>Definitions</u>	10A	NCAC	09	.0102*	n/a G.S. 150B-21.5(a)(3)
<u>General Statutory Requirements</u>	10A	NCAC	09	.0703*	n/a G.S. 150B-21.5(a)(3)
<u>General Provisions Related to Licensure of Homes</u>	10A	NCAC	09	.1701*	n/a G.S. 150B-21.5(a)(3)
<u>Caregiving Activities for Preschool-Aged Children</u>	10A	NCAC	09	.2806*	n/a G.S. 150B-21.5(a)(3)

HOME INSPECTOR LICENSURE BOARD

<u>Code of Ethics</u>	11	NCAC	08	.1116*	27:12 NCR
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ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Applicability</u>	15A	NCAC	02D	.0902*	27:11 NCR
<u>Recordkeeping: Reporting: Monitoring</u>	15A	NCAC	02D	.0903*	27:11 NCR
<u>Compliance Schedules for Sources In Ozone Nonattainment...</u>	15A	NCAC	02D	.0909*	27:11 NCR
<u>RACT for Sources of Volatile Organic Compounds</u>	15A	NCAC	02D	.0951*	27:11 NCR
<u>Offset Lithographic Printing and Letterpress Printing</u>	15A	NCAC	02D	.0961*	27:11 NCR
<u>Industrial Cleaning Solvents</u>	15A	NCAC	02D	.0962*	27:11 NCR
<u>Activities Exempted from Permit Requirements</u>	15A	NCAC	02Q	.0102*	27:11 NCR

MARINE FISHERIES COMMISSION

<u>Recordkeeping Requirements</u>	15A	NCAC	03I	.0114*	27:12 NCR
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APPROVED RULES

<u>Albemarle Sound/Chowan River Herring Management...</u>	15A	NCAC	03J	.0209*	27:12 NCR
<u>Recreational Shrimp Limits</u>	15A	NCAC	03L	.0105	27:12 NCR
<u>General</u>	15A	NCAC	03M	.0201	27:12 NCR
<u>Season, Size and Harvest Limit: Internal Coastal Waters</u>	15A	NCAC	03M	.0202*	27:12 NCR
<u>Descriptive Boundaries for Coastal-Joint-Inland Waters</u>	15A	NCAC	03Q	.0202*	27:12 NCR
<u>Attended Gill Net Areas</u>	15A	NCAC	03R	.0112*	27:12 NCR
<u>Striped Bass Management Areas</u>	15A	NCAC	03R	.0201*	27:12 NCR

COASTAL RESOURCES COMMISSION

<u>Specific Use Standards for Ocean Hazard Areas</u>	15A	NCAC	07H	.0308*	27:08 NCR
<u>Specific Conditions</u>	15A	NCAC	07H	.1705*	27:08 NCR

WILDLIFE RESOURCES COMMISSION

<u>Granville, Vance and Warren Counties</u>	15A	NCAC	10F	.0311*	n/a G.S. 150B-21.5(a)(4)
<u>Warren County</u>	15A	NCAC	10F	.0318*	n/a G.S. 150B-21.5(a)(4)
<u>Chowan County</u>	15A	NCAC	10F	.0325*	n/a G.S. 150B-21.5(a)(4)
<u>Chatham and Wake Counties</u>	15A	NCAC	10F	.0345*	n/a G.S. 150B-21.5(a)(4)
<u>Camden County</u>	15A	NCAC	10F	.0352*	n/a G.S. 150B-21.5(a)(4)

PHYSICAL THERAPY EXAMINERS, BOARD OF

<u>Executive Director</u>	21	NCAC	48A	.0104	27:10 NCR
<u>Definitions</u>	21	NCAC	48A	.0105*	27:10 NCR
<u>Suspension of Authority to Expend Funds</u>	21	NCAC	48A	.0106*	27:10 NCR
<u>Licenses by Examination</u>	21	NCAC	48B	.0103*	27:10 NCR
<u>Responsibilities</u>	21	NCAC	48C	.0102*	27:10 NCR
<u>Computer Examination</u>	21	NCAC	48D	.0112*	27:10 NCR
<u>Filing Application</u>	21	NCAC	48E	.0101	27:10 NCR
<u>Examination Scores</u>	21	NCAC	48E	.0104	27:10 NCR
<u>Verification of Licensure</u>	21	NCAC	48E	.0105*	27:10 NCR
<u>Fees</u>	21	NCAC	48F	.0102*	27:10 NCR
<u>Renewal</u>	21	NCAC	48G	.0104	27:10 NCR
<u>Definitions</u>	21	NCAC	48G	.0105*	27:10 NCR
<u>Continuing Competence Requirement</u>	21	NCAC	48G	.0106*	27:10 NCR
<u>Approval of Providers and Activities</u>	21	NCAC	48G	.0108*	27:10 NCR
<u>Continuing Competence Activities</u>	21	NCAC	48G	.0109*	27:10 NCR
<u>Evidence of Compliance</u>	21	NCAC	48G	.0110*	27:10 NCR
<u>Exemptions</u>	21	NCAC	48G	.0111*	27:10 NCR
<u>Costs</u>	21	NCAC	48G	.0112*	27:10 NCR
<u>Notification and Hearing</u>	21	NCAC	48G	.0404*	27:10 NCR
<u>Grounds for Reprimand</u>	21	NCAC	48G	.0405	27:10 NCR
<u>Complaints and Reprimand</u>	21	NCAC	48G	.0504*	27:10 NCR
<u>Prohibited Actions</u>	21	NCAC	48G	.0601*	27:10 NCR
<u>Sanctions; Reapplication</u>	21	NCAC	48G	.0602*	27:10 NCR
<u>Inspection of Rules</u>	21	NCAC	48H	.0102	27:10 NCR

REAL ESTATE COMMISSION

<u>Broker-In-Charge</u>	21	NCAC	58A	.0110*	27:10 NCR
<u>Multiple Claims</u>	21	NCAC	58A	.1402*	27:10 NCR

RECREATIONAL THERAPY LICENSURE, BOARD OF

<u>Continuing Education Requirements for Licensed...</u>	21	NCAC	65	.0601*	27:05 NCR
<u>Renewal Requirements for Licensed Recreational...</u>	21	NCAC	65	.0602*	27:05 NCR

**TITLE 02 – DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

02 NCAC 09B .0116 ADOPTIONS BY REFERENCE

(a) The Board incorporates by reference, including subsequent amendments and editions, "Official Methods of Analysis of AOAC," published by the Association of Official Analytical Chemists. Copies of this document may be obtained from the Association of Official Analytical Chemists International, Department 0742, 1970 Chain Bridge Road, McLean, VA 22109-0742, at a cost of six hundred thirty dollars (\$630.00).

(b) The Board incorporates by reference, including subsequent amendments and editions, "U.S. Pharmacopeia National Formulary USP XXXIII-NFXXVIII" and supplements, published by the U.S. Pharmacopeial Convention, Inc. Copies of this document may be obtained from The United States Pharmacopeial Convention, Inc., Attention: Customer Service, 12601 Twinbrook Parkway, Rockville, MD 20852, at a cost of eight-hundred fifty dollars (\$850.00).

(c) The Board incorporates by reference, including subsequent amendments and editions, "ASTM Standards on Engine Coolants," published by ASTM International. Copies of this document may be obtained from ASTM International, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959, at a cost of two hundred eleven dollars (\$211.00).

(d) The Board incorporates by reference, including subsequent amendments and editions, "EPA Manual of Chemical Methods for Pesticides and Devices" and supplements, published by AOAC. Copies of this document may be obtained online from the Environmental Protection Agency National Service Center for Environmental Publications at <http://nepis.epa.gov/EXE/ZyPURL.cgi?Dockey=2000YS3Y.txt>.

(e) The Board incorporates by reference, including subsequent amendments and editions, "Pesticide Analytical Manual," Volumes I and II, published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/PesticideAnalysisManualPAM/default.htm>.

(f) The Board incorporates by reference, including subsequent amendments and editions, "FDA Compliance Policy Guides," published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/iceci/compliancemanuals/compliancepolicy>

[guidancemanual/default.htm](http://www.fda.gov/iceci/compliancemanuals/compliancepolicy) or from the State Information Branch (HFC-151), Division of Federal-State Relations, US Food and Drug Administration, 5600 Fishers Lane, Room 12-07, Rockville, MD 20857.

(g) The Board incorporates by reference, including subsequent amendments and editions, "Bergey's Manual of Determinative Bacteriology," Lippincott, Williams & Wilkins Company, Baltimore. Copies of this document may be obtained from the Lippincott, Williams & Wilkins Company, P.O. Box 1620, Hagerstown, MD 21741 at a cost of one hundred thirty-seven dollars and ninety-nine cents (\$137.99).

(h) The Board incorporates by reference, including subsequent amendments and editions, "Microbiology Laboratory Guidebook," published by the United States Department of Agriculture, Food Safety and Inspection Service, Washington, DC. Copies of this document may be obtained online from http://www.fsis.usda.gov/science/microbiological_Lab_Guidebook/ at no charge.

(i) The Board incorporates by reference, including subsequent amendments and editions, "FDA Bacteriological Analytical Manual," published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/Food/FoodScienceResearch/LaboratoryMethods/ucm114664.htm> at no charge.

(j) The Board incorporates by reference, including subsequent amendments and editions, "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association. Copies of this document may be obtained from the American Public Health Association Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of eighty-five dollars (\$85.00).

(k) The Board incorporates by reference, including subsequent amendments and editions, "Compendium of Methods for the Microbiological Examination of Foods," published by the American Public Health Association. Copies of this document may be obtained from the American Public Health Association Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of one hundred fifty dollars (\$150.00).

(l) The Board incorporates by reference, including subsequent amendments and editions, "Bergey's Manual of Systematic Bacteriology," Springer Publishing, New York, NY. Copies of this document may be obtained from Springer Publishing, 233 Spring Street, New York, NY, 10013 at a cost of one hundred fifty-nine dollars (\$159.00).

(m) The Board incorporates by reference, including subsequent amendments and editions, "Manual of Clinical Microbiology," published by the American Society for Microbiology. Copies of this document may be obtained from the American Society for Microbiology Press, PO Box 605, Herndon, VA 22070, at a cost of two hundred sixty-nine dollars and ninety-five cents (\$269.95).

(n) The Board incorporates by reference, including subsequent amendments and editions, "Standard Methods for the Examination of Water and Waste Water," published by American Public Health Association, American Water Works Association, and Water Pollution Control Federation. Copies of this document may be obtained from the American Public Health Association Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of two hundred ninety-five dollars (\$295.00).

(o) The Board incorporates by reference, including subsequent amendments and editions, the following parts or sections of the Code of Federal Regulations, Title 21, Chapter I, as promulgated by the Commissioner of the Food and Drug Administration under the authority of the Federal Food, Drug, and Cosmetic Act:

	Part or Section	Description of Part or Section
(1)	1.1	General
(2)	1.3	Labeling - Definitions
(3)	1.20	Presence of Mandatory Label Information
(4)	1.21	Failure to Reveal Material Facts
(5)	1.24	Exemptions from Required Label Statements
(6)	1.326	Who is Subject to this Subpart?
(7)	1.327	Who is Excluded from All or Part of the Regulations in this Subpart?
(8)	1.328	What Definitions Apply to this Subpart?
(9)	1.329	Do Other Statutory Provisions and Regulations Apply?
(10)	1.330	Can Existing Records Satisfy the Requirements of this Subpart?
(11)	1.337	What Information Must Non-transporters Establish and Maintain to Identify the Nontransporter and Transporter Immediate Previous Sources of Food?
(12)	1.345	What Information Must Non-transporters Establish and Maintain to Identify the Nontransporter and Transporter Immediate Subsequent Recipients of Food?
(13)	1.352	What Information Must Transporters Establish and Maintain?
(14)	1.360	What are the Record Retention Requirements?
(15)	1.361	What are the Record Availability Requirements?
(16)	1.362	What Records are Excluded from this Subpart?
(17)	1.363	What are the Consequences of Failing to Establish, or Maintain Records or Make Them Available to FDA as Required by this Subpart?

(18)	1.368	What are the Compliance Dates for this Subpart?
(19)	2.25	Grain Seed Treated with Poisonous Substances; Color Identification to Prevent Adulteration of Human and Animal Food
(20)	2.35	Use of Secondhand Containers for the Shipment or Storage of Food and Animal Feed
(21)	7.1	Scope
(22)	7.3	Definitions
(23)	7.12	Guaranty
(24)	7.13	Suggested Forms of Guaranty
(25)	7.40	Recall Policy
(26)	7.41	Health Hazard Evaluation and Recall Classification
(27)	7.42	Recall Strategy
(28)	7.45	Food and Drug Administration - Requested Recall
(29)	7.46	Firm-initiated Recall
(30)	7.49	Recall Communications
(31)	7.50	Public Notification of Recall
(32)	7.53	Recall Status Reports
(33)	7.55	Termination of a Recall
(34)	7.59	General Industry Guidance
(35)	70	Color Additives
(36)	73	Listing of Color Additives Exempt from Certification
(37)	74	Listing of Color Additives Subject to Certification
(38)	81	General Specifications and General Restrictions for Provisioned Color Additives for Use in Foods, Drugs and Cosmetics
(39)	82	Listing of Certified Provisionally Listed Colors and Specifications
(40)	100	General
(41)	101	Food Labeling
(42)	102	Common or Usual Name for Nonstandardized Foods
(43)	104	Nutritional Quality Guidelines for Foods
(44)	105	Foods for Special Dietary Use
(45)	106	Infant Formula Quality Control Procedures
(46)	107	Infant Formula
(47)	108	Emergency Permit Control
(48)	109	Unavoidable Contaminants in Food for Human Consumption and Food-Packaging Material
(49)	110	Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food
(50)	111	Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements
(51)	113	Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers
(52)	114	Acidified Foods
(53)	115	Shell Eggs

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|------|-----|--|-------|-----|--|
| (54) | 118 | Production, Storage, and Transportation of Shell Eggs | (94) | 189 | Substances Prohibited from Use in Human Food |
| (55) | 120 | Hazard Analysis and Critical Control Point (HACCP) Systems | (95) | 190 | Dietary Supplements |
| (56) | 123 | Fish and Fishery Products | (96) | 200 | General |
| (57) | 129 | Processing and Bottling of Bottled Drinking Water (Except as amended by 02 NCAC 09C .0700 - Bottled Water) | (97) | 201 | Labeling |
| (58) | 130 | Food Standards: General | (98) | 202 | Prescription Drug Advertising |
| (59) | 131 | Milk and Cream | (99) | 210 | Current Good Manufacturing Practice in Manufacturing, Processing, Packing or Holding of Drugs; General |
| (60) | 133 | Cheeses and Related Cheese Products | (100) | 211 | Current Good Manufacturing Practice for Finished Pharmaceuticals |
| (61) | 135 | Frozen Desserts | (101) | 225 | Current Good Manufacturing Practice for Medicated Feeds |
| (62) | 136 | Bakery Products | (102) | 226 | Current Good Manufacturing Practice for Type A Medicated Articles |
| (63) | 137 | Cereal Flours and Related Products | (103) | 250 | Special Requirements for Specific Human Drugs |
| (64) | 139 | Macaroni and Noodle Products | (104) | 290 | Controlled Drugs |
| (65) | 145 | Canned Fruits | (105) | 299 | Drugs; Official Names and Established Names |
| (66) | 146 | Canned Fruit Juices | (106) | 300 | General |
| (67) | 150 | Fruit Butters, Jellies, Preserves, and Related Products | (107) | 310 | New Drugs |
| (68) | 152 | Fruit Pies | (108) | 312 | Investigational New Drug Application |
| (69) | 155 | Canned Vegetables | (109) | 314 | Applications for FDA Approval to Market New Drug |
| (70) | 156 | Vegetable Juices | (110) | 320 | Bioavailability and Bioequivalence Requirements |
| (71) | 158 | Frozen Vegetables | (111) | 330 | Over-the-Counter (OTC) Human Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded |
| (72) | 160 | Eggs and Egg Products | (112) | 331 | Antacid Products for Over-the-Counter (OTC) Human Use |
| (73) | 161 | Fish and Shellfish (Except Section 161.30 and 161.130 through 161.145) | (113) | 332 | Antiflatulent Products for Over-the-Counter Human Use |
| (74) | 163 | Cacao Products | (114) | 361 | Prescription Drugs for Human Use Generally Recognized as Safe and Effective and Not Misbranded: Drugs Used in Research |
| (75) | 164 | Tree Nut and Peanut Products | (115) | 369 | Interpretive Statements Re: Warnings on Drugs and Devices for Over-the-Counter Sale |
| (76) | 165 | Beverages | (116) | 809 | In Vitro Diagnostic Products for Human Use |
| (77) | 166 | Margarine | (117) | 812 | Investigational Device Exemptions |
| (78) | 168 | Sweeteners and Table Syrups | (118) | 820 | Quality System Regulation |
| (79) | 169 | Food Dressings and Flavorings | (119) | 860 | Medical Device Classification Procedures |
| (80) | 170 | Food Additives | (120) | 861 | Procedures for Performance Standards Development |
| (81) | 172 | Food Additives Permitted for Direct Addition to Food for Human Consumption | (121) | 870 | Cardiovascular Devices |
| (82) | 173 | Secondary Direct Food Additives Permitted in Food for Human Consumption | (122) | 882 | Neurological Devices |
| (83) | 174 | Indirect Food Additives: General | (123) | 884 | Obstetrical and Gynecological Devices |
| (84) | 175 | Indirect Food Additives: Adhesives and Components of Coatings | (124) | 895 | Banned Devices |
| (85) | 176 | Indirect Food Additives: Paper and Paperboard Components | (125) | 500 | General |
| (86) | 177 | Indirect Food Additives: Indirect Food Additives: Polymers | (126) | 501 | Animal Food Labeling |
| (87) | 178 | Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers | (127) | 502 | Common or Usual Names for Nonstandardized Animal Foods |
| (88) | 179 | Irradiation in the Production, Processing and Handling of Food | | | |
| (89) | 180 | Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study | | | |
| (90) | 181 | Prior-Sanctioned Food Ingredients | | | |
| (91) | 182 | Substances Generally Recognized as Safe | | | |
| (92) | 184 | Direct Food Substances Affirmed as Generally Recognized as Safe | | | |
| (93) | 186 | Indirect Food Substances Affirmed as Generally Recognized as Safe | | | |

- (128) 509 Unavoidable Contaminants in Animal Food and Food-Packaging Material
- (129) 510 New Animal Drugs
- (130) 511 New Animal Drugs for Investigational Use
- (131) 514 New Animal Drug Applications
- (132) 520 Oral Dosage Form New Animal Drugs
- (133) 522 Implantation or Injectable Dosage Form New Animal Drugs
- (134) 524 Ophthalmic and Topical Dosage Form New Animal Drugs
- (135) 526 Intramammary Dosage Form New Animal Drugs
- (136) 529 Certain Other Dosage Form New Animal Drugs
- (137) 556 Tolerances for Residues of New Animal Drugs in Food
- (138) 558 New Animal Drugs for Use in Animal Feeds
- (139) 570 Food Additives
- (140) 573 Food Additives Permitted in Feed and Drinking Water of Animals
- (141) 582 Substances Generally Recognized as Safe
- (142) 584 Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals
- (143) 589 Substances Prohibited from Use in Animal Food or Feed
- (144) 700 General
- (145) 701 Cosmetic Labeling
- (146) 720 Voluntary Filing of Cosmetic Product Ingredient Composition Statements
- (147) 740 Cosmetic Product Warning Statements

Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(p) The Board incorporates by reference, including subsequent amendments and editions, "Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities," 40 C.F.R. Part 180. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(q) The Board incorporates by reference, including subsequent amendments and editions, "Definitions and Standards of Identity or Composition for Meats, Meat By-products, and Meat Food Products," 9 C.F.R. Part 319. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(r) The Board incorporates by reference, including subsequent amendments and editions, "Definitions and Standards of Identity or Composition for Poultry and Poultry Products," 9 C.F.R. Sections 381.155 through 381.170. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the

website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(s) The Board incorporates by reference, including subsequent amendments and editions, Title 9, Part 317.2(1) of the Code of Federal Regulations. Copies of Title 9 of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost of sixty-four dollars (\$64.00).

(t) The Board incorporates by reference, including subsequent amendments and editions, Title 9, Part 381.125(b) of the Code of Federal Regulations. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(u) The Board incorporates by reference, including subsequent amendments and editions, a document entitled, "Fresh Air '2000' - A Look At FDA's Medical Gas Requirements," published by the United States Department of Health and Human Services, Food and Drug Administration. A copy of this material may be obtained at no cost from the Food and Drug Protection Division of the North Carolina Department of Agriculture and Consumer Services.

(v) The Board incorporates by reference the definition of "dietary supplement" found at 21 USC 321(ff).

History Note: Authority G.S. 106-139; 106-245.16; 106-245.22; 106-245.32; 106-267;

Eff. December 14, 1981;

Amended Eff. May 1, 2013; January 1, 2011; June 1, 2004; April 1, 2003; June 1, 1995; April 1, 1992; June 1, 1988; October 1, 1987.

02 NCAC 09F .0101 GENERAL

(a) Ethylene glycol base engine coolant concentrate, when used at 40 to 70 percent concentration in water, functions effectively during both winter and summer in automotive vehicle cooling systems to provide protection against freezing, boiling and corrosion.

(b) Ethylene glycol base engine coolant concentrate shall consist of ethylene glycol and shall contain corrosion inhibitors, a foam suppressor, and sufficient water to dissolve the additives and to provide a packaged product that can be poured at temperatures as low as zero degrees Fahrenheit (-17.8 degrees C). Other glycols such as propylene and diethylene may be included up to a maximum of 15 percent if the chemical and physical properties referenced in Rules .0102 and .0103 of this Section are met.

(c) The product when installed in accordance with the vehicle manufacturers' recommendations and those on the product label shall not adversely affect fluid flow and heat transferred where used in a properly maintained cooling system in normal passenger car service, as defined in the vehicle owner's manual, for a minimum of one year.

History Note: Authority G.S. 106-579.7;

Eff. February 1, 1976;

Amended Eff. May 1, 2013.

02 NCAC 09F .0102 PHYSICAL AND CHEMICAL REQUIREMENTS

Ethylene glycol base engine coolant concentrate shall conform to the physical and chemical property requirements prescribed by "ASTM International Standards on Engine Coolants" for ethylene glycol base engine coolant concentrate, as set forth in 02 NCAC 09B .0116.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0103 PERFORMANCE REQUIREMENTS

Ethylene glycol base engine coolant concentrate shall conform to the laboratory test performance requirements prescribed by "ASTM International Standards on Engine Coolants" for ethylene glycol base engine coolant.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0201 GENERAL

Alcohol base engine coolant concentrate shall consist of at least 50 percent methyl alcohol. Other alcohols such as ethyl and isopropyl may be included if the chemical and physical properties conform to the "ASTM International Standards on Engine Coolants" for alcohol base coolant.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0202 PHYSICAL AND CHEMICAL REQUIREMENTS

Alcohol base engine coolant concentrate shall conform to the physical and chemical property requirements prescribed by "ASTM International Standards on Engine Coolants" for alcohol base engine coolant.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0203 PERFORMANCE REQUIREMENTS

Alcohol base engine coolant concentrate shall conform to the laboratory test performance requirements prescribed by "ASTM International Standards on Engine Coolants" for alcohol base engine concentrate.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0204 METHODS OF TESTING

The methods of testing to be used in determining fidelity of ethylene glycol and alcohol base engine coolant products to the

physical, chemical and performance requirements are those set forth in the "ASTM International Standards on Engine Coolants."

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1976;
Amended Eff. May 1, 2013.

02 NCAC 09F .0305 PHYSICAL AND CHEMICAL REQUIREMENTS

Methoxy propanol base engine coolant concentrate and full-fill mixtures shall conform to the physical and chemical properties prescribed by "ASTM International Standards on Engine Coolants" for methoxy propanol base engine coolant concentrate and full-fill mixtures.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1982;
Amended Eff. May 1, 2013.

02 NCAC 09F .0306 PERFORMANCE REQUIREMENTS

Methoxy propanol base engine coolant concentrate and full-fill mixtures shall conform to the laboratory test performance requirements prescribed by "ASTM International Standards on Engine Coolants" for methoxy propanol base engine coolant concentrate and full-fill mixtures.

History Note: Authority G.S. 106-579.7;
Eff. February 1, 1982;
Amended Eff. May 1, 2013.

TITLE 04 -- DEPARTMENT OF COMMERCE

04 NCAC 24E .0101 CONFIDENTIALITY OF UNEMPLOYMENT INSURANCE INFORMATION

Information obtained by the North Carolina Department of Commerce, Division of Employment Security ("DES") from claimants, employers, applicants, or other persons, or groups of persons in the course of administering the State Public Employment Service Program will be disclosed only pursuant to law, including by confidentiality waiver as provided in Rule .0102 of this Section.

History Note: Authority G.S. 96-4(d); 96-4(x);
Eff. May 1, 2013.

04 NCAC 24E .0103 FEES FOR COPIES AND SERVICES

(a) Search Fees:

- (1) Search of the records by DES custodial or clerical personnel carries a fee of four dollars and forty cents (\$4.40) for each one-quarter hour or fraction thereof of employee worktime required to reach or obtain the records to be searched or make the necessary search.

- (2) If the search for the requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of five dollars (\$5.00), actual transportation costs will be added to the search time cost.
- (3) If the search for requested records requires batch processing by computer, the Certified Paralegal shall provide an estimate of DES's cost of producing the information to the requester. The estimate will be provided because of the computer programming and other actions necessary for the batch processing. The requester will be billed for the actual cost of producing the requested information.

(b) **Reproduction Fees:** Notwithstanding Rule .0104 of this Section, the fees payable for obtaining requested copies of records shall be computed on the following basis subject to the following conditions:

- (1) Copying Fee: one cent (\$0.01) per page;
- (2) Transcription of Hearing Fee: three dollars and seventy-five cents (\$3.75) per quarter hour or fraction thereof;
- (3) Not more than 10 copies of any document will be furnished; and
- (4) Recording of Hearing Fee: three dollars and seventy-five cents (\$3.75) per tape.

(c) **Administrative and Overhead Fees:** The Certified Paralegal's request review and determination carries a fee of five dollars and eighty-four cents (\$5.84) for each one-quarter hour or fraction thereof of the worktime required to perform such task. The overhead cost for processing and invoicing is four dollars and fifty cents (\$4.50) per invoice.

History Note: Authority G.S. 96-4(d); 96-4(x)(4); Eff. May 1, 2013.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 09 .0102 DEFINITIONS

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

- (1) "Agency" as used in Section .2200 of this Chapter, means Division of Child Development and Early Education, Department of Health and Human Services located at 319 Chapanoke Road, Suite 120, Raleigh, North Carolina 27603.
- (2) "Appellant" means the person or persons who request a contested case hearing.
- (3) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age

children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project. Other equivalent training shall be approved by the Division.

(4) "Child Care Program" means a single center or home, or a group of centers or homes or both, that are operated by one owner or supervised by a common entity.

(5) "Child care provider" as defined by G.S. 110-90.2(a)(2)a. and used in Section .2700 of this Chapter, includes the following employees who have contact with the children in a child care program:

- (a) facility directors;
- (b) administrative staff;
- (c) teachers;
- (d) teachers' aides;
- (e) cooks;
- (f) maintenance personnel; and
- (g) drivers.

(6) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.

(7) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidence-based and with a reading component.

(8) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.

(9) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.

(10) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.

(11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer, 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in June 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this instrument is on file at the Division at the address given in

- Item (1) of this Rule and is available for public inspection during regular business hours.
- (12) "Experience working with school-aged children" means working with school-age children as an administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.
- (13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford, 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in June 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- (14) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.
- (15) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and this Chapter, using space which is identifiable for each group.
- (16) "Health care professional" means:
- (a) a physician licensed in North Carolina;
 - (b) a nurse practitioner approved to practice in North Carolina; or
 - (c) a licensed physician assistant.
- (17) "Household member" means a person who resides in a family home as evidenced by factors including maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.
- (18) "If weather conditions permit" means:
- (a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf>, and is incorporated by reference and includes subsequent editions and amendments;
- (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at <http://xapps.enr.state.nc.us/aq/ForecastCenter> or call 1-888-RU4NCAIR (1-888-784-6224); and
 - (c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.
- (19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than thirty months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in June 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- (20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger.
- (21) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of a facility is the licensee.
- (22) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:

- (a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010; or
 - (b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.
- Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE Scale is designed for individuals working with or on behalf of children ages birth to five. The SA Scale is designed for individuals working with or on behalf of children ages 5 to 12 who are served in school age care settings.
- (23) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Credential Coursework. A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection or copying at no charge during regular business hours.
 - (24) "Owner" means any person with a five percent or greater equity interest in a child care facility, however stockholders of corporations who own child care facilities are not subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.
 - (25) "Parent" means a child's parent, legal guardian, or full-time custodian.
 - (26) "Part-time care" means a child care arrangement where children attend on a regular schedule but less than a full-time basis.
 - (27) "Passageway" means a hall or corridor.
 - (28) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.
 - (29) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-age child in this Rule.
 - (30) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by

reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in June 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.

- (31) "School-age child" means any child who is attending or who has attended, a public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.
- (32) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).
- (33) "Section" means Division of Child Development and Early Education.
- (34) "Substitute" means any person who assumes the duties of a staff person for a time period not to exceed two consecutive months.
- (35) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.
- (36) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

History Note: Authority G.S. 110-85; 110-88; 143B-168.3; Eff. January 1, 1986; Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989; Temporary Amendment Eff. January 1, 1996; Amended Eff. May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012; November 1, 2007; May 1, 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1, 1998; April 1, 1997.

10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS

- (a) Staff counted toward meeting the staff/child ratio requirements set forth in Rules .0712 and .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have full responsibility for or be left in charge of a group of children.
- (b) Anyone who is at least 13 years of age, but less than 16 years of age, may work in a child care center on a volunteer basis, as long as he or she is supervised by and works with a required staff person who is at least 21 years of age, and also meets the health standards for volunteers found in Rule .0702 of this Section. No one younger than 16 years old shall be left alone with children nor counted toward meeting the required staff/child ratio.
- (c) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a child care center are hereby incorporated by reference and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion does

not include parents or other persons who enter the center only for the purpose of performing parental responsibilities; nor does it include persons who enter the center for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(d) Within six months of an individual assuming lead teacher or child care administrator duties, each center shall maintain the following information in the individual's staff record:

- (1) a copy of the credential certificate;
- (2) a copy of notification from the Division that the individual meets the equivalency or that the individual does not meet the equivalency and must enroll in coursework;
- (3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency status or the opportunity to test out of the credential coursework; or
- (4) documentation of enrollment in credential coursework.

(e) If the individual does not yet meet the staff qualifications required by G.S. 110-91(8) when assuming lead teacher or administrative duties, the individual shall submit the following information to the Division within six months of assuming the duties:

- (1) a request to test out of credential coursework on a form provided by the Division; or
- (2) application for equivalency on a form provided by the Division, with documentation of completion of the coursework or credential to be considered for equivalency as required by the Division.

(f) For centers with a licensed capacity of three to 12 children, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the requirements for lead teacher in this Section shall apply to this individual. If the program has more than one group of children, the requirement regarding lead teacher shall apply to each group of children.

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. May 1, 2013; October 29, 1998; January 1, 1990; July 1, 1988; January 1, 1987.

10A NCAC 09 .1701 GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES

(a) All family child care homes shall comply with the standards for licensure set forth in this Section. A one- star rated license shall be issued to a family child care home operator who complies with the minimum standards for a license contained in this Section and G.S. 110-91.

