

NORTH CAROLINA REGISTER

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February 1, 2018

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2018 – December 2018

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	RRC Meeting Date	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
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	05/2018	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	05/2018	10/13/18
32:15	02/01/18	01/10/18	02/16/18	04/02/18	04/20/18	05/17/18	06/01/18	01/2019	10/29/18
32:16	02/15/18	01/25/18	03/02/18	04/16/18	04/20/18	05/17/18	06/01/18	01/2019	11/12/18
32:17	03/01/18	02/08/18	03/16/18	04/30/18	05/21/18	06/21/18	07/01/18	01/2019	11/26/18
32:18	03/15/18	02/22/18	03/30/18	05/14/18	05/21/18	06/21/18	07/01/18	01/2019	12/10/18
32:19	04/02/18	03/09/18	04/17/18	06/01/18	06/20/18	07/19/18	08/01/18	01/2019	12/28/18
32:20	04/16/18	03/23/18	05/01/18	06/15/18	06/20/18	07/19/18	08/01/18	01/2019	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/2019	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	01/2019	02/09/19
32:23	06/01/18	05/10/18	06/16/18	07/31/18	08/20/18	09/20/18	10/01/18	01/2019	02/26/19
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33:01	07/02/18	06/11/18	07/17/18	08/31/18	09/20/18	10/18/18	11/01/18	01/2019	03/29/19
33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	01/2019	04/12/19
33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	01/2019	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	01/2019	05/12/19
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33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	05/2020	06/28/19
33:08	10/15/18	09/24/18	10/30/18	12/14/18	12/20/18	01/17/19	02/01/19	05/2020	07/12/19
33:09	11/01/18	10/11/18	11/16/18	12/31/18	01/22/19	02/21/19	03/01/19	05/2020	07/29/19
33:10	11/15/18	10/24/18	11/30/18	01/14/19	01/22/19	02/21/19	03/01/19	05/2020	08/12/19
33:11	12/03/18	11/07/18	12/18/18	02/01/19	02/20/19	03/21/19	04/01/19	05/2020	08/30/19
33:12	12/17/18	11/26/18	01/01/19	02/15/19	02/20/19	03/21/19	04/01/19	05/2020	09/13/19

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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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.



State of North Carolina

ROY COOPER
GOVERNOR

DECEMBER 28, 2017

EXECUTIVE ORDER NO. 30

TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE ADEQUATE FUEL SUPPLIES THROUGHOUT THE STATE

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments is essential to the public during the wintertime, and any interruption in their delivery threatens the public welfare; and

WHEREAS, I have determined that a state of emergency in North Carolina exists due to the current and forecasted period of prolonged cold weather in North Carolina and in other parts of the United States, which has increased the demand for propane and other essential heating fuels; and

WHEREAS, this increase in demand for propane and other essential heating fuels threatens their uninterrupted delivery to residential and commercial customers, which thereby justifies an exemption from 49 C.F.R. Parts 390-399 ("the Federal Motor Carrier Safety Regulations"); and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the Federal Motor Carrier Safety Regulations for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, pursuant to N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property in this State require that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 be waived for drivers transporting essential fuels.

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

Section 1.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina ("the Emergency Area").

Section 2.

The North Carolina Department of Public Safety, in conjunction with the North Carolina Department of Transportation, shall waive the maximum hours of service for drivers prescribed by the Department of Public Safety pursuant to 49 C.F.R. Part 395 and N.C. Gen. Stat. § 20-381 in the Emergency Area.

Section 3.

Notwithstanding the waiver set forth above, the applicable size and weight restrictions and penalties for drivers are not waived.

Section 4.

The waiver of the Federal Motor Carrier Safety Regulations does not apply to commercial drivers' licenses and insurance requirements.

Section 5.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2, 3, and 4 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 6.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are being used to transport essential heating fuels or otherwise assist in the transport of essential heating fuels.

Section 7.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 8.

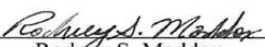
This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

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 28th day of December in the year of our Lord two thousand and seventeen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

January 3, 2018

EXECUTIVE ORDER NO. 31

DECLARATION OF A STATE OF EMERGENCY

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

WHEREAS, current weather projections indicate that portions of the State of North Carolina will be significantly impacted by an approaching winter storm; and

WHEREAS, the projected winter storm constitutes a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and coordinate the emergency response among State and local entities and officials; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies.

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

Section 1.

Pursuant to N.C. Gen. Stat. § 166A-19.20, I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the State of North Carolina due to the approach of a winter storm. The emergency area as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) includes Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond, Robeson, Sampson, Scotland, Stanly, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne, and Wilson counties ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (the "Plan").

Section 3.

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

Further, Secretary Hooks, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

I further direct Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

I hereby order that this declaration be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies, unless the circumstances of the state of emergency would prevent or impede this; and (3) distributed to others as necessary to ensure proper implementation of this declaration.

Section 7.

This declaration does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 8.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 9.

This declaration is effective immediately and shall remain in effect 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 3rd day of January in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





State of North Carolina

ROY COOPER

GOVERNOR

January 3, 2018

EXECUTIVE ORDER NO. 32

**TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE
RESTORATION OF UTILITY SERVICES AND THE TRANSPORTATION OF ESSENTIALS**

WHEREAS, the approach of a winter storm will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal, vehicles carrying essentials such as food and medicine, and vehicles transporting livestock and poultry and feed for livestock and poultry through North Carolina highways; and

WHEREAS, I have declared that a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) exists due to the approaching winter storm and its likely impact on this State; and

WHEREAS, the emergency area as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is the State of North Carolina; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, livestock and poultry feed, and medical supplies to residential and commercial establishments is essential before, during, and after the winter storm and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles engaging in debris removal, bearing equipment and supplies for utility restoration, and carrying essentials must adhere to the registration requirements of N.C. Gen. Stat. §§ 20-86.1 and 20-382, the fuel tax requirements of N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49, and the size and weight requirements of N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119; and

WHEREAS, I have found that the State's residents may suffer losses and will likely suffer imminent, further widespread damage within the scope of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock or poultry, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock and poultry; and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry, (2) persons transporting livestock and poultry and (3) persons operating vehicles used in the restoration of utility services.

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

Section 1.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina (“the Emergency Area”).

Section 2.

DPS, in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

Section 3.

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles transporting equipment and supplies for the restoration of utility services and transportation facilities and vehicles carrying essentials and equipment for debris removal. Pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock and poultry and feed to livestock and poultry in the Emergency Area.

Section 4.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination’s length exceeds seventy-five (75) feet from bumper to bumper.
- d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (i) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend “Oversized Load” in ten (10) inch black letters 1.5 inches wide and (ii) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet 6 inches in width.

Section 5.

Vehicles referenced under Sections 3 and 4 of this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49 is waived for such vehicles. No filing of a quarterly fuel tax return is required as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- b. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning intrastate and interstate for-hire authority are waived; however, vehicles shall maintain the required limits of insurance as required.
- c. Non-participants in North Carolina’s International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified in this Executive Order.

Section 6.

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 7.

The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Driver's License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 8.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2 through 7 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 9.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are being used for bearing equipment and supplies for utility restoration and debris removal, carrying essentials in commerce, carrying feed for livestock and poultry, or transporting livestock and poultry in the State of North Carolina.

Section 10.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 11.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 12.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

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 3rd day of January in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Notice of Application to modify existing Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a wastewater system, component, or device for on-site subsurface use. The following applications have been submitted to DHHS:

Application by: Dave Lentz, PE
Infiltrator Water Technologies
PO Box 768
Old Saybrook, CT 06475

For: Modification of Innovative Approval for Infiltrator Water Technologies existing Innovative Approval IWWS-1993-02-R16

DHHS Contact: Nancy Deal
1-919-707-5875
Fax: 919-845-3973
Nancy.Deal@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Nancy Deal, Branch Head at 5605 Six Forks Rd., Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Ms. Nancy Deal, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, or Nancy.Deal@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

Notice of Application to modify existing Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a wastewater system, component, or device for on-site subsurface use. The following applications have been submitted to DHHS:

Application by: Dave Lentz, PE
Infiltrator Water Technologies
PO Box 768
Old Saybrook, CT 06475

For: Modification of Innovative Approval for Infiltrator Water Technologies existing Innovative Approval IWWS-1995-03-R7

DHHS Contact: Nancy Deal
1-919-707-5875
Fax: 919-845-3973
Nancy.Deal@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Nancy Deal, Branch Head at 5605 Six Forks Rd., Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Ms. Nancy Deal, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, or Nancy.Deal@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

Notice of Application to modify existing Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a wastewater system, component, or device for on-site subsurface use. The following applications have been submitted to DHHS:

Application by: Dave Lentz, PE
Infiltrator Water Technologies
PO Box 768
Old Saybrook, CT 06475

For: Modification of Innovative Approval for Infiltrator Water Technologies existing Innovative Approval IWWS-2010-01-R4

DHHS Contact: Nancy Deal
1-919-707-5875
Fax: 919-845-3973
Nancy.Deal@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Nancy Deal, Branch Head at 5605 Six Forks Rd., Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Ms. Nancy Deal, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, or Nancy.Deal@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

Wildlife Commission Reschedules Public Hearings in Clyde, Morganton, and Elkin

The N.C. Wildlife Resources Commission postponed the public hearings scheduled for Jan. 16, 17, and 18 on 2018 – 2019 Fishing, Hunting & Game Lands Regulations due to inclement weather.

Public hearings have been rescheduled as follows:

February 15, 2018

Haywood Community College
185 Freeland Drive
Clyde, NC 28721

February 21, 2018

Elkin High School
334 Elk Spur Street
Elkin, NC 28621

February 22, 2018

Western Piedmont Community College
Moore Hall Leviton Auditorium
1001 Burkemont Avenue
Morganton, NC 28655

The comment period for proposed rules will be extended through February 22, 2018.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10B .0224 and amend the rules cited as 15A NCAC 10B .0123, .0202, .0203, .0207, .0211, .0212; 10C .0205, .0305, .0316, .0401, .0402; 10D .0103 and .0104.

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

Proposed Effective Date: *August 1, 2018*

Public Hearing:

Date: *January 9, 2018*

Time: *7:00 p.m.*

Location: *Auditorium, Bladen Community College, 7418 NC Hwy 41W, Dublin, NC 28332*

Date: *January 10, 2018*

Time: *7:00 p.m.*

Location: *Old Alamance County CTHS, 1 SE Court Square, Graham, NC 27253*

Date: *January 11, 2018*

Time: *7:00 p.m.*

Location: *Stanly County Agri-Civic Center, 26032 Newt Rd, Albemarle, NC 28001*

Date: ~~*January 16, 2018*~~ *February 15, 2018*

Time: *7:00 p.m.*

Location: *Haywood Community College, 185 Freeland Drive, Clyde, NC 28721*

Date: ~~*January 18, 2018*~~ *February 21, 2018*

Time: *7:00 p.m.*

Location: *Elkin High School, 334 Elk Spur Street, Elkin, NC 28621*

Date: ~~*January 17, 2018*~~ *February 22, 2018*

Time: *7:00 p.m.*

Location: *Western Piedmont Community College, Moore Hall Leviton Auditorium, 1001 Burkemont Ave, Morganton, NC 28655*

Date: January 23, 2018
Time: 7:00 p.m.
Location: Auditorium, John A. Holmes High School, 600 Woodard St, Edenton, NC 27932

Date: January 24, 2018
Time: 7:00 p.m.
Location: Craven Community College, 800 College Court, New Bern, NC 28562

Date: January 25, 2018
Time: 7:00 p.m.
Location: Nash Community College, 522 N Old Carriage Rd, Rocky Mount NC 27804

Reason for Proposed Action: Every year the NC Wildlife Resources Commission reviews the need to adjust seasons, bag limits, and the management of land in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.

Comments may be submitted to: Carrie Ruhlman, Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org

Comment period ends: ~~February 1, 2018~~ February 22, 2018

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
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0123 POSSESSION OF CERTAIN SPECIES OF WILDLIFE RESOURCES

(a) It is unlawful for any individual to import, transport, export, purchase, possess, or sell any species of Tongueless or African Clawed Frog (~~Xenopus spp.~~)(*Xenopus spp.*), Brown Anole (*Anolis sagrei*), Cuban Treefrog (*Osteopilus septentrionalis*), or any Asian Newts (genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*); or to stock or release ~~them~~ any of the species identified in this Rule in the public or private waters or lands of North Carolina, except as authorized under permit issued to the entities identified in Subparagraphs (1) and (2) of this Paragraph by the ~~Executive Director~~ Commission, pursuant to G.S. ~~113-274(e)(4)~~ 113-274(c)(4), and subject to the following limitations: ~~limitations as specified in this Rule:~~

- (1) Retail and Wholesale Establishments. Importation, possession, ~~sales, sale, transfer,~~ transportation, and exportation of these species within North Carolina, ~~will be allowed under permit~~ by retail and wholesale establishments whose primary business function is providing scientific supplies for research; ~~provided that they must be possessed in indoor facilities; and that all transportation of specimens provides adequate safeguards against accidental escape; and that sale or transfer is permitted only as listed in Item (2) of this Rule. Written applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards~~

~~provided against accidental escape and sales to unauthorized individuals. research, shall be allowed by permit, provided the following conditions are met:~~

- ~~(A) the application for a permit shall be in writing and include detailed plans for holding, transportation, advertisement, and sale to allow a determination of the safeguards employed to prevent accidental escape and sales to unauthorized individuals;~~
 - ~~(B) in-state sale or transfer is allowed only to agencies, entities, and institutions listed in Subparagraph (2) of this Paragraph; or to out-of-state persons;~~
 - ~~(C) exportation shall comply with all applicable rules and regulations of the importing state;~~
 - ~~(D) all specimens shall be possessed in indoor facilities; and~~
 - ~~(E) transportation of specimens employs safeguards that prevent accidental escape.~~
- (2) ~~Government Agencies and Research Institutions. Purchase, importation, and possession~~ Importation, possession, transfer, transportation, and exportation of this these species within North Carolina shall be allowed by permit by permitted state and federal governmental agencies, corporate research entities, and research institutions; provided that sales are permitted to lawful out of state consumers; and, provided that they must be possessed in indoor facilities and that all transportation of specimens provides adequate safeguards against accidental escape; and that the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and, further provided that no specimens may be stocked or released in the public or private waters or lands of North Carolina and may not be transferred to any private individual. ~~institutions, provided the following conditions are met:~~
- ~~(A) The application for a permit shall be in writing and include detailed plans for holding, transportation, final disposition, and safeguards to prevent accidental escape;~~
 - ~~(B) exportation shall only be to out-of-state agencies, entities, and institutions identified in this Subparagraph;~~
 - ~~(C) all specimens shall be possessed in indoor facilities;~~
 - ~~(D) transportation of specimens shall employ safeguards that prevent accidental escape; and~~
 - ~~(E) the agency's, entity's, or institution's Animal Use and Care Committee has approved the research protocol for this species.~~

(b) Except as provided in Paragraph (a) of this Rule, it is unlawful for private individuals to import, purchase, or sell live specimens of Red-eared Sliders (Trachemys scripta elegans); or to stock or release them in the public or private waters or lands of North Carolina.

Authority G.S. 113-134; 113-274; 113-292.

SECTION .0200 - HUNTING

15A NCAC 10B .0202 BEAR

(a) Open Seasons for hunting bear shall be from the:

- (1) ~~First Monday in or nearest October 15 to through~~ the Saturday before Thanksgiving and the third Monday after Thanksgiving to through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) ~~Second Monday in November to through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;~~ counties;
- (3) ~~First Monday in December to the third Saturday thereafter in Robeson County~~
- ~~(4)(3)~~ Second Monday Saturday in November to through the following Saturday second Sunday thereafter and the third Monday Saturday after Thanksgiving to through the fifth Saturday Sunday after Thanksgiving in Beaufort, Bertie, Camden, Chowan, Craven, Dare, Edgecombe, Greene, Halifax, Hyde, Hertford, Jones, Lenoir, Martin, Nash, Northampton, Pasquotank, Pitt, Tyrrell, Pamlico, and Washington Washington, Wayne, and Wilson counties;
- ~~(4)~~ Second Saturday in November through the first Sunday after Thanksgiving and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- ~~(5)~~ Second Saturday preceding the second Monday in November to through the following second Sunday thereafter Saturday and the third Saturday Monday after Thanksgiving to through the fifth Saturday Sunday after Thanksgiving in Bertie, Currituck, Gates, Hertford, and Perquimans counties;
- ~~(6)~~ Second Sunday in November through the following Sunday and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;
- ~~(7)~~ Third Saturday in November through the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- ~~(6)(8)~~ Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
 - (2) Bears shall not be taken with the use or aid of:
 - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
 - (B) any extracts of substances identified in Part (A) of this Subparagraph;
 - (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
 - (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
 - (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
 - (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through (a)(6) of this Rule.
 - (5) Bears shall not be taken while in the act of consuming bait.
 - (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.
- (c) No Open Season. There is no open season in those parts of counties included in the following posted bear sanctuaries:
- Avery, Burke, and Caldwell counties--Daniel Boone bear sanctuary except by permit only
 Beaufort, Bertie, and Washington counties--Bachelor Bay bear sanctuary
 Bladen County--Suggs Mill Pond bear sanctuary
 Brunswick County--Green Swamp bear sanctuary
 Buncombe, Haywood, Henderson, and Transylvania counties--Pisgah bear sanctuary
 Carteret, Craven, and Jones counties--Croatan bear sanctuary
 Clay County--Fires Creek bear sanctuary
 Columbus County--Columbus County bear sanctuary
 Currituck County--North River bear sanctuary
 Dare County--Bombing Range bear sanctuary except by permit only
 Haywood County--Harmon Den bear sanctuary
 Haywood County--Sherwood bear sanctuary
 Hyde County--Gull Rock bear sanctuary
 Hyde County--Pungo River bear sanctuary
 Jackson County--Panthertown-Bonas Defeat bear sanctuary
 Macon County--Standing Indian bear sanctuary
 Macon County--Wayah bear sanctuary
 Madison County--Rich Mountain bear sanctuary
 McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only
 Mitchell and Yancey counties--Flat Top bear sanctuary
 Wilkes County--Thurmond Chatham bear sanctuary
- (d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.
- (e) ~~Kill Reports. The carcass of each bear shall be reported as provided by 15A NCAC 10B .0113.~~

Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305.

15A NCAC 10B .0203 DEER (WHITE-TAILED)

(a) Open Seasons (All Lawful Weapons) for hunting deer:

- (1) Deer With Visible Antlers. Except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands, Deer deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons (Refer to 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands):
 - (A) Saturday on or nearest October ~~15~~ 22 through the first Sunday in January ~~+~~ in all of Beaufort, ~~Bertie~~, Bladen, Brunswick, ~~Camden~~, Carteret, ~~Chowan~~, Columbus*, Cumberland, Craven, ~~Currituck~~, Dare, Duplin, Edgecombe, ~~Franklin~~, ~~Gates~~, ~~Greene~~, ~~Halifax~~, Harnett, ~~Hertford~~, Hoke, Hyde, ~~Johnston~~, Jones, Lenoir, ~~Martin~~, Moore, ~~Nash~~, New Hanover, ~~Northampton~~, Onslow, Pamlico, ~~Pasquotank~~, Pender, ~~Perquimans~~, ~~Pitt~~, ~~Richmond**~~, ~~Richmond~~, Robeson, Sampson, ~~Scotland**~~, ~~Scotland~~, Tyrrell, ~~and~~ ~~Vance~~, ~~Wake~~, ~~Warren~~, Washington, ~~Wayne~~, and ~~Wilson~~ counties.

*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

~~**Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~

(B) Saturday on or nearest October 29 through the first Sunday in January in all of Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.

(C) Saturday before Thanksgiving Day through the first Sunday in January + in all of Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, ~~Wilkes~~^{*} Wilkes, and Yadkin counties.

~~*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove Game Land.~~

~~(C)(D)~~ Monday ~~Saturday~~ after of Thanksgiving week Day through the ~~third Saturday after Thanksgiving Day~~ first Sunday in January in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties.