(b) An individual who provides care for five hours or more in a week, during planned absences of the operator, shall be at least 21 years old, have a high school diploma or GED, have completed a first aid and cardiopulmonary resuscitation (CPR) course as described in Rule .1705, Subparagraphs (a)(3), (a)(4), (b)(2), and (b)(3) of this Section, have completed a health questionnaire, have proof of negative results of a tuberculosis

test completed within 12 months prior to the first day of providing care, submit criminal records check forms as required in 10A NCAC 09 .2702, and annual in-service training as described in Rule .1705(b)(5) of this Section. Copies of required information shall be on file in the home available for review and shall be transferable to other family child care homes where the individual is providing care.

(c) An individual who provides care for less than five hours in a week, during planned absences of the operator shall meet all requirements listed in Paragraph (b) of this Rule, except the requirements for annual in-service training and a high school diploma or GED. The individual shall be literate.

(d) The operator shall review the appropriate requirements found in this Chapter and in G.S. Chapter 110 with any individuals who are providing care prior to the individual's assuming responsibility for the children. The operator and individual providing care shall sign and date a statement which attests that this review was completed. This statement shall be kept on file in the home available for review.

(e) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be at least 18 years old and submit criminal records check forms as required in 10A NCAC 09 .2702, Paragraph (j). The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

(f) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a family child care home are hereby incorporated by reference and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion shall not apply to parents or other persons who enter the home only for the purpose of performing parental responsibilities; nor does it include persons who enter the home for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(g) The parent of a child enrolled in any family child care home subject to regulation under G.S. 110, Article 7 shall be allowed unlimited access to the home during its operating hours for the purposes of contacting the child or evaluating the home and the care provided by the operator. The parent shall notify the operator of his or her presence immediately upon entering the premises.

(h) An operator licensed to care for children overnight may sleep during the nighttime hours when all the children are asleep, provided:

- (1) The operator and the children in care, excluding the operator's own children, are on ground level; and
- (2) The operator can hear and respond quickly to the children if needed; and
- (3) A battery operated smoke detector or an electrically operated (with a battery backup) smoke detector is located in each room where children are sleeping.

(i) Each operator shall develop and adopt a written plan of care for completing routine tasks (including running errands, meeting family and personal demands, and attending classes) to ensure

that routine tasks shall not interfere with the care of children during hours of operation. The plan shall:

- (1) Specify typical times for completing routine tasks and include those times on the written schedule, or specify that routine tasks will not occur during hours of operation;
- (2) Specify the names of any individuals, such as additional caregivers or substitutes, who will be responsible for the care of children when the operator is attending to routine tasks;
- (3) Specify how the operator shall maintain compliance with transportation requirements specified in 10A NCAC 09 .1723 if children are transported;
- (4) Specify how parents will be notified when children accompany the operator off premises for routine tasks not specified on the written schedule;
- (5) Specify any other steps the operator shall take to ensure routine tasks will not interfere with the care of children;
- (6) Be given and explained to parents of children in care on or before the first day the child attends the home. Parents shall sign a statement acknowledging the receipt and explanation of the plan. Parents shall also give written permission for their child to be transported by the operator for specific routine tasks that are included on the written schedule. The acknowledgment and written parental permission shall be retained in the child's record as long as the child is enrolled at the home and a copy of each document shall be maintained on file for review by Division representatives.

(j) If the operator amends the written plan, the operator shall give written notice of the amendment to parents of all enrolled children at least 30 days before the amended plan is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the child's records as long as the child is enrolled in the home and a copy shall be maintained on file for review by Division representatives.

History Note: Authority G.S. 110-85; 110-86(3); 110-88(1); 110-91; 110-99; 110-105; 143B-168.3;

Eff. January 1, 1986;

Amended Eff. May 1, 2013; November 1, 2006; April 1, 2003; April 1, 1999; July 1, 1998; January 1, 1991; January 1, 1990; July 1, 1988; January 1, 1987.

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

(a) Each center shall comply with the requirements in Rule .0508 of this Chapter for written activity schedules and plans, and in Rule .0509 of this Chapter for general activity requirements.

(b) Each center providing care to preschool-age children aged two years old or older shall comply with the requirements for

activity areas for preschool-age children in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(6) of this Chapter shall be offered for each group of children at least once per week.

(c) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under two years of age.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

Eff. April 1, 1999;

Prior to amendment of May 1, 2006 this language was located in Rule .1612;

Amended Eff. May 1, 2013; May 1, 2006.

TITLE 11 – DEPARTMENT OF INSURANCE

11 NCAC 08 .1116 CODE OF ETHICS

(a) Licensees shall discharge their duties with fidelity to the public and to their clients, with fairness and impartiality to all.

(b) Opinions expressed by licensees shall be based only on their education, experience, and honest convictions.

(c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for whom the inspection was performed, or the client's designated representative.

(d) No licensee shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.

(e) No licensee shall compensate, either financially or through other services or benefits, realty agents or other parties with a financial interest in closing or settlement of real estate transactions for the following:

- (1) Referral of inspections; or
- (2) Inclusion on a list of recommended inspectors or preferred providers.

(f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.

(g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest he or she has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the licensee may be called upon to perform.

(h) A licensee shall not solicit for repairs of systems or components found defective in the course of a home inspection performed by the licensee or that licensee's company.

(i) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

(j) Licensees shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.

History Note: Authority G.S. 143-151.49;

*Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;
Temporary Adoption Eff. October 24, 1996;
Eff. July 1, 1998;
Amended Eff. May 1, 2013; October 1, 2010; July 1, 2000.*

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

15A NCAC 02D .0902 APPLICABILITY

(a) The rules in this Section do not apply except as specifically set out in this Rule.

(b) This Section applies to sources that emit greater than or equal to 15 pounds of volatile organic compounds per day unless specified otherwise in this Section.

(c) Rules .0925, .0926, .0927, .0928, .0931, .0932, .0933, and .0958 of this Section apply regardless of the level of emissions of volatile organic compounds unless provisions specified in Paragraph (d)(1) of this Rule are applied.

(d) This Section does not apply to:

- (1) sources that emit less than 800 pounds of volatile organic compounds per calendar month and that are:
 - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (B) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (C) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (D) research and development laboratory activities, provided the activity produces no commercial product or feedstock material; or
- (2) emissions of volatile organic compounds during startup or shutdown operations from sources which use incineration or other types of combustion to control emissions of volatile organic compounds whenever the off-gas contains an explosive mixture during the startup or shutdown operation if the exemption is approved by the Director as meeting the requirements of this Subparagraph.

(e) The following rules of this Section apply to facilities located statewide:

- (1) .0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at gasoline bulk plants and gasoline bulk terminals;
- (2) .0926, Bulk Gasoline Plants;
- (3) .0927, Bulk Gasoline Terminals;
- (4) .0928, Gasoline Service Stations Stage I;
- (5) .0932, Gasoline Truck Tanks and Vapor Collection Systems;
- (6) .0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external floating roof tanks at bulk gasoline plants and bulk gasoline terminals;
- (7) .0948, VOC Emissions from Transfer Operations;
- (8) .0949, Storage of Miscellaneous Volatile Organic Compounds; and
- (9) .0958, Work Practices for Sources of Volatile Organic Compounds.

(f) Except as provided in Paragraph (e) of this Rule, the rules in this Section apply to facilities subject to Section 182(b)(2) of the Clean Air Act with potential to emit 100 or more tons per year of VOC and to facilities with potential to emit less than 100 tons per year of volatile organic compounds in categories for which the United States Environmental Protection Agency has issued Control Technique Guidelines that are located in the following moderate nonattainment areas for the 1997 8-hour ozone standard as designated in 40 CFR 81.334:

- (1) Cabarrus County;
- (2) Gaston County;
- (3) Lincoln County;
- (4) Mecklenburg County;
- (5) Rowan County;
- (6) Union County; and
- (7) Davidson Township and Coddle Creek Township in Iredell County.

These facilities are subject to reasonably available control technology requirements under this Section and shall comply with these requirements in accordance with Rule .0909 of this Section through use of Rule .0951 of this Section.

(g) If any county or part of a county to which this Section applies is later designated in 40 CFR 81.334 as attainment and becomes a maintenance area for the 1997 8-hour ozone standard, all sources in that county or part of county subject to Paragraph (f) of this Rule that achieved compliance in accordance with Rule .0909 of this Section shall continue to comply with this Section. Facilities with potential to emit less than 100 tons of volatile organic compounds per year for which the compliance date in Rule .0909 of this Section has not passed before redesignation of the area to attainment for the 1997 ozone standard shall comply in accordance with Paragraph (h) of this Rule.

(h) If a violation of the 1997 ambient air quality standard for ozone occurs when the areas listed in Paragraph (f) become ozone maintenance area, no later than 10 days after the violation occurs, the Director shall initiate technical analysis to determine the control measures needed to attain and maintain the 1997 8-hour ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are

required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the 1997 8-hour ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as being necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the Rules implemented are to apply in the areas listed in Paragraph (f) of this Rule. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written notification to all permitted facilities within the counties in which the Rules of this Section are being implemented notifying them that they are or may be subject to the requirements defined in Rule .0909 of this Section.

For Mecklenburg County, "Director" means, for the purpose of notifying permitted facilities in Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.

(i) Sources whose emissions of volatile organic compounds are not subject to limitation under this Section may still be subject to emission limits on volatile organic compounds in Rules .0524, .1110, or .1111 of this Subchapter.

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

Eff. July 1, 1979;

Amended Eff. May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007; March 1, 2007; August 1, 2004; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1995; May 1, 1995; July 1, 1994.

15A NCAC 02D .0903 RECORDKEEPING: REPORTING: MONITORING

(a) The owner or operator of any volatile organic compound emission source or control equipment shall:

- (1) install, operate, and maintain process and control equipment monitoring instruments or procedures as necessary to comply with the requirements of this Section; and
- (2) maintain, in writing, data and reports relating to monitoring instruments or procedures which will, upon review, document the compliance status of the volatile organic compound emission source or control equipment. Such data and reports shall be maintained daily unless otherwise specified in this Section.

(b) The owner or operator of any volatile organic compound emission source or control equipment subject to the requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

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

Eff. July 1, 1979;

Amended Eff. May 1, 2013; April 1, 1999; July 1, 1993; July 1, 1991; December 1, 1989; January 1, 1985.

15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN OZONE NONATTAINMENT AND MAINTENANCE AREAS

(a) Applicability. This Rule applies to sources located at any facility covered by Paragraphs (f) and (h) of Rule .0902 of this Section.

(b) Exceptions. This Rule does not apply to facilities subject to the rules listed under Paragraph (e) in Rule .0902 of this Section. Facilities subject to the rules listed in Paragraph (e) of Rule .0902 shall comply in accordance with the provisions of those Rules rather than the schedule in Paragraphs (c) and (d) of this Rule.

(c) Maintenance area contingency plan. The owner or operator of any source subject to this Rule shall adhere to the following increments of progress and schedules:

- (1) If compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:
 - (A) The owner or operator shall submit a permit application and a compliance schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;
 - (ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and
 - (iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and
 - (C) Final compliance with applicable rules in this Section shall be achieved within three years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.
- (2) If compliance with applicable rules in this Section is to be achieved by using low solvent content coating technology:
 - (A) The owner or operator shall submit a permit application and a compliance

schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;

- (B) The compliance schedule shall contain the following increments of progress:

- (i) a date by which purchase orders shall be issued for low solvent content coatings and process modifications;
- (ii) a date by which process modifications shall be initiated; and
- (iii) a date by which process modifications shall be completed and use of low solvent content coatings shall begin; and

- (C) Final compliance with applicable rules in this Section shall be achieved within two years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.

- (3) The owner or operator shall certify to the Director within five days after each increment deadline of progress defined in this Paragraph, whether the required increment of progress has been met.

(d) Moderate nonattainment areas. The owner or operator of any source subject to this Rule shall adhere to the following increments of progress and schedules:

- (1) If compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:

- (A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;

- (B) The compliance schedule shall contain the following increments of progress:

- (i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;
- (ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and

- (iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and

- (C) For facilities with potential to emit 100 tons or more of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009.

- (D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2016.

- (2) If compliance with applicable rules in this Section is to be achieved by using low solvent content coating technology:

- (A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;

- (B) The compliance schedule shall contain the following increments of progress:

- (i) a date by which purchase orders shall be issued for low solvent content coatings and process modifications;
- (ii) a date by which process modifications shall be initiated; and
- (iii) a date by which process modifications shall be completed and use of low solvent content coatings shall begin; and

- (C) Final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009;

- (D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2015.

- (3) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress defined in this Paragraph, whether the required increment of progress has been met.

- (e) If the Director requires a test in accordance with Section .2600 of this Subchapter to demonstrate that compliance has been achieved, the owner or operator of sources subject to this Rule shall conduct a test and submit a final test report within six months after the stated date of final compliance.

- (f) Sources already in compliance.

- (1) Maintenance area contingency plan. Paragraph (c) of this Rule shall not apply to any source subject to this Rule that is in compliance with applicable rules of this Section when the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone and that have determined and certified compliance to the satisfaction of the Director within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.
- (2) Moderate nonattainment areas. Paragraph (d) of this Rule does not apply to sources subject to this Rule if they are in compliance with applicable rules of this Section on March 1, 2007.

(g) New sources.

- (1) Maintenance area contingency plan. The owner or operator of any source subject to this Rule not in existence or under construction before the date that the Director notices in the North Carolina Register in accordance with Paragraph (h) of Rule .0902 of this Section the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone, shall comply with all applicable rules in this Section upon start-up of the source.
- (2) Moderate nonattainment areas. The owner or operator of any new source subject to this Rule not in existence or under construction before March 1, 2007 in an area identified in Paragraph (f) of Rule .0902 shall comply with all applicable rules in this Section upon start-up of the source.

History Note Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); Eff. July 1, 1979; Amended Eff. May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007; March 1, 2007; July 1, 2000; April 1, 1997; July 1, 1995; July 1, 1994; July 1, 1988; January 1, 1985.

15A NCAC 02D .0951 RACT FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

- (a) Facilities required to install reasonably available control technology (RACT) pursuant to Rule .0902 of this Section shall determine the emissions control level according to this Rule. If the only other applicable emissions control rule for the facility in this Section is Rule .0958, then both this Rule and Rule .0958 apply.
- (b) This Rule does not apply to architectural or maintenance coating.
- (c) The owner or operator of any facility to which this Rule applies shall comply by either of the following:

- (1) install and operate reasonably available control technology as set forth by category specific emission standards defined in this Section; or
- (2) install and operate alternative reasonably available control technology based on the Division's technical analysis of the information provided in Paragraph (d) of this Rule. All reasonably available control technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this Subparagraph and Paragraph (d) of this Rule shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No reasonably available control technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(d) If the owner or operator of a facility chooses to install reasonably available control technology under Subparagraph (c)(2) of this Rule, the owner or operator shall submit to the Director:

- (1) the name and location of the facility;
- (2) information identifying the source for which a reasonably available control technology limitation or standard is being proposed;
- (3) a demonstration that shows the proposed reasonably available control technology limitation or standard advances attainment equivalent to or better than application of requirements under Subparagraph (c)(1) of this Rule; and
- (4) a proposal for demonstrating compliance with the proposed reasonably available control technology limitation or standard.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); Eff. July 1, 1994; Amended Eff. May 1, 2013; September 1, 2010; July 1, 2000; July 1, 1996.

15A NCAC 02D .0961 OFFSET LITHOGRAPHIC PRINTING AND LETTERPRESS PRINTING

(a) For the purposes of this Rule, the definitions listed in this Paragraph and Rules .0101 and .0902 of this Subchapter shall apply.

- (1) "Composite partial vapor pressure" means the sum of the partial pressure of the compounds defined as volatile organic compounds. Volatile organic compounds composite partial vapor pressure is calculated as follows:

$$PP_c = \sum_{i=1}^n \frac{(W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \frac{W_c}{MW_c} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where:

Wi = Weight of the "i" volatile organic compound, in grams

Ww = Weight of water, in grams

Wc = Weight of exempt compound, in grams

MWi = Molecular weight of the "i" volatile organic compound, in g/g-mole

MWw = Molecular weight of water, in g/g-mole

MWc = Molecular weight of exempt compound, in g/g-mole

PPc = Volatile organic compounds composite partial vapor pressure at 20 degrees Celsius (68 degrees Fahrenheit), in mm Hg

VPi = Vapor pressure of the "i" volatile organic compound at 20 degrees Celsius (68 degrees Fahrenheit), in mm Hg

- (2) "First installation date" means the actual date when this control device becomes operational. This date does not change if the control device is later redirected to a new press.
- (3) "Fountain solution" means water-based solution that applies to lithographic plate to render the non-image areas unreceptive to the ink.
- (4) "Heatset" means any operation in which heat is required to evaporate ink oils from the printing ink, excluding ultraviolet (UV) curing, electron beam curing and infrared drying.
- (5) "Letterpress printing" means a printing process in which the image area is raised relative to the non-image area and the paste ink is transferred to the substrate directly from the image surface.
- (6) "Non-heatset" means a lithographic printing process where the printing inks are set by absorption or oxidation of the ink oil, not by evaporation of the ink oils in a dryer. For the purposes of this Rule, use of an infrared heater or printing conducted using ultraviolet-cured or electron beam-cured inks is considered non-heatset.
- (7) "Offset lithography" means a printing process that uses sheet-fed or web method of press feeding and transfers ink from the lithographic plate to a rubber-covered intermediate "blanket" cylinder and then from the blanket cylinder to the substrate.
- (8) "Press" means a printing production assembly composed of one or more units used to produce a printed substrate including any associated coating, spray powder application, heatset web dryer, ultraviolet or electron beam curing units, or infrared heating units.

(9) "Sheet-fed printing" means offset lithographic printing when individual sheets of paper or other substrate are fed to the press.

(10) "Web printing" means offset lithographic printing when continuous rolls of substrate material are fed to the press and rewound or cut to size after printing.

(b) This Rule applies to any offset lithographic and any letterpress printing operations sources that are not covered by Subparagraph (c)(1) of Rule .0966 of this Section and whose emissions of volatile organic compounds exceed:

(1) the threshold established in Paragraphs (b) and (f) of Rule .0902 of this Section; or

(2) an equivalent level of three tons per 12-consecutive month rolling period.

(c) Volatile organic compounds content in the fountain solution for on-press (as-applied) heatset web offset lithographic printing shall meet one of the following requirements or equivalent level of control as determined in permit conditions:

(1) contain 1.6 percent alcohol or less, by weight, as applied, in the fountain solution;

(2) contain three percent alcohol or less, by weight, on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or

(3) contain five percent alcohol substitute or less, by weight, on-press (as-applied) and no alcohol in the fountain solution.

(d) Volatile organic compounds content in the fountain solution for on-press (as-applied) sheet-fed lithographic printing shall meet one of the following requirements or equivalent level of control as determined in permit conditions:

(1) contain five percent alcohol or less, by weight, on-press (as-applied) in the fountain solution;

(2) contain 8.5 percent alcohol or less, by weight, on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or

(3) contain five percent alcohol substitute or less, by weight, on-press (as-applied) and no alcohol in the fountain solution.

(e) Volatile organic compounds content in emissions from fountain solution from non-heatset web offset lithographic printing shall not exceed five percent alcohol substitute (by weight) on-press (as-applied) and contain no alcohol in the fountain solution.

(f) An owner or operator of an individual web offset lithographic printing press dryer or letterpress-printing heatset press subject to this Rule that emits 25 or more tons per year potential emissions of volatile organic compounds shall:

(1) use an enforceable limitation on potential emissions to keep individual heatset press below 25 tons per year potential to emit volatile organic compounds (petroleum ink oil) threshold, which can be achieved by using inks and coatings that contain less than 31.25 tons per year volatile organic compound (petroleum ink oil) where 20 percent retention factor of petroleum ink oil applies, or by using

other methods established by permit conditions; or

- (2) use an add-on control system that meets one of the following requirements:

- (A) reduces volatile organic compounds emissions from each dryer by at least 90 percent volatile organic compounds emissions control efficiency established by procedures defined in Paragraph (h) of this Rule for a control device from heatset dryers at whose first installation date was prior to July 1, 2010, at facilities with potential to emit 100 tons or more of volatile organic compounds per year and May 1, 2013, at facilities with potential to emit less than 100 tons of volatile organic compounds per year; or
- (B) reduce volatile organic compounds emissions from each dryer by at least 95 percent volatile organic compounds emissions control efficiency established by procedures defined in Paragraph (h) of this Rule for a control device from heatset dryers whose first installation date was on or after July 1, 2010, at facilities with potential to emit 100 tons or more of volatile organic compounds per year and May 1, 2013, at facilities with potential to emit less than 100 tons of volatile organic compounds per year; or
- (C) maintain a maximum volatile organic compounds outlet concentration of 20 parts per million by volume (ppmv), as hexane (C₆H₁₄) on a dry basis.

(g) The control limits established in:

- (1) Paragraphs (c), (d), and (e), shall not be applied to any press with total fountain solution reservoir of less than one gallon; and
- (2) Paragraph (d) shall not be applied to sheet-fed presses with maximum sheet size 11x 17 inches or smaller; and
- (3) Paragraph (f)(2) shall not be applied to a heatset press used for book printing, or to a heatset press with maximum web width of 22 inches or less.

(h) If the owner or operator of a printing press is required by permit conditions to determine:

- (1) the volatile organic compounds content, the EPA test Method 24 or approved alternative methods shall be used;
- (2) the control efficiency by measuring volatile organic compounds at the control device inlet and outlet, the EPA test Methods 18, 25, 25A, or approved alternative methods shall be used.

(i) All test methods defined in Paragraph (h) of this Rule shall be conducted at typical operating conditions and flow rates.

(j) The owner or operator of any facility subject to this Rule shall demonstrate compliance with RACT applicability requirements by calculating volatile organic compounds emissions and keep records of the basis of the calculations required by the Rules .0605 and .0903 of this Subchapter. Volatile organic compounds emissions from offset lithographic printing and letterpress printing shall be determined by permit condition requirements or by using the following retention and capture efficiency factors:

- (1) the retention factors are:
 - (A) 20 percent for heatset petroleum ink oils;
 - (B) 100 percent for heatset vegetable ink oils;
 - (C) 95 percent for sheet-fed and coldset web petroleum ink oils;
 - (D) 100 percent for sheet-fed and coldset web vegetable ink oils.
- (2) the retention factor is 50 percent for low volatile organic compounds composite vapor pressure cleaning materials in shop towels where:
 - (A) volatile organic compounds composite vapor pressure of the cleaning material is less than 10 mm Hg at 20°C; and
 - (B) cleaning materials and used shop towels are kept in closed containers.
- (3) carryover (capture) factors of volatile organic compounds from automatic blanket wash and fountain solution to offset lithographic heatset dryers are:
 - (A) 40 percent VOC carryover (capture) factor for automatic blanket washing when the volatile organic compounds composite vapor pressure of the cleaning material is less than 10mm Hg at 20°C.
 - (B) 70 percent VOC carryover (capture) factor for alcohol substitutes in fountain solution.
- (4) capture efficiency for volatile organic compounds (petroleum ink oils) from oil-based paste inks and oil-based paste varnishes (coatings) in heatset web offset lithographic presses and heatset web letterpress presses shall be demonstrated by showing that the dryer is operating at negative pressure relative to the surrounding pressroom. As long as the dryer is operated at negative pressure, the capture efficiency for VOC from the heatset lithographic inks and varnishes (coatings) formulated with low volatility ink oils is 100 percent of the VOC (ink oils) volatilized in the dryer. Capture efficiency test is not required in this situation.

(k) Except as specified in this Paragraph, all cleaning materials used for cleaning a press, press parts, or to remove dried ink from areas around the press shall meet one of the following requirements:

- (1) the volatile organic compounds content shall be less than 70 percent by weight; or
- (2) composite partial vapor pressure of volatile organic compounds shall be less than 10 mm Hg at 20 degrees Celsius.
- (3) no more than 110 gallons per year of cleaning materials that do not meet the requirements of Subparagraph (1) or (2) of this Paragraph shall be used during any 12 consecutive months.

(l) The owner or operator of any facility subject to this Rule shall maintain the following records for a minimum of five years:

- (1) parametric monitoring for processes and control devices as determined and at the frequency specified in the permit or by Paragraph (f) of this Rule; and
- (2) the total amount of each individual or class of fountain solution and ink used monthly for the printing operations and the percentage of volatile organic compounds, alcohol, and alcohol substitute as applied in it; and
- (3) the total amount of each individual or class of cleaning solutions used monthly with vapor pressure and the percentage of volatile organic compounds as applied in it; and
- (4) the total amount of cleaning solutions used monthly with vapor pressure and the percentage of volatile organic compounds as applied which does not meet the vapor pressure or percentage of volatile organic compounds requirements of Paragraph (k) of this Rule; and
- (5) temperature of fountain solutions for lithographic printing presses using alcohol at the frequency specified in the permit; and
- (6) any other parameters required by the permit in accordance with the Rules .0903 and .0605 of this Subchapter.

(m) The owner or operator of any source subject to this Rule shall comply with Rules .0903 and .0958 of this Section.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. September 1, 2010;
Amended Eff. May 1, 2013.*

15A NCAC 02D .0962 INDUSTRIAL CLEANING SOLVENTS

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

- (1) "Organic solvent" means a liquid hydrocarbon, such as methyl ethyl ketone or toluene, used to dissolve paints, varnishes, grease, oil, or other hydrocarbons.
- (2) "Solvent cleaning" means the process of removing the excess penetrant from the

surface or a part by wiping, flushing, or spraying with a solvent for the penetrant.

- (3) "Wipe cleaning" means the method of cleaning that utilizes a material such as a rag wetted with a solvent, prior to a physical rubbing process to remove contaminants from surfaces.

(b) This Rule applies, with exemptions defined in Paragraphs (c) and (d) of this Rule, to sources whose volatile organic compound emissions exceed the threshold established in Paragraph (b) of Rule .0902 of this Section from the following cleaning operations:

- (1) spray gun cleaning;
- (2) spray booth cleaning;
- (3) large manufactured components cleaning;
- (4) parts cleaning;
- (5) equipment cleaning;
- (6) line cleaning;
- (7) floor cleaning;
- (8) tank cleaning; and
- (9) small manufactured components cleaning.

(c) Paragraph (e) of this Rule does not apply to any cleaning material used for cleaning operations covered by Rules .0918, .0919, .0921, .0923, .0924, .0930, .0934, .0935, .0936, .0961, .0963, .0964, .0965, .0966, .0967, and .0968 of this Section.

(d) Cleaning operations of portable or stationary mixing vats, high dispersion mills, grinding mills, tote tanks and roller mills for manufacturing of coating, ink, or adhesive shall apply one or more of the following methods:

- (1) use industrial cleaning solvents that either contains less than 1.67 pounds VOC per gallon or has an initial boiling point greater than 120 degrees Celsius, and where the initial boiling point exceeds the maximum operating temperature by at least 100 degrees Celsius. The industrial cleaning solvents shall be collected and stored in closed containers;
- (2) implement the following work practices:
 - (A) maintain the equipment being cleaned as leak free; and
 - (B) drain volatile organic compounds containing cleaning materials from the cleaned equipment upon completion of cleaning; and
 - (C) store or dispose of volatile organic compounds containing cleaning materials, including waste solvent, in a manner that will prevent evaporation into atmosphere; and
 - (D) store all volatile organic containing cleaning materials in closed containers;
- (3) collect and vent the emissions from equipment cleaning to an add-on control system as set forth in Paragraph (g) of this Rule; or
- (4) use organic solvents other than listed in Paragraph (d)(1) of this Rule if no more than 60 gallons of fresh solvent shall be used per month. Organic solvent that is reused or recycled either onsite or offsite for further use

in equipment cleaning or the manufacture of coating, ink, or adhesive shall not be included in this limit.

(e) Any cleaning material of the nine cleaning operations listed in Paragraph (b) of this Rule shall have:

- (1) volatile organic compounds content that does not exceed 0.42 pounds per gallon; or
- (2) composite vapor limit of eight millimeters of mercury (mmHg) at 20 degrees Celsius.

(f) EPA Method 24 (40 CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds content of coating materials used in industrial cleaning solvents operations unless the facility maintains records to document the volatile organic compounds content of coating materials from the manufacturer.

(g) Facilities which have chosen to use add-on control rather than to comply with the emission limits established in Paragraph (e) of this Rule shall install control equipment with 85 percent overall efficiency.

(h) The owner or operator of any facility subject to this Rule shall comply with the Rules .0903 and .0958 of this Section.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. September 1, 2010;
Amended Eff. May 1, 2013.*

15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) This Rule does not apply to facilities required to have a permit under Section .0500 of this Subchapter. This Rule applies only to permits issued under Section .0300 of this Subchapter.

(b) If a source is subject to any of the following rules, then the source is not exempted from permit requirements:

- (1) new source performance standards under Rule 15A NCAC 02D .0524 or 40 CFR Part 60, except when the following activities are eligible for exemption under Paragraph (c) of this Rule:
 - (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units;
 - (B) 40 CFR Part 60, Subparts K, Ka, or Kb, volatile organic liquid storage vessels;
 - (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;
 - (D) 40 CFR Part 60, Subpart JJJ, petroleum dry cleaners;
 - (E) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills;
 - (F) 40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion engines; or
 - (G) 40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion engines;

(2) national emission standards for hazardous air pollutants under Rule 15A NCAC 02D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities, which are eligible for exemption under Paragraph (c) of this Rule;

(3) prevention of significant deterioration under Rule 15A NCAC 02D .0530;

(4) new source review under Rule 15A NCAC 02D .0531 or .0532;

(5) sources of volatile organic compounds subject to the requirements of Section .0900, Volatile Organic Compounds, that are located in Mecklenburg County according to Rule 15A NCAC 02D .0902(f);

(6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under Rule 15A NCAC 02D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter;

(7) sources at facilities subject to Section .1100 of Subchapter 02D. (If a source qualifies for an exemption in Subparagraphs (a)(1) through (a)(24) of 15A NCAC 02Q .0702, or does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (c) of this Rule).