~~(D)(E)~~ Two Saturdays before Thanksgiving Day through the first Sunday in January + in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

~~(E)(F)~~ Saturday on or nearest September 10 through the first Sunday in January + in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

~~(F)~~ Monday of Thanksgiving week through January 1 in all of Cleveland, Polk, and Rutherford counties, except for South Mountain Game Land.

(2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this ~~Subparagraph~~: Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.

(A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through the first Sunday in January + in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.

(B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October ~~15~~ 22 through the first Sunday in January + in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.

(D) The ~~last first~~ open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.

*Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280

~~**Refer to 15A NCAC 10D .0103 for either-sex deer seasons on game lands that differ from the days identified in this Subparagraph~~

(E) The ~~last six first~~ open ~~days~~ day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Friday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.

- (F) The first ~~six~~ open days ~~and the last seven open days~~ of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and Henderson; That part east of NC 191 and north and west of NC 280.
- (H) The fourth Saturday in September in all counties, subject to the following restriction: only persons under the age of 18 years may hunt.

(b) Open Seasons (~~Bow and Arrow~~ Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with ~~bow and arrow~~ archery equipment ~~during the following seasons:~~ from the Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on these Game Lands).

- (A) ~~Saturday on or nearest September 10 to the third Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~
- (B) ~~Saturday on or nearest September 10 to the third Friday before Thanksgiving in the counties and parts of counties having the open seasons for Deer with Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule except for that portion of Buffalo Cove Game Land in Wilkes County.~~
- (C) ~~Saturday on or nearest September 10 to the Sunday prior to the opening of the blackpowder firearms and bow and arrow season identified in Part (c)(1)(C) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and bow and arrow season identified in Part (c)(1)(C) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (a)(1) of this Rule and in Cleveland, Polk, and Rutherford counties.~~
- (D) ~~Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~
- (E) ~~Sunday immediately following the closing of the open season for Deer With Visible Antlers specified by Part (a)(1)(C) of this Rule through January 1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(C) of this Rule.~~

(2) Restrictions

- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs ~~Dogs~~ may not be used for hunting deer during the ~~bow and arrow~~ archery season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the ~~bow and arrow~~ archery deer hunting season.
- (C) Deer of either sex may be taken during ~~bow and arrow~~ archery seasons specified by ~~Parts~~ Subparagraph (b)(1)(A), (B), (C), and (D) (b)(1) of this Rule.
- (D) ~~Only deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, shall be taken during the bow and arrow season specified by Part (b)(1)(E) of this Rule.~~

(c) Open Seasons (Blackpowder Firearms and ~~Bow and Arrow~~ Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and ~~bow and arrow~~ archery equipment on the Saturday preceding the Deer with Visible Antlers seasons described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the first Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and Archery seasons on these Game Lands); ~~during the following seasons:~~

- (A) ~~The Saturday on or nearest October 1 to the Friday of the second week thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~
- (B) ~~The third Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties* and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.~~

~~*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.~~

- (C) ~~Monday on or nearest October 1 to the Saturday of the second week thereafter in Cleveland, Polk, and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (F) of Subparagraph (a)(1) of this Rule.~~
- (D) ~~The fourth Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~
- (2) Restrictions
- (A) Deer of either sex may be taken during blackpowder firearms and ~~bow and arrow~~ archery season in and east of the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the ~~last~~ first day of this season only in all other counties.
- (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs ~~Dogs~~ shall not be used for hunting deer during the blackpowder firearms and ~~bow and arrow~~ archery seasons, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- (3) As used in this ~~Paragraph~~ Rule, blackpowder firearms means "Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898, ~~that cannot use fixed ammunition~~; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle or cylinder and that cannot use fixed ammunition."
- (d) Open Season (Urban Season) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 ~~to~~ through the ~~fifth sixth Saturday~~ Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.
- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. ~~27699-1722~~. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.
- (3) Restrictions:
- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs ~~Dogs~~ shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.
- (e) Bag limits. ~~In and east of Vance, Franklin, Wake, Harnett, Moore, and Richmond counties, the possession limit is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the~~ The possession and season limit is six deer, up to two of which may be deer with visible antlers, antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The season limit in all counties of the State, is six deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card ~~on lands others than lands enrolled in the Commission's game land program during any open deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this Rule. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin.~~ The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5.

15A NCAC 10B .0207 RABBITS

- (a) Open Season: The open season for taking rabbits ~~shall be~~ is the first Saturday preceding before Thanksgiving Day through the last day of February.
- (b) Bag Limits: The daily bag limit for rabbits is five and there are no season and no possession limits.
- (c) Box-traps: During the hunting season specified in Paragraph (a) of this Rule and subject to the bag limits set forth in Paragraph (b) of this Rule, rabbits may be taken with box-traps. A valid hunting license shall serve as a transportation permit for live rabbits taken pursuant to this Rule.

Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2.

15A NCAC 10B .0211 PHEASANT (NONNATIVE VARIETIES)

- (a) Open Season: The Saturday next preceding before Thanksgiving Day to February 1 on male pheasant only.
- (b) Bag Limits: Daily, three; possession, six; season, 30.

Authority G.S. 113-134; 113-291.2.

15A NCAC 10B .0212 FOXES (GRAY AND RED)

- (a) ~~Seasons:~~ Fox Season:
- (1) There shall be no closed season on taking foxes with dogs;
 - (2) Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following counties:

Caswell	Henderson
Clay	Macon
Graham	Tyrrell
 - (3) Foxes may be taken the Saturday ~~next preceding before~~ Thanksgiving Day through January 1 using archery equipment by bow and arrow in all areas of the State east of Interstate Highway 77 and in Mitchell County.
- (b) ~~Bag Limit:~~ Limit for Foxes:
- (1) Except in areas of open season for taking foxes with weapons or traps, foxes ~~may~~ shall not be intentionally killed by any method;
 - (2) In areas of open season in all areas east of Interstate Highway 77 as set by the ~~Legislature~~ General Assembly and in Subparagraph (a)(2) and (a)(3) of this Rule, the following bag limit applies: Daily, two; season, 10.
- (c) ~~Note:~~ Where local laws governing the taking of foxes conflict with this Rule, ~~these Regulations~~, the local laws shall prevail.

Authority G.S. 113-134; 113-291.2; 113-291.4; 113-291.4A.

15A NCAC 10B .0224 AMERICAN ALLIGATOR

- (a) The season for taking American alligators shall be September 1 to October 1.
- (b) Take shall be by permit only.
- (c) The bag limit shall be one per permit and the season limit is one.
- (d) American alligators shall be restrained before being killed. American alligators shall only be restrained using a hand-held restraining line or catch pole; a snatch hook attached to a hand-held restraining line or rod and reel; a harpoon or gig attached to a hand-held restraining line; a baited wooden peg less than two inches in length attached to a hand-held restraining line; or archery equipment with an arrow-attached restraining line.
- (e) American alligators restrained by any method specified in Paragraph (d) of this Rule shall be killed immediately upon capture.
- (f) Alligators may be taken day or night and with the use of artificial lights.
- (g) The use of baited hooks is prohibited.

Authority G.S. 113-134; 113-291.1; 113-291.2.

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0200 - GENERAL REGULATIONS

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

- (a) For purposes of this Rule, the following definitions apply:
- (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.

- (2) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
- (3) "Youth anglers" are individuals under 18 years of age.
- (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:
 - (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.
 - (2) "Catch and Release/Artificial Flies Only Trout Waters" are Public Mountain Trout Waters where only artificial flies having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
 - (3) "Catch and Release/Artificial Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
 - (4) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1 anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
 - (5) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
 - (6) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
 - (7) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
 - (8) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single hook. Waters designated as such include tributaries unless otherwise noted.
 - (9) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions. Trout may not be possessed while fishing these waters from March 1 until 7:00 a.m. on the first Saturday in April.
- (c) Seasons, creel and size limits. Seasons, creel and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.
- (d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.
 - (1) Alleghany
 - (A) Delayed Harvest Trout Waters are as follows:
Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])
 - (B) Hatchery Supported Trout Waters are as follows:
Big Pine Creek
Bledsoe Creek
Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)
Cranberry Creek
(Big) Glade Creek
Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)
Meadow Fork
Pine Swamp Creek
Piney Fork
Prathers Creek
 - (C) Wild Trout Waters are as follows:
All waters located on Stone Mountain State Park
 - (2) Ashe County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)
 - (B) Delayed Harvest Trout Waters are as follows:
Big Horse Creek (S.R. 1324 bridge to North Fork New River)
Helton Creek (Virginia state line to New River)
South Fork New River (upstream end of Todd Island to the SR 1351 bridge)
Trout Lake

- (C) Hatchery Supported Trout Waters are as follows:
 - Beaver Creek (N.C. 221 to ~~South Fork New River~~ confluence of Beaver Creek and South Beaver Creek)
 - Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
 - Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
 - Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
 - Cranberry Creek (Alleghany Co. line to South Fork New River)
 - Nathans Creek
 - North Fork New River (Watauga Co. line to Sharp Dam)
 - Old Fields Creek (N.C. 221 to South Fork New River)
 - Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
 - Roan Creek
 - Three Top Creek
- (3) Avery County
 - (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
 - Elk River (portion on Lees-McRae College property, excluding the millpond)
 - Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
 - (B) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 - Wilson Creek (game land portion)
 - (C) Hatchery Supported Trout Waters are as follows:
 - Boyde Coffey Lake
 - Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)
 - Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway boundary line, except where posted against trespassing)
 - Milltimber Creek
 - North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)
 - North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)
 - Squirrel Creek
 - Wildcat Lake
 - (D) Wild Trout Waters are as follows:
 - Birchfield Creek
 - Cow Camp Creek
 - Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
 - Gragg Prong
 - Horse Creek
 - Kentucky Creek
 - North Harper Creek
 - Plumtree Creek
 - Roaring Creek
 - Rockhouse Creek
 - Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
 - South Harper Creek
 - Webb Prong
- (4) Buncombe County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 - Carter Creek (game land portion)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Bent Creek (headwaters to N.C. Arboretum boundary line)
 - Cane Creek (headwaters to S.R. 3138 bridge)
 - Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
 - Dillingham Creek (Corner Rock Creek to Ivy Creek)
 - Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge)
 - Lake Powhatan
 - Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing)
 - Rich Branch (downstream from the confluence with Rocky Branch)
 - Stony Creek
 - Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)
- (5) Burke County

- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Henry Fork (portion on South Mountains State Park)
- (B) Delayed Harvest Trout Waters are as follows:
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- (C) Hatchery Supported Trout Waters are as follows:
Carroll Creek (game land portion above S.R. 1405)
Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
- (D) Special Regulation Trout Waters are as follows:
Catawba River (Muddy Creek to City of Morganton water intake dam)
- (E) Wild Trout Waters are as follows:
All waters located on South Mountains State Park, except those waters identified in parts A and B of this Subparagraph
- (6) Caldwell County
 - (A) Delayed Harvest Trout Waters are as follows:
Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
 - (B) Hatchery Supported Trout Waters are as follows:
Boone Fork Pond
Buffalo Creek (mouth of Joes Creek to McCloud Branch)
Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)
Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
 - (C) Wild Trout Waters are as follows:
Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
Rockhouse Creek
- (7) Cherokee County
 - (A) Hatchery Supported Trout Waters are as follows:
Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
Hyatt Creek (Big Dam Branch to Valley River)
Junaluska Creek (Ashturn Creek to Valley River)
Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
 - (B) Wild Trout Waters/Natural Bait are as follows:
Bald Creek (game land portion)
Dockery Creek (game land portion)
North Shoal Creek (game land portion)
- (8) Clay County
 - (A) Delayed Harvest Trout Waters are as follows:
Fires Creek (USFS Rd. 340A to the foot bridge in the USFS Fires Creek Picnic Area)
 - (B) Hatchery Supported Trout Waters are as follows:
Buck Creek (game land portion downstream of U.S. 64 bridge)
Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- (9) Graham County
 - (A) Delayed Harvest Trout Waters are as follows:
(Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
 - (B) Hatchery Supported Trout Waters are as follows:
Calderwood Reservoir (Cheoah Dam to Tennessee state line)
Cheoah Reservoir
Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
Santeetlah Creek (Johns Branch to Lake Santeetlah)
(Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
Stecoah Creek (upper game land boundary to Lake Fontana)
Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
West Buffalo Creek
Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
 - (C) Wild Trout Waters are as follows:

- Little Buffalo Creek
- South Fork Squally Creek
- Squally Creek
- (D) Wild Trout Waters/Natural Bait are as follows:
 - Deep Creek
 - Franks Creek
 - Long Creek (game land portion)
- (10) Haywood County
 - (A) Delayed Harvest Trout Waters are as follows:
 - West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Cold Springs Creek (Fall Branch to Pigeon River)
 - Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)
 - Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
 - Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
 - West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)
 - (C) Wild Trout Waters/Natural Bait are as follows:
 - Hemphill Creek
 - Hurricane Creek
- (11) Henderson County
 - (A) Delayed Harvest Trout Waters are as follows:
 - North Fork Mills River (game land portion below the Hendersonville watershed dam)
 - (B) Hatchery Supported Trout Waters are as follows:
 - (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
 - Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
 - Clear Creek (Laurel Fork to S.R. 1582)
 - Green River (Lake Summit powerhouse to game land boundary)
 - (Big) Hungry River
- (12) Jackson County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 - Flat Creek
 - Tuckasegee River (upstream from the Clark property)
 - (B) Delayed Harvest Trout Waters are as follows:
 - Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank])
 - (C) Hatchery Supported Trout Waters are as follows:
 - Balsam Lake
 - Bear Creek Lake
 - Cedar Cliff Lake
 - Cullowhee Creek (Tilley Creek to Tuckasegee River)
 - Dark Ridge Creek (Jones Creek to Scott Creek)
 - Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
 - Savannah Creek (Shell Branch to Cagle Branch)
 - Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing)
 - Tanasee Creek Lake
 - Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
 - Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)
 - Wolf Creek Lake
 - (D) Wild Trout Waters are as follows:
 - Gage Creek
 - North Fork Scott Creek
 - Tanasee Creek
 - Whitewater River (downstream from Silver Run Creek to South Carolina state line)
 - Wolf Creek (except Balsam Lake and Wolf Creek Lake)
 - (E) Wild Trout Waters/Natural Bait are as follows:
 - Buff Creek
 - Chattooga River (S.R. 1100 bridge to the South Carolina state line)

- Lower Fowler Creek (game land portion)
- Scotsman Creek (game land portion)
- (13) Macon County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Burningtown Creek (Left Prong to Little Tennessee River)
 - Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
 - Cliffside Lake
 - Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
 - Nantahala River — upper (Dicks Creek to Whiteoak Creek)
 - Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
 - Queens Creek Lake
 - (C) Wild Trout Waters/Natural Bait are as follows:
 - Chattooga River (S.R. 1100 bridge to South Carolina state line)
 - Jarrett Creek (game land portion)
 - Kimsey Creek
 - Overflow Creek (game land portion)
 - Park Creek
 - Tellico Creek (game land portion)
 - Turtle Pond Creek (game land portion)
- (14) Madison County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
 - Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
 - Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Big Laurel Creek (Mars Hill watershed boundary to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)
 - Big Pine Creek (S.R. 1151 bridge to French Broad River)
 - Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)
 - Max Patch Pond
 - Meadow Fork Creek (S.R. 1165 to Spring Creek)
 - Puncheon Fork (Hampton Creek to Big Laurel Creek)
 - Roaring Fork (Fall Branch to Meadow Fork)
 - Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
 - Shut-in Creek
 - Spillcorn Creek
 - Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)
 - West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)
 - (C) Wild Trout Waters/Natural Bait are as follows:
 - Big Creek (headwaters to the lower game land boundary)
- (15) McDowell County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 - Newberry Creek (game land portion)
 - (B) Delayed Harvest Trout Waters are as follows:
 - Catawba River (portion adjacent to Marion Greenway)
 - Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
 - Mill Creek (U.S. 70 bridge to I-40 bridge)
 - (C) Hatchery Supported Trout Waters are as follows:
 - Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
 - Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
 - Little Buck Creek (game land portion)
 - Mill Creek (upper railroad bridge to U.S. 70 bridge, except where posted against trespassing)
 - North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
- (16) Mitchell County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)

- North Toe River (U.S. 19E bridge to N.C. 226 bridge)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
 - Cane Creek (S.R. 1219 to N.C. 226 bridge)
 - East Fork Grassy Creek
 - Grassy Creek (East Fork Grassy Creek to mouth)
 - Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)
 - North Toe River (Avery Co. line to S.R. 1121 bridge)
 - (C) Wild Trout Waters are as follows:
 - Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
 - Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)
 - Wiles Creek (game land boundary to mouth)
- (17) Polk County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
 - North Pacolet River (Joels Creek to N.C. 108 bridge)
- (18) Rutherford County
 - (A) Hatchery Supported Trout Waters are as follows:
 - (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)
- (19) Stokes County
 - (A) Hatchery Supported Trout Waters are as follows:
 - Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- (20) Surry County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Ararat River (portion adjacent to the Ararat River Greenway)
 - Mitchell River (.6 mile upstream of the end of S.R. 1333 to the S.R. 1330 bridge below Kapps Mill Dam)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
 - Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards downstream of N.C. 268 [marked by a sign on each bank])
 - Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)
 - Little Fisher River (Virginia state line to N.C. 89 bridge)
 - Lovills Creek (U.S. 52 Business bridge to Ararat River)
 - Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- (21) Swain County
 - (A) Delayed Harvest Waters Trout Waters are as follows:
 - Tuckasegee River (U.S. 19 bridge to Slope Street bridge)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Alarka Creek (game land boundary to Fontana Reservoir)
 - Calderwood Reservoir (Cheoah Dam to Tennessee state line)
 - Cheoah Reservoir
 - Connelly Creek (Camp Branch to Tuckasegee River)
 - Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
 - Nantahala River (Macon Co. line to existing Fontana Lake water level)
- (22) Transylvania County
 - (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
 - Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
 - (B) Delayed Harvest Waters Trout Waters are as follows:
 - East Fork French Broad River (~~Gladys Fork~~ East Fork Baptist Church to French Broad River)
 - Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
 - (C) Hatchery Supported Trout Waters are as follows:
 - Davidson River (Avery Creek to lower USFS boundary)
 - French Broad River (confluence of North Fork French Broad River and West Fork) French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
 - Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)

- West Fork French Broad River (Camp Cove Branch to confluence with North Fork French Broad River)
- (D) Wild Trout Waters are as follows:
All waters located on Gorges State Park
Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- (E) Wild Trout Waters/Natural Bait are as follows:
North Fork French Broad River (game land portion downstream of S.R. 1326)
Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
 - (B) Delayed Harvest Trout Waters are as follows:
Lake Coffey
Watauga River (adjacent to intersection of S.R. 1557 and S.R. 1558 to N.C. 105 bridge and S.R. 1114 bridge to N.C. 194 bridge at Valle Crucis)
 - (C) Hatchery Supported Trout Waters are as follows:
Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
Beech Creek
Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
Buckeye Creek Reservoir
Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
Dutch Creek (second bridge on S.R. 1134 to mouth)
Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
Norris Fork Creek
South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)
Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
 - (D) Wild Trout Waters are as follows:
Dutch Creek (headwaters to second bridge on S.R. 1134)
Howard Creek
Maine Branch (headwaters to North Fork New River)
North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
Watauga River (Avery Co. line to S.R. 1580 bridge)
Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
- (24) Wilkes County
 - (A) Delayed Harvest Trout Waters are as follows:
East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
Elk Creek — lower (portion on Leatherwood Mountains development)
Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)
 - (B) Hatchery Supported Trout Waters are as follows:
Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
Bell Branch Pond
Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence with North Fork Reddies River)
East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)
Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)
Middle Prong Roaring River (headwaters to bridge on S.R. 1736)
North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R. 1559)
Pike Creek

- Pike Creek Pond
- South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)
- South Prong Lewis Fork (Fall Creek to S.R. 1155 bridge)
- (C) Wild Trout Waters are as follows:
All waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek downstream to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County
 - (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
South Toe River (headwaters to Upper Creek)
Upper Creek
 - (B) Delayed Harvest Trout Waters are as follows:
Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
 - (C) Hatchery Supported Trout Waters are as follows:
Bald Mountain Creek (except where posted against trespassing)
Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing)
 - (D) Wild Trout Waters are as follows:
Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
Lickskillet Creek
Middle Creek (game land boundary to mouth)

Authority G.S. 113-272; 113-292.