(c) The following activities do not require a permit or permit modification under Section .0300 of this Subchapter. The Director may require the owner or operator of these activities to register them under 15A NCAC 02D .0200:

- (1) categories of exempted activities:
 - (A) maintenance, upkeep, and replacement:
 - (i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;
 - (ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
 - (iii) use of office supplies, supplies to maintain copying

- equipment, or blueprint machines;
 - (iv) use of fire fighting equipment;
 - (v) paving parking lots; or
 - (vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (C) laboratory activities:
 - (i) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (ii) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (iii) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (iv) research and development laboratory activities provided the activity produces no commercial product or feedstock material;
- (D) storage tanks:
 - (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;
 - (ii) storage tanks used to store gasoline or ethanol-based fuels for which there are no applicable requirements except Stage I controls under 15A NCAC 02D .0928;
 - (iii) storage tanks used solely to store inorganic liquids; or
 - (iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;
- (E) combustion and heat transfer equipment:
 - (i) space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;
 - (ii) residential wood stoves, heaters, or fireplaces;
 - (iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;
- (F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;
- (G) gasoline distribution: gasoline service stations or gasoline dispensing facilities;
- (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;
- (I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:
 - (i) the portable solvent distillation system is not:
 - (I) owned by the facility, and
 - (II) operated at the facility for more than seven consecutive days; and

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| <p>(J) (ii) the material recycled is recycled at the site of origin;
processes:</p> <p> (i) electric motor burn-out ovens with secondary combustion chambers or afterburners;</p> <p> (ii) electric motor bake-on ovens;</p> <p> (iii) burn-off ovens for paint-line hangers with afterburners;</p> <p> (iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;</p> <p> (v) blade wood planers planing only green wood;</p> <p>(K) solid waste landfills: municipal solid waste landfills. This does not apply to flares and other sources of combustion at solid waste landfills; these flares and other combustion sources are required to be permitted under Section .0300 of this Subchapter unless they qualify for another exemption under this Paragraph;</p> <p>(L) miscellaneous:</p> <p> (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;</p> <p> (ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the Federal Clean Air Act (Generators are required to be permitted under Section .0300 of this Subchapter unless they qualify for another exemption under this Paragraph.);</p> <p> (iii) portable generators regulated by rules adopted under Title II of the Federal Clean Air Act;</p> <p> (iv) equipment used for the preparation of food for direct on-site human consumption;</p> <p> (v) a source whose emissions are regulated only under Section 112(r) or Title VI of the Federal Clean Air Act;</p> | <p>(vi) exit gases from in-line process analyzers;</p> <p>(vii) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;</p> <p>(viii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment (A unit used as or in conjunction with air pollution control equipment is required to be permitted under Section .0300 of this Subchapter unless it qualifies for another exemption under this Paragraph);</p> <p>(ix) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds (Equipment that emits volatile organic compounds is required to be permitted under Section .0300 of this Subchapter unless it qualifies for another exemption under this Paragraph);</p> <p>(x) equipment that does not emit any regulated air pollutants;</p> <p>(xi) facilities subject only to a requirement under 40 CFR Part 63 (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard; a control device used to meet a MACT or GACT emission standard is required to be permitted under Section .0300 of this Subchapter unless it qualifies for another exemption under this Paragraph);</p> <p>(xii) sources for which there are no applicable requirements;</p> |
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- (xiii) animal operations not required to have control technology under Section .1800 of the Subchapter 02D (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter).
 - (2) categories of exempted size or production rate:
 - (A) storage tanks:
 - (i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or
 - (ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;
 - (B) combustion and heat transfer equipment:
 - (i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed with natural gas or liquefied petroleum gas with a heat input of less than:
 - (I) 10 million Btu per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or
 - (II) 30 million Btu per hour for which construction, modification, or reconstruction commenced before June 10, 1989;
- Internal combustion engines are required to be permitted under Section .0300 of this Subchapter unless they qualify for another exemption under this Paragraph;
- (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million Btu per hour (Internal combustion engines are required to be permitted under Section .0300 of this Subchapter unless they qualify for another exemption under this Paragraph);
 - (iii) space heaters burning waste oil if:
 - (I) the heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;
 - (II) the heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and
 - (III) the combustion gases from the heater are vented to the ambient air;
 - (iv) fuel combustion equipment with a heat input rating less than 10 million Btu per hour that is used solely for space heating except:
 - (I) space heaters burning waste oil; or
 - (II) internal combustion engines;
 - (v) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the Federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:
 - (I) 680 kilowatts (electric) or 1000 horsepower for

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| | natural gas-fired engines; | (i) | graphic arts operations, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices), and solvent cleaning operations located at a facility whose facility-wide actual emissions of volatile organic compounds are less than five tons per year (Graphic arts operations, coating operations, and solvent cleaning operations are defined in Rule 15A NCAC 02Q .0803); |
| | (II) 1800 kilowatts (electric) or 2510 horsepower for liquefied petroleum gas-fired engines; | | |
| | (III) 590 kilowatts (electric) or 900 horsepower for diesel-fired or kerosene-fired engines; or | | |
| | (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines; | | |
| | (Self-propelled vehicles with internal combustion engines are exempted under Subpart (1)(c)(L)(i) of this Paragraph.) | (ii) | sawmills that saw no more than 2,000,000 board feet per year, provided only green wood is sawed; |
| (vi) | portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the Federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation. Self-propelled vehicles with internal combustion engines are exempted under Subpart (1)(c)(L)(i) of this Paragraph; | (iii) | perchloroethylene dry cleaners that emit less than 13,000 pounds of perchloroethylene per year; |
| | | (iv) | electrostatic dry powder coating operations with filters or powder recovery systems, including electrostatic dry powder coating operations equipped with curing ovens with a heat input of less than 10,000,000 Btu per hour; |
| | | (E) | miscellaneous: |
| | | (i) | any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, such as potential uncontrolled emissions, would each be no more than five tons per year and whose potential emissions of hazardous air pollutants would be below their lesser quantity cutoff except: |
| (C) | gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons; | (I) | storage tanks; |
| (D) | processes: | | |

- (II) fuel combustion equipment;
 - (III) space heaters burning waste oil;
 - (IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines;
 - (V) bulk gasoline plants;
 - (VI) printing, paint spray booths, or other painting or coating operations;
 - (VII) sawmills;
 - (VIII) perchloroethylene dry cleaners; or
 - (IX) electrostatic dry powder coating operations, provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit. A source identified in Sub-subpart (I) through (IX) of this Part is required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this Paragraph;
- (ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, such as uncontrolled emissions, would each be less than five tons per year, whose potential emissions of all hazardous air pollutants would be below their lesser quantity cutoff emission rate, and none of whose sources would violate an applicable emissions standard;
 - (iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or
 - (iv) any incinerator covered under Subparagraph (c)(4) of Rule 15A NCAC 02D .1201;
- (F) case-by-case exemption: activities that the applicant demonstrates to the satisfaction of the Director:
- (i) to be negligible in their air quality impacts;
 - (ii) not to have any air pollution control device; and
 - (iii) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater.
- (d) An activity that is exempt from the permit or permit modification process is not exempted from other applicable requirements. The owner or operator of the source is not exempt from demonstrating compliance with any applicable requirement.
- (e) Emissions from stationary source activities identified in Paragraph (c) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 02D .1100 or 02Q .0700 according to Rule 15A NCAC 02Q .0702 (exemptions from air toxic permitting).
- (f) The owner or operator of a facility or source claiming an exemption under Paragraph (c) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.
- (g) If the Director finds that an activity exempted under Paragraph (c) of this Rule is in violation of or has violated a rule in 15A NCAC 02D, he shall revoke the permit exemption for that activity and require that activity to be permitted under this Subchapter if necessary to obtain or maintain compliance.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000.

15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS

(a) It is unlawful for a fish dealer:

- (1) To fail to complete accurately and legibly all mandatory items on the North Carolina trip ticket for each transaction and submit the trip ticket in accordance with G.S. 113-168.2;
- (2) To fail to provide to the Division a Trip Ticket Submittal/Transaction form indicating the number of transactions that occurred during the previous month;
- (3) To fail to make paper copies of trip tickets available at the dealer location for inspection by Marine Patrol inspectors;
- (4) To fail to submit trip tickets to the Division via electronic file transfer if that dealer reported an annual average of greater than 50,000 pounds of finfish for the previous three calendar years. Dealers subject to the electronic reporting requirement shall be notified by the Division via certified mail and within 120 days of receipt shall:
 - (A) Initiate electronic file transfer of trip tickets; and
 - (B) Continue to report by electronic file transfer until the dealer no longer holds a fish dealer license with finfish or consolidated categories;
- (5) To fail to use software or web-based utilities authorized by the Division when reporting electronically. Electronic submittals shall meet all other recordkeeping requirements in accordance with G.S. 113-168.2; and
- (6) To fail to keep all trip tickets and all supporting documentation for each transaction including receipts, checks, bills of lading, records, electronic files and accounts for a period of not less than three years.

(b) It is unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer, at the time of transaction, the following:

- (1) A current and valid license or permit to sell the type of fish being offered and if a vessel is

used, the commercial fishing vessel registration; and

- (2) Complete and accurate information on harvest method and area of catch and other information required by the Division, in accordance with G.S. 113-168.2 and 113-169.3.

(c) It is unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of lading, or other shipping documentation provided by the shipping dealer showing thereon the name of the consignee, name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. In the event the fisherman taking the fish is also a dealer and ships from the point of landing, all shipping records shall be recorded at the point of landing. Fishermen who transport their fish directly to dealers are exempt from this Paragraph of this Rule.

(d) It is unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina licensed fish dealer completing all the record keeping requirements in G.S. 113-168.2(i).

(e) It is unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for inspection by Marine Patrol inspectors or other agent of the Fisheries Director written documentation of purchase showing thereon the name of the licensed dealer, name of the purchaser, date of the purchase, and the quantity of each species purchased.

(f) It is unlawful for a holder of a Fish Dealer's License to have fish in possession at a licensed location without written documentation from a licensed fish dealer or a completed North Carolina Marine Fisheries Trip Ticket to show the quantity and origin of all fish.

History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 143B-289.52;

Eff. March 1, 1994;

Recodified from 15A NCAC 3I .0014 Eff. December 17, 1996;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. June 1, 2013; August 1, 2000.

15A NCAC 03J .0209 ALBEMARLE SOUND/CHOWAN RIVER HERRING MANAGEMENT AREAS

(a) The Albemarle Sound Herring Management Area is defined as Albemarle Sound and all its joint water tributaries; Currituck Sound; Roanoke and Croatan sounds and all their joint water tributaries, including Oregon Inlet, north of a line beginning on the west shore at a point 35° 48.5015' N – 75° 44.1228' W on Roanoke Marshes Point; running southeasterly to the east shore to a point 35° 44.1710' N – 75° 31.0520' W on the north point of Eagles Nest Bay.

(b) The Chowan River Herring Management Area is defined as that area northwest of a line beginning on the west shore at a point 35° 59.9267' N – 76° 41.0313' W on Black Walnut Point; running northeasterly to the east shore to a point 36° 02.2140' N – 76° 39.3240' W on Reedy Point, to the North Carolina/Virginia state line; including the Meherrin River.

(c) It is unlawful to use drift gill nets in the Albemarle Sound and Chowan River river herring management areas with a mesh length less than three inches from January 1 through May 15.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Temporary Adoption Eff. May 1, 2000;

Eff. April 1, 2001;

Amended Eff. June 1, 2013; December 1, 2007.

15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS

It is unlawful to:

- (1) Possess more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303(e) and (f).
- (2) Take or possess shrimp from areas closed to the taking of shrimp except two quarts of shrimp per person per day may be taken while fishing in a closed area with a cast net.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. April 1, 2009;

Amended Eff. June 1, 2013.

15A NCAC 03M .0201 GENERAL

(a) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint fishing waters.

(b) It is unlawful to possess striped bass imported from other states less than 18 inches long (total length).

(c) It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:

- (1) open striped bass season established for internal coastal waters;
- (2) open striped bass season established for the Atlantic Ocean; or
- (3) open striped bass season of another state without possession of the following:
 - (A) A bill of lading as described in 15A NCAC 03I .0114; and
 - (B) A numbered, state-issued tag from the State of origin affixed through the mouth and gill cover. This tag must remain affixed until processed for consumption by the consumer.

(d) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. March 1, 1994; September 1, 1991;

Temporary Amendment Eff. May 1, 2000;

Amended Eff. June 1, 2013; October 1, 2008; October 1, 2004;

April 1, 2001.

15A NCAC 03M .0202 SEASON, SIZE AND HARVEST LIMIT: INTERNAL COASTAL WATERS

(a) It is unlawful to possess striped bass from the coastal fishing waters of the Cape Fear River and its tributaries.

(b) It is unlawful to possess striped bass from the Roanoke River Management Area in a commercial fishing operation.

(c) The Fisheries Director may, by proclamation impose any or all the following restrictions on the taking of striped bass in a commercial fishing operation or for recreational purposes in internal coastal waters during the period from October 1 through April 30:

- (1) Specify fishing days and times;
- (2) Specify areas;
- (3) Specify quantity, except possession for recreational purposes shall not exceed:
 - (A) more than three fish in any one day in the Albemarle Sound Management Area as designated in Rule 15A NCAC 03R .0201; and
 - (B) more than two fish in any one day in the joint and coastal fishing waters of the Central Southern Management Area as designated in Rule 15A NCAC 03R .0201;
- (4) Specify means and methods; and
- (5) Specify size, but the minimum size specified shall not be less than 18 inches total length.

Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters from which taken regardless of condition.

History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. March 1, 1996; November 1, 1991;

Temporary Amendment Eff. September 1, 1996;

Amended Eff. April 1, 1997;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. June 1, 2013; July 1, 2008; August 1, 2000.

15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

- (1) Beaufort County:
 - (a) Pamlico - Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701' W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W.
 - (i) All Manmade tributaries - All manmade tributaries within Pamlico - Tar River in Beaufort County are designated as Joint.

- (b) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
- (i) Flax Pond Bay - All waters within this waterbody are designated as Coastal.
- (ii) Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' N - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.
- (iii) Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.
- (iv) George Best Creek - All waters within this waterbody are designated as Coastal.
- (v) Toms Creek - All waters within this waterbody are designated as Coastal.
- (vi) Pantego Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 31.9908' N - 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.6628' N - 76° 36.9840' W; running southwesterly to a point on the south shore 35° 31.5653' N - 76° 37.3832' W.
- (vii) Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.
- (A) Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' N - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.
- (B) Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.
- (C) Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 30.2844' N - 76° 40.2941' W; running southerly to a point on the south shore 35° 30.1982' N - 76° 40.2621' W.
- (viii) Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N - 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W.
- (ix) Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W; following the eastern

- shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W.
- (x) Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W.
- (xi) Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W.
- (c) North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W.
- (d) St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W; running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W.
- (e) Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W.
- (f) Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W.
- (g) Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W.
- (h) Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W.
- (i) Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W.
- (j) Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W.
- (k) Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to a point on the east shore 35° 32.1340' N - 77° 02.3438' W.
- (l) Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W.
- (m) Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.

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| <p>(o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.</p> <p>(p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.</p> <p>(q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.</p> <p>(r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.</p> <p>(s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.5817' N - 76° 44.8727' W; running easterly to a point on the east shore 35° 22.5782' N - 76° 44.8594' W.</p> <p>(t) Huddy Gut - All waters within this waterbody are designated as Coastal.</p> <p>(u) South Creek - Inland Waters south and Coast Waters north of a line beginning at a point on the west shore 35° 18.9589' N - 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N - 76° 47.3007' W.</p> <p>(i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.</p> <p>(ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running</p> | <p>easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.</p> <p>(iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.</p> <p>(iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.</p> <p>(v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.</p> <p>(vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.</p> <p>(vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.</p> <p>(viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.3050' N - 76° 44.3444' W; running northeasterly to a point on the east shore 35° 20.4185' N - 76° 43.8949' W.</p> <p>(ix) Bond Creek - Inland Waters south and Coastal Waters</p> |
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- north of a line beginning at a point on the west shore 35° 20.4231' N - 76° 42.0469' W; running southeasterly to a point on the east shore 35° 20.2539' N - 76° 41.8254' W.
- (x) Muddy Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.1523' N - 76° 41.2074' W; running northeasterly to a point on the east shore 35° 20.2413' N - 76° 41.0572' W.
- (v) Davis Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.7032' N - 76° 40.3404' W; running easterly to a point on the east shore 35° 20.7112' N - 76° 40.1637' W.
- (w) Strawhorn Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 20.4091' N - 76° 39.0998' W; running northeasterly to a point on the east shore 35° 20.4750' N - 76° 38.8874' W.
- (x) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
- (i) Lower Spring Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.7932' N - 76° 37.5347' W; running southerly to a point on the south shore 35° 19.4670' N - 76° 37.4134' W.
- (ii) Peterson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 18.7722' N - 76° 37.5059' W; running northeasterly to a point on the east shore 35° 18.8406' N - 76° 37.4111' W.
- (iii) Snode Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 18.2787' N - 76° 37.4679' W; running southwesterly to a point on the south shore 35° 18.0821' N - 76° 37.5544' W.
- (iv) Campbell Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 17.1203' N - 76° 37.9248' W; running southerly to a point on the south shore 35° 16.8807' N - 76° 37.9101' W.
- (A) Smith Creek - All waters within this waterbody are designated as Inland.
- (v) Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W.
- (2) Bertie County:
- (a) Albemarle Sound - All waters in this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody for Bertie County are designated as Joint.
- (ii) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
- (A) Sandy Run (Norfleet Gut) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.1119' N - 77° 17.5396' W; running northeasterly to a point on the east shore 36° 10.1172' N - 77° 17.5316' W.
- (B) Quinine - Inland Waters north and

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| | Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W. | | shore 35° 56.6397' N - 77° 04.3066' W. |
| (C) | Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W. | (G) | Conine Creek - All waters in this waterbody are designated as Joint. |
| (D) | Apple Tree Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 00.4174' N - 77° 12.3252' W; running southeasterly to a point on the south shore 36° 00.3987' N - 77° 12.3088' W. | (H) | Old Mill Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 53.9483' N - 76° 55.3921' W; running southeasterly to a point on the east shore 35° 53.9378' N - 76° 55.3710' W. |
| (E) | Indian Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 59.0794' N - 77° 11.4926' W; running southerly to a point on the south shore 35° 59.0597' N - 77° 11.4967' W. | (I) | Cut Cypress Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 35° 51.9465' N - 76° 53.5762' W; running southeasterly to a point on the south shore 35° 51.9229' N - 76° 53.5556' W. |
| (F) | Coniott Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.6562' N - 77° 04.2860' W; running southwesterly to a point on the south | (J) | Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 52.5191' N - 76° 50.4235' W; running southerly to a point on the south shore 35° 52.4262' N - 76° 50.3791' W. |
| | | (K) | Thorofare - All waters within this waterbody are designated as Joint. |
| | | (iii) | Cashie River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 54.7865' N - 76° 49.0521' W; running southerly to a point on the south shore 35° 54.6691' N - 76° 49.0553' W. Joint Waters south and west and |

Coastal Waters north and east of a line beginning at a point on the west shore 35° 56.2934' N - 76° 44.1769' W; running easterly to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the south shore of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to a point on the south shore 35° 56.0650' N - 76° 43.9599' W.

(A) Cashoke Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.2934' N - 76° 44.1769' W; running southwesterly to a point on the south shore 35° 56.2623' N - 76° 44.1993' W.

(B) Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.0568' N - 76° 45.2632' W; running easterly to a point on the east shore 35° 55.0543' N - 76° 45.1309' W.

(C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.

(iv) Middle River - All waters within this waterbody are designated Joint.

(v) Eastmost River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.5024' N - 76° 42.4877' W; running westerly to a point on the east shore 35° 56.4070' N - 76° 42.7647' W.

(vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.

(b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.

(c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.

(d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.

(i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.

(ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.

- (iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County:
 - (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
 - (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County:
 - (a) Calabash River And Tributaries - All waters within this waterbody in Brunswick County are designated as Coastal.
 - (b) Saucepan Creek - All waters within this waterbody are designated as Coastal.
 - (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
 - (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
 - (ii) Squash Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Mill Pond - All waters within this waterbody are designated as Coastal.
 - (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
- (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
- (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
- (d) Lockwood Folly River- Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
 - (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
 - (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
 - (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Lennons Creek - All waters within this waterbody are designated as Coastal.
 - (vii) Mercers Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.
- (e) Elizabeth River - All waters within this waterbody are designated as Coastal.
 - (i) Ash Creek - All waters within this waterbody are designated as Coastal.
- (f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.
- (g) Dutchman Creek - All waters within this waterbody are designated as Coastal.

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| <ul style="list-style-type: none"> (i) Calf Gully Creek - All waters within this waterbody are designated as Coastal. (ii) Jumpin Run - All waters within this waterbody are designated as Coastal. (iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal. | <ul style="list-style-type: none"> (vii) Mallory Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 09.9868' N - 77° 58.2023' W; running southerly to a point on the south shore 34° 09.9618' N - 77° 58.2133' W. |
| <ul style="list-style-type: none"> (h) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W. | <ul style="list-style-type: none"> (viii) Brunswick River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 34° 10.7281' N - 77° 57.7793' W; running northeasterly to a point on the north shore 34° 10.9581' N - 77° 57.6452' W. |
| <ul style="list-style-type: none"> (i) Carolina Power And Light Intake Canal - All waters within this waterbody are designated as Coastal. (ii) Walden Creek - All waters within this waterbody are designated as Coastal. (iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W. (iv) Lilliput Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W. (v) Sandhill Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W. (vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 07.7492' N - 77° 57.3445' W; running southerly to a point on the south shore 34° | <ul style="list-style-type: none"> (A) Alligator Creek - For the southernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 13.5040' N - 77° 58.6331' W; running northwesterly to a point on the north shore 34° 13.5472' N - 77° 58.6628' W. For the northernmost entrance into the Brunswick River: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 14.4300' N - 77° 59.2346' W; running northerly to a point on the north shore 34° 14.4618' N - 77° 59.2300' W. (B) Jackeys Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the south shore 34° 11.9400' N - |

- 77° 58.5859' W;
running northerly to
a point on the north
shore 34° 11.9565'
N - 77° 58.5859' W.
- (C) Sturgeon Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
34° 14.6761' N -
77° 59.4145' W;
running southerly
to a point on the
south shore 34°
14.6404' N - 77°
59.4058' W.
- (ix) Cartwheel Creek - Inland
Waters west and Joint
Waters east of a line
beginning at a point on the
north shore 34° 15.7781' N -
77° 59.3852' W; running
southerly to a point on the
south shore 34° 15.7564' N -
77° 59.3898' W.
- (x) Indian Creek - Inland Waters
west and Joint Waters east of
a line beginning at a point on
the north shore 34° 17.0441'
N - 78° 00.3662' W; running
southwesterly to a point on
the south shore 34° 17.0006'
N - 78° 00.3977' W.
- (xi) Hood Creek - Inland Waters
west and Joint Waters east of
a line beginning at a point on
the north shore 34° 20.3713'
N - 78° 04.7492' W; running
southwesterly to a point on
the south shore 34° 20.3393'
N - 78° 04.7373' W.
- (xii) Northwest Creek - All
waters within this waterbody
are designated as Inland.
- (5) Camden County:
- (a) Albemarle Sound - All waters within
this waterbody are designated
Coastal.
- (i) All Manmade Tributaries -
All waters within this
waterbody are designated as
Joint.
- (ii) Pasquotank River - Inland
Waters north and Joint
Waters south of a line
beginning at a point on the
west shore 36° 18.0768' N -
- 76° 13.0979' W; running
easterly along the south side
of the Highway 158 Bridge
to a point on the east shore
36° 18.0594' N - 76°
12.9620' W. Joint Waters
west and Coastal Waters east
of a line beginning at a point
on the north shore 36°
11.4282' N - 76° 01.2876'
W; running southwesterly to
a point on the south shore
36° 08.7563' N - 76°
03.6991' W.
- (A) Raymond Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 14.0746' N -
76° 03.3952' W;
running easterly to
a point on the east
shore 36° 14.0711'
N - 76° 03.3668' W.
- (B) Portohonk Creek -
Inland Waters
northeast and Joint
Waters southwest
of a line beginning
at a point on the
west shore 36°
15.0519' N - 76°
05.2793' W;
running
southeasterly to a
point on the east
shore 36° 15.0391'
N - 76° 05.2532' W.
- (C) Areneuse Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 17.3133' N -
76° 08.1655' W;
running
southeasterly to a
point on the east
shore 36° 17.1328'
N - 76° 07.6269' W.
- (iii) North River - Inland Waters
west and Joint Waters east of
a line beginning at a point on
the north shore 36° 18.7703'
N - 75° 58.7384' W; running
southerly to a point on the

south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.

- (A) Wading Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 10.6054' N - 75° 55.9529' W; running southeasterly to a point on the east shore 36° 10.5777' N - 75° 55.8654' W.
- (B) Little Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 11.6530' N - 75° 57.2035' W; running southeasterly to a point on the east shore 36° 11.5587' N - 75° 56.9160' W.
- (C) Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2197' N - 75° 57.2685' W; running southerly to a point on the south shore 36° 11.6766' N - 75° 57.2254' W.
- (D) Hunting Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 15.0480' N - 75° 57.5820' W; running southeasterly to a

- (E) point on the south shore 36° 14.9308' N - 75° 57.4635' W. Abel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9530' N - 75° 58.0348' W; running southerly to a point on the south shore 36° 15.8553' N - 75° 58.0842' W.
- (F) Back Landing Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 36° 16.4746' N - 76° 07.6377' W; running southwesterly to a point on the south shore 36° 16.2030' N - 76° 57.8897' W.
- (G) Public Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.2462' N - 75° 58.2774' W; running southerly to a point on the south shore 36° 17.2121' N - 75° 58.2788' W.
- (H) Cow Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 17.8667' N - 75° 58.3483' W; running southerly to a point on the marsh island 36° 17.7600' N - 75° 58.3300' W; running southerly following the eastern shoreline of the island to a point 36° 17.7122' N -

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| | | 75° 58.3273' W;
running
southwesterly to a
point on the south
shore 36° 17.6522'
N - 75° 58.3543' W. | (I) | Great Creek -
Mouth: Inland
Waters west and
Joint Waters east of
a line beginning at
a point on the north
shore 36° 18.1045'
N - 75° 58.4289'
W;
running
southerly to a point
on the south shore
36° 17 9882' N -
75° 58.4458' W. On
north shore of Great
Creek within the
fourth tributary:
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
36° 18.1729' N -
75° 58.9137' W;
running
southeasterly to a
point on the south
shore 36° 18.1640'
N - 75° 58.9022' W. | | (iii) | South River - Inland Waters
south and Coastal Waters
north of a line beginning at a
point on the west shore 34°
53.5068' N - 76° 31.1233'
W; running northeasterly to
a point on the east shore 34°
53.4494' N - 76° 31.3032'
W. | |
| | | | | (J) | Indiantown Creek -
All waters within
this waterbody are
designated as
Inland. | | (A) | Big Creek - All
waters in this
waterbody are
designated as
Coastal. |
| | | | | | | | (B) | Southwest Creek -
All waters in this
waterbody are
designated as
Coastal. |
| | | | | | | | (C) | West Fork - All
waters in this
waterbody are
designated as
Inland. |
| | | | | | | | (D) | East Creek - All
waters in this
waterbody are
designated as
Inland. |
| | | | | | | | (E) | Eastman Creek -
All waters in this
waterbody are
designated as
Coastal. |
| | | | | | | (iv) | | Browns Creek - All waters
in this waterbody are
designated as Coastal. |
| (6) | Carteret County: | | | | | (b) | | North River - All waters in this
waterbody are designated as Coastal. |
| | (a) | Neuse River - All waters in this
waterbody are designated as Coastal. | | | | (i) | | Panther Cat Creek - All
waters in this waterbody are
designated as Coastal. |
| | (i) | Adams Creek - All waters in
this waterbody are
designated as Coastal. | | | | (ii) | | Cypress Creek - All waters
in this waterbody are
designated as Coastal. |
| | (A) | Back (Black) Creek
- All waters in this
waterbody are
designated as
Coastal. | | | | (c) | | Newport River - Inland Waters west
and Coastal Waters east of a line
beginning at a point on the north
shore 34° 45.2478' N - 76° 46.4479'
W; running southerly to a point on
the south shore 34° 45.1840' N - 76°
46.4488' W. |
| | (B) | Cedar Creek - All
waters in this
waterbody are
designated as
Coastal. | | | | (i) | | Core Creek - All waters in
this waterbody are
designated as Coastal. |
| | (ii) | Garbacon Creek - All waters
in this waterbody are
designated as Coastal. | | | | (ii) | | Harlowe Creek - All waters
in this waterbody are
designated as Coastal. |

- (iii) Bogue Sound And Tributaries - All waters in this waterbody are designated as Coastal.
- (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
 - (i) Pettiford Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
 - (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
 - (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
 - (iv) Neds Creek - All waters in this waterbody are designated as Coastal.
 - (v) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (7) Chowan County:
 - (a) Albemarle Sound - All waters within this waterbody in Chowan County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
- (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
- (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
- (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
- (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
 - (A) Rocky Hock Creek - Inland Waters east and Joint Waters west of a line beginning on the west shore at a point 36° 06.5662' N - 76° 41.3108' W; running southeasterly to a

- point on the east shore at 36° 06.6406' N - 76° 41.4512' W.
- (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
- (C) Stumpy Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W; running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.
- (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (8) Columbus County:
- (a) Cape Fear River - All waters within this waterbody of Columbus County are designated as Joint.
- (i) Livingston Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N - 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N - 78° 12.0018' W.
- (ii) Waymans Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N - 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N - 78° 14.5236' W.
- (9) Craven County:
- (a) Neuse River - Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.
- (i) Adams Creek - All waters in this waterbody are designated as Coastal.
- (A) Back Creek - All waters in this waterbody are designated as Coastal.
- (ii) Courts Creek - Inland Waters east Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.
- (iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.
- (iv) Clubfoot Creek - All waters in this waterbody are designated as Coastal.
- (A) Gulden Creek - All waters in this waterbody are designated as Coastal.

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| <p>(B) Mitchell Creek - All waters in this waterbody are designated as Coastal.</p> <p>(C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the south shore 34° 51.7799' N - 76° 45.8184' W.</p> <p>(v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the south shore at 34° 56.2731' N - 76° 51.3034' W.</p> <p>(vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.</p> <p>(vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.</p> <p>(viii) Trent River - Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters west and Coastal Waters east of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N -</p> | <p>77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.</p> <p>(A) Brice Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.</p> <p>(ix) Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.</p> <p>(x) Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the south shore 35° 08.9085' N - 77° 04.7172' W.</p> <p>(xi) Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.</p> <p>(xii) Greens Thoroughfare - Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W. Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore</p> |
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- 35° 14.1481' N - 77° 11.5036' W.
- (xiii) Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.
- (xiv) Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on the east shore 35° 15.6534' N - 77° 14.6470' W.
- (xv) Pitch Kettle Creek - All waters within this waterbody are designated as Inland.
- (xvi) Taylors Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.
- (xvii) Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.
- (xviii) Stumpy Creek - Southern entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W. Northern entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.
- (xix) Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.5972' N - 77° 06.0562' W; running easterly to a point on the east shore 35° 11.5816' N - 77° 05.9861' W.
- (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on the south shore 35° 08.4711' N - 77° 02.3176' W.
- (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
- (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
- (xxiii) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running

- easterly along the Tideland
EMC power lines to a point
on the east shore at 35°
04.4705' N - 76° 56.2115'
W.
- (10) Currituck County:
- (a) Albemarle Sound - All waters within
Albemarle Sound in Currituck
County are designated as Coastal.
- (i) All Manmade Tributaries -
All Manmade Tributaries to
Albemarle Sound in
Currituck County are
designated as Joint.
- (ii) North River - Inland Waters
west and Joint Waters east of
a line beginning at a point on
the north shore 36° 18.7703'
N - 75° 58.7384' W; running
southerly to a point on the
south shore 36° 18.4130' N -
75° 58.7228' W. Joint
Waters north and Coastal
Waters south of a line
beginning on the west shore
36° 09.8986' N - 75°
54.6771' W; running easterly
to a point on the east shore
36° 10.0108' N - 75°
52.0431' W.
- (A) Duck Creek -
Inland Waters
northeast and Joint
Waters southwest
of a line beginning
at a point on the
west shore 36°
12.4056' N - 75°
54.2967' W;
running
southeasterly to a
point on the east
shore 36° 12.1865'
N - 75° 54.0298' W.
- (B) Barnett Creek -
Inland Waters
northeast and Joint
Waters southwest
of line beginning at
a point on the north
shore 36° 14.2405'
N - 75° 55.0112'
W; running
southeasterly to a
point on the south
shore 36° 14.0956'
N - 75° 54.9774' W.
- (C) Lutz Creek - Inland
Waters northeast
- and Joint Waters
southwest of a line
beginning at a point
on the north shore
36° 14.7397' N -
75° 55.4914' W;
running
southeasterly to a
point on the east
shore 36° 14.4948'
N - 75° 55.1989' W.
- (D) Goose Pond -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 15.5152' N -
75° 57.0936' W;
running easterly to
a point on the east
shore 36° 15.4016'
N - 75° 56.7842' W.
Also south of a line
beginning at a point
on the west shore
36° 16.0334' N -
75° 57.1018' W;
running easterly to
a point on the east
shore 36° 16.0301'
N - 75° 57.0629' W.
- (E) Deep Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
36° 17.1576' N -
75° 56.7594' W;
running southerly
to a point on the
south shore 36°
16.9846' N - 75°
56.6802' W.
- (F) Narrow Ridges
Creek - Inland
Waters east and
Joint Waters west
of a line beginning
at a point on the
north shore 36°
18.3249' N - 75°
57.8910' W;
running southerly
to a point on the
south shore 36°
18.1388' N - 75°
57.9029' W.