SECTION .0300 - GAME FISH

15A NCAC 10C .0305 BLACK BASS

- (a) The daily creel limit for Largemouth, Smallmouth, and Spotted Bass — collectively known as Black Bass - is five fish, except in waters identified in Paragraphs (b), (c), ~~and (d)~~, and (n) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), ~~and (m)~~, and (n) of this Rule. There is no closed season, except for waters identified in ~~Paragraph~~ Paragraphs (l) and (n) of this Rule.
- (b) In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.
- (c) In Lake Santeetlah in Graham County, there is no daily creel limit for Black Bass less than 14 inches. The daily creel limit for Black Bass greater than 14 inches is five fish.
- (d) In Lake Chatuge in Clay County, the daily creel limit for Black Bass is 10 fish, the minimum size limit for Largemouth Bass is 12 inches, and there is no minimum size limit for Smallmouth Bass and Spotted Bass.
- (e) The minimum size limit for Black Bass is 14 inches in the following:
 - (1) Lake Raleigh in Wake County;
 - (2) Pungo Lake in Washington and Hyde counties;
 - (3) New Lake in Hyde County; and
 - (4) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernong River, and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).
- (f) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.
- (g) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit is 14 inches, and no fish between 16 and 20 inches may be possessed.
- (h) In Shearon Harris Reservoir and Lake Hampton in Yadkin County, there is no minimum size limit for Black Bass, but only two Black Bass less than 14 inches and no Black Bass between 16 and 20 inches may be possessed.
- (i) In Randleman Reservoir, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and only one Largemouth Bass greater than 20 inches may be possessed.
- (j) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Black Bass is 18 inches.

- (k) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) there is no minimum size limit for Black Bass, but no fish between 14 and 22 inches in length may be possessed and only one Black Bass greater than 22 inches may be possessed.
- (l) In Sutton Lake, the minimum size limit for Black Bass is 14 inches and no Black Bass may be possessed from December 1 through March 31.
- (m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.
- (n) In Jean Guite Creek and associated canals within the Town of Southern Shores, Dare County, no Black Bass may be possessed.
- (o) For purposes of this Rule, creel limits apply to Largemouth, Smallmouth, and Spotted Bass in aggregate unless otherwise specified.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0316 TROUT

- (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.
- (b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.
- (c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.
- (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.
- (e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows: in the Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is seven two fish. ~~There is no minimum size limit for these fish, but only one may be greater than~~ The minimum size limit is 14 inches. There is no closed season.
- (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.
- (g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.
- (i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

Authority G.S. 113-134; 113-292.

SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

- (a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and ~~line~~, line or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following exceptions:
- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
 - (2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length, or possess such herring regardless of origin in:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) all the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of I-95.
 - (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.
 - (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.

- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.
- (b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.
- (c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:
 - (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);
 - (2) blue crab; and
 - (3) bowfin.
- (d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw in Columbus County, and in University Lake in Orange County. The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).
- (e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish by means other than hook and line; the daily creel limit is six catfish in aggregate. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.
- (f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following reservoirs:
 - (1) Lake Norman;
 - (2) Mountain Island Lake;
 - (3) Lake Wylie;
 - (4) Badin Lake; ~~and~~
 - (5) ~~Lake Tillery; Tillery;~~
 - (6) John H. Kerr Reservoir (North Carolina portion);
 - (7) Lake Gaston (North Carolina portion); and
 - (8) Roanoke Rapids Reservoir.
- (g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.
- (h) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

Authority G.S. 113-134; 113-272; 113-292.

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

- (a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:
 - (1) a net of dip net design not greater than six feet across;
 - (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
 - (3) a cast net;
 - (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
 - (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
 - (6) a gig (except in Public Mountain Trout Waters);
 - (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
 - (8) up to two eel pots;
 - (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
 - (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, ~~and that are under the immediate control and attendance of the individual operating them; from which all fish and animals are removed daily, and which are labeled with the user's Wildlife Resources Commission customer number or name and address;~~
 - (11) a hand-held line with a single bait attached;
 - (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or

- (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.
- (b) The use of equipment under this Rule only requires a valid license that provides basic inland fishing privileges.
- (c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.
- (d) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).
- (e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:
- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
 - (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken, and no such river herring shall be possessed regardless of origin:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of Interstate 95.
 - (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.
- (f) Any fishes taken for bait purposes are included within the daily possession limit for that species.
- (g) It is unlawful to take nongame fish for bait or any other fish bait ~~from designated public mountain trout waters and from the bodies of water specified for the following counties:~~ waters:
- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);
 - (2) Bear Creek in Chatham County; County;
 - (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;
 - (4) Fork Creek in Randolph County; and
 - (5) Rocky River in Chatham County.
- ~~Bear Creek~~
- (2) ~~Lee County;~~
 - ~~Deep River~~
 - (3) ~~Moore County;~~
 - ~~Deep River~~
 - (4) ~~Randolph County;~~
 - ~~Deep River below the Coleridge Dam~~
 - ~~Fork Creek~~
- (h) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings, it is unlawful to transport, possess, or release live river herring (alewife and blueblack).
- (i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

15A NCAC 10D .0103 HUNTING ON GAME LANDS

- (a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.
- (b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on such hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. each day; and
- (5) not operate any vessel or vehicle powered by an internal combustion engine.

On designated youth waterfowl days occurring after the end of the regular waterfowl seasons only, youths may hunt on managed waterfowl impoundments from ½ hour before sunrise to sunset. Restrictions (1), (3), and (5) in this Paragraph shall apply. On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal that has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

- (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons.

(f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas, bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only pursuant to this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

- (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan, and Stanly counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter in that portion in Montgomery county, and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davidson, Davie, Rowan, and Stanly counties.
 - (C) On the Lick Creek Tract, deer and bear hunting is archery only.
- (2) Alligator River Game Land in Tyrrell County
 - (A) Six Day per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (4) Bachelor Bay Game Land in Bertie, Martin, and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

- (5) Bertie County Game Land in Bertie County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
 - (D) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
 - (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
 - (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (G) The use of dogs for pursuing or taking foxes is prohibited March 15 through July 15.
- (7) Brinkleyville Game Land in Halifax County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
 - (A) Hunting is by permit only.
 - (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
 - (A) Hunting is by permit only.
 - (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting is allowed on those days.
 - (D) Target shooting is prohibited.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
 - (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the ~~Monday before Saturday after~~ Thanksgiving Day through the ~~third first Saturday after Thanksgiving, in January.~~ Deer may be taken with ~~bow and arrow archery equipment~~ on open days beginning the Saturday on or nearest September 10 to the ~~third Saturday thereafter Friday before Thanksgiving Day, and Monday on or nearest October 15 to the Saturday before Thanksgiving~~ and during the Deer With Visible Antlers Season. Deer may be taken with blackpowder firearms on open days beginning the ~~Monday on or nearest October 1 Saturday before Thanksgiving Day~~ through the ~~Saturday of the second week thereafter Friday after Thanksgiving Day,~~ and during the Deer With Visible Antlers season.
 - (C) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
 - (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (13) Butner - Falls of Neuse Game Land in Durham, Granville, and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers ~~Season.~~ Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.
 On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
 - (D) Horseback riding is prohibited.
 - (E) Target shooting is prohibited.
 - (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.

- (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.
- (H) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 15 through August 31, and on Sundays only from September 1 through May 14.
- (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.
- (14) Buxton Woods Game Land in Dare County:
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (15) Cape Fear River Wetlands Game Land in Pender County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
 - (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.
 - (E) Target shooting is prohibited.
- (16) Carteret County Game Land in Carteret County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day of days and the ~~last six open days of the~~ applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) The use of dogs for hunting deer is prohibited.
- (17) R. Wayne Bailey-Caswell Game Land in Caswell County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first six~~ open day days of the applicable Deer With Visible Antlers ~~Season.~~ Season through the second Wednesday thereafter.
 - (C) Horseback riding is allowed only during June, July, and August, and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
 - (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting, and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC 62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
 - (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
 - (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
 - (G) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.
- (18) Chatham Game Land in Chatham County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day days and the ~~last six open days of the~~ applicable Deer With Visible Antlers ~~Season.~~ Season through the second Friday thereafter.
 - (C) Wild turkey hunting is by permit only.
 - (D) Horseback riding is allowed only during June, July, and August; and on Sundays during the remainder of the year except during open turkey and deer seasons.
 - (E) Target shooting is prohibited.
- (19) Chowan Game Land in Chowan County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (20) Chowan Swamp Game Land in Bertie, Gates, and Hertford counties.
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear hunting is restricted to the first three hunting days during the November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32,

- and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (E) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
 - (F) Target shooting is prohibited in the area west of Sand Banks Road, east of the Chowan River and north of US 13/158 to the NC-VA state line.
- (21) Cold Mountain Game Land in Haywood County
- (A) Six Days per Week Area
 - (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
 - (C) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
- (22) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (23) Croatan Game Land in Carteret, Craven, and Jones counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
 - (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (24) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
 - (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
 - (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not use a firearm.
 - (D) The boundary of the game land shall extend 5 yards from the edge of the marsh or shoreline.
 - (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
 - (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
 - (G) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (25) Dan River Game Land in Rockingham County
- (A) Hunting and trapping is by permit only.
 - (B) Horseback riding is prohibited except on those areas posted for equestrian use. People age 16 or older horseback riding on this game land must possess a Game Lands license.
 - (C) Target shooting is prohibited.
- ~~(25)~~(26) Dare Game Land in Dare County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last six~~ first open ~~day~~ days of the applicable Deer With Visible Antlers ~~Season.~~ Season through the first Friday thereafter.
 - (C) No hunting is allowed on posted parts of bombing range.
 - (D) The use and training of dogs is prohibited from March 1 through June 30.
- ~~(26)~~(27) Dover Bay Game Land in Craven County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- ~~(27)~~(28) DuPont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by permit only.
 - (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- ~~(28)~~(29) Elk Knob Game Land in Watauga County
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken the ~~last six~~ first open ~~day~~ day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- ~~(29)~~(30) Embro Game Land in Halifax and Warren counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day ~~and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- ~~(30)~~(31) Goose Creek Game Land in Beaufort and Pamlico counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
 - (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
 - (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- ~~(31)~~(32) Green River Game Land in Henderson, and Polk counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited.
- ~~(32)~~(33) Green Swamp Game Land in Brunswick County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) On that portion north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road, hunting for bear, deer, and turkey is by permit only.
 - (D) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on that portion of the game land that is north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road.
- ~~(33)~~(34) Gull Rock Game Land in Hyde County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons; and
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl season.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
 - (E) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season, except for that portion designated as bear sanctuary.
- ~~(34)~~(35) Harris Game Land in Chatham, Harnett, and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open ~~day~~ days ~~and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on the following days:
 - (i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) The use or construction of permanent hunting blinds shall be prohibited.
 - (E) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.

- (F) Target shooting is prohibited.
- (G) Horseback riding is prohibited.
- (36) Headwaters State Forest Game Land in Transylvania County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season
- ~~(35)~~(37) Hill Farm Game Land in Stokes County- hunting and trapping is by permit only.
- ~~(36)~~(38) Holly Shelter Game Land in Pender County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
 - (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
 - (F) The use of dogs for hunting deer and bear is prohibited:
 - (i) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
 - (ii) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.
 - (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
 - (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
 - (I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
 - (J) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- ~~(37)~~(39) Hyco Game land in Person County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Target shooting is prohibited.
- ~~(38)~~(40) J. Morgan Futch Game Land in Tyrrell County - Permit Only Area.
- ~~(39)~~(41) Johns River Game Land in Burke County
 - (A) Hunting is by permit only.
 - (B) During permitted deer hunts, deer of either sex may be taken by permit holders.
 - (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31, except by lawful waterfowl hunting permit holders and only on those days written on the permits.
 - (D) The use or construction of permanent hunting blinds is prohibited.
- ~~(40)~~(42) Jordan Game Land in Chatham, Durham, Orange, and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on:
 - (i) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July, and August, and on Sundays the remainder of the year except during open turkey and deer seasons. People age 16 or older who ride horseback on trails occurring entirely within the game land boundaries shall possess a Game Lands license.
 - (E) Target shooting is prohibited.
 - (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.

- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- ~~(41)~~(43) Juniper Creek Game Land in Brunswick and Columbus counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
 - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- ~~(42)~~(44) Kerr Scott Game Land in Wilkes County
- (A) Six Days per Week Area
 - (B) Use of centerfire rifles is prohibited.
 - (C) Use of blackpowder firearms, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
 - (D) Tree stands shall not be left overnight; and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
 - (E) Deer of either sex may be taken on all open days of the applicable Deer With Visible Antlers season.
 - (F) Hunting on posted waterfowl impoundments is by permit only.
 - (G) The use of firearms for hunting wild turkey is prohibited.
- ~~(43)~~(45) Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Wild turkey hunting is by permit only.
 - (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
 - (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- ~~(44)~~(46) Lee Game Land in Lee County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Target shooting is prohibited.
- ~~(45)~~(47) Light Ground Pocosin Game Land in Pamlico County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
- ~~(46)~~(48) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- ~~(47)~~(49) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- ~~(48)~~(50) Mayo Game Land in Person County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on:
 - (i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;
 - (ii) Christmas and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) Target shooting is prohibited.
- ~~(49)~~(51) Mitchell River Game Land in Surry County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first six open day days~~ of the applicable Deer ~~with~~ With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
- ~~(50)~~(52) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~first last~~ open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.

- (~~51~~)(53) Needmore Game Land in Macon and Swain counties.
- (A) Six Days per Week Area
 - (B) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
 - (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (~~52~~)(54) Neuse River Game Land in Craven County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (~~53~~)(55) New Lake Game Land in Hyde and Tyrrell counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (~~54~~)(56) Nicholson Creek Game Land in Hoke County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with ~~bow and arrow~~ archery equipment on open hunting days from the Saturday on or nearest September 10 ~~through to the third fourth~~ Friday before ~~Thanksgiving. Thanksgiving~~ Day.
 - (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the ~~fourth third~~ Saturday before Thanksgiving Day through the first Wednesday ~~of the second week~~ thereafter.
 - (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after ~~Thanksgiving. Thanksgiving Day.~~
 - (E) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
 - (F) The use of dogs for hunting deer is prohibited.
 - (G) Wild turkey hunting is by permit only.
 - (H) On Lake Upchurch, the following activities are prohibited:
 - (i) Operating any vessel or vehicle powered by an internal combustion engine; and
 - (ii) Swimming.
 - (I) Target shooting is prohibited.
- (~~55~~)(57) North River Game Land in Camden and Currituck counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
 - (D) Hunting on the posted waterfowl impoundment is by permit only.
- (~~56~~)(58) Northwest River Marsh Game Land in Currituck County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (~~57~~)(59) Pee Dee River Game Land in Anson, Montgomery, Richmond, and Stanly counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
 - (D) Target shooting is prohibited.
 - (E) Horseback riding is allowed only on roads opened to vehicular traffic and only during the following times:
 - (i) during June, July, and August; and
 - (ii) on Sundays during the other months or parts of months when deer and turkey seasons are closed.
- (~~58~~)(60) Perkins Game Land in Davie County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited from November 1 through January 1.
- (~~59~~)(61) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (~~60~~)(62) Pond Mountain Game Land in Ashe County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last six first~~ open ~~day days~~ of the applicable Deer ~~with~~ With Visible Antlers Season through the first Friday thereafter.

- (C) Horseback riding is prohibited except on designated trails from May 16 through August 31 and Sundays from September 1 through October 31. All horseback riding is prohibited from November 1 through May 15.
- ~~(61)~~(63) Pungo River Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(62)~~(64) Rendezvous Mountain State Forest Game Land in Wilkes County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the ~~last six~~ first open ~~day~~ days of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
- (C) Bear hunting is prohibited.
- ~~(63)~~(65) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
- (B) Swimming is prohibited on the area.
- ~~(64)~~(66) Roanoke River Wetlands in Bertie, Halifax, Martin, and Northampton counties
- (A) Hunting is by Permit only.
- (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- ~~(65)~~(67) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- ~~(66)~~(68) Robeson Game Land in Robeson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(67)~~(69) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with ~~bow and arrow~~ archery equipment on open hunting days from the Saturday on or nearest September 10 ~~through to the fourth~~ third Friday before ~~Thanksgiving.~~ Thanksgiving Day.
- (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the ~~fourth~~ third Saturday before Thanksgiving Day through the first Wednesday ~~of the second week~~ thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after ~~Thanksgiving.~~ Thanksgiving Day.
- (E) Deer of either sex may be taken the first ~~last~~ open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) Taking fox squirrels is prohibited.
- (I) Target shooting is prohibited.
- ~~(68)~~(70) Rocky Run Game Land in Onslow County - Hunting is by permit only.
- ~~(69)~~(71) Sampson Game Land in Sampson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- ~~(70)~~(72) Sandhills Game Land in Hoke, Moore, Richmond, and Scotland counties
- (A) Three Days per Week Area
- (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
- (i) deer may be taken with archery equipment on all the open days of the ~~bow and arrow~~ archery season through the ~~fourth~~ third Friday before ~~Thanksgiving.~~ Thanksgiving Day; with blackpowder firearms and archery equipment all the open days of the blackpowder firearms season through the third ~~Saturday~~ Wednesday before ~~Thanksgiving.~~ Thanksgiving Day; and with all legal weapons from the second ~~Monday~~ Saturday before Thanksgiving Day through the Saturday following ~~Thanksgiving.~~ Thanksgiving Day;
 - (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
 - (iii) squirrel (gray and fox) may be taken all the open days from second Monday before ~~Thanksgiving.~~ Thanksgiving Day through the Saturday following ~~Thanksgiving.~~ Thanksgiving Day;
 - (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day through the Saturday following ~~Thanksgiving.~~ Thanksgiving Day;
 - (v) waterfowl may be taken on open days during any waterfowl season;

- (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and
- (vii) raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.
- (C) The Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after ~~Thanksgiving~~, Thanksgiving Day except on the J. Robert Gordon Field Trial Grounds.
- (D) The ~~bow and arrow~~ archery season is all open days from the Saturday on or nearest to Sept. 10 to the ~~fourth~~ third Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through the first Saturday in January ~~4~~. Deer may be taken with archery equipment on all open hunting days during the ~~bow and arrow~~ archery season, the Deer with Visible antlers season, and the blackpowder firearms season as stated in this Subparagraph.
- (E) Blackpowder firearms season is all the open days from the ~~fourth~~ third Saturday preceding Thanksgiving Day through the first Wednesday ~~of the second week~~ thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through the first Saturday in January ~~4~~. Deer may be taken with blackpowder firearms on all open hunting days during the blackpowder firearms season and the Deer With Visible Antlers season.
- (F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.
- (G) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- (H) Wild turkey hunting is by permit only.
- ~~(I)~~ The following areas are permit only for all quail and woodcock hunting, and dog training on birds:
 - (i) ~~In Richmond County: that part east of US 1;~~
 - (ii) ~~In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north of Scotland Lake Lane.~~
- ~~(J)~~ (I) Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless participating in authorized field trials.
- ~~(K)~~ (J) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- ~~(L)~~ (K) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- ~~(74)~~ (73) Sandy Creek Game Land in Nash and Franklin Counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers ~~Season~~, Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- ~~(72)~~ (74) Sandy Mush Game Land in Buncombe and Madison counties.
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer with Visible Antlers season.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
 - (D) Dogs shall only be trained on Mondays, Wednesdays, and Saturdays and only as allowed in 15A NCAC 10D .0102(f).
 - (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
- ~~(73)~~ (75) Second Creek Game Land in Rowan County- hunting is by permit only.
- ~~(74)~~ (76) Shocco Creek Game Land in Franklin, Halifax, Nash, and Warren counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- ~~(75)~~ (77) South Mountains Game Land in Burke, Cleveland, McDowell, and Rutherford counties
 - (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season consists of the open hunting days from the ~~Monday before~~ Saturday after Thanksgiving Day through the ~~third Saturday after Thanksgiving~~ first Saturday in January. Deer may be taken with ~~bow and arrow~~ archery equipment on open days beginning the Saturday on or nearest September 10 through to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday Friday before Thanksgiving Day and during the Deer With Visible Antlers season. Deer may be taken with

- blackpowder firearms on open days beginning the ~~Monday on or nearest October 1~~ Saturday before Thanksgiving Day through the Saturday of the second week through the Friday after Thanksgiving Day thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the first last open day of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (E) ~~That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford counties is closed to all grouse hunting, quail hunting, woodcock hunting, and all bird dog training.~~
- (76)(78) Stones Creek Game Land in Onslow County
- (A) Six-Day per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs for hunting deer is prohibited on Mondays, Wednesdays, and Fridays.
- (D) Swimming in all lakes is prohibited.
- (E) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (F) Target shooting is prohibited.
- (G) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- (77)(79) Suggs Mill Pond Game Land in Bladen and Cumberland counties
- (A) Hunting and trapping is by permit only.
- (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (C) Entry is prohibited on scheduled hunt or trapping days except for:
- (i) hunters or trappers holding special hunt or trapping permits; and
- (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (D) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (E) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (78)(80) Sutton Lake Game Land in New Hanover and Brunswick counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last six first~~ open day days of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Target shooting is prohibited.
- (79)(81) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (80)(82) Texas Plantation Game Land in Tyrrell County - hunting is by permit only.
- (81)(83) Three Top Mountain Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last first six~~ open day days of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Horseback riding is prohibited.
- (82)(84) Thurmond Chatham Game Land in Alleghany and Wilkes counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
- (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (83)(85) Tillery game Land in Halifax County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.

- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (E) Wild turkey hunting is by permit only.

~~(84)~~(86) Toxaway Game Land in Jackson and Transylvania counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.

~~(85)~~(87) Uwharrie Game Land in Davidson, Montgomery, and Randolph counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first ~~six open day days and the last open six days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) On the posted waterfowl impoundment, waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Mondays, Wednesdays and Saturdays of the applicable waterfowl seasons.
- (D) Target shooting is prohibited, except at the Flintlock Valley Shooting Range.

~~(86)~~(88) Vance Game Land in Vance County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles, and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.

~~(87)~~(89) Van Swamp Game Land in Beaufort and Washington counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.

~~(88)~~(90) Voice of America Game Land in Beaufort County- hunting and trapping is by permit only.

~~(89)~~(91) White Oak River Game Land in Onslow County

- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- (E) The Huggins Tract and Morton Tracts have the following restrictions:
 - (i) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d);
 - (ii) hunting is by permit only; and
 - (iii) the use of dogs for hunting deer is prohibited.
- (F) Wild turkey hunting is by permit only.

~~(90)~~(92) Whitehall Plantation Game Land in Bladen County

- (A) Hunting and trapping is by permit only.
- (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.

~~(91)~~(93) William H. Silver Game Land in Haywood County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.

(i) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.

(j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;
- (3) Bladen County—Suggs Mill Pond Game Lands;

- (4) Burke County—John's River Waterfowl Refuge;
- (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (6) Dare County—Roanoke Sound Marshes Game Lands; and
- (7) Henderson and Transylvania counties—DuPont State Forest Game Lands.

(k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(l) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.

(m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.

(n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.

(o) As used in this Rule, horseback riding includes all equine species.

(p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

15A NCAC 10D .0104 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands that are open to fishing shall be in accordance with the North Carolina rules. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, ~~bow and arrow~~, archery equipment, or other special fishing device of a type mentioned in 15A NCAC 10C .0404(b),(c),(d), and (f) may be used in any impounded waters located entirely on game lands. ~~Bow and arrow~~ Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands shall have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

- (1) ~~Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land and in all waters on the Dupont State Forest Game Land from one half hour after sunset to one half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of the Nantahala River located downstream from the Swain County line, and in the sections of Green River in Polk County located on Green River Game Lands from Cove Creek downstream to the natural gas pipeline crossing.~~

- (2)(1) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except as noted: ~~Cherokee Lake, Grogan Creek, Big Laurel Creek downstream from the US 25 70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, Nolichucky River, Mill Ridge Pond, Cheoah River downstream of Santeetlah Reservoir, Little River from 100 yards downstream of Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn Lake, North Fork Catawba River downstream of the mouth of Armstrong Creek, Green River downstream of the natural gas pipeline crossing, and Spring Creek below US Forest Service road 223.~~
~~Dupont State Forest Game Lands in Henderson and Transylvania counties.~~
~~Three Top Mountain Game Land in Ashe County.~~
~~Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties.~~
~~Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, and Yancey counties.~~
~~Thurmond Chatham Game Land in Wilkes County.~~
~~Toxaway Game Land in Transylvania County.~~
~~South Mountains Game Land in Cleveland and Rutherford counties.~~
~~Cold Mountain Game Land in Haywood County.~~
~~Green River Game Land in Henderson and Polk counties.~~

~~Pond Mountain Game Land in Ashe County.~~

~~Rendezvous Mountain State Forest Game Land in Wilkes County.~~

(A) Cold Mountain Game Land in Haywood County;

(B) DuPont State Forest Game Lands in Henderson and Transylvania counties, except Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, and Fawn Lake;

(C) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing;

(D) Headwaters Game Land in Transylvania County;

(E) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake;

(F) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except Grogan Creek, North Fork Catawba River downstream of the mouth of Armstrong Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Mill Ridge Pond, Nolichucky River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, and Spring Creek below US Forest Service road 223;

(G) Pond Mountain Game Land in Ashe County;

(H) Rendezvous Mountain State Forest Game Land in Wilkes County;

(I) South Mountains Game Land in Cleveland and Rutherford counties;

(J) Three Top Mountain Game Land in Ashe County;

(K) Thurmond Chatham Game Land in Wilkes County;

(L) Toxaway Game Land in Transylvania County; and

(M) William H. Silvers Game Land in Haywood County.

~~(3)~~(2) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(1) of this Rule are Wild Trout Waters unless classified otherwise. [See 15A NCAC 10C .0205(d)]

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.

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 December 14, 2017 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****SOCIAL SERVICES COMMISSION**

Approval and Continued Participation in the Subsidized Ch... 10A NCAC 10 .0702 32:02 NCR

MEDICAL CARE COMMISSION

<u>Location</u>	10A NCAC 13B .6001	32:05 NCR
<u>Roads and Parking</u>	10A NCAC 13B .6002	32:05 NCR
<u>Access and Safety</u>	10A NCAC 13B .6104	32:05 NCR
<u>Medical, Surgical and Post-Partum Care Unit</u>	10A NCAC 13B .6201	32:05 NCR
<u>Special Care Unit</u>	10A NCAC 13B .6202	32:05 NCR
<u>Neonatal Level I and Level II Nursery Unit</u>	10A NCAC 13B .6203	32:05 NCR
<u>Neonatal Level III and Level IV Nursery</u>	10A NCAC 13B .6204	32:05 NCR
<u>Psychiatric Unit</u>	10A NCAC 13B .6205	32:05 NCR
<u>Surgical Department Requirements</u>	10A NCAC 13B .6206	32:05 NCR
<u>Obstetrical Department Services</u>	10A NCAC 13B .6208	32:05 NCR
<u>Emergency Services</u>	10A NCAC 13B .6209	32:05 NCR
<u>Imaging Services</u>	10A NCAC 13B .6210	32:05 NCR
<u>Laboratory Services</u>	10A NCAC 13B .6211	32:05 NCR
<u>Morgue</u>	10A NCAC 13B .6212	32:05 NCR
<u>Pharmacy Services</u>	10A NCAC 13B .6213	32:05 NCR
<u>Dietary Services</u>	10A NCAC 13B .6214	32:05 NCR
<u>Administration</u>	10A NCAC 13B .6215	32:05 NCR
<u>Medical Records Services</u>	10A NCAC 13B .6216	32:05 NCR
<u>Central Medical and Surgical Supply Services</u>	10A NCAC 13B .6217	32:05 NCR
<u>General Storage</u>	10A NCAC 13B .6218	32:05 NCR
<u>Laundry Services</u>	10A NCAC 13B .6219	32:05 NCR
<u>Physical Rehabilitation Services</u>	10A NCAC 13B .6220	32:05 NCR
<u>Engineering Services</u>	10A NCAC 13B .6221	32:05 NCR
<u>Waste Processing</u>	10A NCAC 13B .6222	32:05 NCR
<u>Details and Finishes</u>	10A NCAC 13B .6223	32:05 NCR
<u>Elevator Requirements</u>	10A NCAC 13B .6224	32:05 NCR
<u>Mechanical Requirements</u>	10A NCAC 13B .6225	32:05 NCR
<u>Plumbing and Other Piping Systems Requirements</u>	10A NCAC 13B .6226	32:05 NCR
<u>Electrical Requirements</u>	10A NCAC 13B .6227	32:05 NCR
<u>Administrator</u>	10A NCAC 13D .2201*	32:05 NCR
<u>Evaluation</u>	10A NCAC 13J .1004*	31:24 NCR
<u>Client Rights and Responsibilities</u>	10A NCAC 13J .1007*	31:24 NCR
<u>In-Home Aide Services</u>	10A NCAC 13J .1107*	31:24 NCR
<u>Supervision and Competency of In-Home Aides or Other In-H...</u>	10A NCAC 13J .1110*	31:24 NCR
<u>Case Review and Plan of Care</u>	10A NCAC 13J .1202*	31:24 NCR
<u>Content of Record</u>	10A NCAC 13J .1402*	31:24 NCR

<u>Scope of Services</u>	10A NCAC 13J .1502*	31:24 NCR
<u>Ground Ambulance Vehicle Manufacturing Standards</u>	10A NCAC 13P .0224*	31:24 NCR
<u>Components of Medical Oversight for Air Medical Programs</u>	10A NCAC 13P .0410*	31:24 NCR

PUBLIC HEALTH, COMMISSION FOR

<u>Reportable Diseases and Conditions</u>	10A NCAC 41A .0101*	32:04 NCR
<u>Control Measures HIV</u>	10A NCAC 41A .0202*	32:05 NCR
<u>Vendor Violations and Sanctions</u>	10A NCAC 43D .0710*	G.S. 150B-21.5(a)(3)
<u>Administration</u>	10A NCAC 43G .0108*	31:17 NCR
<u>Eligibility</u>	10A NCAC 43G .0110*	31:17 NCR
<u>Service Plan - Service Delivery</u>	10A NCAC 43G .0111*	31:17 NCR

INSURANCE, DEPARTMENT OF

<u>Location and Mailing Address</u>	11 NCAC 01 .0103*	G.S. 150B-21.5(a)(4)
<u>Inquiries and Information</u>	11 NCAC 04 .0116*	G.S. 150B-21.5(a)(4)
<u>Qualifications</u>	11 NCAC 05A .0502	32:05 NCR
<u>Establishment of Fire Department</u>	11 NCAC 05A .0503	32:05 NCR
<u>Primary Personnel</u>	11 NCAC 05A .0504	32:05 NCR
<u>Alarm and Communications</u>	11 NCAC 05A .0506	32:05 NCR
<u>Records and Documents</u>	11 NCAC 05A .0507	32:05 NCR
<u>Fire Station</u>	11 NCAC 05A .0509	32:05 NCR
<u>Standards and Policies</u>	11 NCAC 05A .0512	32:05 NCR
<u>Definitions</u>	11 NCAC 05A .0901*	32:05 NCR
<u>Purpose</u>	11 NCAC 05A .0902*	32:05 NCR
<u>Rating of Fire District</u>	11 NCAC 05A .0903*	32:05 NCR
<u>Facilities</u>	11 NCAC 05A .0904*	32:05 NCR
<u>Apparatus Specifications and Equipment</u>	11 NCAC 05A .0905*	32:05 NCR
<u>Staffing Levels</u>	11 NCAC 05A .0906*	32:05 NCR
<u>Training</u>	11 NCAC 05A .0907*	32:05 NCR
<u>Communications and Alarms</u>	11 NCAC 05A .0908*	32:05 NCR
<u>Response to Structure Fires</u>	11 NCAC 05A .0909*	32:05 NCR
<u>Incident Reporting</u>	11 NCAC 05A .0910*	32:05 NCR
<u>Records</u>	11 NCAC 05A .0911*	32:05 NCR
<u>Non-Compliance</u>	11 NCAC 05A .0912*	32:05 NCR
<u>Rule-Making and Hearing Procedures</u>	11 NCAC 08 .0903*	G.S. 150B-21.5(a)(4)
<u>Transmittal Header</u>	11 NCAC 10 .1114*	G.S. 150B-21.5(a)(4)
<u>Transmittal Header</u>	11 NCAC 10 .1209*	G.S. 150B-21.5(a)(4)
<u>Location, Mailing Address, and Telephone</u>	11 NCAC 17 .0103*	G.S. 150B-21.5(a)(4)

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Transportation from State ABC Warehouse</u>	14B NCAC 15A .1303*	32:05 NCR
<u>Direct Shipments</u>	14B NCAC 15A .1304	32:05 NCR
<u>Permit Required to Sell Alcoholic Beverages</u>	14B NCAC 15A .1402*	32:05 NCR
<u>Special Orders</u>	14B NCAC 15A .1403*	32:05 NCR
<u>Mixed Beverages Tax Stamp</u>	14B NCAC 15A .1901	32:05 NCR
<u>Prior Approval from ABC Commission</u>	14B NCAC 15A .2101*	32:04 NCR
<u>Retail Sales at Distillery's Permitted Premises</u>	14B NCAC 15A .2102	32:04 NCR
<u>Distillery Record-Keeping</u>	14B NCAC 15A .2103	32:04 NCR

<u>Antique Spirituous Liquor Regulated</u>	14B NCAC 15B .0523*	32:05 NCR
PRIVATE PROTECTIVE SERVICES BOARD		
<u>Fees for Licenses and Trainee Permits</u>	14B NCAC 16 .0202*	32:03 NCR
<u>Fees for Unarmed Guard Security Registration</u>	14B NCAC 16 .0702*	32:03 NCR
<u>Fees for Armed Security Guard Firearm Registration</u>	14B NCAC 16 .0802*	32:03 NCR
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0806*	G.S. 150B-21.5(a)(4)
<u>Training Requirements for Armed Security Guards</u>	14B NCAC 16 .0807*	32:03 NCR
<u>Fees for Trainer Certificate</u>	14B NCAC 16 .0903*	32:03 NCR
<u>Fees for Unarmed Armored Car Services Guard Registration</u>	14B NCAC 16 .1302*	32:03 NCR
<u>Fees for Armed Armored Car Service Guard Firearm Registra...</u>	14B NCAC 16 .1402*	32:03 NCR
ALARM SYSTEMS LICENSING BOARD		
<u>Fees For Licenses</u>	14B NCAC 17 .0203*	32:03 NCR
<u>Fees For Registration</u>	14B NCAC 17 .0302*	32:03 NCR
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<u>Definitions</u>	15A NCAC 02D .0101*	31:24 NCR
<u>Copies of Referenced Federal Regulations</u>	15A NCAC 02D .0103*	31:24 NCR
<u>Incorporation by Reference</u>	15A NCAC 02D .0104*	31:24 NCR
<u>Mailing List</u>	15A NCAC 02D .0105*	31:24 NCR
<u>Classification of Air Pollution Sources</u>	15A NCAC 02D .0201*	31:24 NCR
<u>Registration of Air Pollution Sources</u>	15A NCAC 02D .0202*	31:24 NCR
<u>Purpose</u>	15A NCAC 02D .0301	31:24 NCR
<u>Episode Criteria</u>	15A NCAC 02D .0302*	31:24 NCR
<u>Emission Reduction Plans</u>	15A NCAC 02D .0303*	31:24 NCR
<u>Preplanned Abatement Program</u>	15A NCAC 02D .0304*	31:24 NCR
<u>Emission Reduction Plan: Alert Level</u>	15A NCAC 02D .0305*	31:24 NCR
<u>Emission Reduction Plan: Warning Level</u>	15A NCAC 02D .0306*	31:24 NCR
<u>Emission Reduction Plan: Emergency Level</u>	15A NCAC 02D .0307*	31:24 NCR
<u>Purpose</u>	15A NCAC 02D .0401*	31:24 NCR
<u>Sulfur Oxides</u>	15A NCAC 02D .0402*	31:24 NCR
<u>Carbon Monoxide</u>	15A NCAC 02D .0404*	31:24 NCR
<u>Ozone</u>	15A NCAC 02D .0405*	31:24 NCR
<u>Nitrogen Dioxide</u>	15A NCAC 02D .0407*	31:24 NCR
<u>Lead</u>	15A NCAC 02D .0408*	31:24 NCR
<u>PM10 Particulate Matter</u>	15A NCAC 02D .0409*	31:24 NCR
<u>PM2.5 Particulate Matter</u>	15A NCAC 02D .0410*	31:24 NCR
<u>Purpose</u>	15A NCAC 02D .1301	31:24 NCR
<u>Applicability</u>	15A NCAC 02D .1302	31:24 NCR
<u>Definitions</u>	15A NCAC 02D .1303	31:24 NCR
<u>Oxygen Content Standard</u>	15A NCAC 02D .1304	31:24 NCR
<u>Measurement and Enforcement</u>	15A NCAC 02D .1305	31:24 NCR
<u>Purpose, Scope, and Applicability</u>	15A NCAC 02D .2001*	31:24 NCR
<u>Definitions</u>	15A NCAC 02D .2002*	31:24 NCR
<u>Transportation Conformity Determination</u>	15A NCAC 02D .2003*	31:24 NCR
<u>Determining Transportation-Related Emissions</u>	15A NCAC 02D .2004	31:24 NCR
<u>Memorandum of Agreement</u>	15A NCAC 02D .2005*	31:24 NCR

<u>Purpose</u>	15A NCAC 02D .2201	31:24 NCR
<u>Definitions</u>	15A NCAC 02D .2202*	31:24 NCR
<u>Final Action on Consent Orders</u>	15A NCAC 02D .2204	31:24 NCR
<u>Notification of Rights to Contest Special Orders Issued W...</u>	15A NCAC 02D .2205	31:24 NCR
<u>Scope</u>	15A NCAC 02T .1501*	32:04 NCR
<u>Definitions</u>	15A NCAC 02T .1502*	32:04 NCR
<u>Permitting by Regulation</u>	15A NCAC 02T .1503*	32:04 NCR
<u>Application Submittal</u>	15A NCAC 02T .1504*	32:04 NCR
<u>Design Criteria</u>	15A NCAC 02T .1505*	32:04 NCR
<u>Setbacks</u>	15A NCAC 02T .1506*	32:04 NCR
<u>Closure Requirements</u>	15A NCAC 02T .1507*	32:04 NCR

COASTAL RESOURCES COMMISSION

<u>Purpose</u>	15A NCAC 07H .2201	31:24 NCR
<u>Approval Procedures</u>	15A NCAC 07H .2202*	31:24 NCR
<u>General Conditions</u>	15A NCAC 07H .2204*	31:24 NCR
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WELL CONTRACTORS CERTIFICATION COMMISSION

<u>Definitions</u>	15A NCAC 27 .0101*	G.S. 150B-21.5(a)(4)
<u>Types of Certification</u>	15A NCAC 27 .0110*	32:05 NCR
<u>Application for Certification</u>	15A NCAC 27 .0301*	32:05 NCR
<u>Well Contractor Examinations</u>	15A NCAC 27 .0410*	32:05 NCR
<u>Time and Place of Examination</u>	15A NCAC 27 .0420*	32:05 NCR
<u>Examination Results and Issuance of Certificates</u>	15A NCAC 27 .0440*	32:05 NCR

TRANSPORTATION, DEPARTMENT OF

<u>Retroactive Reimbursement</u>	19A NCAC 06C .0107	32:03 NCR
<u>State Financial Assistance Construction Standards</u>	19A NCAC 06C .0108	32:03 NCR
<u>Project Application Procedures</u>	19A NCAC 06C .0109	32:03 NCR
<u>Environmental Assessment</u>	19A NCAC 06C .0110	32:03 NCR
<u>Project Approval Procedures</u>	19A NCAC 06C .0111	32:03 NCR
<u>Allowable Project Costs</u>	19A NCAC 06C .0112	32:03 NCR
<u>Sponsor Certification of Local Matching Funds</u>	19A NCAC 06C .0123	32:03 NCR
<u>Limits on Use of Allocated Funds</u>	19A NCAC 06C .0124	32:03 NCR
<u>Time Limits on Construction of the Project</u>	19A NCAC 06C .0125	32:03 NCR
<u>Request for Extension of Time to Complete Project</u>	19A NCAC 06C .0126	32:03 NCR
<u>Sanctions for Non-Performance on State Aid Projects</u>	19A NCAC 06C .0127	32:03 NCR
<u>Department to Act As Agent for Federal Grant Programs</u>	19A NCAC 06C .0129	32:03 NCR
<u>Hospital Heliports</u>	19A NCAC 06C .0134	32:03 NCR
<u>Promotion of Aviation Facility Safety</u>	19A NCAC 06C .0301	32:03 NCR
<u>Project Application and Approval Procedures</u>	19A NCAC 06C .0304	32:03 NCR
<u>Correction of Aviation Safety Hazards</u>	19A NCAC 06C .0401	32:03 NCR
<u>Project Application and Approval</u>	19A NCAC 06C .0403	32:03 NCR
<u>Sponsor's Responsibilities</u>	19A NCAC 06C .0408	32:03 NCR
<u>Recipients Eligibility Standards</u>	19A NCAC 06C .0502	32:03 NCR
<u>Project Eligibility Standards</u>	19A NCAC 06C .0503	32:03 NCR
<u>Trespass on State Airports</u>	19A NCAC 06C .0703	32:03 NCR

<u>Prohibition Against Ground Vehicles on State Airports</u>	19A NCAC 06C .0704	32:03 NCR
<u>Closure of State Airports During Hours of Darkness</u>	19A NCAC 06C .0705	32:03 NCR
<u>Commercial Flight Operations Prohibited Without Approval</u>	19A NCAC 06C .0706	32:03 NCR

BARBER EXAMINERS, BOARD OF

<u>Manager</u>	21 NCAC 06F .0102	32:06 NCR
<u>Additional Duties of Barber Shop Owners and Managers and ...</u>	21 NCAC 06L .0116	32:06 NCR
<u>Fees, Access to Forms, and Renewals</u>	21 NCAC 06N .0101*	32:05 NCR

The following Rules are subject to the next Legislative Session. (see G.S. 150B-21.3(b1))

SOCIAL SERVICES COMMISSION

<u>Correction of Overpayments and Underpayments</u>	10A NCAC 10 .0309*	32:02 NCR
<u>Termination of Approval Based upon an Administrative Acti...</u>	10A NCAC 10 .0313*	32:02 NCR
<u>Approval and Continued Participation in the Subsidized Ch...</u>	10A NCAC 10 .0602*	32:02 NCR

MEDICAL CARE COMMISSION

<u>Definitions</u>	10A NCAC 13J .0901*	31:24 NCR
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MENTAL HEALTH, COMMISSION FOR

<u>LME-MCO Oversight of Forensic Evaluator Program</u>	10A NCAC 27H .0205*	31:01 NCR
<u>Termination of Certification</u>	10A NCAC 27H .0206*	31:01 NCR

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 10 .0309 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS

(a) For purposes of this Rule, "agency" shall mean the Local Purchasing Agency or the Division.

(b) An overpayment made to an owner as a result of an inadvertent error by the agency or the operator shall be recouped by withholding the amount overpaid from monies due to the owner for services provided pursuant to the state's Subsidized Child Care Assistance Program in an amount not to exceed 20 percent of each payment to the owner.

(c) Should the owner cease to participate in the Subsidized Child Care Assistance Program before the overpayment is fully repaid, the remaining monies shall be recouped by:

- (1) Repayment agreement made with the Local Purchasing Agency; however, the Local Purchasing Agency shall prosecute the owner for failure to make timely payments as required to comply with the terms of the agreement;
- (2) Involuntary repayment by pursuing court action; or
- (3) Wage garnishment as permitted by law.

(d) An overpayment made to an owner as a result of fraudulent misrepresentation by the recipient or owner shall be recouped by:

- (1) Withholding up to the entire amount overpaid from monies due to the owner for services provided pursuant to the state's Subsidized Child Care Assistance Program;

- (2) Repayment agreement made with the Local Purchasing Agency; however, the Local Purchasing Agency shall prosecute the owner for failure to make timely payments as required to comply with the terms of the agreement;

- (3) Involuntary repayment by pursuing court action; or

- (4) Wage garnishment as permitted by law.

(e) An underpayment made due to agency or owner error shall be corrected in the Subsidized Child Care Assistance Program records and by remitting payment to the owner within 30 days of discovery of the error, but in no event shall an underpayment be corrected more than 90 days from the date of the underpayment unless the owner was unaware of the underpayment because the director or other person having primary responsibility for operation of the child care facility failed to notify the owner. In no event shall the agency correct an underpayment more than one year from the date of the underpayment.

(f) Appeals pursuant to this Rule shall be in accordance with 10A NCAC 10 .0311 and 10A NCAC 10 .0312.

History Note: Authority G.S. 143B-153; Eff. April 1, 2001; Amended Eff. December 1, 2011; Readopted Eff. Pending Legislative Review.

**10A NCAC 10 .0313 TERMINATION OF APPROVAL
BASED UPON AN ADMINISTRATIVE ACTION ISSUED
AGAINST OPERATOR**

- (a) Approval to participate in the Subsidized Child Care Assistance Program shall terminate 45 days after issuance of an administrative action revoking or denying a license to operate a child care facility issued pursuant to G.S. 110-90(5) and (9).
- (b) An appeal of an administrative action revoking, summarily suspending, or denying a license shall not stay the termination of approval to participate in the state's Subsidized Child Care Assistance Program.
- (c) If the owner appeals the termination of approval, the maximum time period during which payments from the state's Subsidized Child Care Assistance Program shall be made 45 days from the date on the notice of the administrative action.
- (d) An owner subject to administrative action as described in this Rule shall not be paid with subsidized child care funds for any new children enrolled during the 45 day period after the date on the notice of the administrative action.
- (e) A child care owner who has received an administrative action revoking or denying a license by the Division of Child Development and Early Education, or who is currently under summary suspension, shall be ineligible to participate in the state's Subsidized Child Care Assistance Program for the facility subject to the administrative action. This includes facilities that are exempt from licensure pursuant to G.S. 110-106, facilities operating in other states, and facilities certified by the United States Department of Defense.

*History Note: Authority G.S. 143B-153;
Eff. December 1, 2011;
Readopted Eff. Pending Legislative Review.*

**10A NCAC 10 .0602 PARTICIPATION IN THE
SUBSIDIZED CHILD CARE ASSISTANCE PROGRAM**

- (a) Owners wishing to participate in the Subsidized Child Care Assistance Program shall:
 - (1) enroll in the State's Subsidized Child Care Assistance Program through the State's automated provider portal located at providerportal.nc.gov;
 - (2) enter into and maintain a contract for payment through the State's Subsidized Child Care Assistance Program vendor; and
 - (3) enter into the Subsidized Child Care Assistance Program's Provider Agreement annually.
- (b) For purposes of this Rule, "complete records" shall mean records having an indication of absent or present for each day a child is scheduled to attend the facility and "accurate records" shall mean attendance records with an error rate no greater than 10 percent.
- (c) For purposes of this Rule, "error" shall mean that for each child the operator marks as present for a particular day on attendance sheets submitted through the automated provider portal for purposes of reimbursement from the Subsidized Child Care Assistance Program:
 - (1) neither the daily attendance records required to be kept in accordance with 10A NCAC 09 .0302(d)(3) and 10A NCAC 09 .1721(e)(6) nor

the records of arrival and departure times required to be kept in accordance with 10A NCAC 09 .0302(d)(4) and .1721(e)(6) show the child marked present; or

- (2) either the daily attendance records required to be kept in accordance with 10A NCAC 09 .0302(d)(3) and 10A NCAC 09 .1721(e)(6) or the records of arrival and departure times required to be kept in accordance with 10A NCAC 09 .0302(d)(4) and .1721(e)(6) show the child marked absent.

(d) For purposes of this Rule, "error rate" shall mean the total number of errors divided by the total number of entries showing the daily attendance of children on attendance sheets submitted through the automated provider portal for the purpose of reimbursement from the Subsidized Child Care Assistance Program.

(e) For purposes of this Rule, "requirements for participation" in the Subsidized Child Care Assistance Program shall include:

- (1) maintaining complete and accurate daily attendance records in accordance with 10A NCAC 09 .0302(d)(3) and .1721(e)(6);
- (2) maintaining complete and accurate records of arrival and departure times for each child in accordance with 10A NCAC 09 .0302(d)(4) and .1721(e)(6);
- (3) submitting accurate records of attendance for each child participating in the Subsidized Child Care Assistance Program to the Subsidized Child Care Assistance Program;
- (4) maintaining compliance with all of the requirements set forth in this Chapter; and
- (5) complying with the terms and conditions of the Subsidized Child Care Assistance Program's Provider Agreement.

(f) To be eligible to participate in the Subsidized Child Care Assistance Program, facilities that are exempt from licensure pursuant to G.S. 110-106 shall comply with all staff orientation and training requirements set forth in 10A NCAC 09 .1101, .1102, and .0304, in accordance with the Child Care and Development Block Grant Act, 42 U.S.C. 9858, et seq.

(g) Upon the first instance that the Division or the Local Purchasing Agency determines a facility is out of compliance with any requirement for participation the Division shall:

- (1) notify the operator of the non-compliance; and
- (2) issue a corrective action plan to address the areas of non-compliance and assist the facility to come into compliance; and
- (3) set a time limit for the operator to complete the corrective action plan depending upon the nature of non-compliance.

(h) Upon the second instance in a two-year period that the Division or the Local Purchasing Agency determines a facility is out of compliance with any requirement for participation, the operator shall be prohibited from enrolling new children who receive subsidized child care for one year, and the Division shall:

- (1) notify the operator of the non-compliance; and

- (2) issue a corrective action plan to address the areas of non-compliance and assist the facility to come into compliance; and
- (3) set a time limit for the operator to complete the corrective action plan depending upon the nature of non-compliance.

*Amended Eff. April 1, 2001; February 1, 1996;
Emergency Amendment Eff. August 22, 2016;
Temporary Amendment Eff. October 28, 2016;
Repealed Eff. Pending delayed effective date.*

(i) An operator who fails to maintain compliance in accordance with Paragraph (b) of this Rule three times in a two-year period shall be terminated from and permanently ineligible to participate in the Subsidized Child Care Assistance Program.

10A NCAC 13B .6001 LOCATION
10A NCAC 13B .6002 ROADS AND PARKING

(j) If the operator fails to complete the corrective action plan within the required timeframe, the Division shall terminate the owner participation in the Subsidized Child Care Assistance Program and the owner or any operator who is not an owner shall be permanently ineligible to participate in the Subsidized Child Care Assistance Program.

*History Note: Authority G.S. 131E-79;
Eff. January 1, 1996;
Repealed Eff. January 1, 2018.*

(k) Upon request for review by a local, state, or federal agency representative, the operator of a child care facility shall immediately provide all records pertaining to his or her participation in the state's Subsidized Child Care Assistance Program. These records include:

10A NCAC 13B .6104 ACCESS AND SAFETY

*History Note: Authority G.S. 131E-79;
Eff. January 1, 1996;
Repealed Eff. January 1, 2018.*

- (1) daily attendance records kept in accordance with 10A NCAC 09 .0302(d)(3) and .1721(e)(6);
- (2) records of arrival and departure times for each child kept in accordance with accordance with 10A NCAC 09 .0302(d)(4) and .1721(e)(6);
- (3) records of attendance maintained for purposes of the federal Child and Adult Care Food Program; and
- (4) any other records that show children's attendance at the facility.

10A NCAC 13B .6201 MEDICAL, SURGICAL AND POST-PARTUM CARE UNIT
10A NCAC 13B .6202 SPECIAL CARE UNIT
10A NCAC 13B .6203 NEONATAL LEVEL I AND LEVEL II NURSERY UNIT
10A NCAC 13B .6204 NEONATAL LEVEL III AND LEVEL IV NURSERY
10A NCAC 13B .6205 PSYCHIATRIC UNIT
10A NCAC 13B .6206 SURGICAL DEPARTMENT REQUIREMENTS

*History Note: Authority G.S. 131E-79;
Eff. January 1, 1996;
Amended Eff. November 1, 2004;
Repealed Eff. January 1, 2018.*

(l) If the Local Purchasing Agency determines a facility to be out of compliance with any requirement for participation in the Subsidized Child Care Assistance Program, the Local Purchasing Agency shall notify the Division of the noncompliance within five days of its determination.

10A NCAC 13B .6208 OBSTETRICAL DEPARTMENT SERVICES
10A NCAC 13B .6209 EMERGENCY SERVICES
10A NCAC 13B .6210 IMAGING SERVICES
10A NCAC 13B .6211 LABORATORY SERVICES
10A NCAC 13B .6212 MORGUE
10A NCAC 13B .6213 PHARMACY SERVICES
10A NCAC 13B .6214 DIETARY SERVICES
10A NCAC 13B .6215 ADMINISTRATION
10A NCAC 13B .6216 MEDICAL RECORDS SERVICES
10A NCAC 13B .6217 CENTRAL MEDICAL AND SURGICAL SUPPLY SERVICES
10A NCAC 13B .6218 GENERAL STORAGE
10A NCAC 13B .6219 LAUNDRY SERVICES
10A NCAC 13B .6220 PHYSICAL REHABILITATION SERVICES
10A NCAC 13B .6221 ENGINEERING SERVICES
10A NCAC 13B .6222 WASTE PROCESSING
10A NCAC 13B .6223 DETAILS AND FINISHES
10A NCAC 13B .6224 ELEVATOR REQUIREMENTS
10A NCAC 13B .6225 MECHANICAL REQUIREMENTS

(m) An operator may appeal a determination of noncompliance or permanent ineligibility under this Rule as follows:

- (1) pursuant to 10A NCAC 10 .0311 if Local Purchasing Agency makes the determination of non-compliance or permanent ineligibility; or
- (2) pursuant to 10A NCAC 10 .0312 if the Division makes the determination of non-compliance or permanent ineligibility.

*History Note: Authority G.S. 143B-153(2a);
Eff. February 1, 1986;
Amended Eff. April 1, 2001; February 1, 1996;
Emergency Amended Eff. August 22, 2016;
Temporary Amendment Eff. October 28, 2016;
Readopted Eff. Pending Legislative Review.*

10A NCAC 10 .0702 APPROVAL AND CONTINUED PARTICIPATION IN THE SUBSIDIZED CHILD CARE PROGRAM

*History Note: Authority G.S. 143B-153(2a);
Eff. January 1, 1988;*

**10A NCAC 13B .6226 PLUMBING AND OTHER
PIPING SYSTEMS REQUIREMENTS**
10A NCAC 13B .6227 ELECTRICAL REQUIREMENTS

History Note: Authority G.S. 131E-79;

Eff. January 1, 1996;

Amended July 1, 1996;

Repealed Eff. January 1, 2018.

10A NCAC 13D .2201 ADMINISTRATOR

(a) A facility shall be under the control of an administrator licensed by the North Carolina State Board of Examiners for Nursing Home Administrators.

(b) If an administrator is not the sole owner of a facility, his or her authority and responsibility shall be defined in a written agreement or in the facility's governing bylaws.

(c) The administrator shall be responsible for the operation of a facility.

(d) The administrator shall comply with the rules of this Subchapter.

(e) The administrator shall be responsible for developing and implementing policies for the management and operation of the facility as set forth in 21 NCAC 37B .0204, which is incorporated herein by reference including subsequent amendments and editions. These rules may be accessed free of charge at <http://reports.oah.state.nc.us/ncac.asp>.

(f) In the physical absence of the administrator, a person shall be on-site who is designated to be in charge of the facility operation.

History Note: Authority G.S. 131E-104; 131E-116;

RRC objection due to lack of statutory authority Eff. July 13, 1995;

Eff. January 1, 1996;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Amended Eff. January 1, 2018.

10A NCAC 13J .0901 DEFINITIONS

Terms used in this Subchapter have the meanings as defined in G.S. 131E-136 and as follows:

- (1) "Activities of Daily Living" (ADL) means mobility, eating, bathing, dressing, and toileting.
- (2) "Agency" means a home care agency.
- (3) "Agency director" means the person having administrative responsibility for the operation of the agency.
- (4) "Client" means as defined in G.S. 131E-136 (2b).
- (5) "Clinical respiratory services" means the provision of respiratory equipment and services that involve the assessment of a client's pulmonary status, monitoring of a client's response to therapy, and reporting to the client's physician. Procedures include: oximetry, blood gases, delivery of medication via aerosolization, management of ventilatory support equipment, pulmonary function testing, and infant monitoring.

- (6) "Department" means the North Carolina Department of Health and Human Services.
- (7) "Extensive Assistance" means a client is totally dependent or requires hands on assistance more than half the time while performing part of an activity, and meets one of the following criteria:
 - (a) requires extensive assistance in more than two activities of daily living (ADLs), as defined in Item (1) of this Rule;
 - (b) needs an in-home aide to perform at least one task at the nurse aide II level; or
 - (c) requires extensive assistance in more than one ADL and has a medical or cognitive impairment as defined in Item (19) of this Rule.
- (8) "Follow-up care" means services provided to a licensed hospital's discharged client in their home by a hospital's employees. No services shall exceed three visits in any two month period and shall not extend beyond a 12 month period following discharge, except pulmonary care, pulmonary rehabilitation, or ventilator services.
- (9) "Governing body" means the person or group of persons having legal authority for the operation of the agency.
- (10) "Hands-on care" means any home care service that involves touching the patient in order to implement the patient's plan of care.
- (11) "Health care practitioner" means as defined in G.S. 90-640(a).
- (12) "Infusion nursing services" means those services related to the administration of pharmaceutical agents into a body organ or cavity. Routes of administration include subcutaneous intravenous, intraspinal, epidural, or intrathecal infusion. Administration shall be by or under the supervision of a registered nurse in accordance with their legal scope of practice.
- (13) "In-home aide services" are hands-on services that assist individuals, their family, or both with home management tasks, personal care tasks, or supervision of the client's activities to enable the individual, their family, or both to remain and function at home.
- (14) "In-home caregiver" means any individual who provides home care services as enumerated in G.S. 131E-136.
- (15) "Instrumental Activities of Daily Living" (IADL) means meal preparation, housekeeping, medication reminders, shopping, errands, transportation, money management, phone use, reading, and writing.
- (16) "Licensed Clinical Social Worker" means as defined in G.S. 90B-3(6a).
- (17) "Licensed practical nurse" means as defined in G.S. 90-171.30 or G.S. 90-171.32.