- (G) Bump Landing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 19.3757' N - 75° 57.9057' W; running southerly to a point on the south shore 36° 19.2496' N - 75° 57.9107' W.
- (H) Taylor Bay - All waters within Taylor Bay are designated Joint.
- (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within the IWW are designated Joint.
- (J) Indiantown Creek - All waters within this waterbody are designated Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
 - (iii) Nelson (Nells) Creek - Northern entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.5806' N - 75° 52.1168' W; running northeasterly to a point on the east shore 36° 16.6410' N - 75° 51.9580' W. Southern entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 15.9816' N - 75° 51.7245' W; running southerly to a point on the south shore 36° 15.8640' N - 75° 51.6897' W.
- (iv) Hog Quarter Creek - Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.7400' N - 75° 48.6254' W; running southerly to a point on the south shore 36° 07.7210' N - 75° 48.6135' W. Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.4118' N - 75° 48.4986' W; running southerly to a point on the south shore 36° 07.3532' N - 75° 48.5110' W.
- (v) Parkers Creek - Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore 36° 22.1079' N - 75° 55.5459' W; running northeasterly to a point on the east shore 36° 22.1607' N - 75° 55.4512' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.3928' N - 75° 55.6970' W; running northeasterly to a point on the east shore 36° 22.4011' N - 75° 55.6782' W.
- (vi) North Landing River - All waters in this waterbody are designated as Joint.
 - (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore of 36° 30.8374' N - 76° 04.8770' W; running southerly to a point on the south shore 36° 30.7061' N - 76° 04.8916' W.
 - (I) Gibbs Canal - Inland Waters

- | | | | |
|------|--|-------------------|--|
| | west and
Joint
Waters
east of a
line
beginning
at a point
on the
north
shore 36°
32.2322' N
- 76°
01.8923'
W;
running
southerly
to a point
on the
south
shore 36°
32.1997' N
- 76°
01.8937'
W. | | running easterly to
a point on the east
shore 36° 31.0045'
N - 76° 02.3780' W. |
| (II) | Tull Creek
- Inland
Waters
southwest
and Joint
Waters
northeast
of a line
beginning
at a point
on the
north
shore 36°
30.0991' N
- 76°
04.8587'
W;
running
southeasterly
to a point
on the south
shore 36°
29.9599' N
- 76°
04.7126'
W. | (11) Dare County: | |
| | | (a) | Alligator River - Coastal Waters
north and Joint Waters south of a line
beginning at a point on the west shore
35° 54.2903' N - 76° 01.6818' W;
running along the south side of the
US 64 bridge to a point on the east
shore 35° 53.6835' N - 75° 58.8578'
W. |
| | | (i) | Whipping Creek - Inland
Waters east and Joint Waters
west of a line beginning at a
point on the north shore 35°
41.3930' N - 76° 00.2481'
W; running southerly to a
point on the south shore 35°
41.3717' N - 76° 00.2554'
W. |
| | | (ii) | Swan Creek and Lake -
Inland Waters east and Joint
Waters west of a line
beginning at a point on the
north shore 35° 40.2674' N -
76° 00.7360' W; running
southerly to a point on the
south shore 35° 40.2420' N -
76° 00.7548' W. |
| | | (iii) | Milltail Creek - Inland
Waters east and Joint Waters
west of a line beginning at a
point on the north shore 35°
50.5192' N - 75° 58.6134'
W; running southerly to a
point on the south shore 35°
50.4956' N - 75° 58.6158'
W. |
| | | (iv) | Laurel Bay Lake (Creek) -
Inland Waters east and Joint
Waters west of a line
beginning at a point on the
north shore 35° 52.4036' N -
75° 58.8560' W; running
southerly to a point on the
south shore 35° 52.3960' N -
75° 58.8528' W. |
| (B) | West Landing -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 30.9867' N -
76° 02.5868' W; | (v) | East Lake - Coastal Waters
west and Inland Waters east
of a line beginning at a point
on the north shore 35°
56.1676' N - 75° 55.2603'
W; running southerly to a
point on the south shore 35°
55.4727' N - 75° 55.5043'
W. Joint Waters north and
Inland Waters south of a line |

- beginning at a point on the west shore 35° 58.6402' N - 75° 52.1855' W; running easterly to a point on the east shore 35° 58.5887' N - 75° 51.7080' W.
- (b) Albemarle Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries in Dare County for this waterbody are designated as Joint.
- (ii) Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.
- (iii) Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.
- (iv) Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.
- (v) Collington Harbor - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.
- (c) Croatan Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (ii) Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.
- (iii) Calahan Creek (Callaghan Creek) - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on the south shore 35° 51.0953' N - 75° 45.1629' W.
- (d) Roanoke Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Buzzard Bay - Joint Waters north and Coastal Waters

- south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.
- (e) Pamlico Sound - All waters in this waterbody in Dare County are designated as Coastal.
- (i) Stumpy Point Bay - All waters in this waterbody are designated as Coastal.
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W
- (A) All Manmade Tributaries - All waters in this waterbody are designated as Joint.
- (B) Pains Bay - All waters in this waterbody are designated as Coastal.
- (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.
- (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
- (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
- (i) All Manmade Tributaries - All manmade tributaries are designated as Joint.
- (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County:
- (a) Chowan River - All waters within this waterbody for Gates County are designated as Joint.
- (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.

- (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
 - (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W.
 - (v) Shingle (Island) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the north shore of the westernmost entrance into Chowan River 36° 21.8449' N - 76° 48.0940' W; running southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W. At the easternmost entrance to the creek: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
 - (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
 - (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
 - (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
 - (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
 - (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
- (13) Halifax County:
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
 - (i) Kehukee Swamp - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on the south shore 36° 05.1670' N - 77° 18.9761' W.
 - (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County:
- (a) Chowan River - All waters within this waterbody for Hertford County are designated as Joint.
 - (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line

- beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
- (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
- (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
- (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
- (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
- (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
- (viii) Meherrin River - All waters within this waterbody are designated as Joint.
- (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.
- (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
- (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- (D) Banks Creek - All waters in this waterbody are designated as Inland.
- (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N - 76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W.
- (15) Hyde County:
- (a) Pamlico Sound - All waters within this waterbody in Hyde County are designated as Coastal.
- (i) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354'

W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.

(A) Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.

(B) Wilkerson Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W; running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.

(C) Atlantic Intracoastal Waterway From Wilkerson Creek To Alligator River At Winn Bay - All waters within this part of the Intracoastal Waterway are designated as Joint.

(D) Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point

on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35° 32.1480' N - 76° 28.0705' W.

(E) Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.

(F) Scranton Creek - Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.

(G) Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.

(H) Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the west shore 35° 30.2400' N - 76° 35.0143' W; running southeasterly to a point on the east

- shore 35° 30.0645' N - 76° 34.8211' W.
- (I) Slades Creek - All waters within this waterbody are designated as Coastal.
- (J) Fortescue Creek - All waters within this waterbody are designated as Coastal.
- (ii) Rose Bay - All waters within this waterbody are designated as Coastal.
- (A) Rose Bay Creek - All waters within this waterbody are designated as Coastal.
- (B) Rose Bay Canal - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 28.5607' N - 76° 19.6545' W; running southerly to a point on the south shore 35° 28.5509' N - 76° 19.6572' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.8491' W - 76° 24.2198' W; running easterly to a point on the east shore 35° 27.8404' N - 76° 24.2065' W.
- (iii) Swan Quarter Bay - All waters within this waterbody are designated as Coastal.
- (A) Oyster Creek - All waters within this waterbody are designated as Coastal.
- (iv) Juniper Bay - All waters within this waterbody are designated as Coastal.
- (A) Juniper Bay Creek - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 23.2472' N - 76° 14.8754' W; running southwesterly to a point on the south shore 35° 23.1738' N - 76° 14.9794' W.
- (B) Juniper Bay Creek Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 23.8618' N - 76° 13.1044' W; running easterly to a point on the east shore 35° 23.8677' N - 76° 13.0888' W.
- (v) Lake Mattamuskeet - All waters in this waterbody are designated as Inland.
- (A) Outfall Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 26.6017' N - 76° 10.1715' W; running easterly to a point on the east shore 35° 26.6093' N - 76° 10.1513' W. Joint Waters north and Coastal waters south of a line beginning at a point on the west shore 35° 21.4945' N - 76° 06.5336' W; running northeasterly to a point on the east shore 35° 21.5480' N - 76° 06.4819' W.
- (B) Lake Landing Canal - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 28.7878' N - 76° 04.5867' W; running easterly to

- a point on the east shore 35° 28.7910' N - 76° 04.5726' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.9529' N - 76° 03.6785' W; running easterly to a point on the east shore 35° 25.9568' N - 76° 03.6566' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.9666' N - 76° 03.5856' W; running easterly to a point on the east shore 35° 25.9819' N - 76° 03.5600' W.
- (C) Waupopin Canal - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 31.8413' N - 76° 01.7779' W; running southerly to a point on the south shore 35° 31.8283' N - 76° 01.7637' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 31.5557' N - 75° 58.8725' W; running easterly to a point on the east shore 35° 31.5648' N - 75° 58.8555' W.
- (D) Rattlesnake Canal - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 26.6965' N - 76° 00.8079' W; running easterly to a point on the east shore 35° 26.7116' N - 76° 00.7749' W.
- (E) All Other Manmade Tributaries To Lake Mattamuskeet - All manmade tributaries of this waterbody are designated as Inland.
- (vi) Middletown Creek - All waters within this waterbody are designated as Coastal.
- (vii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
- (A) All Manmade Tributaries - All manmade tributaries of this waterbody are designated as Joint.
- (B) Broad Creek - All waters within this waterbody are designated as Coastal.
- (C) Flag Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 37.3782' N - 75° 53.0699' W; running easterly to a point on the east shore 35° 37.3894' N - 75° 53.0593' W.
- (D) Cumberland Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 38.3026' N - 75° 53.3010' W; running southerly to a point on the south shore 35° 38.2692' N - 75° 53.3038' W.

- (b) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W.
Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County:
 - (a) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N -77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N -77° 11.4244' W.
 - (i) Grants Creek - All waters within this waterbody are designated as Inland.
 - (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N -77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N -77° 09.9160' W.
- (17) Martin County:
 - (a) Roanoke River - All waters within this waterbody in Martin County are designated as Joint.
 - (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.
 - (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
 - (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
 - (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
 - (A) Peter Swamp - All waters within this waterbody are designated as Inland.
 - (v) Devils Gut - All waters in this waterbody are designated as Joint.
 - (A) Upper Deadwater Creek - All waters in this waterbody are designated Joint.
 - (B) Lower Deadwater Creek - All waters in this waterbody are designated Joint.
 - (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
 - (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
 - (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a

- point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County:
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
- (i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.
- (ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.
- (iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.
- (iv) Greenfield Lake Outlet - Greenfield Lake Outlet Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.
- (v) Tommer Creek - For the southernmost entrance into the Cape Fear: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W. For the northernmost entrance into the Cape Fear: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running northeasterly to a point on the east shore 34° 16.6767' N - 77° 59.4506' W.
- (vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.
- (vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
- (A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south shore 34° 15.9919' N - 77° 56.7961' W.
- (B) Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.
- (C) Dock Creek - Inland Waters east

- and Joint Waters
west of a line
beginning at a point
on the north shore
34° 18.1274' N -
77° 57.3847' W;
running
southwesterly to a
point on the south
shore 34° 18.1173'
N - 77° 57.3678' W.
- (D) Fishing Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
34° 19.1613' N -
77° 57.2460' W;
running
southwesterly to a
point on the south
shore 34° 19.1331'
N - 77° 57.2245' W.
- (E) Prince George
Creek - Inland
Waters south and
Joint Waters north
of a line beginning
at a point on the
west shore 34°
21.8481' N - 77°
57.0066' W;
running
northeasterly to a
point on the east
shore 34° 21.8778'
N - 77° 57.9755' W.
- (F) Sturgeon Creek -
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
34° 22.6796' N -
77° 51.6018' W;
running
northeasterly to a
point on the east
shore 34° 22.6931'
N - 77° 51.5776' W.
- (G) Island Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the south shore
34° 23.2509' N -
77° 47.3377' W;
- running
northeasterly to a
point on the north
shore 34° 23.3322'
N - 77° 49.3208' W.
- (19) Northampton County:
- (a) Roanoke River - Inland Waters
northwest and Joint Waters southeast
of a line beginning at a point on the
west shore 36° 12.5264' N - 77°
23.0223' W; running northeasterly
along the south side of the Highway
258 Bridge to a point on the east
shore 36° 12.5674' N - 77° 22.9724'
W.
- (i) Sandy Run (Norfleet Gut) -
Inland Waters north and
Joint Waters south of a line
beginning at a point on the
west shore 36° 10.1119' N -
77° 17.5396' W; running
northeasterly to a point on
the east shore 36° 10.1172'
N - 77° 17.5316' W.
- (b) Meherrin River - All waters of
Meherrin River up to the Virginia
state line within Northampton County
are designated as Joint.
- (i) Vaughan's Creek - Inland
Waters west and Joint
Waters east of a line
beginning at a point on the
north shore 36° 28.3541' N -
77° 05.6259' W; running
southerly to a point on the
south shore 36° 28.3307' N -
77° 05.6369' W.
- (20) Onslow County:
- (a) Beasleys Creek (Barlow Creek) - All
waters within this waterbody are
designated as Coastal.
- (b) Kings Creek - All waters within this
waterbody are designated as Coastal.
- (c) Turkey Creek - All waters within this
waterbody are designated as Coastal.
- (d) Mill Creek - All waters within this
waterbody are designated as Coastal.
- (e) New River - Inland Waters north and
Coastal Waters south of a line
beginning at a point on the west shore
34° 45.1654' N - 77° 26.1222' W;
running easterly along the southern
side of the US Hwy 17 bridge to a
point on the east shore 34° 45.2007'
N - 77° 25.9790' W.
- (i) Wheeler Creek - All waters
within this waterbody are
designated as Coastal.

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| <ul style="list-style-type: none"> (ii) Everett Creek - All waters within this waterbody are designated as Coastal. (iii) Stones Creek - All waters within this waterbody are designated as Coastal. (iv) Muddy Creek - All waters within this waterbody are designated as Coastal. (v) Mill Creek - All waters within this waterbody are designated as Coastal. (vi) Lewis Creek - All waters within this waterbody are designated as Coastal. (vii) Southwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 40.8723' N - 77° 26.2399' W; running northeasterly to a point on the east shore 34° 40.9112' N - 77° 26.1758' W. (viii) Brinson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 44.0945' N - 77° 26.4335' W; running southerly to a point on the south shore 34° 44.0654' N - 77° 26.4239' W. (ix) Northeast Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 34° 44.0778' N - 77° 21.2640' W; running southeasterly along the southern side of the railroad bridge to a point on the east shore 34° 44.0446' N - 77° 21.2126' W. (x) Wallace Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 40.9604' N - 77° 21.5698' W; running southwesterly along the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W. (xi) Codels Creek - Inland Waters east and Coastal Waters west of a line | <ul style="list-style-type: none"> beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W. (xii) French Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W. (xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwesterly to a point on the south shore 34° 37.9172' N - 77° 20.6520' W. (f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal. (g) Bear Creek - All waters within this waterbody are designated as Coastal. (h) Queens Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 42.1815' N - 77° 11.5690' W; running easterly to a point on the east shore 34° 42.2273' N - 77° 11.4193' W. (i) Parrotts Swamp - All waters within this waterbody are designated as Coastal. (i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W. (i) Stevens Creek - All waters within this waterbody are designated as Coastal. (ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal. (iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running |
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| | | southwesterly to a point on the south shore 34° 45.7404' N - 77° 10.1486' W. | (E) | Upper Spring Creek - All waters within this waterbody are designated as Coastal. |
| | (iv) | Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W. | (F) | Intracoastal Waterway from Upper Spring Creek To Gale Creek - All waters within this waterbody are designated as Coastal. |
| | (v) | Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 48.1354' N - 77° 11.4688' W; running southeasterly to a point on the south shore 34° 48.1192' N - 77° 11.4546' W. | (G) | Hunting Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 16.7523' N - 76° 36.8138' W; running easterly to a point on the east shore 35° 16.6779' N - 76° 36.5885' W. |
| | (vi) | Grants Creek - All waters within this waterbody are designated as Inland. | | |
| (21) | Pamlico County: | | | |
| | (a) | Pamlico River - All waters within this waterbody are designated as Coastal. | (ii) | Oyster Creek - All waters within this waterbody are designated as Coastal. |
| | (i) | Lower Goose Creek - All waters within this waterbody are designated as Coastal. | (iii) | Clark Creek - All waters within this waterbody are designated as Coastal. |
| | (A) | Dixons Creek - All waters within this waterbody are designated as Coastal. | (A) | Middle Prong - All waters within this waterbody are designated as Coastal. |
| | (B) | Patons Creek - All waters within this waterbody are designated as Coastal. | (B) | James Creek - All waters within this waterbody are designated as Coastal. |
| | (C) | Wilson Creek - All waters within this waterbody are designated as Coastal. | (b) | Pamlico Sound - All waters within this waterbody are designated as Coastal. |
| | (D) | Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 17.8205' N - 76° 35.1828' W; running southerly to a point on the south shore 35° 17.6797' N - 76° 35.1840' W. | (i) | Porpoise Creek - All waters within this waterbody are designated as Coastal. |
| | | | (ii) | Drum Creek - All waters within this waterbody are designated as Coastal. |
| | | | (iii) | Bay River - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 08.4601' N - 76° 45.9173' W; running southeasterly to a point on the south shore 35° 08.4436' N - 76° 45.8885' W. |

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| <p>(A) Gale Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 13.3142' N - 76° 36.7089' W; running southwesterly to a point on the south shore 35° 13.2964' N - 76° 36.7222' W.</p> <p>(B) Chadwick Creek - All waters within this waterbody are designated as Coastal.</p> <p>(C) Bear Creek - All waters within this waterbody are designated as Coastal.</p> <p>(D) Vandemere Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 12.0330' N - 76° 40.7460' W; running northeasterly to a point on the east shore 35° 12.0433' N - 76° 40.7235' W.</p> <p>(I) Long Creek - All waters within this waterbody are designated as Coastal.</p> <p>(E) Smith Creek - All waters within this waterbody are designated as Coastal.</p> <p>(F) Chapel Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 10.0076' N - 76° 42.4909' W; running easterly to a point on the east</p> | | <p>shore 35° 10.0096' N - 76° 42.4722' W.</p> <p>(G) Raccoon Creek - All waters within this waterbody are designated as Coastal.</p> <p>(H) Trent Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 06.2738' N - 76° 43.1071' W; running southeasterly to a point on the east shore 35° 06.2603' N - 76° 43.0741' W.</p> <p>(I) Thomas Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 07.2024' N - 76° 43.0929' W; running southerly to a point on the south shore 35° 07.1610' N - 76° 43.0947' W.</p> <p>(iv) Masons Creek - All waters within this waterbody are designated as Coastal.</p> <p>(v) Moore Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vi) Rices Creek - All waters within this waterbody are designated as Coastal.</p> <p>(vii) Ball Creek - All waters within this waterbody are designated as Coastal.</p> <p>(viii) Cabin Creek - All waters within this waterbody are designated as Coastal.</p> <p>(ix) Riggs Creek - All waters within this waterbody are designated as Coastal.</p> <p>(x) Spring Creek - All waters within this waterbody are designated as Coastal.</p> <p>(xi) Long Creek - All waters within this waterbody are designated as Coastal.</p> <p>(c) Neuse River - All waters within this waterbody are designated as Coastal.</p> |
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| <p>(i) Swan Creek - All waters within this waterbody are designated as Coastal.</p> <p>(ii) Lower Broad Creek - All waters within this waterbody are designated as Coastal.</p> <p>(A) Greens Creek - All waters within this waterbody are designated as Coastal.</p> <p>(B) Pittman Creek - All waters within this waterbody are designated as Coastal.</p> <p>(C) Burton Creek - All waters within this waterbody are designated as Coastal.</p> <p>(D) Brown Creek - All waters within this waterbody are designated as Coastal.</p> <p>(I) Spice Creek - All waters within this waterbody are designated as Coastal.</p> <p>(E) Gideon Creek - All waters within this waterbody are designated as Coastal.</p> <p>(F) Tar Creek - All waters within this waterbody are designated as Coastal.</p> <p>(G) Parris Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iii) Orchard Creek - All waters within this waterbody are designated as Coastal.</p> <p>(iv) Pierce Creek - All waters within this waterbody are designated as Coastal.</p> <p>(v) Whitaker Creek - All waters within this waterbody are designated as Coastal.</p> | <p>(vi) Smith Creek - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore at the Oriental Bridge 35° 01.5149' N - 76° 41.9549' W; running southwesterly to a point on the south shore 35° 01.3391' N - 76° 42.1774' W.</p> <p>(vii) Greens Creek - All waters within this waterbody are designated as Joint.</p> <p>(A) Kershaw Creek - All waters within this waterbody are designated as Joint.</p> <p>(viii) Dawson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 00.3371' N - 76° 45.6513' W; running southerly to a point on the south shore 35° 00.1492' N - 76° 45.6202' W.</p> <p>(A) Tarkiln Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.4124' N - 76° 45.5392' W; running easterly to a point on the east shore 35° 00.4289' N - 76° 45.4472' W.</p> <p>(ix) Gatlin Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.4165' N - 76° 47.4645' W; running easterly to a point on the east shore 34° 58.4154' N - 76° 47.4371' W.</p> <p>(x) Little Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.5175' N - 76° 49.5822' W; running southeasterly to a point on the east shore 34° 58.5086' N - 76° 49.5680' W.</p> <p>(xi) Mill Creek - Inland Waters north and Coastal Waters south of a line beginning at a</p> |
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- point on the west shore 34° 59.6024' N - 76° 51.1276' W; running easterly to a point on the east shore 34° 59.5955' N - 76° 51.0864' W.
- (xii) Beard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.3293' N - 76° 52.1855' W; running easterly to a point on the east shore 35° 00.3055' N - 76° 51.9012' W.
- (xiii) Lower Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 01.5781' N - 76° 54.1580' W; running easterly to a point on the east shore 35° 01.5566' N - 76° 54.0248' W.
- (xiv) Goose Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.4414' N - 76° 55.1170' W; running easterly to a point on the east shore 35° 03.3567' N - 76° 54.9728' W.
- (xv) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County:
- (a) Albemarle Sound - All waters within this waterbody in Pasquotank County are designated Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Pasquotank County are designated as Joint.
- (ii) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
- (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
- (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.
- (iv) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Little Flatty Creek - Inland Waters west

- and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
- (B) New Begun Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W.
- (I) Paling Creek - All waters in this waterbody are designated as Inland.
- (II) James Creek - All waters in this waterbody are designated as Inland.
- (C) Charles Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 17.8090' N - 76° 13.0732' W; running easterly to a point on the east shore 36° 17.8024' N - 76° 13.0407' W.
- (23) Pender County:
- (a) Cape Fear River - All waters within this waterbody for Pender County are designated as Joint.
- (i) Thorofare - For the easternmost entrance into the Black River: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 34° 22.0493' N - 78° 04.4435' W; running northeasterly to a point on the east shore 34° 22.0783' N - 78° 04.4123' W. For the westernmost entrance into the Cape Fear River: Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 21.9197' N - 78° 07.0527' W; running southeasterly to a point on the south shore 34° 21.8618' N - 78° 06.9992' W.
- (ii) Black River - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
- (iii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.
- (A) Cowpen Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 22.1417' N - 77° 59.3357' W; running southerly to a point on the south shore 34° 22.1298' N - 77° 59.3426' W.
- (B) Long Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the west shore 34° 22.7149' N - 77° 58.2797' W;

- running
northeasterly to a
point on the east
shore 34° 22.7428'
N - 77° 58.2348' W.
- (C) Turkey Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
34° 22.8465' N -
77° 57.4827' W;
running southerly
to a point on the
south shore 34°
22.7895' N - 77°
57.4452' W.
- (D) Old Creek - Inland
Waters north and
Joint Waters south
of a line beginning
at a point on the
west shore 34°
22.5249' N - 77°
52.1493' W;
running
northeasterly to a
point on the east
shore 34° 22.5327'
N - 77° 52.1278' W.
- (E) Honey Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
34° 22.8627' N -
77° 51.0887' W;
running easterly to
a point on the east
shore 34° 22.8609'
N - 77° 51.0507' W.
- (F) Harrisons Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
34° 24.1859' N -
77° 48.6570' W;
running
southwesterly to a
point on the south
shore 34° 24.1387'
N - 77° 48.6982' W.
- (G) Island Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the south shore
34° 23.2509' N -
77° 47.3377' W;
running
northeasterly to a
point on the north
shore 34° 23.3322'
N - 77° 49.3208' W.
- (b) Topsail Sound And Tributaries - All
waters within this these waterbodies
are designated as Coastal.
- (c) Beasleys (Barlow) Creek - All waters
within this waterbody are designated
as Coastal.
- (24) Perquimans County:
- (a) Albemarle Sound - All waters within
this waterbody in Perquimans County
are designated as Coastal.
- (i) All Manmade Tributaries -
All waters within this water
body are designated as Joint.
- (ii) Yeopim River - Inland
Waters west and Joint
Waters east of a line
beginning at a point on the
north shore 36° 05.4526' N -
76° 27.7651' W; running
southerly to a point on the
south shore at Norcum Point
36° 05.1029' N - 76°
27.7120' W. Joint Waters
west and Coastal Waters east
of a line beginning at a point
on the north shore 36°
04.7426' N - 76° 24.2536'
W; running southwesterly to
a point on the south shore
36° 04.1136' N - 76°
24.5365' W.
- (A) Yeopim Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore of
36° 04.7206' N -
76° 24.8396' W;
running easterly to
a point on the east
shore 36° 04.7426'
N - 76° 24.2536' W
- (iii) Perquimans River - Joint
Waters west and Coastal
Waters east of a line
beginning at a point on the
west shore 36° 05.9669' N -
76° 18.1791' W; running

northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 11.6569' N - 76° 28.0055' W; running southeasterly to a point on the east shore 36° 11.6123' N - 76° 27.9382' W.

(A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.1305' N - 76° 27.9185' W; running southeasterly to a point on the south shore 36° 11.0224' N - 76° 27.6626' W.

(B) Mill Pond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 11.9757' N - 76° 27.5752' W; running easterly to a point on the east shore 36° 11.9766' N - 76° 27.2511' W.

(C) Suttons Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.0394' N - 76° 23.7945' W; running southeasterly to a point on the east shore 36° 09.9325' N - 76° 23.5263' W.

(D) Jackson (Cove) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 08.4642' N - 76° 20.3324' W; running

southeasterly to a point on the east shore 36° 08.4159' N - 76° 20.2890' W.

(E) Muddy Creek - Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the north shore 36° 07.0381' N - 76° 17.1350' W; running southeasterly to a point on the east shore 36° 07.0218' N - 76° 17.1226' W.

(iv) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.

(A) Deep Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.0945' N - 76° 16.6717' W; running southeasterly to a point on the south shore 36° 10.7510' N - 76° 16.2258' W.

(B) Davis Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2950' N - 76° 17.1405' W; running southerly to a point on the south shore 36°

- 12.2222' N - 76°
17.1153' W.
- (25) Tyrrell County:
- (a) Albemarle Sound - All waters within this waterbody in Tyrrell County are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
 - (iii) Scuppernong River - Coastal Waters northwest and Joint Waters southeast of a line beginning at a point on the northeast shore 35° 56.7196' N - 76° 18.8964' W; running southwesterly to a point on the southwest shore at 35° 56.3351' N - 76° 19.6609' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0158' N - 76° 15.4605' W; running easterly to a point on the east shore 35° 54.0406' N - 76° 15.3007' W.
 - (A) First Creek (Rider's Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0495' N - 76° 15.2842' W; running northeasterly to a point on the east shore 35° 54.0641' N - 76° 15.2554' W.
 - (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 55.6391' N - 76° 18.9797' W; running southwesterly to a point on the south shore 35° 55.6322' N - 76° 18.9907' W.
 - (iv) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running easterly to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.
 - (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.7640' N - 76° 01.0299' W; running southerly to a point on the south shore 35° 55.9362' N - 76° 01.2492' W.
 - (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 51.7616' N - 76° 03.5105' W; running southerly to a point on the south shore 35° 51.1317' N - 76° 03.8003' W.
 - (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 50.2658' N - 76° 03.9115' W;

- running southerly to a point on the south shore 35° 50.2123' N - 76° 03.9120' W.
- (D) The Frying Pan - Joint Waters by connection with Alligator River.
- (E) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 35° 41.6054' N - 76° 06.8215' W; running southeasterly to a point on the east shore 35° 41.5841' N - 76° 06.7991' W.
- (26) Washington County:
- (a) Albemarle Sound - All waters within this waterbody in Washington County are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries of Albemarle Sound within Washington County are designated as Joint.
- (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 56.3806' N - 76° 36.4356' W; running southwesterly to a point on the south shore 35° 56.3122' N - 76° 36.4613' W.
- (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4791' N - 76° 34.1624' W; running easterly to a point on the east shore 35° 56.5042' N - 76° 34.0319' W.
- (iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.
- (v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.
- (vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point on the south shore 35° 56.0744' N - 76° 23.1230' W.
- (vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
- (i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.
- (ii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (c) Scuppernong River - All waters in this waterbody in Washington County are designated as Inland.

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;

Eff. February 1, 1991;

Amended Eff. June 1, 2013; April 1, 2009; August 1, 2004; July 1, 1993; September 1, 1991.

15A NCAC 03R .0112 ATTENDED GILL NET AREAS

(a) The attended gill net areas referenced in 15A NCAC 03J .0103(g) are delineated in the following areas:

- (1) Pamlico River, west of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point;
- (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of a line beginning at a point 35° 27.5768' N - 76° 54.3612' W on Ragged Point; running southwesterly to a point 35° 26.9176' N - 76° 55.5253' W on Mauls Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (3) Pungo River, east of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point;
- (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the northern portion of the Pantego Creek breakwater and a line beginning at a point 35° 31.7198' N - 76° 36.9195' W on the northern side of the breakwater near Tooleys Point; running southeasterly to a point 35° 30.5312' N - 76° 35.1594' W on Durants Point; and west of a line beginning at a point 35° 22.3622' N - 76° 28.2032' W on Roos Point; running southerly to a point at 35° 18.5906' N - 76° 28.9530' W on Pamlico Point;
- (5) Neuse River and its tributaries northwest of the Highway 17 high-rise bridge;
- (6) Trent River and its tributaries; and
- (7) Within 200 yards of any shoreline in Neuse River and its tributaries east of the Highway 17 high-rise bridge and south and west of a line beginning on Maw Point at a point 35° 09.0407' N - 76° 32.2348' W; running southeasterly near the Maw Point Shoal Marker "2" to a point 35° 08.1250' N - 76° 30.8532' W; running southeasterly near the Neuse River Entrance Marker "NR" to a point 35° 06.6212' N - 76° 28.5383' W; running southerly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River. In Core and Clubfoot creeks, the

Highway 101 Bridge constitutes the attendance boundary.