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| <p>(18) "Limited Assistance" means care to a client who requires hands-on care involving guided maneuvering of limbs with eating, toileting, bathing, dressing, personal hygiene, self-monitoring of medications, or other tasks assigned that require hands on assistance half the time or less during the activity and does not meet the definition of extensive assistance.</p> <p>(19) "Medical or cognitive impairment" means a diagnosis and client assessment that documents at least one of the following:</p> <ul style="list-style-type: none"> (a) pain that is present more than half the time that interferes with an individual's activity or movement; (b) dyspneic or short of breath with minimal exertion during the performance of ADLs and requires continuous use of oxygen; or (c) individual is not alert and oriented or is unable to shift attention and recall directions more than half the time. <p>(20) "Nursing registry" means a person or organization that maintains a list of nurses, in-home aides, or both that is made available to persons seeking nursing care or in-home aide service, but does not collect a placement fee from the worker or client, coordinate the delivery of services, or supervise or control the provision of services.</p> <p>(21) "Nursing services" means professional services provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.</p> <p>(22) "Occupational therapist" means as defined in G.S. 90-270.67(2) or G.S. 90-270.72.</p> <p>(23) "Occupational therapist assistant" means as defined in G.S. 90-270.67(3) or G.S. 90-270.72.</p> <p>(24) "Occupational therapy" means as defined in G.S. 90-270.67(4).</p> <p>(25) "On-call services" means unscheduled home care services made available to clients on a 24-hour basis.</p> <p>(26) "Personal care" means assistance to an individual with ADL and medical monitoring.</p> <p>(27) "Physical therapist" means as defined in G.S. 90-270-24(2), G.S. 90-270-30, or G.S. 90-270-31(b).</p> <p>(28) "Physical therapist assistant" means as defined in G.S. 90-270.24(3) or G.S. 90-270-31(b).</p> <p>(29) "Physical therapy" means as defined in G.S. 90-270.24(4).</p> <p>(30) "Physician" means as defined in G.S.90-9.1 or G.S. 90-9.2.</p> <p>(31) "Plan of care" means the written description of the authorized home care services and tasks to be provided to a client.</p> <p>(32) "Practice of respiratory care" means as defined in G.S.90-648(10).</p> | <p>(33) "Premises" means the location or licensed site that the agency provides home care services or maintains client service records or advertises itself as a home care agency.</p> <p>(34) "Qualified" means suitable for employment as a consequence of having met the standards of education, experience, licensure, or certification established in the applicable job description created and adopted by the agency.</p> <p>(35) "Registered nurse" means as defined in G.S. 90-171.30 or G.S. 90.171.32.</p> <p>(36) "Respiratory care practitioner" means as defined in G.S. 90-648(12).</p> <p>(37) "Scope of services" means those specific services provided by a licensed agency as listed on their home care license.</p> <p>(38) "Survey" means an inspection by the Division of Health Service Regulation in order to assess the compliance of agencies with the home care licensure rules.</p> <p>(39) "Social worker" means as defined in G.S 90B-3(8).</p> <p>(40) "Speech and language pathologist" means as defined in G.S. 90-293(5).</p> <p>(41) "Skilled Services" means all home care services enumerated in G.S. 131E-136(3) with the exception of in-home aide services.</p> <p>(42) "The practice of speech and language pathology" means as defined in G.S. 90-293(7).</p> |
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*History Note: Authority G.S. 131E-136; 131E-140; Eff. July 1, 1992;
RRC Objection due to lack of statutory authority Eff. November 16, 1995;
Amended Eff. January 1, 2010; February 1, 1996;
Readopted Eff. Pending Legislative Review.*

10A NCAC 13J.1004 EVALUATION

- (a) The agency's governing body or its designee shall annually conduct a comprehensive evaluation of the agency's total operation.
- (b) The evaluation shall review the quality of the agency's services with findings used to verify policy implementation, to identify problems, and to establish problem resolution and policy revision as necessary.
- (c) The evaluation shall consist of a policy and administration review, including the scope of services offered, arrangements for services with other agencies or individuals, admission and discharge policies, supervision and plan of care, emergency care, service records, personnel qualifications, and program evaluation. Data to be assessed shall include the following:
- (1) number of clients receiving each service;
 - (2) number of visits or hours for each service;
 - (3) client outcomes;
 - (4) adequacy of staff to meet client needs;
 - (5) numbers and reasons for nonacceptance of clients; and
 - (6) reasons for discharge.

(d) The agency's governing body or its designee shall evaluate the agency's client records every 90 days. The evaluation shall include a review of sample active and closed client records to ensure that agency policies are followed in providing services, both direct and under contract, and to assure the quality of service meets the client's needs. The review shall consist of a representative sample of all home care services provided by the agency.

(e) Documentation of the evaluation shall include the names and qualifications of the persons carrying out the evaluation, the criteria and methods used to accomplish it, and any action taken by the agency as a result of its findings.

History Note: Authority G.S. 131E-140;

Eff. July 1, 1992;

RRC Objection due to lack of statutory authority Eff. November 16, 1995;

Amended Eff. February 1, 1996;

Readopted Eff. pending delayed effective date.

10A NCAC 13J .1007 CLIENT RIGHTS AND RESPONSIBILITIES

(a) An agency shall provide each client with a written notice of the client's rights and responsibilities in advance of furnishing care to the client or during the initial evaluation visit before the initiation of services. The agency shall maintain documentation showing that all clients have been informed of their rights and responsibilities as set forth in G.S. 131E-144.3.

(b) An agency shall provide notice to clients as set forth in G.S. 131E-144.4. The Division of Health Service Regulation shall investigate all allegations of non-compliance with rules of this Subchapter.

(c) An agency shall comply with G.S. 131E-144.6(b).

History Note: Authority G.S. 131E-140; 131E-144.3;

Eff. July 1, 1992;

Amended Eff. February 1, 1996;

Readopted Eff. pending delayed effective date.

10A NCAC 13J .1107 IN-HOME AIDE SERVICES

(a) If an agency provides in-home aide services, the services shall be provided in accordance with the client's plan of care. The plan of care shall be signed and dated by the health care practitioner and the client or the client's responsible party. The client shall have access to a copy of the in-home aide plan of care in the home.

(b) The plan of care shall contain the level of assistance required by the client for each ADL. If the client's plan of care requires the in-home aide to provide extensive assistance, the in-home aide shall be listed on the Nurse Aide Registry pursuant to G.S. 131E-255. However, if the client's plan of care requires the in-home aide to provide only limited assistance, the in-home aide is not required to be listed on the Nurse Aide Registry.

(c) In-home aides shall follow instructions for client care written by the health care practitioner. In-home aide duties may include the following:

- (1) help with prescribed exercises that the client and in-home aides have been taught by a health care practitioner;
- (2) provide or assist with ADLs;

(3) assist client with self-administration of medications that are ordered by a health care practitioner or other person authorized by state law to prescribe;

(4) perform IADLs that are essential to the client's care at home; and

(5) record and report changes in the client's condition, family situation, or needs to the health care practitioner.

(d) For agencies providing in-home aide services, the initial assessment shall be conducted in the client's home by the health care practitioner. The initial assessment shall include the client's functional status in the areas of social, mental, physical health, environmental, economic, ADLs, and IADLs.

(e) The initial assessment shall be conducted prior to the development of the plan of care and signed and dated by the health care practitioner.

(f) Agencies providing in-home aide services shall provide availability of the health care practitioner for supervision and consultation.

(g) Agencies participating in the Home and Community Care Block Grant or Social Services Block Grant through the Division of Aging and Adult Services shall comply with the in-home aide service level rules contained in 10A NCAC 06A and 10A NCAC 06X, which are hereby incorporated by reference with all subsequent amendments and editions. Copies of these rules may be accessed at no cost at <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title 10A - Health and Human Services\Chapter 06 - AGING - PROGRAMS OPERATIONS>.

(h) In order to assure supervision of services provided by in-home caregivers, geographic service areas for these services shall be limited to the area that includes the county where the agency is located, counties that are contiguous with the county where the agency is located, or within 90 minutes driving time from the site where the agency is located, whichever is greater. Agencies providing services to any client prior to January 1, 2006 who resides in a geographic service area that prior to January 1, 2006 is beyond the counties that are contiguous with the county where the agency is located or greater than 90 minutes driving time from the site where the agency is located, may continue to provide services to the client in these areas until the client is discharged from the agency.

History Note: Authority G.S. 131E-140;

Eff. July 1, 1992;

Amended Eff. January 1, 2010; October 1, 2007; October 1, 2006; February 1, 1996;

Readopted Eff. pending delayed effective date.

10A NCAC 13J .1110 SUPERVISION AND COMPETENCY OF IN-HOME CAREGIVERS

(a) In-home caregivers subject to occupational licensing laws shall meet requirements consistent with the rules established by the occupational licensing board that they are subject. Each agency shall document that its in-home caregivers are competent to perform client care tasks or activities that they are assigned. Meeting competency includes a demonstration of tasks to the health care practitioner. In-home caregivers shall perform

delegated activities under the supervision of persons authorized by state law to provide such supervision.

(b) Those in-home caregivers who are not subject to occupational licensing laws shall only be assigned client care activities that they have demonstrated competency, and the documentation of competency is maintained by the agency. Meeting competency includes a demonstration of tasks to the health care practitioner. Each agency shall document that its in-home caregivers demonstrate competence for all assigned client care tasks or activities. In-home caregivers shall be supervised by the health care practitioner who may further delegate specific supervisory activities to in-home caregivers as designated by agency policy, provided that the following criteria are met:

- (1) there is availability of the health care practitioner for supervision and consultation; and
- (2) accountability for supervisory activities delegated is maintained by the health care practitioner.

(c) In-home caregivers subject to Paragraph (a) of this Rule shall be subject to the method and frequency of supervision defined in the agency's policy. The health care practitioner shall supervise an in-home caregiver subject to Paragraph (b) of this Rule by making a supervisory visit to each client's place of residence every 90 days with or without the in-home caregiver's presence, and annually, while the in-home caregiver is providing care to each client. The supervisory visit shall include review of the client's general condition, progress, and response to the services provided by the in-home caregiver.

(d) Documentation of supervisory visits shall be maintained in the agency's records and shall contain date of visit, findings of visit, and signature of person performing the visit.

(e) When follow-up corrective action is needed for any type of in-home caregiver based on findings of the supervisory visit, documentation of such corrective action by the health care practitioner shall be maintained in the employee(s) record.

(f) A health care practitioner conducting a supervisory visit for any in-home caregiver may simultaneously conduct the case review every 90 days as required in Rule .1202 of this Subchapter.

(g) The health care practitioner shall be available for supervision during the hours that in-home care services are provided.

History Note: Authority G.S. 131E-140;

Eff. July 1, 1992;

Amended Eff. July 1, 1993;

RRC Objection due to lack of statutory authority and ambiguity Eff. November 16, 1995;

Amended Eff. February 1, 1996;

Temporary Amendment Eff. April 1, 2006;

Amended Eff. November 1, 2006;

Readopted Eff. pending delayed effective date.

10A NCAC 13J .1202 CASE REVIEW AND PLAN OF CARE

(a) The plan of care shall be established in collaboration with the client and incorporated in the service record. The plan of care shall be reviewed every 90 days by the health care practitioner and revised as needed based on the client's needs. If the client record is purged, the original and updated authorization or orders for care

shall be maintained in the client's record. All records shall be available to Department staff for review if requested. If physician orders are needed for the services, the health care practitioner shall notify the physician of any changes in the client's condition that indicates the need for altering the plan of care or for terminating services. Based upon the findings of the client assessment, the plan of care shall include the following:

- (1) type of service(s) and care to be delivered;
- (2) frequency and duration of service;
- (3) activity restrictions;
- (4) safety measures; and
- (5) service objectives and goals.

(b) Where applicable, the plan of care shall include:

- (1) equipment required;
- (2) functional limitations;
- (3) rehabilitation potential;
- (4) diet and nutritional needs;
- (5) medications and treatments;
- (6) specific therapies;
- (7) pertinent diagnoses; and
- (8) prognosis.

(c) If the health care practitioner is assigned responsibility for two or more of the following, these functions may be conducted during the same home visit:

- (1) assessment of client's condition, progress, and response every 90 days;
- (2) provision of regularly scheduled professional services; or
- (3) supervision of in-home caregiver.

History Note: Authority G.S. 131E-140;

Eff. July 1, 1992;

Amended Eff. May 1, 1993;

RRC Objection due to lack of statutory authority Eff. November 16, 1995;

Amended Eff. February 1, 1996;

Readopted Eff. pending delayed effective date.

10A NCAC 13J .1402 CONTENT OF RECORD

(a) If the agency is providing services to a client, the service record shall contain the following information:

- (1) Admission data:
 - (A) identification data such as name, address, telephone number, date of birth, sex, and marital status;
 - (B) a copy of the signed client's rights form or documentation of its delivery;
 - (C) names of next of kin, legal guardian, or other family members;
 - (D) source of referral; and
 - (E) assessment of home environment.
- (2) Service data:
 - (A) initial assessments by the health care practitioner of the client's functional status in the areas of social, mental, physical health, environmental, economic, ADLs, and IADLs;
 - (B) identification of problems, the establishment of goals and proposed

intervention, and indication of the client's understanding of and approval for services to be provided. If the client is diagnosed as not competent, the approval of the client's responsible party shall be recorded;

- (C) a record of all services provided with entries with date and time of service, and signed by the individual providing the service;
- (D) discharge summary that includes an overall summary of services provided by the agency and the date and reason for discharge. When a specific service to a client is terminated and other services continue, there shall be documentation of the date and reason for terminating the specific service; and
- (E) evidence of coordination of services when the client is receiving more than one in-home care service.

(b) If the agency is providing services to a client that require a physician's order, the service record shall include all of the items described in Paragraph (a) of this Rule and the following items:

- (1) Admission data:
 - (A) admission and discharge dates from hospital or other institution when applicable; and
 - (B) names of physician(s) responsible for the client's care.
- (2) Service data:
 - (A) client's diagnoses;
 - (B) physician's orders for pharmaceuticals and medical treatments; and
 - (C) if the agency is providing services to a hospital or nursing facility patient, the agency's record shall include referral information, dates and times of services, and documentation of services provided.

*History Note: Authority G.S. 131E-140;
Eff. July 1, 1992;
Amended Eff. February 1, 1996;
Readopted Eff. pending delayed effective date.*

10A NCAC 13J .1502 SCOPE OF SERVICES

(a) If an agency provides In-home companion, sitter, or respite services, the services shall be provided in accordance with the client's plan of care. Agencies participating in the Home and Community Care Block Grant or Social Services Block Grant through the Division of Aging and Adult Services shall comply with the service level rules contained in 10A NCAC 06A and 10A NCAC 06X. All other agencies providing in-home companion, sitter, or respite services shall comply with the provisions of the rules in this Section.

(b) In-home companion, sitter, or respite services personnel shall follow the plan of care written by the in-home companion, sitter, or respite services supervisor.

*History Note: Authority G.S. 131E-140;
Eff. January 1, 2010;
Readopted Eff. pending delayed effective date.*

10A NCAC 13P .0224 GROUND AMBULANCE VEHICLE MANUFACTURING STANDARDS

(a) In addition to the terms defined in Rule .0102 of this Subchapter, the following definitions apply to this Rule:

- (1) "Remounted" means a ground ambulance patient compartment module that has been removed from its original chassis and mounted onto a different chassis.
- (2) "Refurbished" means upgrading or repairing an existing ground ambulance patient care module or chassis that may not involve replacement of the chassis.

(b) "Ground ambulances" as defined in Rule .0102 of this Subchapter manufactured after July 1, 2018, that are based and operated in North Carolina shall meet one of the following manufacturing standards:

- (1) the Commission on Accreditation of Ambulance Services (CAAS) "Ground Vehicle Standard for Ambulances" (GVS - v.1.0), which is incorporated herein by reference including all subsequent amendments and editions. This document is available online at no cost at www.groundvehiclestandard.org; or
- (2) the National Fire Protection Association (NFPA) 1917-2016 "Standard for Automotive Ambulances," which is incorporated herein by reference including all subsequent amendments and editions. This document is available for purchase online at www.nfpa.org for a cost of fifty-two dollars (\$52.00).

(c) The following shall be exempt from the criteria set forth in Paragraph (b) of this Rule:

- (1) ambulances owned and operated by an agency of the United States government;
- (2) ambulances manufactured prior to July 1, 2018;
- (3) "convalescent ambulances" as defined in Rule .0102 of this Subchapter;
- (4) remounted or refurbished ambulances; or
- (5) Medical Ambulance/Evacuation/Bus as set forth in Rule .0217 of this Section.

(d) Effective July 1, 2018, the National Highway Traffic Safety Administration (NHTSA) KKK-A-1822F- Ambulance Manufacturing Standard shall no longer meet the manufacturing standards for new ground ambulances as set forth in Paragraph (b) of the Rule.

(e) Ground ambulances that do not meet the criteria set forth in this Rule shall be ineligible for permitting as set forth in Rule .0211 of this Section.

History Note: Authority G.S. 131E-156; 131E-157; 143-508(d)(8);
Eff. January 1, 2018.

10A NCAC 13P .0410 COMPONENTS OF MEDICAL OVERSIGHT FOR AIR MEDICAL PROGRAMS

(a) In addition to the terms defined in Rule .0102 of this Subchapter, the following definition applies to this Rule: "Specialized Ambulance Protocol Summary (SAPS) form" means a document completed by the Medical Director of the Air Medical Program that contains a listing of all medications, equipment, and supplies.

(b) Licensed EMS providers seeking to offer rotary-wing or fixed-wing air medical program services within North Carolina shall receive approval from the OEMS prior to beginning operation.

(c) Licensed EMS providers seeking to offer multiple air medical programs under separate medical oversight processes as set forth in Paragraph (d) of this Rule shall make application for each program and receive approval from the OEMS as set forth in Paragraph (b) of this Rule.

(d) Each Air Medical Program providing services within North Carolina shall meet the following requirements for the provision of medical oversight:

- (1) a Medical Director as set forth in Rules .0402 and .0404 of this Section;
- (2) treatment protocols approved by the OEMS, to be utilized by the provider as required by Rule .0406 of this Section;
- (3) a peer review committee as required by Rule .0409 of this Section;
- (4) notify all North Carolina EMS Systems where services will be provided to enable each EMS System to include the provider in their EMS System plan, as set forth in Rule .0201 of this Subchapter;
- (5) all aircrafts used within North Carolina shall comply with Rule .0209 of this Subchapter;
- (6) populate and maintain a roster in the North Carolina database for all air medical crew members, Medical Directors, and staff identified by the program to serve as primary and secondary administrative contacts;
- (7) all medical crew members operating in North Carolina shall maintain a North Carolina license or credential in accordance with the rules and regulations of the appropriate licensing or credentialing body;
- (8) active membership in each Trauma RAC containing the majority of hospitals where the program transports patients for admission;
- (9) submit patient care data into the PreHospital Medical Information System (PreMIS) for all interstate and intrastate transports as set forth in Rule .0204 of this Subchapter;
- (10) provide information regarding procedures performed during transport within North Carolina to OEMS for quality management review as required by the "North Carolina

- (11) College of Emergency Physicians: Standards for Medical Oversight and Data Collection;"
- (12) submit peer review materials to the receiving hospital's peer review committee for each patient transported for admission; and a method providing for the coordinated dispatch of resources between air medical programs for scene safety, that only the number of air medical resources needed respond to the incident location are provided, and arrange for the receiving hospital to prepare for the incoming patient.

(e) In addition to the requirements set forth in Paragraph (d) of this Rule, Air Medical Program whose base of operation is outside of North Carolina who operate fixed-wing or rotary-wing air medical programs within the State shall meet the following requirements for the provision of medical oversight:

- (1) submit to the OEMS all existing treatment protocols utilized by the program in the state that it is based for comparison with North Carolina standards as set forth in the "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection," and make any modifications identified by the OEMS to comply with the standards as set forth in Subparagraph (d)(2) of this Rule;
- (2) all aircrafts used within North Carolina shall comply with Rule .0209 of this Subchapter, to be conducted at a location inside North Carolina at a time agreed upon by the Department and the Air Medical Program;
- (3) submit written notification to the Department within three business days of receiving notice of any arrests or regulatory investigations for the diversion of drugs or patient care issues involving a North Carolina credentialed or licensed medical crew member; and
- (4) any medical crew member suspended by the Department shall be barred from patient contact when operating in North Carolina until such time as the case involving the medical crew member has been adjudicated or resolved as set forth in Rule .1507 of this Subchapter;

(d) Significant failure to comply with the criteria set forth in this Rule shall result in revocation of the Air Medical Program as set forth in Rule .1503 of this Subchapter.

History Note: G.S. 131E-155.1; 131E-156; 131E-157(a); 131E-161; 143-508(d)(8);
Eff. January 1, 2018.

10A NCAC 27H .0205 LME-MCO OVERSIGHT OF FORENSIC EVALUATOR PROGRAM

(a) Within available resources, the LME-MCO shall ensure there are local certified forensic evaluators to conduct forensic evaluations to meet the demand for forensic evaluations, based in

part upon population served and the number of forensic evaluations ordered by the Court, in its catchment area.

(b) Each LME-MCO shall maintain a list of local certified forensic evaluators who are employed by or contracted by the LME-MCO that includes the mh/dd/sa populations for which each evaluator has reported having expertise, based upon their knowledge, skills, and abilities, to conduct forensic evaluations.

(c) The LME-MCO shall verify that each local certified forensic evaluator meets the requirements set forth in Rule .0203 of this Section.

(d) The LME-MCO shall notify the Pre-Trial Evaluation Center of any changes that would result in termination of certification per Rule .0206 of this Section.

(e) The LME-MCO shall maintain a list, including the number of local forensic evaluations done in each county within its catchment area, the forensic evaluator's name and capacity opinion, the date of the evaluation, the defendant's name, gender, and criminal charge, and provide that list to the Pre-Trial Evaluation Center on a monthly basis.