(b) The attended gill net areas referenced in 15A NCAC 03J .0103(h) are delineated in the following coastal and joint fishing waters of the state south of a line beginning on Roanoke Marshes Point at a point 35° 48.5015' N - 75° 44.1228' W; running southeasterly to a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay to the South Carolina State line:

- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no-trawl areas described in 15A NCAC 03R .0106(2), (4), (5), (7), (8), (10), (11), and (12);
- (2) In the area along the Outer Banks, beginning at a point 35° 44.1710' N - 75° 31.0520' W on Eagles Nest Bay; running northwesterly to a point 35° 45.1833' N - 75° 34.1000' W west of Pea Island; running southerly to a point 35° 40.0000' N - 75° 32.8666' W west of Beach Slough; running southeasterly and passing near Beacon "2" in Chicamicomico Channel to a point 35° 35.0000' N - 75° 29.8833' W west of the Rodanthe Pier; running southwesterly to a point 35° 28.4500' N - 75° 31.3500' W on Gull Island; running southerly to a point 35° 22.3000' N - 75° 33.2000' W near Beacon "2" in Avon Channel; running southwesterly to a point 35° 19.0333' N - 75° 36.3166' W near Beacon "2" in Cape Channel; running southwesterly to a point 35° 15.5000' N - 75° 43.4000' W near Beacon "36" in Rollinson Channel; running southeasterly to a point 35° 14.9386' N - 75° 42.9968' W near Beacon "35" in Rollinson Channel; running southwesterly to a point 35° 14.0377' N - 75° 45.9644' W near a "Danger" Beacon northwest of Austin Reef; running southwesterly to a point 35° 11.4833' N - 75° 51.0833' W on Legged Lump; running southeasterly to a point 35° 10.9666' N - 75° 49.7166' W south of Legged Lump; running southwesterly to a point 35° 09.3000' N - 75° 54.8166' W near the west end of Clarks Reef; running westerly to a point 35° 08.4333' N - 76° 02.5000' W near Nine Foot Shoal Channel; running southerly to a point 35° 06.4000' N - 76° 04.3333' W near North Rock; running southwesterly to a point 35° 01.5833' N - 76° 11.4500' W near Beacon "HL"; running southerly to a point 35° 00.2666' N - 76° 12.2000' W; running southerly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northerly along the shoreline and across the inlets

- following the Colregs Demarcation line to the point of beginning;
- (3) In Core and Back sounds, beginning at a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; running northwesterly to a point 34° 59.4664' N - 76° 12.4859' W on Wainwright Island; running southerly to a point 34° 58.8000' N - 76° 12.5166' W; running southeasterly to a point 34° 58.1833' N - 76° 12.3000' W; running southwesterly to a point 34° 56.4833' N - 76° 13.2833' W; running westerly to a point 34° 56.5500' N - 76° 13.6166' W; running southwesterly to a point 34° 53.5500' N - 76° 16.4166' W; running northwesterly to a point 34° 53.9166' N - 76° 17.1166' W; running southerly to a point 34° 53.4166' N - 76° 17.3500' W; running southwesterly to a point 34° 51.0617' N - 76° 21.0449' W; running southwesterly to a point 34° 48.3137' N - 76° 24.3717' W; running southwesterly to a point 34° 46.3739' N - 76° 26.1526' W; running southwesterly to a point 34° 44.5795' N - 76° 27.5136' W; running southwesterly to a point 34° 43.4895' N - 76° 28.9411' W near Beacon "37A"; running southwesterly to a point 34° 40.4500' N - 76° 30.6833' W; running westerly to a point 34° 40.7061' N - 76° 31.5893' W near Beacon "35" in Back Sound; running westerly to a point 34° 41.3178' N - 76° 33.8092' W near Buoy "3"; running southwesterly to a point 34° 39.6601' N - 76° 34.4078' W on Shackleford Banks; running easterly and northeasterly along the shoreline and across the inlets following the COLREGS Demarcation lines to the point of beginning;
- (4) Within 200 yards of any shoreline in the area upstream of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River; and
- (5) Within 50 yards of any shoreline east of the 76° 28.0000' W longitude line beginning at a point 35° 22.3752' N - 76° 28.0000' W near Roos Point in Pamlico River; running southeasterly to a point 35° 04.4833' N - 76° 28.0000' W near Point of Marsh in Neuse River, except from October 1 through November 30, south and east of Highway 12 in Carteret County and south of a line from a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point at 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;

Eff. August 1, 2004;

Amended Eff. June 1, 2013; April 1, 2011; April 1, 2009.

15A NCAC 03R .0201 STRIPED BASS MANAGEMENT AREAS

- (a) The Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet, north of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest Bay.
- (b) The Roanoke River Management Area is designated as Roanoke River and its joint and inland tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.
- (c) The Central/Southern Management Area is designated as all internal, coastal, joint, and contiguous inland waters south of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest Bay, to the South Carolina line.

History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;

Eff. October 1, 2004;

Amended Eff. June 1, 2013.

15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS

- (a) Ocean Shoreline Erosion Control Activities:

- (1) Use Standards Applicable to all Erosion Control Activities:
- (A) All oceanfront erosion response activities shall be consistent with the general policy statements in 15A NCAC 07M .0200.
- (B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins and breakwaters.
- (C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its construction.

- (D) All permitted oceanfront erosion response projects, other than beach bulldozing and temporary placement of sandbag structures, shall demonstrate sound engineering for their planned purpose.
- (E) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain substantial habitat for fish and wildlife species, as identified by natural resource agencies during project review, unless mitigation measures are incorporated into project design, as set forth in Rule .0306(i) of this Section.
- (F) Project construction shall be timed to minimize adverse effects on biological activity.
- (G) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.
- (H) Erosion control structures that would otherwise be prohibited by these standards may be permitted on finding by the Division that:
 - (i) the erosion control structure is necessary to protect a bridge which provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in provision (a)(2)(B) of this Rule;
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and
 - (iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.
- (I) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:
 - (i) the structure is necessary to protect a state or federally registered historic site that is imminently threatened by shoreline erosion as defined in provision (a)(2)(B) of this Rule;
 - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site;
 - (iii) the structure is limited in extent and scope to that necessary to protect the site; and
 - (iv) any permit for a structure under this Part (I) may be issued only to a sponsoring public agency for projects where the public benefits outweigh the short or long range adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.
- (J) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:
 - (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits;
 - (ii) dredging alone is not practicable to maintain safe access to the affected channel;
 - (iii) the structure is limited in extent and scope to that necessary to maintain the channel;
 - (iv) the structure shall not adversely impact fisheries or other public trust resources; and
 - (v) any permit for a structure under this Part (J) may be issued only to a sponsoring public agency for projects where the public benefits outweigh the short or long range adverse impacts. Additionally, the permit shall include conditions

- providing for mitigation or minimization by that agency of any unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.
- (K) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:
- (i) the structure will not be enlarged beyond the dimensions set out in the permit;
 - (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and
 - (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.
- (L) Proposed erosion response measures using innovative technology or design shall be considered as experimental and shall be evaluated on a case-by-case basis to determine consistency with 15A NCAC 07M .0200 and general and specific use standards within this Section.
- (2) Temporary Erosion Control Structures:
- (A) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.
 - (B) Temporary erosion control structures as defined in Part (2)(A) of this Subparagraph shall be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.
 - (C) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.
 - (D) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
 - (E) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or their designee in accordance with Part (2)(A) of this Subparagraph.
 - (F) Temporary erosion control structures may remain in place for up to two years after the date of approval if they are protecting a building with a total floor area of 5000 sq. ft. or less and its associated septic system, or, for up to five years for a building with a total floor area of more than 5000 sq. ft. and its associated septic system. Temporary erosion control structures may remain in place for up to five

years if they are protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period.

- (G) Temporary sandbag erosion control structures may remain in place for up to eight years from the date of approval if they are located in a community that is actively pursuing a beach nourishment project, or if they are located in an Inlet Hazard Area adjacent to an inlet for which a community is actively pursuing an inlet relocation or stabilization project in accordance with G.S. 113A-115.1. For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment, inlet relocation or stabilization project if it has:

- (i) an active CAMA permit, where necessary, approving such project; or
- (ii) been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
- (iii) received a favorable economic evaluation report on a federal project; or
- (iv) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project and the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a

section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Part (F) of this Subparagraph.

- (H) Once the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, a storm protection project constructed by the U.S. Army Corps of Engineers, a large-scale beach nourishment project, an inlet relocation or stabilization project, it shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.
- (I) Removal of temporary erosion control structures is not required if they are covered by dunes with stable and natural vegetation.
- (J) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.
- (K) Sandbags used to construct temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed six feet.
- (L) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
- (M) An imminently threatened structure may be protected only once, regardless of ownership, unless the threatened structure is located in a community that is actively pursuing a beach nourishment project, or in an Inlet Hazard Area and in a community that is actively pursuing an inlet relocation or stabilization project in accordance with (G) of this Subparagraph. Existing temporary erosion control structures located in Inlet Hazard Areas may be eligible for an additional eight year permit extension provided that the structure being protected is still imminently threatened, the temporary erosion control structure is in compliance

with requirements of this Subchapter and the community in which it is located is actively pursuing a beach nourishment, inlet relocation or stabilization project in accordance with Part (G) of this Subparagraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) or (G) of this Subparagraph shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:

- (i) a building and septic system shall be considered as separate structures.
- (ii) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Part (F) or (G) of this Subparagraph.
- (N) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) or (G) of this Subparagraph.
- (3) Beach Nourishment. Sand used for beach nourishment shall be compatible with existing grain size and in accordance with 15A NCAC 07H .0312.
- (4) Beach Bulldozing. Beach bulldozing (defined as the process of moving natural beach material from any point seaward of the first line of stable vegetation to create a protective sand dike or to obtain material for any other purpose) is development and may be permitted as an erosion response if the following conditions are met:
 - (A) The area on which this activity is being performed shall maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and shall follow the pre-emergency slope as closely as possible. The movement of material utilizing a bulldozer, front end loader, backhoe, scraper, or any type of earth moving or construction equipment

shall not exceed one foot in depth measured from the pre-activity surface elevation;

- (B) The activity shall not exceed the lateral bounds of the applicant's property unless he has permission of the adjoining land owner(s);
- (C) Movement of material from seaward of the mean low water line will require a CAMA Major Development and State Dredge and Fill Permit;
- (D) The activity shall not increase erosion on neighboring properties and shall not have an adverse effect on natural or cultural resources;
- (E) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the threatened structure's foundations.

(b) Dune Establishment and Stabilization. Activities to establish dunes shall be allowed so long as the following conditions are met:

- (1) Any new dunes established shall be aligned to the greatest extent possible with existing adjacent dune ridges and shall be of the same general configuration as adjacent natural dunes.
- (2) Existing primary and frontal dunes shall not, except for beach nourishment and emergency situations, be broadened or extended in an oceanward direction.
- (3) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The filled areas shall be immediately replanted or temporarily stabilized until planting can be successfully completed.
- (4) Sand used to establish or strengthen dunes shall be of the same general characteristics as the sand in the area in which it is to be placed.
- (5) No new dunes shall be created in inlet hazard areas.
- (6) Sand held in storage in any dune, other than the frontal or primary dune, may be redistributed within the AEC provided that it is not placed any farther oceanward than the crest of a primary dune or landward toe of a frontal dune.
- (7) No disturbance of a dune area shall be allowed when other techniques of construction can be utilized and alternative site locations exist to avoid unnecessary dune impacts.

(c) Structural Accessways:

- (1) Structural accessways shall be permitted across primary dunes so long as they are designed and constructed in a manner that entails negligible alteration on the primary dune. Structural accessways shall not be

- considered threatened structures for the purpose of Paragraph (a) of this Rule.
- (2) An accessway shall be conclusively presumed to entail negligible alteration of a primary dune provided that:
- (A) The accessway is exclusively for pedestrian use;
- (B) The accessway is less than six feet in width;
- (C) The accessway is raised on posts or pilings of five feet or less depth, so that wherever possible only the posts or pilings touch the frontal dune. Where this is deemed impossible, the structure shall touch the dune only to the extent absolutely necessary. In no case shall an accessway be permitted if it will diminish the dune's capacity as a protective barrier against flooding and erosion; and
- (D) Any areas of vegetation that are disturbed are revegetated as soon as feasible.
- (3) An accessway which does not meet Part (2)(A) and (B) of this Paragraph shall be permitted only if it meets a public purpose or need which cannot otherwise be met and it meets Part (2)(C) of this Paragraph. Public fishing piers shall not be deemed to be prohibited by this Rule, provided all other applicable standards are met.
- (4) In order to avoid weakening the protective nature of primary and frontal dunes a structural accessway (such as a "Hatteras ramp") shall be provided for any off-road vehicle (ORV) or emergency vehicle access. Such accessways shall be no greater than 10 feet in width and shall be constructed of wooden sections fastened together over the length of the affected dune area.

(d) Building Construction Standards. New building construction and any construction identified in .0306(a)(5) and 07J .0210 shall comply with the following standards:

- (1) In order to avoid danger to life and property, all development shall be designed and placed so as to minimize damage due to fluctuations in ground elevation and wave action in a 100-year storm. Any building constructed within the ocean hazard area shall comply with relevant sections of the North Carolina Building Code including the Coastal and Flood Plain Construction Standards and the local flood damage prevention ordinance as required by the National Flood Insurance Program. If any provision of the building code or a flood damage prevention ordinance is inconsistent with any of the following AEC standards, the more restrictive provision shall control.

- (2) All building in the ocean hazard area shall be on pilings not less than eight inches in diameter if round or eight inches to a side if square.
- (3) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structure. For those structures so located on or seaward of the primary dune, the pilings shall extend to five feet below mean sea level.
- (4) All foundations shall be adequately designed to be stable during applicable fluctuations in ground elevation and wave forces during a 100-year storm. Cantilevered decks and walkways shall meet this standard or shall be designed to break-away without structural damage to the main structure.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a.,b.,d.; 113A-115.1; 113A-124;

Eff. June 1, 1979;

Filed as a Temporary Amendment Eff. June 20, 1989, for a period of 180 days to expire on December 17, 1989;

Amended Eff. August 3, 1992; December 1, 1991; March 1, 1990; December 1, 1989;

RRC Objection Eff. November 19, 1992 due to ambiguity;

RRC Objection Eff. January 21, 1993 due to ambiguity;

Amended Eff. March 1, 1993; December 28, 1992;

RRC Objection Eff. March 16, 1995 due to ambiguity;

Amended Eff. April 1, 1999; February 1, 1996; May 4, 1995;

Temporary Amendment Eff. July 3, 2000; May 22, 2000;

Amended Eff. May 1, 2013; July 1, 2009; April 1, 2008; February 1, 2006; August 1, 2002.

15A NCAC 07H .1705 SPECIFIC CONDITIONS

(a) Temporary Erosion Control Structures in the Ocean Hazard AEC.

- (1) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.
- (2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph shall be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or, right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when the Division determines that site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.
- (3) Temporary erosion control structures shall be used to protect only the principal structure and

- its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.
- (4) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
 - (5) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee in accordance with Subparagraph (1) of this Paragraph.
 - (6) Temporary erosion control structures may remain in place for up to two years after the date of approval if they are protecting a building with a total floor area of 5000 square feet or less and its associated septic system, or for up to five years for a building with a total floor area of more than 5000 square feet and its associated septic system. Temporary erosion control structures may remain in place for up to five years if they are protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period.
 - (7) Temporary sandbag erosion control structures may remain in place for up to eight years from the date of approval if they are located in a community that is actively pursuing a beach nourishment project, or if they are located in an Inlet Hazard Area adjacent to an inlet for which a community is actively pursuing an inlet relocation or stabilization project in accordance with G.S. 113A-115.1 For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment, inlet relocation or stabilization project if it has:
 - (A) an active CAMA permit, where necessary, approving such project; or
 - (B) been identified by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or
 - (C) received a favorable economic evaluation report on a federal project; or
 - (D) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project and the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.
- If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Subparagraph (6) of this Paragraph.
- (8) Once the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, a storm protection project constructed by the U.S. Army Corps of Engineers, a large scale beach nourishment project, an inlet relocation or stabilization project, it shall be removed by the permittee within 30 days of official notification by the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.
 - (9) Removal of temporary erosion control structures is not required if they are covered by dunes with stable and natural vegetation.
 - (10) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.
 - (11) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet wide and 7 to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed 6 feet.
 - (12) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
 - (13) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain

material to fill sandbags used for emergency protection.

- (14) An imminently threatened structure may be protected only once regardless of ownership, unless the threatened structure is located in a community that is actively pursuing a beach nourishment project, or in an Inlet Hazard Area and in a community that is actively pursuing an inlet relocation or stabilization project in accordance with Subparagraph (7). Existing temporary erosion control structures may be eligible for an additional eight year permit extension provided that the structure being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subparagraph and the community in which it is located is actively pursuing a beach nourishment, an inlet relocation or stabilization project in accordance with Subparagraph (7) of this Paragraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Subparagraph (6) or (7) shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:

- (A) a building and septic system shall be considered as separate structures.
- (B) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Subparagraph (6) or (7) of this Rule.

- (15) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Subparagraph (6) or (7) of this Rule.

(b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted by this general permit shall be subject to the following limitations:

- (1) No work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;
- (2) The erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure. If a building or road is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or

accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee.

- (3) Fill material used in conjunction with emergency work for storm or erosion control in the Estuarine Shoreline, Estuarine Waters and Public Trust AECs shall be obtained from an upland source.

(c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors.

- (1) Work permitted by this general permit shall be subject to the following limitations:

- (A) no work shall be permitted other than that which is necessary to protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

- (B) the erosion control structure shall be located no more than 20 feet waterward of the imminently threatened structure or the right-of-way in the case of roads. If a public facility or transportation corridor is found to be imminently threatened and at increased risk of imminent damage due to site conditions such as a flat shore profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet seaward of the facility or corridor being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or designee in accordance with Subparagraph (a)(1) of this Rule.

- (C) any fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source except that dredging for fill material to protect public facilities or transportation corridors shall be considered in accordance with standards in 15A NCAC 07H .0208;

- (D) all fill materials or structures associated with temporary relocations which are located within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after

the emergency event has ended and the area restored to pre-disturbed conditions.

- (2) This permit authorizes only the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery plans and policies which are part of their Land Use Plans.

History Note: Authority G.S. 113-229(c1); 113A-107(a),(b); 113A-113(b); 113A-115.1; 113A-118.1; Eff. November 1, 1985; Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995; Temporary Amendment Eff. July 3, 2000; May 22, 2000; Amended Eff. May 1, 2013; May 1, 2010; August 1, 2002.

15A NCAC 10F .0311 GRANVILLE, VANCE AND WARREN COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of John H. Kerr Reservoir in Granville, Vance and Warren Counties:

- (1) Kimball Point, Warren County -Within 50 yards of the shoreline in the northernmost cove of the Kimball Point Recreation Area located at the western end of SR 1204.
- (2) Camp Kerr Lake, Vance County - Within the waters of the cove where the Camp Kerr Lake boat ramp is located.
- (3) Lower Mill Creek, Vance County -Beginning at a point on the eastern side of Lower Mill Creek where it intersects the North Carolina - Virginia state line, running across the creek with said state line and then running in a southerly direction on both the east and west sides of the creek to the head waters and including all waters of the creek south of the state line.
- (4) Flat Creek at NC Highway 39 Bridge, Vance County - Within 50 yards on either side of the NC Highway 39 Bridge.
- (5) Satterwhite Point State Recreation Area, Vance County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any concrete boat launching ramp located on the reservoir.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a designated mooring area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

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

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a

designated swimming area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

(f) Placement and Maintenance of Markers. Each of the Boards of Commissioners of the above-named counties is designated a suitable agency for placement and maintenance of markers implementing this Rule for regulated areas within their territorial jurisdiction in accordance with the Uniform System, subject to the approval of the US Army Corps of Engineers.

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

Eff. February 1, 1976;

Amended Eff. December 1, 1994; March 25, 1978;

Temporary Amendment Eff. June 1, 1998; January 1, 1998;

Amended Eff. May 1, 2013; May 1, 2005; April 1, 1999; July 1, 1998.

15A NCAC 10F .0318 WARREN COUNTY

(a) Regulated Area. This Rule applies only to that portion of Lake Gaston which lies within the boundaries of Warren County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of Gaston Lake in Warren County.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a lawfully marked mooring area on the waters of Gaston Lake in Warren County.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any lawfully marked public swimming area on the waters of Gaston Lake in Warren County.

(e) No person shall operate a vessel at greater than no-wake speed:

- (1) within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore from 36.49355 N, 77.91795 W, to 36.49530 N, 77.91552 W.
- (2) within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from 36.50030 N, 78.004744 W to 36.49951 N, 78.00549 W.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Warren County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking Gaston Lake, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.

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

Eff. February 1, 1976;

Amended Eff. October 1, 1992; March 25, 1978;

Temporary Amendment Eff. June 17, 2002;

Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on February 20, 2003;

Amended Eff. May 1, 2013.

15A NCAC 10F .0325 CHOWAN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Chowan County:

- (1) the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke Marina;
- (2) the waters within 50 yards of the W. Queen Street bridge on SR 1204 crossing Pembroke Creek in Edenton;
- (3) the boat basin and all canals located within Cape Colony Subdivision in Edenton; and
- (4) the swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation Area.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within the regulated areas described in Subparagraphs (1), (2) and (3) of Paragraph (a) of this Rule.

(c) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard or water skis shall permit the same to enter the swimming area described in Subparagraph (4) of Paragraph (a) of this Rule.

(d) Placement and Maintenance of Markers. The Board of Commissioners of Chowan County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of Rule .0301 (g) of this Section shall apply.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1977;
Amended Eff. May 1, 2013; June 1, 1983.*

15A NCAC 10F .0345 CHATHAM AND WAKE COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of the Shearon Harris Nuclear Power Plant Reservoir, otherwise known as Harris Reservoir, which is located in the counties of Chatham and Wake:

- (1) All waters within 50 yards of any marked boat launching ramp, pier, dock, mooring area, boat storage structure, bridge, or service area.
- (2) In Chatham County, a portion of the waters of the cove at the Cross Point Landing Boating Access Area shore to shore, beginning at a point at 35.57270 N, 78.97398 W as delineated by appropriate markers placed and maintained by the Wildlife Resources Commission.
- (3) In Wake County, the waters within 150 yards of the Holleman Boating Access Area as indicated by appropriate markers placed and maintained by the Wildlife Resources Commission.

(b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a motorboat or vessel in any restricted zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

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

(e) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Chatham County and the Board of Commissioners of Wake County are designated suitable agencies for placement and maintenance of markers implementing this Rule within their respective counties. Provided the said boards exercise their supervisory responsibilities, they may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. August 1, 1983;
Amended Eff. February 1, 1990;
Temporary Amendment Eff. April 1, 1998;
Amended Eff. May 1, 2013; July 1, 1998.*

15A NCAC 10F .0352 CAMDEN COUNTY

(a) Regulated Areas. This Rule applies to the waters described below:

- (1) Edgewater Canal running parallel with and along the south shore of Camden Point in Camden County and the connecting channels to Albemarle Sound;
- (2) That portion of Turner's Cut (South Mills Shore Canal) for a distance of approximately 1000 feet, south of a line from a point on the east shore at 36.41129 N, 76.30598 W to a point on the west shore at 36.41096 N, 76.30654 W and north of a line from a point on the east shore at 36.40912 N, 76.30402 W to a point on the west shore at 36.40880 N, 76.03355 W;
- (3) The canals of Whitehall Shores subdivision on the Pasquotank River; and
- (4) The cove south of Sawyers Creek on the east side of the Pasquotank River in the town of Camden, east of a line from a point on the north shore at 36.32383 N, 76.18087 W to a point on the south shore at 36.32254 N, 76.18017 W.

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

(c) Placement and Maintenance of Markers. The Board of Commissioners of Camden County is designated a suitable agency for placement and maintenance of the markers implementing this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. June 1, 1987;
Amended Eff. January 1, 1989;
Temporary Amendment Eff. March 15, 2003;
Temporary Amendment Expired October 12, 2003;
Amended Eff. May 1, 2013; May 1, 2004.*

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 48 - BOARD OF PHYSICAL THERAPY EXAMINERS

21 NCAC 48A .0104 EXECUTIVE DIRECTOR

*History Note: Authority G.S. 90-270.26;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. February 1, 1996; October 28, 1979;
Repealed Eff. July 1, 2013.*

21 NCAC 48A .0105 DEFINITIONS

The following definitions and the definitions in G.S. 90-270.24 apply throughout Chapter 48:

- (1) "Computer Based Testing" or "CBT" means the Federation approved National Physical Therapist and Physical Therapist Assistant Examinations administered by a testing agency approved by the Federation.
- (2) "Credentials" means the materials related to educational background and professional experience that an applicant for licensure must present to the Board.
- (3) "Educational programs" means physical therapy and physical therapist assistant educational programs accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE).
- (4) "Endorsement" means granting a license in this State based upon the applicant possessing an active license in another State.
- (5) "Federation" means Federation of State Boards of Physical Therapy.
- (6) "Graduated" or "graduation" means the completion of all requirements, including clinical experience, from an accredited program for physical therapists or physical therapist assistants. If an educational program certifies that the degree is assured and will be conferred at a later date, an applicant will be considered to have been graduated.
- (7) "Inappropriate touching" means the unwelcome or unwanted laying of hands by a licensee for a purpose inconsistent with a physical therapy evaluation or treatment of a patient.

- (8) "Note" means the physical therapy progress note that documents each patient visit.
- (9) "On-site supervision" means the supervising licensee is present in the department or facility where services are provided, is immediately available to the person being supervised and maintains continued involvement in aspects of treatment sessions in which students completing clinical requirements or physical therapy aides are involved in components of care.
- (10) "Patient" means any recipient of physical therapy services and includes the term "client".
- (11) "PT" means a Physical Therapist.
- (12) "PT exam" means a Federation approved licensing examination for physical therapists.
- (13) "PTA" means a Physical Therapist Assistant.
- (14) "PTA exam" means a Federation approved licensing examination for physical therapist assistants.

*History Note: Authority G.S. 90-270.24; 90-270.26; 90-270.31;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2013; August 1, 2002; August 1, 1998;
November 1, 1991; October 1, 1989; April 1, 1989; December 30, 1985.*

21 NCAC 48A .0106 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses. All fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into a general operating account.

*History Note: Authority G.S. 93B-2;
Eff. July 1, 2013.*

21 NCAC 48B .0103 LICENSES BY EXAMINATION

- (a) Applicants. An applicant seeking an initial license or who fails to meet the requirements in Rule .0102 of this Section for endorsement must pass a computer-based examination set forth in Subchapter 48D of this Chapter to practice in North Carolina following the acceptance of the applicant's credentials.
- (b) Timing of Examination. The applicant shall take the examination within one year following the Board's approval of his or her application. If the applicant does not do so, the applicant must submit his or her credentials to the Board for review before he or she can take the exam.
- (c) Examination Taken in Another State. Applicants not previously licensed who take a PT exam or a PTA exam in another state may be licensed in North Carolina if they provide scores that meet the North Carolina passing level set forth in Rule 48D .0105 of this Chapter and meet all other requirements for North Carolina licensure in effect at the time of application.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.30;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2013; August 1, 2002; October 1, 1989;
April 1, 1989; December 30, 1985; October 28, 1979.

21 NCAC 48C .0102 RESPONSIBILITIES

- (a) A physical therapist must determine the patient care plan and the elements of that plan appropriate for delegation.
- (b) A physical therapist must determine that those persons acting under his or her supervision possess the competence to perform the delegated activities.
- (c) A physical therapist may delegate responsibilities to physical therapist assistants, including supervising PT or PTA students.
- (d) A physical therapist must enter and review chart documentation, reexamine and reassess the patient and revise the patient care plan if necessary, based on the needs of the patient.
- (e) A physical therapist must establish a discharge plan that includes a discharge summary for each patient.
- (f) The physical therapist must provide all therapeutic interventions that will require the physical therapist's expertise, and may delegate to a physical therapist assistant or physical therapy aide the delivery of service to the patient when it is safe and effective for the patient.
- (g) A physical therapist's responsibility for patient care management includes first-hand knowledge of the health status of each patient and oversight of all documentation for services rendered to each patient, including awareness of fees and reimbursement structures.
- (h) A physical therapist must be immediately available directly or by telecommunication to a physical therapist assistant supervising a physical therapy aide or student engaging in patient care.
- (i) A physical therapist who is supervising a physical therapy aide or student must be present in the same facility when patient care is provided.
- (j) A physical therapist shall clinically supervise only that number of assistive personnel, including physical therapists assistants, physical therapy aides, and students completing clinical requirements, as the physical therapist determines is appropriate for providing safe and effective patient interventions at all times.
- (k) A physical therapist must reassess a patient every 60 days or 13 visits, whichever occurs first.
- (l) A physical therapist must document every evaluation and intervention or treatment including the following elements:
 - (1) Authentication (signature and designation) by the physical therapist who performed the service;
 - (2) Date of the evaluation or treatment;
 - (3) Length of time of total treatment session or evaluation;
 - (4) Patient status report;
 - (5) Changes in clinical status;
 - (6) Identification of specific elements of each intervention or modality provided. Frequency, intensity, or other details may be included in

the plan of care and if so, do not need to be repeated in the daily note;

- (7) Equipment provided to the patient; and
- (8) Interpretation and analysis of clinical signs and symptoms and response to treatment based on subjective and objective findings, including any adverse reactions to an intervention.

(m) At the time of reassessment the physical therapist must document:

- (1) The patient's response to therapy intervention;
- (2) The patient's progress toward achieving goals; and
- (3) Justifications for continued treatment.

History Note: Authority G.S. 90-270.24; 90-270.26; 90-270.31; 90-270.34;
Eff. December 30, 1985;
Amended Eff. July 1, 2013; December 1, 2006; August 1, 2002;
August 1, 1998; January 1, 1991.

21 NCAC 48D .0112 COMPUTER EXAMINATION

The examination required for licensure shall be a Computer Based Test (CBT) and shall be administered by a testing service approved by the Federation.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.30;
Eff. August 1, 1998;
Amended Eff. July 1, 2013.

21 NCAC 48E .0101 FILING APPLICATION

- (a) An applicant for licensure shall ascertain that his or her credentials are filed with the executive director in accordance with the rules of this Subchapter.
- (b) To be certain an applicant will be considered for the desired examination date, the application shall be submitted to the executive director at least 30 days prior to the examination.
- (c) The Board shall not approve an application until the applicant has graduated as defined by 21 NCAC 48A .0105(6).

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.31(b);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1988; December 30, 1985; October 28, 1979;
Recodified Paragraph (c) to 21 NCAC 48C .0501 Eff. January 25, 1989;
Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996.

21 NCAC 48E .0104 EXAMINATION SCORES

Persons seeking licensure by endorsement shall have their examination scores sent to the executive director on a form authenticated by the reporting Board.

History Note: Authority G.S. 90-270.26; 90-270.31(b);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996; October 1, 1989; April 1, 1989; May 1, 1988.

21 NCAC 48E .0105 VERIFICATION OF LICENSURE

An applicant for licensure by endorsement must submit verification of an active license in another state. The verification must bear the official signature and seal of the Board of that state, or be authenticated by the reporting Board as an official electronic document regularly used by the reporting Board to verify licensure.

History Note: Authority G.S. 90-270.26; 90-270.31(b); Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 2013; May 1, 1988.

21 NCAC 48F .0102 FEES

(a) The following fees are charged by the Board:

- (1) application for physical therapist licensure, one hundred fifty dollars (\$150.00);
- (2) application for physical therapist assistant licensure, one hundred fifty dollars (\$150.00);
- (3) renewal for all persons, one hundred dollars (\$100.00);
- (4) penalty for late renewal, twenty dollars (\$20.00) plus renewal fee;
- (5) revival of license lapsed less than five years, thirty dollars (\$30.00) plus renewal fee;
- (6) transfer of licensure information fee, including either the examination scores or licensure verification or both, thirty dollars (\$30.00);
- (7) retake examination, sixty dollars (\$60.00);
- (8) certificate replacement or duplicate, thirty dollars (\$30.00);
- (9) directory of licensees, ten dollars (\$10.00);
- (10) licensee list or labels or any portion thereof for physical therapists, sixty dollars (\$60.00);
- (11) licensee list or labels or any portion thereof for physical therapist assistants, sixty dollars (\$60.00); and
- (12) processing fee for returned checks, maximum allowed by law.

(b) The application fee is not refundable.