(f) The LME-MCO shall establish a mechanism to ensure a quality management process is included in the LME-MCO's Quality Improvement System for monitoring the provision of forensic evaluator services conducted by the local certified forensic evaluators in its catchment area. For purposes of this Rule, monitoring consists of the interaction between the LME-MCO and local certified forensic evaluator(s) regarding the completion of forensic evaluations ordered by the Court that includes:

- (1) identifying an individual who is a local certified forensic evaluator who will monitor the overall quality and outcomes of the reports of forensic evaluations completed by other local forensic evaluators;
- (2) establishing a procedure for responding to questions or concerns related to the quality of reports of forensic evaluations completed by local certified forensic evaluators in its catchment area; and
- (3) reviewing documentation to ensure compliance with G.S. 15A-1002, 10A NCAC .6700, and the rules of this Section.

History Note: Authority G.S. 15A-1002; 122C-114; 122C-115.4(a); 122C-141; 122C-191(b); 143B-147;

Eff. July 1, 1982;

Amended Eff. May 1, 1990;

Amended Eff. Pending Legislative Review.

10A NCAC 27H .0206 TERMINATION OF CERTIFICATION

(a) The LME-MCO shall notify the Division in the following circumstances:

- (1) the evaluator notifies the LME-MCO in writing that he or she no longer wishes to be certified;
- (2) the evaluator no longer meets the eligibility requirements set forth in Rule .0203(a) of this Section;
- (3) the Pre-Trial Evaluation Center has notified the LME-MCO the evaluator failed to complete

annual continuing education seminars as set forth in Rule .0204 of this Section;

(4) the evaluator fails to perform any of the duties described in Rule .0207 of this Section; or

(5) the Forensic Evaluator notifies the LME-MCO that he or she is no longer a Licensed Clinician.

(b) The Pre-Trial Evaluation Center shall notify the Division when a local certified forensic evaluator no longer contracts with any LME-MCO.

(c) The Division shall declare a forensic evaluator certification void upon receipt of the information contained in Paragraphs (a) and (b) of this Rule.

History Note: Authority G.S. 15A-1002; 122C-114; 122C-115.4(a); 122C-141; 122C-191(b); 143B-147;

Eff. July 1, 1982;

Amended Eff. May 1, 1990;

Amended Eff. Pending Legislative Review.

10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- (2) anthrax - immediately;
- (3) botulism - immediately;
- (4) brucellosis - 7 days;
- (5) campylobacter infection - 24 hours;
- (6) chancroid - 24 hours;
- (7) chikungunya virus infection - 24 hours;
- (8) chlamydial infection (laboratory confirmed) - 7 days;
- (9) cholera - 24 hours;
- (10) Creutzfeldt-Jakob disease - 7 days;
- (11) cryptosporidiosis - 24 hours;
- (12) cyclosporiasis - 24 hours;
- (13) dengue - 7 days;
- (14) diphtheria - 24 hours;
- (15) Escherichia coli, shiga toxin-producing - 24 hours;
- (16) ehrlichiosis - 7 days;
- (17) encephalitis, arboviral - 7 days;
- (18) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and unknown causes - 24 hours;
- (19) gonorrhea - 24 hours;
- (20) granuloma inguinale - 24 hours;
- (21) Haemophilus influenzae, invasive disease - 24 hours;
- (22) Hantavirus infection - 7 days;
- (23) Hemolytic-uremic syndrome - 24 hours;
- (24) Hemorrhagic fever virus infection - immediately;
- (25) hepatitis A - 24 hours;

- (26) hepatitis B - 24 hours;
- (27) hepatitis B carriage - 7 days;
- (28) hepatitis C, acute - 7 days;
- (29) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- (30) influenza virus infection causing death - 24 hours;
- (31) legionellosis - 7 days;
- (32) leprosy - 7 days;
- (33) leptospirosis - 7 days;
- (34) listeriosis - 24 hours;
- (35) Lyme disease - 7 days;
- (36) Lymphogranuloma venereum - 7 days;
- (37) malaria - 7 days;
- (38) measles (rubeola) - 24 hours;
- (39) meningitis, pneumococcal - 7 days;
- (40) meningococcal disease - 24 hours;
- (41) Middle East respiratory syndrome (MERS) - 24 hours;
- (42) monkeypox - 24 hours;
- (43) mumps - 7 days;
- (44) nongonococcal urethritis - 7 days;
- (45) novel influenza virus infection - immediately;
- (46) plague - immediately;
- (47) paralytic poliomyelitis - 24 hours;
- (48) pelvic inflammatory disease - 7 days;
- (49) psittacosis - 7 days;
- (50) Q fever - 7 days;
- (51) rabies, human - 24 hours;
- (52) Rocky Mountain spotted fever - 7 days;
- (53) rubella - 24 hours;
- (54) rubella congenital syndrome - 7 days;
- (55) salmonellosis - 24 hours;
- (56) severe acute respiratory syndrome (SARS) - 24 hours;
- (57) shigellosis - 24 hours;
- (58) smallpox - immediately;
- (59) *Staphylococcus aureus* with reduced susceptibility to vancomycin - 24 hours;
- (60) streptococcal infection, Group A, invasive disease - 7 days;
- (61) syphilis - 24 hours;
- (62) tetanus - 7 days;
- (63) toxic shock syndrome - 7 days;
- (64) trichinosis - 7 days;
- (65) tuberculosis - 24 hours;
- (66) tularemia - immediately;
- (66) typhoid - 24 hours;
- (67) typhoid carriage (*Salmonella typhi*) - 7 days;
- (68) typhus, epidemic (louse-borne) - 7 days;
- (69) vaccinia - 24 hours;
- (70) vibrio infection (other than cholera) - 24 hours;
- (71) whooping cough - 24 hours; and
- (72) yellow fever - 7 days.

(b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing

method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.

(c) In addition to the laboratory reports for *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, and syphilis specified in G.S. 130A-139, laboratories shall report:

- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
 - (A) Any hantavirus or hemorrhagic fever virus.
 - (B) Arthropod-borne virus (any type).
 - (C) *Bacillus anthracis*, the cause of anthrax.
 - (D) *Bordetella pertussis*, the cause of whooping cough (pertussis).
 - (E) *Borrelia burgdorferi*, the cause of Lyme disease (confirmed tests).
 - (F) *Brucella* spp., the causes of brucellosis.
 - (G) *Campylobacter* spp., the causes of campylobacteriosis.
 - (H) *Chlamydia trachomatis*, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
 - (I) *Clostridium botulinum*, a cause of botulism.
 - (J) *Clostridium tetani*, the cause of tetanus.
 - (K) *Corynebacterium diphtheriae*, the cause of diphtheria.
 - (L) *Coxiella burnetii*, the cause of Q fever.
 - (M) *Cryptosporidium parvum*, the cause of human cryptosporidiosis.
 - (N) *Cyclospora cayetanensis*, the cause of cyclosporiasis.
 - (O) *Ehrlichia* spp., the causes of ehrlichiosis.
 - (P) Shiga toxin-producing *Escherichia coli*, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.
 - (Q) *Francisella tularensis*, the cause of tularemia.
 - (R) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
 - (S) Human Immunodeficiency Virus, the cause of AIDS.
 - (T) *Legionella* spp., the causes of legionellosis.

- (U) *Leptospira* spp., the causes of leptospirosis.
- (V) *Listeria monocytogenes*, the cause of listeriosis.
- (W) Middle East respiratory syndrome virus.
- (X) Monkeypox.
- (Y) *Mycobacterium leprae*, the cause of leprosy.
- (Z) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.
- (AA) Poliovirus (any), the cause of poliomyelitis.
- (BB) Rabies virus.
- (CC) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
- (DD) Rubella virus.
- (EE) *Salmonella* spp., the causes of salmonellosis.
- (FF) *Shigella* spp., the causes of shigellosis.
- (GG) Smallpox virus, the cause of smallpox.
- (HH) *Staphylococcus aureus* with reduced susceptibility to vanomycin.
- (II) *Trichinella spiralis*, the cause of trichinosis.
- (JJ) Vaccinia virus.
- (KK) *Vibrio* spp., the causes of cholera and other vibrioses.
- (LL) Yellow fever virus.
- (MM) *Yersinia pestis*, the cause of plague.
- (2) Isolation or other specific identification of the following organisms from normally sterile human body sites:
 - (A) Group A *Streptococcus pyogenes* (group A streptococci).
 - (B) *Haemophilus influenzae*, serotype b.
 - (C) *Neisseria meningitidis*, the cause of meningococcal disease.
- (3) Positive serologic test results, as specified, for the following infections:
 - (A) Fourfold or greater changes or equivalent changes in serum antibody titers to:
 - (i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.
 - (ii) Any hantavirus or hemorrhagic fever virus.
 - (iii) *Chlamydia psittaci*, the cause of psittacosis.
 - (iv) *Coxiella burnetii*, the cause of Q fever.
 - (v) Dengue virus.
 - (vi) *Ehrlichia* spp., the causes of ehrlichiosis.
 - (vii) Measles (rubeola) virus.
 - (viii) Mumps virus.
 - (ix) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
 - (x) Rubella virus.
 - (xi) Yellow fever virus.
- (B) The presence of IgM serum antibodies to:
 - (i) *Chlamydia psittaci*.
 - (ii) Hepatitis A virus.
 - (iii) Hepatitis B virus core antigen.
 - (iv) Rubella virus.
 - (v) Rubeola (measles) virus.
 - (vi) Yellow fever virus.
- (4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.
- (d) Laboratories utilizing electronic laboratory reporting (ELR) shall report:
 - (1) All positive laboratory results from tests used to diagnosis chronic Hepatitis C Infection, including the following:
 - (A) Hepatitis C virus antibody tests (including the test specific signal to cut-off (s/c) ratio);
 - (B) Hepatitis C nucleic acid tests;
 - (C) Hepatitis C antigen(s) tests; and
 - (D) Hepatitis C genotypic tests.
 - (2) All HIV genotypic test results, including when available:
 - (A) The entire nucleotide sequence; and
 - (B) The pol region sequence (including all regions: protease (PR)/reverse transcriptase (RT) and integrase (INI) genes, if available.)

History Note: Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141;
Amended Eff. October 1, 1994; February 1, 1990;
Temporary Amendment Eff. July 1, 1997;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. February 13, 2003; October 1, 2002;
February 18, 2002; June 1, 2001;
Amended Eff. April 1, 2003;
Temporary Amendment Eff. November 1, 2003; May 16, 2003;
Amended Eff. January 1, 2005; April 1, 2004;
Temporary Amendment Eff. June 1, 2006;
Amended Eff. April 1, 2008; November 1, 2007; October 1, 2006;
Temporary Amendment Eff. January 1, 2010;
Temporary Amendment Expired September 11, 2011;
Amended Eff. July 1, 2013;
Temporary Amendment Eff. December 2, 2014;
Amended Eff. October 1, 2015;
Emergency Amendment Eff. March 1, 2016;
Temporary Amendment Eff. July 1, 2016;
Amended Eff. January 1, 2018; October 1, 2016.

10A NCAC 41A .0202 CONTROL MEASURES – HIV

The following are the control measures for the Human Immunodeficiency Virus (HIV) infection:

- (1) Persons diagnosed with HIV infection (hereafter "person living with HIV") shall:
 - (a) refrain from sexual intercourse unless condoms are used except when:
 - (i) the person living with HIV is in HIV care, is adherent with the treatment plan of the attending physician, and has been virally suppressed for at least 6 months (HIV levels below 200 copies per milliliter) at the time of sexual intercourse;
 - (ii) the sexual intercourse partner is HIV positive;
 - (iii) the sexual intercourse partner is taking HIV Pre-Exposure Prophylaxis (PrEP) – antiretroviral medication used to prevent HIV infection as directed by an attending physician; or
 - (iv) the sexual intercourse occurred in the context of a sexual assault in which the person living with HIV was the victim;
 - (b) not share needles or syringes, or any other drug-related equipment, paraphernalia, or works that may be contaminated with blood through previous use;
 - (c) not donate or sell blood, plasma, platelets, other blood products, semen, ova, tissues, organs, or breast milk, except when:
 - (i) The person living with HIV is donating organs as part of a clinical research study that has been approved by an institutional review board under the criteria, standards, and regulations described in 42 USC 274f-5(a) and (b); or, if the United States Secretary of Health and Human Services determines under USC 274f-5(c) that participation in this clinical research is no longer warranted as a requirement for transplants, and the organ recipient is receiving the transplant under the criteria, standards, and regulations of USC 274f-5(c); or
 - (ii) Sperm or ova are harvested under the supervision of an attending physician to be

used by the person's spouse or partner for the purpose of achieving pregnancy.

- (d) have a test for tuberculosis;
 - (e) notify future sexual intercourse partners of the infection, unless the person living with HIV meets the criteria listed in Sub-item (1)(a)(i) of this Rule. If the person living with HIV is the victim of a sexual assault, there is no requirement to notify the assailant;
 - (f) if the time of initial infection is known, notify persons who have been sexual intercourse or needle-sharing partners since the date of infection or give the names to a disease intervention specialist employed by the local health department or by the Division of Public Health for contact tracing and notification; and
 - (g) if the date of initial infection is unknown, notify persons who have been sexual intercourse or needle-sharing partners for the previous 12 months or give names to a disease intervention specialist employed by the local health department or by the Division of Public Health for contact tracing of all sexual and needle-sharing partners for the preceding 12 months.
- (2) The attending physician shall:
 - (a) give the control measures in Item (1) of this Rule to patients living with HIV in accordance with 10A NCAC 41A .0210;
 - (b) advise persons living with HIV to notify all future sexual partners of infection;
 - (c) If the attending physician knows the identity of the spouse of the person living with HIV and has not, with the consent of the person living with HIV, notified and counseled the spouse, the physician shall list the spouse on a form provided by the Division of Public Health and shall send the form to the Division by secure transmission, required by 45 CFR 164.312(e)(1), or by secure fax at (919) 715-4699. The Division shall undertake to counsel the spouse and the attending physician's responsibility to notify exposed and potentially exposed persons shall be satisfied by fulfilling the requirements of Sub-Items (2)(a) and (c) of this Rule;

- (d) advise persons living with HIV concerning proper methods for the clean-up of blood and other body fluids;
 - (e) advise persons living with HIV concerning the risk of perinatal transmission and transmission by breastfeeding.
- (3) The attending physician of a child living with HIV who may pose a significant risk of transmission in the school or day care setting because of open, oozing wounds or because of behavioral abnormalities shall notify the local health director. The local health director shall consult with the attending physician and investigate the following circumstances:
- (a) If the child is in school or scheduled for admission and the local health director determines that there may be a significant risk of transmission, the local health director shall consult with an interdisciplinary committee, which shall include school personnel, a medical expert, and the child's parents or legal guardians to assist in the investigation and determination of risk. The local health director shall notify the superintendent or private school director of the need to appoint this interdisciplinary committee. Significant risk of transmission shall be determined in accordance with the HIV Risk and Prevention Estimates published by the Centers for Disease Control and Prevention, which are hereby incorporated by reference including subsequent amendments and editions. A copy of this publication can be accessed at no cost online at <https://www.cdc.gov/hiv/risk/estimate/s/riskbehaviors.html>.
 - (i) If the superintendent or private school director establishes this committee within three days of notification, the local health director shall consult with this committee.
 - (ii) If the superintendent or private school director does not establish this committee within three days of notification, the local health director shall establish this committee.
 - (b) If the child is in school or scheduled for admission and the local health director determines, after consultation with the committee, that a significant risk of transmission exists, the local health director shall:
 - (i) notify the parents or legal guardians;
 - (ii) notify the committee;
 - (iii) assist the committee in determining whether an adjustment can be made to the student's school program to eliminate significant risks of transmission;
 - (iv) determine if an alternative educational setting is necessary to protect the public health;
 - (v) instruct the superintendent or private school director concerning protective measures to be implemented in the alternative educational setting developed by school personnel; and
 - (vi) consult with the superintendent or private school director to determine which school personnel directly involved with the child need to be notified of the HIV infection in order to prevent transmission and ensure that these persons are instructed regarding the necessity for protecting confidentiality.
 - (c) If the child is in day care and the local health director determines that there is a significant risk of transmission, the local health director shall notify the parents or legal guardians that the child must be placed in an alternate child care setting that eliminates the significant risk of transmission.
- (4) When health care workers or other persons have a needlestick or nonsexual non-intact skin or mucous membrane exposure to blood or body fluids that, if the source were HIV positive, would pose a significant risk of HIV transmission, the following shall apply:
- (a) When the source person is known:
 - (i) The attending physician or occupational health care provider responsible for the exposed person, if other than the attending physician of the person whose blood or body fluids is the source of the exposure, shall notify the attending physician of the source that an exposure has

- occurred. The attending physician of the source person shall discuss the exposure with the source and, unless the source is already known to be living with HIV, shall test the source for HIV infection with or without consent unless it reasonably appears that the test cannot be performed without endangering the safety of the source person or the person administering the test. If the source person cannot be tested, any existing specimen shall be tested. The attending physician of the source person shall notify the attending physician of the exposed person of the infection status of the source.
- (ii) The attending physician of the exposed person shall inform the exposed person about the infection status of the source, offer testing for HIV infection as soon as possible after exposure and at reasonable intervals until the interval since last exposure is sufficient to assure detection using current CDC HIV testing guidelines, and, if the source person was HIV positive, give the exposed person the control measures listed in Sub-Items (1)(a) through (c) of this Rule. The CDC HIV testing guidelines are hereby incorporated by reference including subsequent amendments and editions. The CDC HIV testing guidelines can be accessed at no cost online at <https://www.cdc.gov/hiv/guidelines/testing.html>, with the most current updates found at <https://stacks.cdc.gov/view/cdc/23447>. The attending physician of the exposed person shall instruct the exposed person regarding the necessity for protecting confidentiality of the source person's HIV status.
- (b) When the source person is unknown, the attending physician of the exposed persons shall inform the exposed person of the risk of transmission and offer testing for HIV infection as soon as possible after exposure and at reasonable intervals until the interval since the last exposure is sufficient to assure detection using the current CDC HIV testing guidelines.
- (c) A health care facility may release the name of the attending physician of a source person upon request of the attending physician of an exposed person.
- (5) The attending physician shall notify the local health director when the physician has cause to suspect a patient living with HIV is not following or cannot follow control measures and is thereby causing a significant risk of transmission. Any other person may notify the local health director when the person has cause to suspect a person living with HIV is not following control measures and is thereby causing a significant risk of transmission.
- (6) When the local health director is notified pursuant to Item (5) of this Rule of a person who is mentally ill or intellectually impaired, the local health director shall confer with the attending mental health physician or Local Management Entity/Managed Care Organization and the physician, if any, who notified the local health director to develop a plan to prevent transmission.
- (7) The Division of Public Health shall notify the Director of Health Services of the North Carolina Department of Public Safety and the prison facility administrator when any person confined in a state prison is determined to be living with HIV. If the prison facility administrator, in consultation with the Director of Health Services, determines that a confined person living with HIV is not following or cannot follow prescribed control measures, thereby presenting a significant risk of HIV transmission, the administrator and the Director shall develop and implement jointly a plan to prevent transmission, including making recommendations to the unit housing classification committee.
- (8) The local health director shall ensure that the health plan for local jails include education of jail staff and prisoners about HIV, how it is transmitted, and how to avoid acquiring or transmitting this infection.
- (9) Local health departments shall provide counseling and testing for HIV infection at no charge to the patient. Third party payers may be billed for HIV counseling and testing when such services are provided and the patient provides written consent.