(c) Payment of application fees listed in Subparagraphs (a)(1) and (2) of this Rule must be made by certified check, cash, credit card or debit card.

History Note: Authority G.S. 25-3-506; 90-270.29; 90-270.33; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. August 1, 1998; October 1, 1995; October 1, 1994; November 1, 1991; August 1, 1991; Temporary Amendment Eff. October 1, 1999; Amended Eff. July 1, 2013; December 1, 2006; August 1, 2002; August 1, 2000.

21 NCAC 48G .0104 RENEWAL

(a) If on active duty, and to whom G.S. 105-249.2 grants an extension of time to file a tax return, a member of the United States Armed Services is exempt from compliance with renewal requirements.

(b) The Board shall make available to each licensee having an active license, a renewal certificate bearing the current name of the licensee, license number and a January 31 expiration date.

History Note: Authority G.S. 90-270.26; 90-270.32; 93B-15; 105-249.2; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 2013; May 1, 1988; December 30, 1985; October 28, 1979.

21 NCAC 48G .0105 DEFINITIONS

As used in this Subchapter, the following definitions apply:

- (1) "Approved provider" means an entity that has been approved by the Board to provide continuing competence activities for licensees as provided in the rules in this Section.
- (2) "Clinical Practice" means physical therapy consultation or patient care or client management or the supervision thereof.
- (3) "Contact Hour" means at least 50 consecutive minutes of engagement in a continuing competence activity. Two segments of at least 25 consecutive minutes each is equivalent to one contact hour. Breaks and meals are not included in contact hours.
- (4) "Continuing Competence" means the licensee's ongoing activities to augment knowledge, skills, behaviors, and abilities related to the practice of physical therapy.
- (5) "Continuing Education" means courses of study designed to provide learning experiences for physical therapy licensees.
- (6) "Documentation" means evidence of completion of continuing competence activities.
- (7) "Jurisprudence Exercise" is an online set of questions concerning the Physical Therapy Practice Act, Board rules and Position Statements posted on the Board's website at <http://www.ncptboard.org>.
- (8) "Licensee" means a physical therapist or physical therapist assistant licensed in North Carolina.
- (9) "Peer-reviewed" means judged by an independent panel of experts having special knowledge or skills in a particular field of study.
- (10) "Point" means a unit of continuing competence.
- (11) "Registered" means enrollment in a continuing competence activity.
- (12) "Reporting period" means a 25 month period commencing on January 1 during which the

licensee must complete all continuing competence requirements. Points earned by a licensee may be counted toward completion during one reporting period only.

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. January 1, 2014.*

21 NCAC 48G .0106 CONTINUING COMPETENCE REQUIREMENT

- (a) For individuals licensed prior to January 1, 2009, during each reporting period thereafter, each physical therapist must accumulate 30 points, and each physical therapist assistant must accumulate 20 points of continuing competence activities to be eligible for license renewal.
- (b) For individuals whose date of initial licensure is after January 1, 2009, commencing on January 1 following the date of initial licensure, each physical therapist must accumulate 30 points and each physical therapist assistant must accumulate 20 points of continuing competence activities during the reporting period to be eligible for license renewal.
- (c) Up to 10 extra points earned during one reporting period may be carried over to the next reporting period, except that points earned for the Jurisprudence Exercise, Clinical Practice and Self-Assessment categories may not be carried forward.

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. January 1, 2014.*

21 NCAC 48G .0108 APPROVAL OF PROVIDERS AND ACTIVITIES

- (a) The Board shall approve a provider if it is satisfied that the provider's programs have met the standards set forth in Rule .0107 of this Section.
- (b) Once a provider is approved, the continuing competence activities offered by that organization are approved for credit and no application must be made to the Board for approval.
- (c) The following organizations are approved providers:
 - (1) Any agency or board responsible for licensing individuals to practice physical therapy in the United States or Canada;
 - (2) The American Physical Therapy Association (APTA), including any Sections, credentialed residencies and fellowships and its accrediting subsidiary;
 - (3) State Chapters of APTA;
 - (4) The Federation of State Boards of Physical Therapy (FSBPT), and any accrediting subsidiary;
 - (5) The International Association for Continuing Education and Training (IACET);
 - (6) Any providers approved or accredited by the agencies or organizations listed in Subparagraphs (1) through (5) of this Paragraph;
 - (7) Physical therapist and physical therapist assistant programs approved by an agency

recognized by either the U.S. Department of Education or the Council on Postsecondary Accreditation; and

- (8) The North Carolina Department of Public Instruction, North Carolina Division of Public Health and North Carolina Area Health Education Centers with regard to activities directly related to physical therapy.

(d) The Board may at any time revoke the approval of a provider for failure to satisfy the requirements of Rule .0107 of this Section. The Board may evaluate an activity presented by an approved provider and, upon a determination that the activity does not satisfy the requirements of Rule .0107 of this Section, notify the approved provider that any presentation of the same activity is not approved for credit. The notice shall be sent by the Board to the approved provider within 30 days after receipt of the notification. The approved provider may request reconsideration of the decision by submitting a letter of appeal to the Board's Executive Director within 15 days of receipt of the notice of disapproval.

(e) Any organization not approved as a provider that desires approval of a course or activity to be offered in North Carolina shall apply to the Board at least 60 days prior to the date the activity is scheduled. The application shall include the name and address of the activity provider, the date, location and schedule for the activity, a description of the qualifications of the presenters and the content of the activity, including written materials. An activity shall be deemed approved if notice of denial is not furnished to the organization within 30 days of the scheduled activity. An applicant denied approval of a program may request reconsideration of the decision by submitting a letter of appeal to the Board's Executive Director within 15 days of receipt of the notice of disapproval.

(f) A licensee desiring approval of a course or activity that has not otherwise been approved shall apply to the Board at least 30 days prior to the date the activity is scheduled. The licensee shall furnish the name and address of the activity provider, the date, location and schedule of the activity and a description of the qualifications of the presenters and the content of the activity, including written materials. An activity shall be deemed approved if notice of denial is not furnished to the licensee within 10 days of the scheduled activity. An applicant denied approval of a program may request reconsideration of the decision by submitting a letter of appeal to the Board's Executive Director within 15 days of receipt of the notice of disapproval.

(g) For continuing competence activities offered for credit in this State, the providers shall furnish to the Board the activity code number assigned by the Board and a list of all licensees completing the activity, including full name and license number, within 90 days of the completion of the approved activity.

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. January 1, 2014.*

21 NCAC 48G .0109 CONTINUING COMPETENCE ACTIVITIES

- (a) Continuing Education activities are eligible for points as follows:

- (1) A registered attendee at courses or conferences offered live, in real time by approved providers earns one point for each contact hour. The maximum number of points allowed during any reporting period is 29. The maximum number of points allowed during any reporting period for an interactive course offered through electronic media is 15. Credit shall not be given for the same course or conference more than once during any reporting period. The licensee shall submit the Certificate of Attendance issued by the approved provider.
 - (2) For registered participation in an academic course related to physical therapy offered for credit in a post-baccalaureate program unless the course is required for licensure, one class hour earns one point, and the maximum number of points allowed during any reporting period is 29. The licensee must obtain a letter grade of "C" or better or "P" if offered on a Pass/Fail basis. Credit shall not be given for the same course more than one time. The licensee shall submit the course description published by the approved provider.
 - (3) For attendance or participation in an activity related to physical therapy for which no assessment is received, two contact hours earns one point. The maximum number of points allowed during any reporting period is five. Credit shall not be given for the same activity more than one time. The licensee shall submit a certificate of completion, or if that is not available, a summary of the objectives of the activity and the time spent in the activity.
 - (4) For registered participation in a non-interactive course offered by an approved provider by videotape, satellite transmission, webcast, DVD or other electronic media, one hour of participation earns one point. The maximum number of points allowed during any reporting period is 10. Credit shall not be given for the same course more than once during a reporting period. The licensee shall submit a certificate of completion provided by the course provider.
 - (5) For participation in a study group consisting of at least three licensees whose purpose is to advance the knowledge and skills of the participants related to the practice of physical therapy, two hours of participation in the study group earns one point. The maximum number of points allowed during any reporting period is 10. The licensee shall submit a biography of each participant, a statement of the goals of the study group, attendance records for each participant, assignments for each participant and an analysis by each participant specifying the knowledge and skills enhanced by participating in the study group.
 - (6) For participation in a self-designed home study program designed to advance the knowledge and skill of the participant related to the practice of physical therapy, three hours of home study earns one point. The maximum number of points allowed for home study during any reporting period is five. The licensee shall submit a description of the plans and objectives of the home study, an analysis of the manner in which the plans and objectives were met, and a certification of the time spent on the project.
 - (7) For participation in continuing education required by credentialed residencies and fellowships, one point is granted for each contact hour. The maximum number of points for each reporting period is 29. The licensee shall submit the certificate of attendance issued by the American Physical Therapy Association ("APTA") credentialed residency or fellowship.
 - (8) For completion of a home study physical therapy program furnished by an approved provider, one hour of home study earns one point. The maximum number of points allowed is 10. The licensee shall submit a certificate of completion issued by the approved provider.
- (b) Points are awarded for advanced training as follows:
- (1) For fellowships conferred by organizations credentialed by the APTA in a specialty area of the practice of physical therapy, 10 points are awarded for each full year of clinical participation, up to a maximum of 20 points for this activity. The licensee shall submit the certificate conferred on the licensee.
 - (2) For completion of a residency program in physical therapy offered by an APTA credentialed organization, 10 points are awarded for each full year of clinical participation, up to a maximum of 20 points for this activity. The licensee shall submit evidence that all requirements of the residency program have been met.
 - (3) For specialty certification or specialty recertification by the American Board of Physical Therapy Specialization ("ABPTS"), or its successor organization, 20 points are awarded upon receipt of such certification or recertification during any reporting period. The licensee shall submit evidence from ABPTS that the certification or recertification has been granted.
 - (4) For a physical therapist assistant, Advanced Proficiency designation by the APTA for the PTA earns 19 points. The licensee shall submit

evidence from APTA that the designation has been awarded.

(c) Achieving a passing score on the FSBPT's Practice Review Tool ("PRT") earns 10 points. Taking the PRT without achieving a passing score earns five points. The licensee shall submit the certificate of completion and performance report. Points shall be awarded only one time for any specific practice area.

(d) Clinical Education activities are eligible for points as follows:

- (1) For completion of a course offered by an approved provider for a licensee to become a Credentialed Clinical Instructor recognized by APTA, one course hour earns one point, and the maximum number of points awarded during any reporting period is 29. The licensee shall submit a credential certificate issued by the approved provider. Credit for completing the same course shall be given only once.
- (2) For enrollment in a course offered by APTA for a licensee to become a Credentialed Clinical Instructor Trainer, one course hour earns one point, and the maximum number of points awarded during any reporting period is 29. The licensee shall submit a Trainer certificate issued by APTA. Credit for completing the same course shall be given only once.
- (3) For serving as a Clinical Instructor for a physical therapist or physical therapist assistant student, resident or fellow for a period of at least 80 hours, 40 hours of direct on-site supervision earns one point, and a maximum credit of eight points is allowed during any reporting period. The licensee shall submit verification of the clinical affiliation agreement with the accredited educational program for the student supervised and a log showing the number of hours spent supervising the student.

(e) Presenting or teaching for an accredited physical therapy educational program, a transitional Doctor of Physical Therapy ("DPT") program, an accredited program for health care practitioners licensed under the provisions of Chapter 90 of the North Carolina General Statutes, or a state, national or international workshop, seminar or professional health care conference earns two points for each hour of presentation or teaching. The licensee shall submit written materials advertising the presentation or teaching, or other evidence of the date, subject and goals and objectives of the presentation and any written materials prepared by the licensee. A maximum of six points is allowed during any reporting period, and credit shall not be given for teaching or presenting the same subject matter more than one time during any reporting period.

(f) Research and published books or articles are eligible to accumulate up to a maximum of 15 points as follows:

- (1) Submission of a request to a funding agency for a research grant as a Principal or Co-Principal Investigator earns 10 points. The licensee shall submit a copy of the research

grant that must include the title, an abstract, the funding agency and the grant period. Points shall be awarded only one time during any reporting period.

- (2) Having a research grant funded as a Principal Investigator or Co-Principal Investigator earns 10 points. The licensee shall submit a copy of the research grant that must include the title, an abstract, the funding agency, the grant period and documentation of the funding received and for what period. Points shall be awarded only one time during a reporting period.
- (3) Service as a Grants Reviewer earns one point for each two hours of grant review and a maximum of five points may be earned. The licensee shall submit a description of all grants reviewed and any reports generated in connection with the reviews, including the dates of service, the agency for whom the review was performed and the hours spent on the grant review. Points are awarded only once for each grant reviewed during the reporting period.
- (4) The author or editor of a book published by a third party entity dealing with a subject related to the practice of physical therapy earns 10 points. The licensee shall submit a copy of the published book and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (5) The author or editor of a chapter in a book published by a third party entity dealing with a subject related to the practice of physical therapy earns five points. The licensee shall submit a copy of the published book and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (6) The author of a published peer-reviewed article relating to the practice of physical therapy earns 10 points. The licensee shall submit the article, names and employers of the reviewers and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (7) The author of a published non peer-reviewed article or book-review or abstract relating to the practice of physical therapy earns four points. The licensee shall submit the article and a list of consulted resources. Each article, review, or abstract earns four points one time only. A maximum of four points shall be awarded during any reporting period.
- (8) The author of a published peer-reviewed abstract, book review, or peer-reviewed abstract for a poster or presentation related to the practice of physical therapy to a professional health care group earns five

points for a presentation, up to a maximum of 15 points during any reporting period, and credit for the same poster or presentation shall not be awarded more than one time. The licensee shall submit a copy of the poster or presentation and a list of consulted resources.

(g) Clinical practice is eligible for points as follows:

- (1) For each year that a licensee is engaged in full-time clinical practice, three points shall be awarded. The licensee shall submit certification from the licensee's employer(s) or documentation of practice hours as owner of a practice that clinical practice during the year reached or exceeded 1750 hours.
- (2) For each year that a licensee is engaged in part-time clinical practice, two points shall be awarded. The licensee shall submit a certification from the licensee's employer(s) or documentation of practice hours as owner of a practice that clinical practice during the year reached or exceeded 1000 hours.
- (3) For each year that a licensee is engaged in clinical practice for at least 200 hours, one point shall be awarded. The licensee shall submit a certification from the employer(s) for whom the services were performed or documentation of practice hours as owner of a practice.

(h) Professional Self-Assessment earns five points for completion of an approved Reflective Practice Exercise. This exercise shall be approved if it is a process for a licensee to evaluate current professional practice abilities, to establish goals to improve those abilities, to develop a plan to meet those goals and to document that the objectives are being accomplished. The licensee shall submit evidence of completion of all elements of the Reflective Practice Exercise. Points shall be awarded only one time during any reporting period.

(i) Workplace Education is eligible for points as follows:

- (1) Presentation or attendance at an in-service session related to the practice of physical therapy, including health care issues related to the practice of physical therapy, is allowed. The licensee shall submit a roster or certificate of attendance signed by a representative of the employer. Two hours of attendance earns one point. One hour of presentation earns one point. A maximum of five points may be earned during any one reporting period. Credit for the same in-service shall not be granted more than one time.
- (2) Presentation or attendance at an in-service session devoted to general patient safety, emergency procedures, or governmental regulatory requirements is allowed. The licensee shall submit a roster or certificate of attendance signed by a representative of the employer. Two contact hours of in-service are equivalent to one point, which is the maximum credit that shall be granted during any

reporting period. Credit for the same in-service shall not be granted more than one time during any reporting period.

(j) Professional Service is eligible for points as follows:

- (1) Participation in a national physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee or physical therapy services task force member earns five points for each full year of participation, up to a maximum of 10 points during any reporting period. The licensee shall submit organizational materials listing the licensee's participation, a statement of the responsibilities of the position and a summary of the activities of the licensee.
- (2) Participation in a state physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy services committee earns four points for each full year of participation, up to a maximum of eight points during any reporting period. The licensee shall submit organizational materials listing the licensee's participation, a statement of the responsibilities of the position and a summary of the activities of the licensee.
- (3) Participation in a local or regional physical therapy or interdisciplinary (including physical therapy) organization as an officer or chair of a physical therapy service committee earns two points for each full year of participation, up to a maximum of four points during any reporting period. The licensee shall submit organizational materials listing the licensee's participation, a statement of the responsibilities of the position and a summary of the activities of the licensee.
- (4) Participation as a member of a physical therapy professional organization committee involved with physical therapy services earns one point for each full year of participation, up to a maximum of two points during any reporting period. The licensee shall submit organizational materials listing the licensee's participation, a statement of the responsibilities of the committee and a summary of the work of the committee.
- (5) Participation in unpaid volunteer service to the general public and healthcare professionals related to physical therapy earns one point for at least 20 hours spent on service activities during each year, up to a maximum of two points during any reporting period. The licensee shall submit published materials describing the service activity.
- (6) Membership in the APTA for one year earns one point. A point may be earned for each year

of membership. The licensee shall submit proof of membership in the APTA.

- (7) Membership in an APTA Section for one year earns one-half point. The licensee shall submit proof of membership in the APTA Section. Points shall not be awarded for membership in more than one Section.
- (8) Selection by the Federation of State Boards of Physical Therapy (FSBPT) for participation as an item writer of exam questions for the National Physical Therapy Examination (NPTE) or by the American Board of Physical Therapy Specialties (ABPTS) earns five points for each year of participation. The licensee shall submit documentation of participation by the FSBPT or ABPTS.
- (9) Participation in clinical research, clinical trials or research projects related to the practice of physical therapy earns 1 point for each hour of participation up to a maximum of 10 hours per reporting period. The licensee shall submit a log of hours of participation including date, activity performed, location of the research and primary investigator.

(k) During each reporting period, every licensee must complete a jurisprudence exercise provided by the Board. The jurisprudence exercise shall be available online at the Board's website, at <http://www.ncptboard.org> and a certificate of completion shall be issued to a licensee at the conclusion of the exercise, at which time one point shall be awarded to the licensee. The maximum number of points allowed during a reporting period is three.

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. January 1, 2014.*

21 NCAC 48G .0110 EVIDENCE OF COMPLIANCE

(a) Each licensee shall submit a completed Continuing Competence Reporting Form with an application for license renewal. The form can be found on the Board's website at <http://www.ncptboard.org>.

(b) Licensees shall retain evidence of compliance with continuing competence requirements for a period of four years following the end of the reporting period for which credit is sought for an activity.

(c) Documentary evidence for Continuing Education activities shall include the following for each activity:

- (1) Name of approved provider;
- (2) Name of accrediting organization;
- (3) Title;
- (4) Date;
- (5) Hours for presentation; and
- (6) Record of attendance or participation by provider.

(d) The Board shall conduct random audits to ensure continuing competence compliance. Within 30 days from receipt of an Audit Notice from the Board, the licensee must furnish the Board with the documentary evidence required by the rules in

this Subchapter showing completion of the points required for the audited reporting period.

(e) Requests for extensions of time for up to an additional 30 days to respond to the Audit Notice shall be submitted to and granted by the Board's Executive Director. For circumstances beyond the control of the licensee related to physical or medical hardship sustained by the applicant or his or her immediate family, the Board shall grant an additional period of time to respond to the Audit Notice.

(f) If the results of the audit show a licensee has not completed the required points, and the number of additional points needed by the licensee is 10 or fewer, the licensee shall complete the remaining points within 90 days from the date the Board notifies the licensee by certified mail of the deficiency. For circumstances beyond the control of the licensee or for personal hardship, the Board shall grant an additional period of time to respond to the Audit Notice.

(g) Failure to respond to the Board's Audit Notice in a timely fashion, or failure to provide the necessary documentary evidence of compliance pursuant to this Rule shall subject the licensee to disciplinary action pursuant to 21 NCAC 48G .0601(a)(10).

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. January 1, 2014.*

21 NCAC 48G .0111 EXEMPTIONS

(a) To qualify for an exemption from the rules in this Subchapter, a licensee must furnish the applicable information required on the Continuing Competence Compliance Form.

(b) A member of the United States Armed Services is exempt pursuant to Rule. 0104 of this Section from compliance if on active duty for such period of time as G.S. 105-249.2 would grant an extension to file a tax return. The reporting period shall commence on January 1 following the licensee's discharge from active duty.

(c) The Board shall grant an exemption from completing applicable continuing competence requirements to any licensee who becomes disabled or sustains a personal hardship that makes completion of continuing competence requirements impractical. The exemption may last for a period not to exceed two years, which shall be granted to the applicant based upon the applicant's documented treatment of care.

(d) In cases of personal or family hardships, including medical issues or deployment, the Board shall allow the licensee up to an additional one year to complete the applicable continuing competence requirements.

(e) Upon written application to the Board, any licensee who is 65 years of age or older and is not engaged in practice or patient treatment shall be granted an exemption from completing continuing competence requirements.

(f) Other requests for partial exemptions for hardships or circumstances beyond the control of the licensee shall be granted by the Board upon written application of the licensee.

(g) A licensee seeking an exemption pursuant to this Rule shall provide written documentation to the Board to support the exemption.

History Note: Authority G.S. 90-270.26(3a); 93B-15;
Eff. January 1, 2009;
Amended Eff. January 1, 2014.

21 NCAC 48G .0112 COSTS

- (a) The Board shall not assess a fee for approval of continuing competence activities offered by approved providers.
- (b) The Board shall charge one hundred fifty dollars (\$150.00) per activity to a non-approved provider seeking approval of a continuing competence activity offered to licensees in this State.
- (c) The Board shall charge twenty-five dollars (\$25.00) to a licensee seeking approval of a continuing competence activity that is not offered by an approved provider.

History Note: Authority G.S. 90-270.26(7);
Eff. March 3, 2009;
Amended Eff. January 1, 2014.

21 NCAC 48G .0404 NOTIFICATION AND HEARING

Any licensee subject to being placed on probation or receiving a warning shall be notified by the Board of the alleged acts or conduct warranting the intended action. Upon request of the licensee, the licensee shall be granted an informal meeting with the Board to show why the licensee should not be placed on probation or receive a warning. Provided, however, nothing herein shall limit a licensee's right to request a contested case hearing.

History Note: Authority G.S. 90-270.26; 90-270.35; 90-270.36;
Eff. October 28, 1979;
Amended Eff. July 1, 2013; August 1, 1998; May 1, 1989.

21 NCAC 48G .0405 GROUNDS FOR REPRIMAND

History Note: Authority G.S. 90-270.26; 90-270.35; 90-270.36;
Eff. December 30, 1985;
Amended Eff. August 1, 2002;
Repealed Eff. July 1, 2013.

21 NCAC 48G .0504 COMPLAINTS AND INVESTIGATIONS

- (a) In order to file a complaint with the Board, the following information shall be submitted to the Board in writing:
 - (1) The name and address of person alleged to have violated the Physical Therapy Practice Act;
 - (2) A statement of conduct giving rise to complaint; and
 - (3) The name, address and telephone number of complainant.
- (b) Upon receipt of a written complaint alleging misconduct that might subject a licensee to disciplinary action, or upon the receipt of the information that a violation of the Physical Therapy Practice Act has occurred, the Board shall investigate the matter to determine whether probable cause exists to institute disciplinary proceedings.

(c) The executive director of the Board and a member appointed by the Chair shall serve as an investigative committee. This committee may be assisted by:

- (1) The Board's attorney;
- (2) An investigator;
- (3) A former member of the Board; or
- (4) A consultant retained by the committee who possesses expertise that will assist the committee in its investigation.

(d) The investigative committee shall investigate the complaint or information set forth in Paragraph (b) of this Rule. In conducting its investigation, the Board Chair (or executive director, if designated by the Chair) may issue subpoenas in the committee's name for the production of documents pursuant to the provisions of Rule .0512 of this Section. The committee shall determine whether there is probable cause to believe that the licensee has violated any statute or Board rule that would justify a disciplinary hearing. If the committee determines probable cause does not exist, the complaint shall be dismissed, and the complainant shall be notified of the committee's action and its reasons. If the committee determines that probable cause exists, the committee shall offer to confer with the licensee in an attempt to settle the matter through informal means. If the committee and the licensee reach an agreement on the disposition of the matter under investigation, the committee shall cause to be drafted a proposed settlement agreement that shall include findings of fact, conclusions of law, and a consent order, for presentation to and consideration by the Board. The settlement agreement shall be presented to and approved by the licensee before it is presented to the Board for consideration and approval.

(e) If the investigative committee and the licensee are not able to settle the matter under investigation by informal means, the licensee may request a contested case hearing pursuant to Rule .0502 of this Section or the Board shall give notice of a disciplinary or contested case hearing.

(f) If probable cause is found, but it is determined that license suspension or revocation is not warranted, the committee shall recommend that the Board place the licensee on probation, or issue a warning to the licensee. In making this determination, the investigative committee shall consider factors as harm to the public, nature of the conduct, and prior record of discipline. The committee shall mail a copy of its recommendation to the licensee.

(g) Within 20 days after receipt of the recommendation, the licensee may refuse the probation or warning and request a contested case hearing pursuant to this Section. The refusal and request shall be filed with the Board. The legal counsel for the Board shall thereafter prepare, file, and serve a Notice of Hearing.

(h) In the alternative, within 20 days after receipt of the recommendation, the licensee may request an informal meeting with the Board to discuss the basis of the committee's recommendation and present reasons why the Board should not follow the committee's recommendation. There shall be no sworn testimony presented, nor shall there be a formal record of the proceedings.

(i) If the licensee does not request a contested case hearing or an informal meeting with the Board, the Board shall still determine whether to accept the committee's recommendation.

(j) Participation by a current Board member in the investigation of a complaint shall disqualify that Board member from participating in the decision making process of a contested case hearing.

(k) Subsequent to the issuance of a notice of hearing, the attorney prosecuting the contested case for the Board may not communicate, directly or indirectly, in connection with any issue of fact or question of law, with any party, including the members of the Board assigned to make a decision or to make findings of fact and conclusions of law in the contested case, except on notice and opportunity for all parties to participate. However, the attorney prosecuting the matter for the Board may continue to communicate concerning such contested case with the members of the investigative committee who investigated such matter, with persons not parties to the contested case who may be called as witnesses including the person who filed the complaint and with the Board members about other matters.

History Note: Authority G.S. 90-270.26; 150B-38; 150B-39; 150B-40;

Eff. October 1, 1995;

Amended Eff. July 1, 2013; August 1, 2002; August 1, 1998; February 1, 1996.

21 NCAC 48G .0601 PROHIBITED ACTIONS

(a) Behaviors and activities which may result in disciplinary action by the Board pursuant to G.S. 90-270.36(1), (6), (7), (8) and (9) and G.S. 90-270.35(4) include the following:

- (1) recording false or misleading data, measurements or notes regarding a patient;
- (2) delegating responsibilities to a person when the licensee delegating knows or has reason to know that the competency of that person is impaired by physical or psychological ailments, or by alcohol or other pharmacological agents, prescribed or not;
- (3) practicing or offering to practice beyond the scope permitted by law;
- (4) accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
- (5) performing, without adequate supervision as described in the rules in this Chapter, professional services that the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (6) harassing, abusing, inappropriately touching, as defined in Rule 48A .0105(7) of this Chapter or intimidating a patient either physically or verbally;
- (7) failure to exercise supervision over persons who are authorized to practice only under the supervision of the licensed professional;

- (8) promoting an unnecessary device, treatment intervention, nutritional supplement, product or service for the financial gain of the practitioner or of a third party as determined by the investigative committee;
- (9) offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a client;
- (10) failure to file a report, filing a false report or failure to respond to an inquiry within 30 days, required by law or the rules in this Subchapter, or impeding or obstructing such filing or inducing another person to do so;
- (11) revealing identifiable data, or information obtained in a professional capacity, without prior consent of the patient, except as authorized or required by law;
- (12) guaranteeing that a patient will benefit from the performance of professional services;
- (13) altering a license or renewal card by changing any information appearing thereon;
- (14) using a license or renewal card which has been altered;
- (15) permitting or allowing another person to use his or her license or renewal card for the practice of physical therapy;
- (16) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such a person is not qualified by training, by experience, or by licensure to perform such responsibilities;
- (17) violating any term of probation, condition, or limitation imposed on the licensee by the Board;
- (18) soliciting or engaging in any activities of a sexual nature, including kissing, fondling or touching any person while the person is under the care of a physical therapist or physical therapist assistant;
- (19) billing or charging for services or treatment not performed;
- (20) making treatment recommendations or basing a patient's continued treatment on the extent of third party benefits instead of the patient's condition;
- (21) willfully or intentionally communicating false or misleading information regarding a patient;
- (22) harassing, abusing, or intimidating any person, either physically or verbally, while engaged in the practice of physical therapy;
- (23) using a form of a license or renewal card that was not issued by the Board or is not current;
- (24) failing to record patient data within a reasonable period of time following evaluation, assessment or intervention;

- (25) failing to pay the costs of investigation or otherwise to comply with an order of discipline;
- (26) failing to maintain legible patient records that contain an evaluation of objective findings, a diagnosis, a plan of care including desired outcomes, the treatment record including all elements of 21 NCAC 48C .0102(l) or 21 NCAC 48C .0201(f), a discharge summary including the results of the intervention, and sufficient information to identify the patient and the printed name and title of each person making an entry in the patient record;
- (27) charging fees not supported by documentation in the patient record;
- (28) furnishing false or misleading information on an application for licensure and licensure renewal; and
- (29) engaging in misrepresentation or deceit or exercising undue influence over a patient or former patient for the financial gain of the licensee.

(b) When a person licensed to practice physical therapy is also licensed in another jurisdiction and that other jurisdiction takes disciplinary action against the licensee, the North Carolina Board of Physical Therapy Examiners will determine whether the conduct found by the other jurisdiction also violates the North Carolina Physical Therapy Practice Act. The Board may impose the same or lesser disciplinary action upon receipt of the other jurisdiction's actions. The licensee may request a hearing. At the hearing the issues shall be limited to:

- (1) whether the person against whom action was taken by the other jurisdiction and the North Carolina licensee are the same person;
- (2) whether the conduct found by the other jurisdiction also violates the North Carolina Physical Therapy Practice Act; and
- (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.

(c) In accordance with G.S. 150B-3(c) a license may be summarily suspended if the Board determines the public health, safety, or welfare requires emergency action.

(d) When the Board receives a notice from a Clerk of Superior Court that the license of a physical therapist or a physical therapist assistant has been forfeited pursuant to G.S. 15A-1331A, the licensee shall surrender the license to the Board within 24 hours and shall not engage in the practice of physical therapy during the period of forfeiture. Forfeiture under this Section shall not limit the Board's authority to take further disciplinary action against the licensee in accordance with the Board's rules.

History Note: Authority G.S. 15A-1331A; 90-270.24; 90-270.26; 90-270.35(4); 90-270.36; 150B-3;
Eff. October 1, 1995;
Amended Eff. July 1, 2013; December 1, 2006; August 1, 2002;
 August 1, 1998; February 1, 1996.

21 NCAC 48G .0602 SANCTIONS; REAPPLICATION

(a) The Board may, upon proof of a violation of G.S. 90-270.36 or the rules in this Chapter, impose any of the following sanctions:

- (1) issue a warning to a licensee;
- (2) place a licensee on probation;
- (3) suspend a license, the duration of which shall be determined by the Board;
- (4) revoke any license;
- (5) refuse to issue or renew a license;
- (6) accept a voluntary surrender of a license; and
- (7) charge the reasonable costs of investigation and hearing to a licensee who is disciplined.

(b) The Board may also impose restrictions and conditions on a license including scope of practice, place of practice, supervision of practice, duration of licensed status, whether a licensee may work alone or supervise others, or type or condition of patient or client served, including requiring a licensee to submit regular reports to the Board on matters related to the restricted license.

(c) A person whose license has been revoked or who surrenders a license:

- (1) is not permitted to reapply for a license for a period of two years from the date of revocation;
- (2) is not permitted to reapply for a license for a period not to exceed two years from the date of surrender;
- (3) must submit as part of the reapplication process all materials requested by the Board related to the revocation or surrender and shall be required to meet with the Board; and
- (4) may have the restrictions specified in Paragraph (b) of this Rule imposed in conjunction with the issuance of a license.

History Note: Authority G.S. 90-270.26;
Eff. August 1, 2002;
Amended Eff. July 1, 2013; December 1, 2006.

21 NCAC 48H .0102 INSPECTION OF RULES

History Note: Authority G.S. 90-270.26; 150B-11; 150B-62;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. February 1, 1996; May 1, 1988;
Repealed Eff. July 1, 2013.

CHAPTER 58 – REAL ESTATE COMMISSION

21 NCAC 58A .0110 BROKER-IN-CHARGE

(a) When used in this Rule, the term:

- (1) "Office" means any place of business where acts are performed for which a real estate license is required or where monies received by a broker acting in a fiduciary capacity are handled or records for such trust monies are maintained;

- (2) "Principal Office" means the office so designated in the Commission's records by the qualifying broker of a licensed firm or the broker-in-charge of a sole proprietorship; and
- (3) "Branch Office" means any office in addition to the principal office of a broker which is operated in connection with the broker's real estate business.

(b) Except as provided in Paragraphs (d) and (e) of this Rule, every real estate firm, including a sole proprietorship, shall have a broker designated by the Commission as provided in Paragraph (f) of this Rule to serve as the broker-in-charge at its principal office and a broker to serve as broker-in-charge at any branch office. No broker shall be broker-in-charge of more than one office at a time. No office of a firm shall have more than one designated broker-in-charge.

(c) If a firm shares office space with one or more other firms, the same broker may serve as broker-in-charge of multiple firms at that location. All firms at that location having the same designated broker-in-charge shall maintain with the Commission as a delivery address the same delivery address as that of the single designated broker-in-charge.

(d) A licensed real estate firm is not required to have a broker-in-charge if it:

- (1) has been organized for the sole purpose of receiving compensation for brokerage services furnished by its qualifying broker through another firm or broker;
- (2) is treated for tax purposes as a Subchapter S corporation by the United States Internal Revenue Service;
- (3) has no principal or branch office; and
- (4) has no licensed or unlicensed person associated with it other than its qualifying broker.

(e) A broker who is a sole proprietor shall obtain the Commission's designation of himself or herself as a broker-in-charge if the broker engages in any transaction where the broker is required to deposit and maintain monies belonging to others in a trust account, engages in advertising or promoting his or her services as a broker in any manner, or has one or more other brokers affiliated with him or her in the real estate business. Maintenance of a trust or escrow account by a broker solely for holding residential tenant security deposits received by the broker on properties owned by the broker in compliance with G.S. 42-50 shall not, standing alone, subject the broker to the requirement to designate himself or herself as a broker-in-charge.

(f) A broker desiring to be a broker-in-charge shall request in writing his or her designation as broker-in-charge by the Commission on a form provided by the Commission. Upon receipt of notice from the Commission that the broker has been designated as broker-in-charge, the broker shall assume the duties of broker-in-charge.

(g) To qualify to become a broker-in-charge, a broker shall:

- (1) have a license on active status but not on provisional status;
- (2) possess at least two years of full-time real estate brokerage experience or equivalent part-

time real estate brokerage experience within the previous five years or real estate education or experience in real estate transactions that the Commission finds equivalent to such experience; and

- (3) complete the Commission's 12 classroom hour broker-in-charge course either within three years prior to designation as a broker-in-charge or within 120 days following designation as a broker-in-charge.

Upon the request of the Commission, a broker shall provide to the Commission evidence that he or she possesses the requisite experience. A broker-in-charge designation shall be immediately terminated if a broker-in-charge fails to complete the broker-in-charge course during the required time period or if the Commission finds the broker-in-charge does not possess the required experience. A broker who is removed as broker-in-charge for failure to timely complete the Commission's 12 hour broker-in-charge course must first complete the 12 hour broker-in-charge course before he or she may again be designated as broker-in-charge.

(h) By submission of a broker-in-charge designation request to the Commission, a broker certifies that he or she possesses the experience required to become a broker-in-charge and upon designation by the Commission, the broker shall be authorized to act as a broker-in-charge. Upon his or her designation as broker-in-charge and completion of the broker-in-charge course within the time period prescribed in Subparagraph (g)(3) of this Rule, the designated broker-in-charge acquires the eligibility to be re-designated as a broker-in-charge at any time in the future after a period of not actively serving as a broker-in-charge without having to again satisfy the qualification requirements for initial designation stated in this Paragraph so long as the broker continuously satisfies the requirements to retain such eligibility described in Paragraph (k) of this Rule.

(i) The broker-in-charge shall, in accordance with the requirements of G.S. 93A and the rules adopted by the Commission, assume the responsibility at his or her office for:

- (1) the retention of current license renewal pocket cards by all brokers employed at the office for which he or she is broker-in-charge; the proper display of licenses at such office in accordance with Rule .0101 of this Section; and assuring that each broker employed at the office has complied with Rules .0503, .0504, and .0506 of this Subchapter;
- (2) the proper notification to the Commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising by or in the name of the firm at such office;
- (4) the proper maintenance at such office of the trust or escrow account of the firm and the records pertaining thereto;
- (5) the proper retention and maintenance of records relating to transactions conducted by or on behalf of the firm at such office,

including those required to be retained pursuant to Rule .0108 of this Section;

- (6) the proper supervision of provisional brokers associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter;
- (7) the proper supervision of all brokers employed at the office for which he or she is broker-in-charge with respect to adherence to agency agreement and disclosure requirements.

(j) A broker who was the broker-in-charge of a real estate office on April 1, 2006, whose broker-in-charge declaration was received by the Commission prior to that date, and who completed the Commission's broker-in-charge course prior to April 1, 2006 or within 120 days following designation as a broker-in-charge, may continue to serve as a broker-in-charge thereafter until his or her eligibility to serve as a broker-in-charge is terminated as provided in Paragraph (l) of this Rule.

(k) Once a broker has been designated as a broker-in-charge and completed the 12 hour broker-in-charge course as prescribed by Paragraph (g) of this Rule, the broker may maintain broker-in-charge eligibility by timely annual renewal of his or her broker license, completion each license year of the four hour mandatory continuing education update course prescribed for all brokers and known as the "Real Estate Update Course," and completion each license year of the four hour special continuing education course prescribed by the Commission only for brokers-in-charge and known as the "Broker-In-Charge Annual Review Course." The Broker-In-Charge Annual Review Course must be taken initially by a broker-in-charge during the first full license year following the license year in which the broker was designated as a broker-in-charge and must be taken each license year thereafter in order for the broker to maintain broker-in-charge eligibility. The Broker-In-Charge Annual Review Course shall satisfy the broker's general continuing education elective course requirement, but the broker must also take the mandatory continuing education Real Estate Update Course each license year. The Broker-In-Charge Annual Review Course is reserved exclusively for current brokers-in-charge, and brokers who are not currently acting as a broker-in-charge but who desire to retain their broker-in-charge eligibility. Only these brokers shall receive continuing education elective credit for taking the course.

(l) A broker's broker-in-charge eligibility and, if currently designated as a broker-in-charge, his or her broker-in-charge designation shall be terminated upon the occurrence of any of the following events:

- (1) the broker's license expires or the broker's license is suspended, revoked or surrendered;
- (2) the broker's license is made inactive for any reason, including failure to satisfy the continuing education requirements described in Rule .1702 of this Subchapter;
- (3) the broker fails to complete the Broker-In-Charge Annual Review Course described in Paragraph (k) of this Rule; or
- (4) the broker is found by the Commission to have not possessed the experience required in Paragraph (g) of this Rule at the time of either

initial designation as a broker-in-charge or re-designation as a broker-in-charge.

(m) When a broker who is a former broker-in-charge desires to be re-designated as a broker-in-charge following termination of his or her broker-in-charge designation or eligibility, he or she must first have a license on active status. The broker then must satisfy the experience requirements for initial designation set forth in Paragraph (g) of this Rule, and the broker must complete the 12 hour broker-in-charge course prior to re-designation as broker-in charge.

(n) A broker-in-charge shall notify the Commission in writing that he or she no longer is serving as broker-in-charge of a particular office within 10 days following any such change.

(o) A non-resident broker who has been designated by the Commission as the broker-in-charge of an office not located in North Carolina is not required to complete the broker-in-charge course or the Broker-In-Charge Annual Review Course prescribed for brokers-in-charge under Paragraph (k) of this Rule. However, if such broker-in-charge either becomes a resident of North Carolina or becomes broker-in-charge of an office located within North Carolina, then he or she must take the 12 hour broker-in-charge course within 120 days of such change, unless he or she has taken the 12 hour course within the preceding three years. Such broker-in-charge shall take the Broker-In-Charge Annual Review Course prescribed in Paragraph (k) of this Rule during the first full license year following the change and each license year thereafter so long as the broker-in-charge remains a resident of North Carolina or continues to manage an office located in North Carolina.

(p) A nonresident commercial real estate broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

History Note: Authority G.S. 93A-2; 93A-3(c); 93A-4; 93A-4.1; 93A-4.2; 93A-9;

Eff. September 1, 1983;

Amended Eff. May 1, 2013; July 1, 2010; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2005; July 1, 2004; April 1, 2004; September 1, 2002; July 1, 2001; October 1, 2000; August 1, 1998; April 1, 1997; July 1, 1995; July 1, 1994.

21 NCAC 58A .1402 MULTIPLE CLAIMS

(a) If at any time the Commission has notice of more than one application or potential claim for payment from the Real Estate Education and Recovery Fund arising out of the conduct of a single broker, the Commission may, in its discretion, direct that all applications filed before a date determined by the Commission be consolidated for hearing and payment.

(b) Upon directing that claims be consolidated as provided in Paragraph (a) of this Rule, the Commission shall issue to the broker and the applicants and potential claimants an Order of Consolidation setting forth the deadline for filing all applications to be consolidated. Upon the passing of the deadline, the Commission may, in its discretion, either extend the deadline or issue to the broker and all applicants a notice of the time, date and place set for the hearing on the consolidated applications.

(c) In exercising its discretion as provided in Paragraphs (a) and (b) of this Rule, the Commission shall consider the following factors:

- (1) the number of claim applications or potential claims of which it has notice;
- (2) the amount of each claim;
- (3) the status of the underlying civil action in each claim;
- (4) the length of time each claim has been pending since the Commission first received notice of the claim; and
- (5) whether consolidation of such claims or the extension of the deadline for filing applications to be consolidated will promote the fair and efficient administration and payment of monies from the Real Estate Education and Recovery Fund.

History Note: Authority G.S. 93A-16(d); 93A-17; 93A-20; Eff. February 1, 1988; Amended Eff. May 1, 2013; July 1, 2000; February 1, 1989.

CHAPTER 65 – BOARD OF RECREATIONAL THERAPY

21 NCAC 65 .0601 CONTINUING EDUCATION REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) During the two-year licensing period, a recreational therapist or recreational therapy assistant who is licensed by the North Carolina Board of Recreation Therapy Licensure shall complete continuing education as outlined below. Candidates for license renewal must complete a minimum of 20 hours of continuing education to renew the license. The renewal cycle is two years prior to licensee's expiration date, 20 hours or 2.0 CEUs must be earned within these two years.

(b) Values shall be awarded as the follows:

0.1 CEU (Continuing Education Unit) = one contact hour

1.0 CEU (Continuing Education Unit) = ten hours

2.0 CEUs = 20 Hours of Continuing Education every two years

Renewal Cycle is two years back from renewal due date

(c) Content of continuing education must be consistent with the current standards listed in the National Council for Therapeutic Recreation Council Job Analysis and any subsequent amendments or changes. A licensee shall acquire credit through professional service, continuing education courses, academic courses, and professional publications and presentations.

(d) A licensee seeking renewal earning continuing education credit approved by the International Council on Continuing Education (IACET) shall include documentation in licensee's renewal application showing credit earned, content, the licensee's name and attendance dates. A licensee seeking renewal credit for sessions not approved by IACET, must send documentation to show name, content, attendance and amount of credit earned. Documentation to support renewal credit earned

for attending professional sessions shall be a transcript, certificate, letter from continuing education's provider's letter head or the licensee's employer's training log including the content, attendance dates, licensee's name and credit earned.

(e) A licensee seeking renewal credits for academic courses: shall submit official transcript with course(s) and credit earned. One semester hour = 15 hours.

(f) A licensee seeking renewal credits from professional publications and presentations shall earn no more than 10 hours in the area of professional publications and presentations. Credit shall not be given for repeat or multiple presentations of same seminar, publication, in-service, original paper or poster presentation during a renewal cycle. Credit shall be split equally between presenters. Documentation for publications shall be a copy of the title page, table of contents and publication date. Documentation for presentations shall be in the form of letter from sponsoring body stating the licensee's name, date, content and the length of presentation.

(g) Values for publications and presentations are as follows:

- (1) Authoring and publishing printed editorials one hour
- (2) Authoring and publishing peer reviewed articles on original research six hours
- (3) Authoring and publishing professional newsletter article one hour
- (4) Editing a textbook of original work four hours
- (5) Authoring and publishing a textbook chapter of original work six hours
- (6) Authoring and publishing a peer reviewed journal article of professional practice four hours
- (7) Authoring and publishing a journal reviews or book review one hour
- (8) Presenting peer reviewed poster session one hour
- (9) Authoring and publishing a research abstract one hour
- (10) Authoring and publishing a textbook of original work ten hours
- (11) Authoring unpublished masters or doctoral thesis eight hours
- (12) Presenting one hour at professional meetings two hours

(h) Licensees seeking renewal credit for field-placement intern supervision shall be granted credit for no more than two field placement students during a renewal cycle for three hours credit per intern. Submission of the NCBRTL Clinical Appraisal and Reference Summary Form is accepted documentation. The NCBRTL Clinical Appraisal and Reference Summary Form can be found on the Board website, www.ncbtrl.org

(g) Licensees shall attend the Board's Compliance and Ethics Training for four hours credit during their first year of licensure. Existing licensees may attend the Board's Compliance and Ethics training for four hours renewal credit.

(h) Licensees seeking renewal credit submission for on-line training shall submit as proof of completion a certificate, letter or transcript as follows:

- (1) documentation to show content of the session(s);
- (2) documentation to show licensees' date of completion of the session;
- (3) documentation to support amount of credit awarded; and
- (4) the website address of the sponsoring body.

(i) Licensee seeking renewal credit for professional Recreational Therapy board member service shall be documented by letter of service from the professional board stating the dates served. One hour credit shall be given for one year's service. If the year's service crosses over the licensee's renewal cycle, credit can be used for next renewal cycle.

*History Note: Authority G.S. 90C-2; 90C-24(a)(3);
Temporary Adoption Eff. December 1, 2005;
Eff. January 1, 2007;
Amended Eff. May 1, 2013.*

**21 NCAC 65 .0602 RENEWAL REQUIREMENTS
FOR LICENSED RECREATIONAL THERAPIST AND
LICENSED RECREATIONAL THERAPY ASSISTANT**

(a) Board staff shall send a renewal notice to a licensee 60 days prior to the expiration date at the licensees' last known preferred contact address unless a person has advised the Board that he or she does not intend to renew the license. It is the responsibility of the licensee to keep address current on the Board website, www.ncbrtl.org.

(b) Licenses issued shall be subject to renewal every two years and include documentation to support completion of continuing education requirements as set forth in Rule .0601 of this Section.

(c) Each licensee must complete and submit a renewal application package. All materials must be postmarked by the 15th of the licensees' birth month prior to the expiration date of the license. The renewal application package must be submitted to the Board accompanied by the proper fees, color photo and continuing education documentation.

*History Note: Authority G.S. 90C-24(a)(3);
Eff. January 1, 2007;
Amended Eff. May 1, 2013; October 1, 2009.*

This Section contains information for the meeting of the Rules Review Commission on June 19, 2013 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
Anna Baird Choi
Jeanette Doran
Garth K. Dunklin
Stephanie Simpson

COMMISSION COUNSEL

Joe Deluca (919)431-3081
Amanda Reeder (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

June 19, 2013 July 18, 2013
August 15, 2013 September 19, 2013

AGENDA**RULES REVIEW COMMISSION**

Wednesday, June 19, 2013 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. Office of Information Technology Services – 09 NCAC 06A .0101, .0102, .0103 (DeLuca)
 - B. Office of Information Technology Services – 09 NCAC 06B .0101, .0102, .0103, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0401, .0402, .0403, .0404, .0405, .0501, .0502, .0503, .0504, .0505, .0601, .0602, .0603, .0701, .0702, .0703, .0801, .0901, .0902, .1001, .1002, .1003, .1004, .1005, .1006, .1008, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, .1111, .1112, .1114, .1115, .1117, .1118, .1120, .1121, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1301, .1302, .1303, .1304, .1305, .1402 (DeLuca)
 - C. Board of Barber Examiners – 21 NCAC 06A .0103, .0301, .0303 (DeLuca)
 - D. Board of Barber Examiners – 21 NCAC 06C .0907 (DeLuca)
 - E. Board of Barber Examiners – 21 NCAC 06F .0101, .0116 (DeLuca)
 - F. Board of Barber Examiners – 21 NCAC 06H .0101 (DeLuca)
 - G. Board of Barber Examiners – 21 NCAC 06I .0105 (DeLuca)
 - H. Board of Barber Examiners – 21 NCAC 06J .0101 (DeLuca)
 - I. Board of Barber Examiners – 21 NCAC 06K .0104 (DeLuca)
 - J. Board of Barber Examiners – 21 NCAC 06L .0103, .0114, .0118, .0119 (DeLuca)
 - K. Board of Barber Examiners – 21 NCAC 06M .0101, .0102 (DeLuca)

- L. Board of Barber Examiners – 21 NCAC 06N .0104, .0105, .0108, .0109, .0112 (DeLuca)
 - M. Board of Barber Examiners – 21 NCAC 06Q .0101, .0103 (DeLuca)
 - N. Board of Barber Examiners – 21 NCAC 06S .0101 (DeLuca)
 - O. Hearing Aid Dealers and Fitters Board – 21 NCAC 22F .0120, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209 (Reeder)
 - P. Board of Podiatry Examiners – 21 NCAC 52 .0211 (Reeder)
 - IV. Review of Log of Filings (Permanent Rules) for rules filed between April 23, 2013 and May 20, 2013
 - V. G.S. 150B-19.1 Certification
 - Q. 12 NCAC 07D .0501, .0502, .0503, .0504
 - VI. Commission Business
 - Next meeting: July 18, 2013
-

Commission Review
Log of Permanent Rule Filings
April 23, 2013 through May 20, 2013

COMMERCE, DEPARTMENT OF - CREDIT UNION DIVISION

The rules in Chapter 6 are from the Credit Union Division.

The rules in Subchapter 6B concern rulemaking (.0300); declaratory rulings (.0400); and contested cases (.0500).

<u>Notice of Rule Making Hearing</u>	04	NCAC	06B	.0302
Amend/*				
<u>Rule Making Hearings: General Information</u>	04	NCAC	06B	.0303
Amend/*				

The rules in Subchapter 6C concern credit unions and include general information (.0100); organization of credit unions (.0200); basic internal controls: accounting procedures and operation standards for state-chartered credit unions (.0300); loans (.0400); impairment and insolvency (.0500); dividends deposits and interest rebate (.0600); accounts (.0700); reports to administrator (.0800); pension plans (.0900); retention of records (.1000); forms used by credit union division (.1100); investments (.1200); reserves (.1300); and signature guarantee services.

<u>Definitions</u>	04	NCAC	06C	.0101
Amend/*				
<u>Listing of Officials and Operating Hours</u>	04	NCAC	06C	.0307
Amend/*				
<u>Surety Bond and Insurance Coverage</u>	04	NCAC	06C	.0311
Amend/*				
<u>Financial Statements and Other Information</u>	04	NCAC	06C	.0801
Amend/*				

CULTURAL RESOURCES, DEPARTMENT OF

The rules in Chapter 4 are from the Division of Archives and History.

The rules in Subchapter 4N concern historic sites (.0100); site hours and admission fees (.0200); and Elizabeth II, voyages policy (.0300).

<u>Admission Fees</u>	07	NCAC	04N	.0202
Amend/*				

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41A deal with communicable disease control and include reporting of communicable diseases (.0100); control measures for communicable diseases including special control measures (.0200-.0300); immunization (.0400); purchase and distribution of vaccine (.0500); special program/project funding (.0600); licensed nursing home services (.0700); communicable disease grants and contracts (.0800); and biological agent registry (.0900).

<u>Reportable Diseases and Conditions</u>	10A	NCAC	41A	.0101
Amend/*				

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); continuing education (.1300); unarmed armored car service guard registration requirements (.1400); and armed armored car service guard registration permit requirements (.1500).

<u>Definitions</u>	12	NCAC	07D	.0104
Amend/*				

<u>Involvement in Administrative Hearing</u>	12	NCAC	07D	.0115
Adopt/*				

<u>Renewal or Re-issue of Licenses and Trainee Permits</u>	12	NCAC	07D	.0203
Amend/*				

<u>Experience Requirements/Security Guard and Patrol License</u>	12	NCAC	07D	.0301
Amend/*				

<u>Experience Requirements for Guard Dog Service License</u>	12	NCAC	07D	.0302
Amend/*				

<u>Experience Requirements for a Private Investigator License</u>	12	NCAC	07D	.0401
Amend/*				

<u>Experience Requirements for a Polygraph License</u>	12	NCAC	07D	.0501
Amend/*				

<u>Experience Requirements for a Psychological Stress Evalua...</u>	12	NCAC	07D	.0601
Amend/*				

<u>Training Requirements for Armed Security Guards</u>	12	NCAC	07D	.0807
Amend/*				

<u>Requirements for a Firearms Trainer Certificate</u>	12	NCAC	07D	.0901
Amend/*				

<u>Unarmed Guard Trainer Certificate</u>	12	NCAC	07D	.0909
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); the assignment of stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

RULES REVIEW COMMISSION

<u>Neuse River Basin: Nutrient Sensitive Waters Management S...</u> Repeal/*	15A NCAC 02B .0242
<u>Catawba River Basin: Mitigation Program for Protection an...</u> Repeal/*	15A NCAC 02B .0244
<u>Randleman Lake Water Supply Watershed: Mitigation Program...</u> Repeal/*	15A NCAC 02B .0252
<u>Tar-Pamlico River Basin - Nutrient Sensitive Waters Manag...</u> Repeal/*	15A NCAC 02B .0260
<u>Jordan Water Supply Nutrient Strategy: Mitigation for Rip...</u> Repeal/*	15A NCAC 02B .0268
<u>Mitigation Program Requirements for Protection and Mainte...</u> Adopt/*	15A NCAC 02B .0295
<u>Site Specific Water Quality Management Plan for the Goose...</u> Repeal/*	15A NCAC 02B .0609

The rules in Subchapter 2H concern procedures for permit approvals including point source discharges to the surface waters (.0100); waste not discharged to surface waters (.0200); coastal waste treatment disposal (.0400); water quality certification (.0500); laboratory certification (.0800); local pretreatment programs (.0900); stormwater management (.1000); biological laboratory certification (.1100); special orders (.1200); and discharges to isolated wetlands and isolated waters (.1300).

<u>Development in Urbanizing Areas</u> Amend/*	15A NCAC 02H .0152
<u>Development in Urbanizing Areas</u> Amend/*	15A NCAC 02H .1016

COASTAL RESOURCES COMMISSION

The rules in Chapter 7 are from either the Coastal Resources Commission or the DENR/Division of Coastal Management.

The rules in Subchapter 7I concern the secretary's grant criteria and procedures for local implementation and enforcement programs under the Coastal Area Management Act and include purpose (.0100); policy and standards (.0200); application procedures (.0300); generally applicable standards (.0400); local implementation and enforcement plans (.0500); amendment of local management plans (.0600); and failure to enforce and administer plans (.0700).

<u>Program Costs</u> Amend/*	15A NCAC 07I .0401
<u>Application Fees</u> Amend/*	15A NCAC 07I .0406

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 13 concern Solid Waste Management.

The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer facilities (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); and requirements for beneficial use of coal combustion by-products (.1700).

<u>Out-of-State Waste in Sanitary Landfills</u>	15A NCAC 13B .0108
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Repeal/*

Option to Apply for Issuance of 10-Year Permit for Sanita... 15A NCAC 13B .0206
Adopt/*

Application Requirements for Sanitary Landfills 15A NCAC 13B .0504
Amend/*

The rules in Chapter 18 are from the Commission for Health Services and 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 18C are water supply rules including their protection and location (.0100-.0200), control of impounded water (.0300), water supply design criteria (.0400-.0500), raw surface water facilities (.0600), surface water treatment facilities (.0700), hydropneumatic storage tanks (.0800), distribution systems (.0900), disinfection of water supply systems (.1000), protection of unfiltered and filtered water supplies (.1100-.1200), operation and fluoridation of public water supplies (.1300-.1400), water quality standards and variances and exemptions (.1500-.1600), systems grants (.1700), local plan approval (.1800), administrative penalties (.1900), filtration and disinfection (.2000); operating permits (.2100); and ground water systems (.2200).

Public Well Water Supplies 15A NCAC 18C .0203
Amend/

Commission Review
Rules for G.S. 150B-19.1 Certification
May 16, 2013 through June 19, 2013

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); continuing education (.1300); unarmed armored car service guard registration requirements (.1400); and armed armored car service guard registration permit requirements (.1500).

Experience Requirements for a Polygraph License 12 NCAC 07D .0501
Amend/*

Polygraph Trainee Permit Requirements 12 NCAC 07D .0502
Amend/*

Polygraph Examination Requirements 12 NCAC 07D .0503
Amend/*

Polygraph Instruments 12 NCAC 07D .0504
Amend/*

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>			
James Ivery Smith, Ivy Lee Armstrong v. ABC Commission	11 ABC 08266	04/12/12	
Trawick Enterprises LLC v. ABC Commission	11 ABC 08901	05/11/12	27:01 NCR 39
Dawson Street Mini Mart Lovell Glover v. ABC Commission	11 ABC 12597	05/23/12	
ABC Commission v. Christian Broome Hunt T/A Ricky's Sports Bar and Grill	11 ABC 13161	05/03/12	
Alabarati Brothers, LLC T/A Day N Nite Food Mart, v. ABC Commission	11 ABC 13545	05/01/12	
Playground LLC, T/A Playground v. ABC Commission	11 ABC 14031	05/16/12	27:01 NCR 64
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	11 ABC 14036	07/05/12	
ABC Commission v. D's Drive Thru Inc. T/A D's Drive Thru	12 ABC 00060	05/29/12	
ABC Commission v. Choudhary, LLC T/A Speedway	12 ABC 00721	05/01/12	
ABC Commission v. Dos Perros Restaurant LLC T/A Dos Perros Restaurant	12 ABC 05312	09/25/12	
ABC Commission v. Bobby Warren Joyner T/A Hillsdale Club	12 ABC 06153	11/06/12	
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	12 ABC 07260	12/11/12	
ABC Commission v. Fat Cats Grill and Oyster Bar Inc, T/A Fat Cats Grill and Oyster Bar	12 ABC 08988	12/19/12	
ABC Commission v. Wachdi Khamis Awad T/A Brothers in the Hood	12 ABC 09188	03/06/13	
<u>DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY</u>			
Brian J. Johnson v. Department of Public Safety Victim Services	12 CPS 01664	12/21/12	
George H. Jaggers, III v. Crime Victims Compensation Commission	12 CPS 01693	11/01/12	
Teresa Herbin v. Department of Public Safety Victim Services	12 CPS 03680	08/10/12	
Jacqueline M Davis victim-Antonio T Davis v. Dept. of Public Safety	12 CPS 05919	11/06/12	
Demario J. Livingston v. Dept. of Public Safety Victim Services	12 CPS 06245	10/19/12	
Shirley Ann Robinson v. N.C. Crime Victims Compensation Commission	12 CPS 07601	12/07/12	
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>			
Stonestrow Group Home Medicaid Provider #6603018 Owned by Alberta Professional Services Inc v. DHHS, Division of Mental Health/Development Disabilities/ Substance Abuse, and DMA	09 DHR 05790	01/11/13	
Bright Haven Residential and Community Care d/b/a New Directions Group Home v. Division of Medical Assistance, DHHS	10 DHR 00232	04/27/12	
Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home, v. DHHS/Division of Health Service Regulation, Adult Care Licensure Section	10 DHR 01666	05/18/12	
Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home v. DHHS, Division of Health Service Regulation, Adult Care Licensure and Certification Section	10 DHR 05801	05/18/12	

CONTESTED CASE DECISIONS

Gold Care Inc. Licensee Hill Forest Rest Home Warren W. Gold v. DHHS, Adult Care Licensure Section	10 DHR 05861	05/18/12	
Robert T. Wilson v. DHHS, DHSR	10 DHR 07700	01/29/13	
Mary Ann Barnes v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 6488	07/16/12	
Comprehensive PT Center v. DHHS, Division of Medical Assistance	11 DHR 9197	08/14/12	27:12 NCR 1204
Cherry's Group Home, Alphonso Cherry v. DHSR Michelle Elliot	11 DHR 09590	07/12/12	
Leslie Taylor v. DHHS, Division of Health Regulation	11 DHR 10404	10/19/12	
Powell's Medical Facility and Eddie N. Powell, M.D., v. DHHS, Division of Medical Assistance	11 DHR 01451	03/05/12	27:01 NCR 75
Julie Sadowski v. DHHS, Division of Health Service Regulation	11 DHR 01955	04/03/12	
Carlos Kendrick Hamilton v. DHHS, Division of Social Services	11 DHR 11161	10/16/12	27:16 NCR 1679
Teresa Diane Marsh v. DHHS, Division of Health Service Regulation	11 DHR 11456	04/27/12	
Betty Parks v. Division of Child Development, DHHS	11 DHR 11738	06/20/12	
Lorrie Ann Varner v. DHHS, Regulation Health Care Personnel Registry Section	11 DHR 11867	08/02/12	
Brenda Brewer v. DHHS, Division of Child Development	11 DHR 12064	08/03/12	27:12 NCR 1210
Timothy John Murray v. DHHS, Division of Health Service Regulation	11 DHR 12594	06/15/12	
Holly Springs Hospital II, LLC v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Harnett Health System, Inc. and WakeMed	11 DHR 12727	04/12/12	27:04 NCR 486
Rex Hospital, Inc., v. DHHS, Division of Health Service Regulation, CON Section and WakeMed, Holly Springs Hospital II, LLC, and Harnett Health System, Inc.	11 DHR 12794	04/12/12	27:04 NCR 486
Harnett Health System, Inc., v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Holly Springs Hospital II, LLC, and WakeMed	11 DHR 12795	04/12/12	27:04 NCR 486
WakeMed v. DHHS, Division of Health Service Regulation, CON Section and Holly Springs Hospital II, LLC, Rex Hospital, Inc., and Harnett Health System, Inc	11 DHR 12796	04/12/12	27:04 NCR 486
Sandra Ellis v. DHHS	11 DHR 12959	07/11/12	
Shirley Dowdy v. DHHS	11 DHR 13267	03/25/13	
Vendell Haughton v. DHHS, Division of Medical Assistance	11 DHR 13616	07/05/12	
Tarsand Denise Morrison v. DHHS, Division of Health Service Regulation	11 DHR 13906	07/11/12	
Care Well of Charlotte Inc, Joy Steele v. DHHS	11 DHR 13909	08/02/12	
Carrie's Loving Hands Inc. #MHL #040-047 Felicia McGee v. DHHS, DHSR, Mental Health Licensure and Certification	11 DHR 14172	01/22/13	
Carrie's Loving Hands Inc. #MHL #010-047 Felicia McGee v. DHHS, DHSR, Mental Health Licensure and Certification	11 DHR 14173	01/22/03	
Michael Timothy Smith, Jr. v. DHHS, Division of Health Service Regulation	11 DHR 14184	08/01/12	
John S. Won v. DHHS	11 DHR 14232	09/05/12	27:15 NCR 1547
Cynthia Tuck Champion v. DHHS, Division of Health Service Regulation	11 DHR 14283	06/15/12	
Leslie Taylor, and Octavia Carlton v. Mecklenburg County Department of Social Services Youth and Family Services Division	11 DHR 14335	10/12/12	
Lauren Stewart v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	11 DHR 14570	06/08/12	
Alice M. Oakley v. Division of Child Development, DHHS	11 DHR 14571	05/15/12	27:04 NCR 508
McWilliams Center for Counseling Inc., v. DHHS, Division of Mental Health, Developmental Disabilities, Substance Abuse Services, and agency of the State of NC	11 DHR 15098	11/13/12	
Althea L. Flythe v. Durham County Health Department	12 DHR 00242	05/17/12	
Jerri Long v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	12 DHR 00361	07/06/12	
Renal Advantage, Inc., v. DHHS, Division of Health Service Regulation, CON Section and DVA Healthcare Renal Care, Inc	12 DHR 00518	08/28/12	27:15 NCR 1553
Angela Moye v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	12 DHR 00642	08/23/12	27:12 NCR 1218
Jessica Lynn Ward v. DHHS	12 DHR 00643	05/17/12	
Trinity Child Care II & I v. DHHS, Division of Public Health, Child and Adult Care Food Program	12 DHR 00861	04/20/12	27:04 NCR 518
Dr. Karen J. Williams, LPC v. DHHS, Division of Medical Assistance	12 DHR 00926	09/18/12	
Faith Home Care of NC, Bonita Wright v. DHHS, DMA	12 DHR 00928	07/25/12	
Olar Underwood v. Division of Child Development and Early Education	12 DHR 00990	10/22/12	
Angela C Jackson v. DHHS	12 DHR 01097	06/19/12	
Paula N Umstead v. DHHS	12 DHR 01098	05/11/12	
Daniel W. Harris, Jr., v. DHHS, Division of Health Service Regulation	12 DHR 01138	10/19/12	
ACI Support Specialists Inc. Case #2009-4249 v. DHHS	12 DHR 01141	06/06/12	
AriLand Healthcare Service, LLC, NCMHL #018-092, Shawn Kuhl Director of Operations v. DHHS, Emery E. Milliken, General Counsel	12 DHR 01165	05/25/12	

CONTESTED CASE DECISIONS

Kenneth Holman v. DHHS	12 DHR 01244	06/05/12	
Hillcrest Resthome Inc. (\$2000 penalty) v. DHHS	12 DHR 01289	05/30/12	
Hillcrest Resthome Inc. (\$4000 penalty) v. DHHS	12 DHR 01290	05/30/12	
Vivian Barrear v. DHHS, Division of Medical Assistance DHHS	12 DHR 01296	06/06/12	
Patricia Satterwhite v. DHHS	12 DHR 01338	07/23/12	
Timothy L Durham v. DHHS, Division of Health Services Regulation	12 DHR 01396	09/04/12	
Clydette Dickens v. Nash Co DSS	12 DHR 01625	05/15/12	
American Mobility LLC, Norman Mazer v. DHHS	12 DHR 01733	11/20/12	27:21 NCR 1980
Robert Lee Raines v. DHHS	12 DHR 01736	05/30/12	
Ms. Antoinette L. Williams v. DHHS	12 DHR 01739	06/15/12	
Felicia McGee Owner of Carrie's Loving Hand Inc. and Caring Arms Inc v. DHHS, DHSR	12 DHR 01796	01/22/13	
Mental Health Licensure Certification			
Tricia Watkins v. DHHS, Division of Medical Assistance, Office of Medicaid TLW-Auditing Office	12 DHR 01807	06/01/12	
First Path Home Care Services Gregory Locklear v. DHHS	12 DHR 01878	06/22/12	
Patriotic Health Care Systems, LLC v. DHHS	12 DHR 02105	09/19/12	
John and Christina Shipman v. DHHS	12 DHR 02107	07/24/12	
Team Daniel, LLC v. DHHS, DMA	12 DHR 02162	09/11/13	27:16 NCR 1696
Leslie Taylor, Octavia Carlton, Paula Carlton	12 DHR 02217	08/31/12	
Madeline Brown v. DHHS, Division of Health Service Regulation	12 DHR 02257	06/01/12	
Evelyn Evans v. DHHS, Division of Health Service Regulation	12 DHR 02258	07/02/12	
Shannon Santimore v. DHHS, Division of Public Health, Epidemiology Section	12 DHR 02348	12/20/12	
Precious Haven Inc. Melissa McAllister v. DHHS, Program Integrity	12 DHR 02430	05/18/12	
Michael and Jamie Hart v. Davidson County, Department of Social Services	12 DHR 02542	07/03/12	
Annamae R. Smith v. DHHS, Division of Medical Assistance	12 DHR 02657	11/05/12	
Our Daily Living, Christopher OnWuka, Director v. DHHS	12 DHR 02777	10/17/12	
Jessica L Thomas v. Randolph County DSS	12 DHR 02955	07/24/12	
Moses E Shoffner v. DHHS, Division of Child Development	12 DHR 03459	08/15/12	
Marco Evans v. DHHS, Division of Health Service Regulation	12 DHR 04110	07/30/12	
James C. Bartley v. DHHS, DMA	12 DHR 04116	07/25/12	
Estate of Mary P Lipe Medicaid ID #901463645S Alvena C Heggins v. DHHS, DMS (DHHS Medicaid)	12 DHR 04260	01/16/13	
Emelda Bih Che v. Health Care Personnel Registry	12 DHR 04834	01/24/13	
LaBrenda Jane Elliot v. DHHS, Division of Medical Assistance	12 DHR 04993	09/24/12	
Esther H Beal v. Office of Chief Medical Examiner	12 DHR 05094	11/14/12	27:21 NCR 1987
James Johnson v. DHHS, Division of Health Service Regulation	12 DHR 05148	09/11/12	
Cathy Crosland v. DHHS, Division of Health Service Regulation	12 DHR 05610	08/06/12	
Brenda Triplett Andrews v. DHHS, Division of Health Service Regulation	12 DHR 05745	12/10/12	
Southern Living Home Care Agency Inc., v. DHHS	12 DHR 05864	11/06/12	
Beverly Coleman v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	12 DHR 05961	09/05/12	
Dwight William Osborne v. Glana M Surles, DHHS (Medicaid)	12 DHR 05693	09/14/12	
Gregory Howard v. Health Care Personnel Registry	12 DHR 06157	09/07/12	
Joshua Goss v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry	12 DHR 06158	03/04/13	
Harrison E Shell Jr v. Wake County Human Services	12 DHR 06203	08/28/12	
Valtina Bronson v. DHHS, Division of Health Service Regulation	12 DHR 06365	08/29/12	
Danny Skipper AKA Danny Skipper v. DHHS, Division of Health Services Regulation	12 DHR 06403	10/22/12	
Stalin Bailon v. Department of Social Services	12 DHR 06528	10/17/12	
Tonya Diane Warfield v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section	12 DHR 06682	01/07/13	
Our Daily Living, Christopher OnWuka, Director v. DHHS	12 DHR 06683	10/17/12	
Brittney Nicole Brabham v. DHHS, Division Health Service Regulation, Healthcare Personnel Registry	12 DHR 06786	03/27/13	
Darina Renee Ford v. DHHS	12 DHR 07166	11/19/12	
Marquis Gerade Harrell v. DHHS, Health Care Personnel Registry, Leslie Chabet	12 DHR 07170	10/23/12	
KMG Holdings Inc. – The Lighthouse II of Clayton MHL #051-138 v. DHHS, Division of Health Licensure and Certification	12 DHR 07292	11/08/12	
Curtain Climbers, Rhonda Corn v. Division of Child Development, DHHS	12 DHR 07295	01/16/13	
Denise Marie Shear v. DHHS, Division of Health Service Regulation	12 DHR 07547	11/07/12	
Terique Epps, Family Legacy Mental Health Services DBA Task Inc v. DHHS and PBH	12 DHR 07616	11/09/12	
Angela Mackey v. DHHS, Division of Health Service Regulation	12 DHR 07619	10/05/12	
Eloise Dowtin v. The Emmanuel Home IV v. Division of Health Service Regulation	12 DHR 07620	11/06/12	
Orlando Stephen Murphy v. DHHS, DHSR, Health Care Personnel	12 DHR 07640	02/05/13	
Yolanda McKinnon v. DHHS	12 DHR 07711	01/11/13	

CONTESTED CASE DECISIONS

Koffi Paul Aboagye v. DHHS, Division of Health Service Regulation	12 DHR 07731	11/20/12	
Mark Thomas v. DHHS, Division of Health Service Regulation	12 DHR 07853	01/04/13	
Annie Garner Ham v. DHHS, Division Health Service Regulation	12 DHR 08103	03/04/13	
Daniel Saft, A+ Residential Care (MHL #092-811) v. DHHS, DHSR, Mental Health Licensure and Certification Section	12 DHR 08197	01/16/13	
Ronald Dixon v. Division of Child Development, DHHS	12 DHR 08446	11/14/12	
Jah Mary Weese v. DHHS, Division of Health Service Regulation	12 DHR 08672	01/09/13	
Natasha Dionne Howell v. DHHS, Division of Health Service Regulation	12 DHR 08814	03/07/13	
White Oak Homes II Inc., Lisa Atkinson v. DHHS, Mental Health Licensure and Certification Section, Division of Health Service	12 DHR 08994	02/08/13	
Carolyn Ragin v. DHHS, Division of Health Services Regulation	12 DHR 09373	12/18/12	
April Hood-Baker v. DHHS, DMA Glana M Surles	12 DHR 09489	01/15/13	
Tyshon & Shannetta Barfield v. DHHS	12 DHR 09692	02/08/13	
Cynthia M Rose v. Division of Child Development, DHHS	12 DHR 09846	01/23/13	
Carolina Solution, Inc v DHHS	12 DHR 10668	02/08/13	
Speech and Therapy Solutions v. DHHS	12 DHR 12402	03/27/13	
Treasure Dominique Corry v. State of NC Nurse Aide Registry	12 DHR 12408	03/15/13	
Bio-Medical Applications of North Carolina, Inc., D/B/A FMC Anderson Creek	12 DHR 1965	12/17/12	27:22 NCR 2101
Linda Johnson v. Caswell Center	13 DHR 01926	03/06/13	
Carolina Family Alliance, c/o Sabrian Mack Exec Director v. DHHS	13 DHR 02679	03/28/13	
Inder P Singh v. DHHS, WIC	13 DHR 05263	03/27/13	

DEPARTMENT OF ADMINISTRATION

Meherrin Indian Tribe v. Commission of Indian Affairs	12 DOA 00986	01/18/13	
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DEPARTMENT OF CORRECTIONS

Myron Roderick Nunn v. Jennifer O'Neal, Accountant DOC	12 DOC 01022	07/12/12	
Moses Leon Faison v. Department of Correction	13 DOC 10227	04/08/13	

DEPARTMENT OF JUSTICE

Tommy Keith Lymon v. Criminal Justice Education and Training Standards Commission	09 DOJ 03751	07/30/12	27:06 NCR 649
Greary Michael Chlebus v. Criminal Justice Education and Training Standards Commission	11 DOJ 4829	04/27/12	
Dillan Nathaniel Hymes v. Criminal Justice Education and Training Standards Commission	11 DOJ 10315	07/23/12	27:06 NCR 661
Barbara Renay Whaley v. Criminal Justice Education and Training Standards Commission	11 DOJ 10316	04/25/12	
Robert Kendrick Mewborn v. Criminal Justice Education and Training Standards Commission	11 DOJ 10318	04/23/12	
Athena Lynn Prevatte v. Sheriffs' Education and Training Standards Commission	11 DOJ 13148	05/25/12	27:04 NCR 529
Shatel Nate Coates v. Sheriffs' Education and Training Standards	11 DOJ 13151	07/05/12	
James Lee Ray v. Sheriffs' Education Training Standards	11 DOJ 13152	08/27/12	
Ko Yang v. Sheriff's Education and Training Standards Commission	11 DOJ 13153	06/14/12	
Dustin Edward Wright v. Sheriffs' Education and Training Standards Commission	11 DOJ 13154	08/08/12	
Walter Scott Thomas v. Sheriff's Education and Training Standards Commission	11 DOJ 13155	05/10/12	
Darryl Howard v. Criminal Justice Education and Training Standards Commission	11 DOJ 13157	04/12/12	
John Jay O'Neal v. Criminal Justice Education and Training Standards Commission	11 DOJ 13158	07/06/12	27:07 NCR 749
Charlesene Cotton v. Criminal Justice Education and Training Standards Commission	11 DOJ 13159	06/05/12	27:04 NCR 538
William James Becker v. Criminal Justice Education and Training Standards Commission	11 DOJ 13160	08/16/12	
Steve Michael Galloway, Jr, Private Protective Services Board	11 DOJ 14434	04/23/12	
Justin Thomas Medlin v. Alarm Systems Licensing Board	11 DOJ 14493	04/23/12	
Argentina Rojas v. Department of Justice, Campus Police Officer Commission	12 DOJ 00394	11/02/12	
Bruce Clyde Shoe v. Private Protective Services Board	12 DOJ 00556	09/26/12	
Angela Louise Giles v. Private Protective Services Board	12 DOJ 00557	04/18/12	
Marshall Todd Martin v. Sheriffs' Education	12 DOJ 00650	07/13/12	
Frances Gentry Denton v. Sheriffs' Education and Training Standards Commission	12 DOJ 00651	08/30/12	
James Philip Davenport v. Criminal Justice Education and Training Standards Commission	12 DOJ 00653	11/21/12	
Alvin Louis Daniels v. Criminal Justice Education and Training Standards Commission	12 DOJ 00654	08/17/12	
Michael Wayne McFalling v. Private Protective Services Board	12 DOJ 00814	05/21/12	
Robert John Farmer v. Alarm Systems Licensing Board	12 DOJ 00887	05/04/12	
Ricky Lee Ruhlman v. Private Protective Services Board	12 DOJ 01211	04/18/12	
Leroy Wilson Jr., Private Protective Services Board	12 DOJ 01293	04/18/12	
Clyde Eric Lovette v. Alarm Systems Licensing Board	12 DOJ 01498	05/02/12	
Vincent Tyron Griffin v. Alarm Systems Licensing Board	12 DOJ 01663	09/27/12	

CONTESTED CASE DECISIONS

Andre Carl Banks Jr., v. Alarm Systems Licensing Board	12 DOJ 01695	06/22/12	
Ryan Patrick Brooks v. Private Protective Services Board	12 DOJ 01696	06/05/12	
Dustin Lee Chavis v. Private Protective Services Board	12 DOJ 01697	06/01/12	
Jeffrey Adam Hopson v. Sheriffs' Education and Training Standards Commission	12 DOJ 01761	06/07/12	
John Henry Ceaser v. Sheriffs' Education and Training Standards Commission	12 DOJ 01762	06/18/12	
Jerome Douglas Mayfield v. Private Protective Services Board	12 DOJ 02381	06/15/12	
Elijah K. Vogel v. Private Protective Services Board	12 DOJ 02619	06/05/12	
Timmy Dean Adams v. Department of Justice, Company Police Program	12 DOJ 02778	12/21/12	
Carlito Soler v. Alarm Systems Licensing Board	12 DOJ 03457	09/26/12	
Rodney Lyndolph Bland v. Criminal Justice Education and Training Standards Commission	12 DOJ 03839	01/11/13	
Sherman Montrell Devon McQueen v. Criminal Justice Education and Training and Standards Commission	12 DOJ 03842	12/21/12	
Matthew Brian Hayes v. Criminal Justice Education and Training Standards Commission	12 DOJ 03843	11/27/12	27:22 NCR 2139
Antonio Cornelius Hardy v. Criminal Justice Education and Training Standards Commission	12 DOJ 03844	11/19/12	27:21 NCR 1994
Jonathan Dryden Dunn v. Sheriffs' Education and Training Standards	12 DOJ 03845	03/28/13	
Barry Louis Christopher, Jr v. Private Protective Services Board	12 DOJ 05041	08/27/12	27:15 NCR 1570
Bettina Hedwig Vredenburg v. Sheriffs' Education and Training Standards Commission	12 DOJ 05140	11/09/12	27:21 NCR 2002
Raymond Louis Soulet v. Sheriffs' Education and Training Standards Commission	12 DOJ 05142	08/27/12	
Dustin Wilson Grant v. Sheriffs' Education and Training Standards Commission	12 DOJ 05145	10/25/12	
Glenn Alvin Brand v. Sheriffs' Education and Training Standards Commission	12 DOJ 05146	10/08/12	
Shannon Wallace v. DHHS	12 DOJ 05355	02/26/13	
Lawrence W. Sitgraves v. Private Protective Services	12 DOJ 06059	09/13/12	
Collin Michael Berry v. Private Protective Services Board	12 DOJ 06590	10/22/12	
Tiffany Ann Misel v. Private Protective Services Board	12 DOJ 06817	10/17/12	
John Machouis v. Alarm Systems Licensing Board	12 DOJ 07161	12/19/12	
Christopher A. Field v. Private Protective Services Board	12 DOJ 07548	12/19/12	
Porschea Renee Williams v. Private Protective Services Board	12 DOJ 07549	01/09/13	
Ralph R. Hines v. Criminal Justice Education and Training Standards	12 DOJ 07812	11/07/12	
William Franklin Dietz v. Criminal Justice Education and Training Standards	12 DOJ 08010	02/19/13	
Elizabeth Crooks Goode v. Criminal Justice Education and Training Standards Commission	12 DOJ 08014	12/14/12	
Sabrina Richelle Wright v. Sheriffs' Education and Training Standards Commission	12 DOJ 08048	01/16/13	
Phillip Eugene Dendy v. Sheriffs' Education and Training Standards Commission	12 DOJ 08049	01/18/13	
Reginald E. James v. Private Protective Services Board	12 DOJ 08195	12/20/12	
Omega Young v. Private Protective Services Board	12 DOJ 08261	12/17/12	
Joseph T. Ferrara v. Private Protective Services Board	12 DOJ 08309	01/11/13	
Jovan Lamont Sears v. Private Protective Services Board	12 DOJ 08447	12/20/12	
Clinton Weatherbee Jr v. Criminal Justice Education and Training Standards Commission	12 DOJ 10206	03/25/13	
Eddie Hugh Hardison v. Private Protective Services Board	13 DOJ 08765	04/02/13	

DEPARTMENT OF STATE TREASURER

Ella Joyner v. Department of State Treasurer Retirement System Division	11 DST 02437	07/12/12	27:07 NCR 758
William R. Tate v. Department of Treasurer, Retirement System Division	11 DST 04675	09/07/12	27:15 NCR 1574
Brenda C. Hemphill v. Department of Treasurer, Retirement System Division	11 DST 10252	09/26/12	
Russell E. Greene v. Department of State Treasurer Retirement Systems Division	11 DST 10875	06/14/12	27:04 NCR 543
James A Layton v. Department of State Treasurer	11 DST 12958	11/30/12	
Marsha W Lilly, Robert L Hinton v. Retirement System	12 DST 01108	05/22/12	

STATE BOARD OF EDUCATION

Louis A. Hrebar v. State Board of Education	11 EDC 01445	07/27/12	
Delene Huggins v. Department of Public Instruction	11 EDC 08899	06/28/12	
Myra F. Moore v. NC Board of Education	11 EDC 11927	05/01/12	
Dwayne White v. Department of Public Instruction, NC State Board of Education	11 EDC 11864	07/18/12	27:07 NCR 769
Jeffery Sloan v. NCDPI	11 EDC 14077	11/09/12	27:21 NCR 1974
Lia C Long v. DPI	12 EDC 00805	10/18/13	27:16 NCR 1716
North Carolina Learns Inc. d/b/a North Carolina Virtual Academy	12 EDC 01801	05/18/12	
Katherine Kwesell Harris v. Public Schools, Board of Education	12 EDC 06520	09/05/12	
Wanda McLaughlin v. State Board of Education	12 EDC 12410	03/27/13	

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Pamlico-Tar River Foundation, NC Coastal Federation, Environmental Defense Fund, and Sierra Club v. DENR, Division of Water Quality and PCS Phosphate Company, Inc	09 EHR 1839	04/26/12	27:01 NCR 87
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CONTESTED CASE DECISIONS

ALCHEM Inc., v. NCDENR	10 EHR 00296	02/05/13	
Don Hillebrand v. County of Watauga County Health Dept	10 EHR 00933	05/10/12	
ALCHEM Inc., v. NCDENR	10 EHR 05463	02/05/13	
House of Raeford Farms, Inc., v. DENR	10 EHR 05508	05/31/12	27:01 NCR 99
Lacy H Caple DDS v. Division of Radiation Protection Bennifer Pate	11 EHR 11454	05/09/12	
Friends of the Green Swamp and Blue Ridge Environmental Defense League, Inc v. DENR	11 EHR 12185	08/08/12	27:12 NCR 1224
Division of Waste Management and Waste Management of the Carolinas, Inc., d/b/a Waste Management of Wilmington			
Holmes Development & Realty, LLC, and H.L. Homes v. DENR – Land Quality Section (Re: LQS 11-018)	11 EHR 13208	06/29/12	27:07 NCR 774
Ik Kim IT and K Enterprise v. DENR	11 EHR 13910	11/06/12	
Edward Dale Parker v. DENR	11 EHR 14390	02/22/13	
Janezic Building Group LLC v. Orange County	12 EHR 01104	12/03/12	27:21 NCR 2008
Save Mart of Duplin LLC v. DENR	12 EHR 02328	07/25/12	

DIVISION OF EMPLOYMENT SECURITY

Dwight Marvin Wright v. Department of Commerce, Division of Employment Security	12 ESC 05042	07/27/12	
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DEPARTMENT OF INSURANCE

Susan E. Montgomery Lee v. State Health Plan; Blue Cross Blue Shield	12 INS 10145	03/25/13	
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MISCELLANEOUS

Richard Lee Taylor v. City of Charlotte	11 MIS 14140	05/15/12	
Lloyd M Anthony v. New Hanover County Sheriff Office	12 MIS 01803	06/07/12	
Jackie Poole, Jamyan Brooks v. Orange County	12 MIS 02379	11/09/12	27:21 NCR 2016

OFFICE OF STATE PERSONNEL

Amanda Thaxton v. State Ethics Commission	09 OSP 03754	09/20/12	
Dorothy H. Williams v. DHHS, Central Regional Hospital	10 OSP 5424	03/28/12	27:01 NCR 119
Stephen R. West v. The University of North Carolina at Chapel Hill	10 OSP 01567	11/26/12	27:21 NCR 1959
Larry F. Murphy v. Employment Security Commission of North Carolina	10 OSP 03213	06/04/12	
Walter Bruce Williams v. Dept. of Crime Control and Public Safety Butner Public Safety Division	10 OSP 03551	04/23/12	27:01 NCR 148
Teresa J. Barrett v. DENR	10 OSP 04754	10/22/12	27:16 NCR 1726
Daniel Chase Parrott v. Crime Control and Public Safety, Butner Public Safety Division	10 OSP 04792	05/30/12	
Steven M Mukumgu v. DAG	10 OSP 05199	08/07/12	
Beatrice T. Jackson v. Durham County Health Department	11 OSP 3835	06/08/12	
Brenda D. Triplett v. DOC	11 OSP 4605	03/20/12	27:06 NCR 669
Tommie J. Porter v. DOC	11 OSP 5352	06/05/12	27:06 NCR 678
Fortae McWilliams v. DOC	11 OSP 06236	05/30/12	27:06 NCR 684
Kimberly F. Loflin v. DOT, DMV	11 OSP 06762	07/10/12	
John Hardin Swain v. DOC, Hyde Correctional Inst.	11 OSP 07956	04/23/12	27:06 NCR 693
John Fargher v. DOT	11 OSP 08111	04/18/12	
Tammy Cagle v. Swain County, Department of Social Services	11 OSP 10307	09/26/12	27:16 NCR 1747
Doris Wearing v. Polk Correctional Inst. Mr. Soloman Superintendent	11 OSP 11023	10/19/12	
Fredericka Florentina Demmings v. County of Durham	11 OSP 11498	06/12/12	
Derick A Proctor v. Crime Control and Public Safety, State Capital Police Division	11 OSP 11499	12/06/12	
David B. Stone v. Department of Cultural Resources	11 OSP 11926	08/10/12	27:12 NCR 1245
Pattie Hollingsworth v. Fayetteville State University	11 OSP 12152	02/27/13	
William C. Spender v. Dept. of Agriculture & Consumer Services, Veterinary Division	11 OSP 12479	04/27/12	
Terrence McDonald v. NCSU	11 OSP 12682	05/21/12	
Terrence McDonald v. DHHS, Emery Milliken	11 OSP 12683	05/18/12	
Phyllis Campbell v. DOC	11 OSP 13381	08/27/12	27:15 NCR 1579
Raeford Quick v. DOC	11 OSP 14436	05/22/12	
Tawana McLaurin v. DOC	12 OSP 00116	08/21/12	
Marva G. Scott v. Edgecombe County Social Services Board (Larry Woodley, Fate Taylor, Ernest Taylor, Viola Harris and Evelyn Johnson), Edgecombe County Commissioners and Edgecombe county manager, Lorenzo Carmon	12 OSP 00430	12/20/12	27:22 NCR 2152
Thomas B. Warren v. DAG, Forest Services Division	12 OSP 00615	11/27/12	

CONTESTED CASE DECISIONS

Bon-Jerald Jacobs v. Pitt County Department of Social Services	12 OSP 00634	06/12/12	
Sherry Baker v. Department of Public Safety	12 OSP 00841	10/09/12	
Diane Farrington v. Chapel Hill-Carrboro City Schools	12 OSP 01300	07/12/12	
Cynthia Moats v. Harnett County Health Dept	12 OSP 01536	08/10/12	
Natalie Wallace-Gomes v. Winston-Salem State University	12 OSP 01627	05/15/12	
Clark D. Whitlow v. UNC-Chapel Hill	12 OSP 01740	06/12/12	
Jeffrey L Wardick, v. Employment Securities Commission of NC	12 OSP 02027	07/17/12	
Ricco Donnell Boyd v. NC A&T University	12 OSP 02219	01/31/13	
Larry C. Goldston v. UNC-Chapel Hill	12 OSP 02222	09/26/12	27:16 NCR 1754
Larry Batton v. Dept of Public Safety	12 OSP 02320	02/18/13	
Sheila Bradley v. Community College System Sandhills Community College	12 OSP 02473	06/06/12	
Brenda S. Sessoms v. Department of Public Safety	12 OSP 02507	07/25/12	
Donnette J Amaro v. Onslow County Department of Social Services	12 OSP 02578	11/21/12	
Ronald Gilliard v. N.C. Alcoholic Law Enforcement	12 OSP 02618	09/26/12	
Kimberly Hinton v. DOT	12 OSP 02848	10/05/12	
James B. Bushardt III v. DENR, Division of Water Quality	12 OSP 02872	02/19/13	
Natalie Wallace-Gomes v. Winston Salem State University	12 OSP 02950	08/01/12	
Jaymar v. Department of Corrections, Central Prison	12 OSP 03381	07/20/12	
Ronald Wayne Crabtree Jr., v. Butner Public Safety	12 OSP 03846	10/09/12	
Natalie Wallace-Gomes v. Winston Salem State University	12 OSP 03910	10/22/12	
Natalie Wallace-Gomes v. Winston Salem State University	12 OSP 04107	10/22/12	
Michelle Houser v. Department of Public Safety, Division of Prisons	12 OSP 04826	09/26/12	
Audrey Melissa Tate v. Department of Public Safety, Division of Juvenile Justice	12 OSP 05182	08/03/12	
Jonathan Ashley Stephenson v. UNC-Chapel Hill	12 OSP 05223	01/15/13	
Charles E. Rouse v. DMV, Dist Sup Stacey Wooten	12 OSP 05315	09/05/12	
Edwards Robert Esslinger v. DPI	12 OSP 05459	09/12/12	
Barry L. Pruett v. DMV, Driver and Vehicle Services	12 OSP 05785	09/11/12	
Joseph Sandy v. UNC Chapel Hill	12 OSP 06152	09/05/12	
Natalie Wallace-Gomes v. Winston Salem State University	12 OSP 06309	10/22/12	
Paul Jeffrey Treadway v. Department of Public Safety, Division of Adult Supervision	12 OSP 06634	12/18/12	
Phillip W Smith v. Department of Commerce, Division of Employment Security	12 OSP 06821	09/20/12	
Shirley M. Parker v. Department of Public Safety Caledonia Correctional Institution	12 OSP 07617	04/04/13	
Christopher Rashad Pippins v. PCS BOE PCS Facility Services	12 OSP 07744	10/18/12	
Wanda Edwards v. UNC School of Dentistry	12 OSP 07851	01/09/13	
Gary C. Clement v. DHHS	12 OSP 08105	11/14/12	
Oswald Woode v. DHHS, Central Regional Hospital	12 OSP 08664	01/09/13	
Gary C. Clement v. DHHS	12 OSP 09581	01/04/13	

DEPARTMENT OF REVENUE

Jerry Lamont Lindsey v. Department of Revenue	11 REV 1914	07/25/12	
Thomas E Gust v. Department of Revenue	11 REV 13557	08/15/12	
James Cooper III Sui Juris v. Department of Revenue	11 REV 13792	11/14/12	
Brian Daniel Reeves v. Department of Revenue	12 REV 01539	06/04/12	
David Roser v. Department of Revenue	12 REV 01694	09/10/12	
Ronnie Lee Nixon v. Department of Revenue	12 REV 01881	10/03/12	
William S. Hall v. Department of Revenue	12 REV 04115	08/27/12	
Noah D. Sheffield v. Department of Revenue	12 REV 07074	11/14/12	
Jenny M. Sheffield v. Department of Revenue	12 REV 07075	11/14/12	
Jesus A. Cabrera v. Department of Revenue	12 REV 08968	01/03/13	

OFFICE OF SECRETARY OF STATE

Michael Anthony Farrow-Bey v. Department of Secretary of State	12 SOS 07865	12/14/12	
Jennifer Lynn Pierce-Founder Share Our Shoes v. Secretary of State's Office	12 SOS 01653	07/11/12	

UNC HOSPITALS

Onyedika C Nwaebube v. UNC Hospitals	12 UNC 01110	06/25/12	
Nephatiya Wade v. UNC Hospitals Chapel Hill NC	12 UNC 01209	07/17/12	
Fredia R Wall v. UNC Physicians & Associates	12 UNC 02256	10/04/12	
Carolyn A. Green v. UNC Hospitals	12 UNC 02259	09/19/12	
Annie E. Jarrett v. UNC Hospitals	12 UNC 03716	10/09/12	
Vikki J Goings v. UNC Hospital	12 UNC 04109	09/18/12	
Elonnie Alston v. UNC Hospitals	12 UNC 04551	09/11/12	
Diara Z Andrews v. UNC Hospitals	12 UNC 04827	08/15/12	
David Ryan Pierce v. UNC Hospitals, Patient Account Services, SODCA	12 UNC 05306	03/20/13	

CONTESTED CASE DECISIONS

Shonte Hayes v. UNC P&A	12 UNC 05746	09/10/12
Tracy A. Spaine (Currier) v. UNC Hospitals	12 UNC 06822	11/06/12

WILDLIFE RESOURCES COMMISSION

People for the Ethical Treatment of Animals, Inc., v. NC Wildlife Resources Commission	12 WRC 07077	11/13/12	27:22 NCR 2165
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