- (10) HIV pre-test counseling is not required. Post-test counseling for persons living with HIV is required, must be individualized, and shall include referrals for medical and psychosocial services and control measures counseling.
- (11) Notwithstanding Rule .0201(d) of this Section, a local or state health director may require, as a part of an isolation order issued in accordance with G.S. 130A-145, compliance with a plan to assist the individual to comply with control measures. The plan shall be designed to meet the specific needs of the individual including linkage to care and may include referral to one or more of the following available and appropriate services:
- substance abuse counseling and treatment;
 - harm reduction services;
 - mental health counseling and treatment required to prevent transmission;
 - education and counseling sessions about HIV, HIV transmission, and behavior change required to prevent transmission; and
 - intimate partner violence intervention services.
- (12) The Division of Public Health shall conduct a partner notification program to assist in the notification and counseling of partners of persons living with HIV.
- (13) Every pregnant woman shall be offered HIV testing by her attending physician at her first prenatal visit and in the third trimester. The attending physician shall test the pregnant woman for HIV infection, unless the pregnant woman refuses to provide informed consent pursuant to G.S. 130A-148(h). If there is no record at labor and delivery of an HIV test result during the current pregnancy for the pregnant woman, the attending physician shall inform the pregnant woman that an HIV test will be performed, explain the reasons for testing, and the woman shall be tested for HIV without consent using a rapid HIV test unless it reasonably appears to the clinician that the test cannot be performed without endangering the safety of the pregnant woman or the person administering the test. If the pregnant woman cannot be tested, an existing specimen, if one exists that was collected within the last 24 hours, shall be tested using a rapid HIV test. The attending physician must provide the woman with the test results as soon as possible.
- (14) If an infant is delivered by a woman with no record of the result of an HIV test conducted during the pregnancy and if the woman was not tested for HIV during labor and delivery, the fact that the mother has not been tested creates a reasonable suspicion pursuant to G.S. 130A-148(h) that the newborn has HIV infection and the infant shall be tested for HIV. An infant born in the previous 12 hours shall be tested using a rapid HIV test
- (15) Testing for HIV may be offered as part of routine laboratory testing panels using a general consent that is obtained from the patient for treatment and routine laboratory testing, so long as the patient is notified that they are being tested for HIV and given the opportunity to refuse.

History Note: Authority G.S. 130A-135; 130A-144; 130A-145; 130A-148(h);
Temporary Rule Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;
Eff. March 1, 1988;
Amended Eff. February 1, 1990; November 1, 1989; June 1, 1989;
Temporary Amendment Eff. January 7, 1991 for a period of 180 days to expire on July 6, 1991;
Amended Eff. May 1, 1991;
Recodified from 15A NCAC 19A .0201 (d) and (e) Eff. June 11, 1991;
Amended Eff. August 1, 1995; October 1, 1994; January 4, 1994; October 1, 1992;
Temporary Amendment Eff. February 18, 2002; June 1, 2001;
Amended Eff. January 1, 2018; November 1, 2007; April 1, 2005; April 1, 2003.

10A NCAC 43D .0710 VENDOR VIOLATIONS AND SANCTIONS

(a) Title 7 C.F.R. 246.12(l)(1)(i) through (vi) and (xii) are incorporated by reference with all subsequent amendments and editions. In accordance with 7 C.F.R. 246.12(l)(1)(i), the State agency shall not allow imposition of a civil money penalty in lieu of disqualification for a vendor permanently disqualified. A pattern, as referenced in 7 CFR 246.12 (l)(1)(iii)(B) through (F) and 246.12(l)(1)(iv)(A), shall be established as follows:

- (1) claiming reimbursement for the sale of an amount of a specific supplemental food item that exceeds the store's documented inventory of that supplemental food item for six or more days within a 60-day period. The six or more days do not have to be consecutive days within the 60-day period. Failure or inability to provide records or providing false records required under Item (32) of Rule .0708 for an inventory audit shall be deemed a violation of 7 C.F.R. 246.12(l)(1)(iii)(B) and this Subparagraph;
- (2) two occurrences of vendor overcharging within a 12-month period;
- (3) two occurrences of receiving, transacting or redeeming food instruments or cash-value vouchers outside of authorized channels, including the use of an unauthorized vendor or

- an unauthorized person within a 12-month period;
- (4) two occurrences of charging for supplemental food not received by the WIC customer within a 12-month period;
 - (5) two occurrences of providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802, in exchange for food instruments or cash-value vouchers within a 12-month period; or
 - (6) three occurrences of providing unauthorized food items in exchange for food instruments or cash-value vouchers, including charging for supplemental food provided in excess of those listed on the food instrument within a 12-month period.
- (b) Title 7 C.F.R. 246.12(l)(2)(i) is incorporated by reference with all subsequent amendments and editions. Except as provided in 7 C.F.R. 246.12 (l)(1)(xii), a vendor shall be disqualified from the WIC Program for the following state-established violations in accordance with the number of occurrences and sanctions set forth below:
- (1) One year for two occurrences within a 12-month period of discrimination on the basis of WIC participation as referenced in Item (40) of Rule .0708. Each date this violation is detected is a separate occurrence;
 - (2) One year for three occurrences within a 12-month period of failure to properly transact a WIC food instrument or cash-value voucher by not completing the date and purchase price on the WIC food instrument or cash-value voucher before obtaining the WIC customer's signature, by not obtaining the WIC customer's signature in the presence of the cashier, or by accepting a WIC food instrument or cash-value voucher prior to the "Issue Date" or after the "Participant Must Use By" dates on the food instrument or cash-value voucher. Except as provided in 7 C.F.R. 246.12(l)(3)(iv), each improperly transacted food instrument or cash-value voucher is a separate occurrence;
 - (3) One year for three occurrences within a 12-month period of requiring a cash purchase to transact a WIC food instrument or cash-value voucher. Except as provided in 7 C.F.R. 246.12(l)(3)(iv), each transacted food instrument or cash-value voucher requiring a cash purchase is a separate occurrence;
 - (4) 270 days for three occurrences within a 12-month period of contacting a WIC customer in an attempt to recoup funds for a food instrument or cash-value voucher or contacting a WIC customer outside the store regarding the transaction or redemption of a WIC food instrument or cash-value voucher. Each contact with any WIC customer is a separate occurrence, whether each contact is with the same or different WIC customers;
 - (5) 180 days for three occurrences within a 12-month period of failure to provide program-related records referenced in Item (32) of Rule .0708 when requested by WIC staff, except as provided in Item (32) of Rule .0708 and Subparagraph (a)(1) of this Rule for failure or inability to provide records for an inventory audit. Each request for records is a separate occurrence, whether each request is for the same or different records;
 - (6) 180 days for three occurrences within a 12-month period of failure to provide the information referenced in Item (33) of Rule .0708 when requested by WIC staff. Each request for information is a separate occurrence, whether each request is for the same or different information;
 - (7) 180 days for three occurrences within a 12-month period of failure to stock the minimum inventory specified in Item (25) of Rule .0708. Each date this violation is detected is a separate occurrence;
 - (8) 90 days for three occurrences within a 12-month period of stocking WIC supplemental foods outside of the manufacturer's expiration date. Each date this violation is detected is a separate occurrence;
 - (9) 90 days for three occurrences within a 12-month period of failure to allow monitoring of a store by WIC staff. Each attempt to monitor the store is a separate occurrence;
 - (10) 90 days for five occurrences within a 12-month period of failure to submit a WIC Price List as required by Item (34) of Rule .0708. Each written request by the state or local WIC agency for submission of a WIC Price List is a separate occurrence, whether each request is for the same or different WIC Price Lists;
 - (11) 60 days for three occurrences within a 12-month period of failure to mark the current shelf prices of all WIC supplemental foods on the foods or have the prices posted on the shelf or display case. Each date this violation is detected is a separate occurrence; and
 - (12) 60 days for five occurrences within a 12-month period of requiring the purchase of a specific brand when more than one WIC supplemental food brand is available. Except as provided in 7 C.F.R. 246.12(l)(3)(iv), each transacted food instrument or cash-value voucher requiring the purchase of a specific brand when more than one WIC supplemental food brand is available is a separate occurrence.
- If during the course of a single investigation the state agency determines that a vendor has committed multiple state-established violations, the disqualification periods shall be cumulative, provided that the total period of disqualification shall not exceed

one year for state-established violations investigated as part of a single investigation, as defined in Paragraph (c) of this Rule.

(c) For investigations pursuant to this Section, a single investigation is:

(1) Compliance buy(s) conducted by undercover investigators within a 12-month period to detect the following violations:

- (A) buying or selling food instruments or cash-value vouchers for cash (trafficking);
- (B) selling firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802, in exchange for food instruments or cash-value vouchers;
- (C) selling alcohol or alcoholic beverages or tobacco products in exchange for food instruments or cash-value vouchers;
- (D) vendor overcharging;
- (E) receiving, transacting, or redeeming food instruments or cash-value vouchers outside of authorized channels, including the use of an unauthorized vendor or an unauthorized person;
- (F) charging for supplemental food not received by the WIC customer;
- (G) providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802, in exchange for food instruments or cash-value vouchers;
- (H) providing unauthorized food items in exchange for food instruments or cash-value vouchers, including charging for supplemental food provided in excess of those listed on the food instrument;
- (I) failure to properly transact a WIC food instrument or cash-value voucher;
- (J) requiring a cash purchase to transact a WIC food instrument or cash-value voucher; or
- (K) requiring the purchase of a specific brand when more than one WIC supplemental food brand is available.

(2) Monitoring reviews of a vendor conducted by WIC staff within a 12-month period which detect the following violations:

- (A) failure to stock the minimum inventory specified in Item (25) of Rule .0708;
- (B) stocking WIC supplemental food outside of the manufacturer's expiration date;

- (C) failure to allow monitoring of a store by WIC staff;
- (D) failure to provide program-related records referenced in Item (32) of Rule .0708 when requested by WIC staff;
- (E) failure to mark the current shelf prices of all WIC supplemental foods on the foods or have the prices posted on the shelf or display case; or
- (F) unauthorized use of the "WIC" acronym or the logo.

(3) Any other method used by the state or local agency to detect the following violations by a vendor within a 12-month period:

- (A) failure to attend annual vendor training;
- (B) failure to submit a WIC Price List as required by Item (34) of Rule .0708;
- (C) discrimination on the basis of WIC participation as referenced in Item (40) of Rule .0708.
- (D) contacting a WIC customer in an attempt to recoup funds for food instruments or cash-value vouchers or contacting a WIC customer outside the store regarding the transaction or redemption of WIC food instruments or cash-value vouchers;
- (E) nonpayment of a claim assessed by the state agency;
- (F) providing false, erroneous, or misleading information to the state or local WIC agency;
- (G) claiming reimbursement for the sale of an amount of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for a specific period of time, or failure or inability to provide records or providing false records required under Item (32) of Rule .0708 for an inventory audit;
- (H) failure to purchase infant formula, exempt infant formula or WIC-eligible medical foods from the sources specified in Item (3) of Rule .0707; or
- (I) providing WIC customers infant formula, exempt infant formula, or WIC eligible medical food that was not purchased from the sources specified in Item (3) of Rule .0707.

(d) The SNAP disqualification provisions in 7 C.F.R. 246.12(l)(1)(vii) are incorporated by reference with all subsequent amendments and editions.

(e) The participant access provisions of 7 C.F.R. 246.12(l)(1)(ix) and 246.12(l)(8) are incorporated by reference with all subsequent amendments and editions. The existence of any of the factors listed in Parts (f)(3)(A), (f)(3)(B) or (f)(3)(C) of this Rule shall

show adequate participant access provided there is no geographic barrier, such as an impassable mountain or river, to using the other authorized WIC vendors referenced in these Parts. The agency shall not consider other indicators of inadequate participant access when any of these factors exist.

(f) The following provisions apply to monetary and civil money penalties assessed in lieu of disqualification of a vendor:

- (1) The civil money penalty formula in 7 C.F.R. 246.12(l)(1)(x) is incorporated by reference with all subsequent amendments and editions, provided that the vendor's average monthly redemptions shall be calculated by using the six-month period ending with the month immediately preceding the month during which the notice of administrative action is dated.
- (2) The state agency may also impose monetary penalties in accordance with G.S. 130A-22(c1) in lieu of disqualification of a vendor for the state-established violations listed in Paragraph (b) of this Rule when the state agency determines that disqualification of a vendor would result in participant hardship in accordance with Subparagraph (f)(3) of this Paragraph.
- (3) In determining whether to disqualify a WIC vendor for the state-established violations listed in Paragraph (b) of this Rule, the agency shall not consider other indicators of hardship if any of the following factors, which show lack of hardship, are found to exist:
 - (A) the noncomplying vendor is located outside of the limits of a city, as defined in G.S. 160A-2, and another WIC vendor is located within seven miles of the noncomplying vendor;
 - (B) the noncomplying vendor is located within the limits of a city, as defined in G.S. 160A-2, and another WIC vendor is located within three miles of the noncomplying vendor; or
 - (C) a WIC vendor, other than the noncomplying vendor, is located within one mile of the local agency at which WIC participants pick up their food instruments or cash-value vouchers.
- (4) The provisions for failure to pay a civil money penalty in 7 C.F.R. 246.12(l)(6) are incorporated by reference with all subsequent amendments and editions. These provisions also apply to a vendor that fails to pay a monetary penalty imposed under G.S. 130A-22(c1).

(g) The provisions of 7 C.F.R. 246.12(l)(1)(viii) prohibiting voluntary withdrawal from the WIC Program or nonrenewal of the WIC Vendor Agreement as an alternative to disqualification are incorporated by reference with all subsequent amendments and editions.

(h) The provisions of 42 USC 1786 (f)(26) and 7 CFR 246.12(l)(3) regarding vendor notification of violations are incorporated by reference with all subsequent amendments and editions.

(i) The state agency may offset payments to an authorized vendor if the vendor fails to reimburse the state agency in accordance with Item (35) of Rule .0708.

(j) In accordance with 7 C.F.R. 246.12(l)(7) or 246.12(u)(5) or both, North Carolina's procedures for dealing with abuse of the WIC program by authorized WIC vendors do not exclude or replace any criminal or civil sanctions or other remedies that may be applicable under any federal or state law.

(k) Notwithstanding other provisions of this Rule and Rules .0707 and .0708, for the purpose of providing a one-time payment to a non-authorized store for WIC food instruments or cash-value vouchers accepted by the store, an agreement for a one-time payment need only be signed by the store manager and the state agency. The store may request such one-time payment directly from the state agency. The store manager shall sign an agreement indicating that the store has provided foods as prescribed on the food instrument or as allowed with the cash-value voucher, charged current shelf prices or less than current shelf prices, not charged sales tax, and verified the identity of the WIC customer. Any agreement entered into in this manner shall automatically terminate upon payment of the food instruments or cash-value vouchers. After entering into an agreement for a one-time payment, a non-authorized store shall not be allowed to enter into any further one-time payment agreements for WIC food instruments or cash-value vouchers accepted thereafter.

(l) Except as provided in 7 C.F.R. 246.18(a)(2), an authorized WIC vendor shall be given at least 15 days advance written notice of any adverse action which affects the vendor's participation in the WIC Program. The vendor appeal procedures shall be in accordance with 10A NCAC 43D .0800.

*History Note: Authority G.S. 130A-361; 7 C.F.R. 246; 42 U.S.C. 1786;
Eff. February 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;
Amended Eff. January 1, 2018.*

10A NCAC 43G .0108 ADMINISTRATION

The Department of Health and Human Services shall administer the statewide early intervention program under Federal law, Part C of the Individuals with Disabilities Education Act (IDEA), located in 20 U.S.C. 1400-1444.

*History Note: Authority G.S. 130A-126;
Temporary Adoption Eff. July 1, 2006;
Eff. January 1, 2007;
Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of September 30, 2017;
Readopted Eff. January 1, 2018.*

10A NCAC 43G .0110 ELIGIBILITY

(a) Children from birth to age three are eligible for early intervention services under the provisions of this Subchapter and under Part C of the Individuals with Disabilities Education Act

(IDEA). The Early Intervention Branch oversees the North Carolina Infant-Toddler Program, which is implemented by the Children's Developmental Services Agencies (CDSA). The CDSAs are the local lead agencies that are responsible for evaluating and determining eligibility to meet the criteria of one of the two following categories:

- (1) Developmental delay; or
- (2) Established conditions.

(b) Developmental Delay.

- (1) A child shall be considered to have developmental delay if the child's development is delayed in one or more of the following areas:
 - (A) Cognitive Development;
 - (B) Physical Development, including fine and gross motor function;
 - (C) Communication Development;
 - (D) Social-Emotional Development;
 - (E) Adaptive Development.
- (2) The specific level of delay shall be:
 - (A) Documented by scores of 2.0 standard deviations below the mean of the composite score (total test score) on standardized tests in at least one of the areas of development in Subparagraph (b)(1) of this Rule;
 - (B) Documented by a 30 percent delay on instruments that determine scores in months in at least one of the areas of development in Subparagraph (b)(1) of this Rule;
 - (C) Documented by scores of 1.5 standard deviations below the mean of the composite score (total test score) on standardized tests in at least two of the areas of development in Subparagraph (b)(1) of this Rule; or
 - (D) Documented by a 25 percent delay on instruments that determine scores in months in at least two of the above areas of development.

(c) Established Conditions. A child shall be considered to have an established condition if the child has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. Diagnosis may be made by Children's Developmental Services Agency staff or the child's physician. Specific conditions through which a child shall be deemed eligible in the established conditions category are as follows:

- (1) Congenital Anomaly/Genetic Disorders/Inborn Errors of Metabolism. Children diagnosed with one or more congenital abnormalities or genetic disorders with developmental implications. Some examples are Down Syndrome, Fragile X Syndrome, familial retardation syndromes, and fetal alcohol syndrome.
- (2) Congenital Infections. Children diagnosed with congenital infections with developmental implications. Some examples are toxoplasmosis, rubella, cytomegalovirus, and HIV.

- (3) Autism. Children diagnosed with autism or autism spectrum disorders.
- (4) Attachment Disorder. Children with a diagnosed attachment disorder.
- (5) Hearing Loss. Children diagnosed with unilateral or bilateral permanent hearing loss.
- (6) Visual Impairment. Children diagnosed with a visual impairment that is not correctable with treatment, surgery, glasses, or contact lenses.
- (7) Neurologic Disease/Central Nervous System Disorders. Children diagnosed with a disease or disorder known to affect the nervous system with developmental implications, such as Cerebral Palsy, Spina Bifida, Epilepsy, and Microcephaly.
- (8) Neonatal Conditions and Associated Complications. Children diagnosed with one or more of the following neonatal diseases or disorders:
 - (A) Gestational age less than 27 weeks or birth weight less than 1000 grams;
 - (B) Neonatal encephalopathy with neurological abnormality persisting at discharge from the neonatal intensive care unit.
 - (C) Moderate to Severe Ventricular Enlargement at discharge from the neonatal intensive care unit or a ventriculoperitoneal shunt;
 - (D) Neonatal seizures, stroke, meningitis, encephalitis, porencephaly, or holoprosencephaly;
 - (E) Bronchopulmonary Dysplasia requiring supplemental oxygen at discharge from the neonatal intensive care unit;
 - (F) Intrauterine Growth Retardation;
 - (G) Necrotizing enterocolitis requiring surgery;
 - (H) Abnormal neurological exam at discharge;
 - (I) Intraventricular hemorrhage III or IV; or
 - (J) Periventricular leukomalacia.

History Note: Authority G.S. 130A-126; Temporary Adoption Eff. July 1, 2006; Eff. January 1, 2007; Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of September 30, 2017; Readopted Eff. January 1, 2018.

10A NCAC 43G .0111 SERVICE PLAN – SERVICE DELIVERY

The Children's Developmental Services Agency shall develop a service plan for each eligible child based upon the child's needs and the requirements of Part C of the Individuals with Disabilities Education Act (IDEA). Service provision shall be monitored by

the Children's Developmental Services Agency. The services shall be provided by the following:

- (1) staff of the Children's Developmental Services Agency; or
- (2) agencies or individuals within the community who have executed a provider agreement with the Children's Developmental Services Agency.

History Note: Authority G.S. 130A-126;

Temporary Adoption Eff. July 1, 2006;

Eff. January 1, 2007;

Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of September 30, 2017;

Readopted Eff. January 1, 2018.

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 01 .0103 LOCATION AND MAILING ADDRESS

(a) The primary location of the North Carolina Department of Insurance is the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina. The Eastern Regional Office is located at 2709 Market Street, Suite 101, Wilmington, NC. The Western Regional Office is located at 537 College Street, Asheville, NC.

(b) The mailing address for the North Carolina Department of Insurance is 1201 Mail Service Center, Raleigh, NC 27699-1201. The mailing address for the Eastern Regional Office is 2709 Market Street, Suite 101, Wilmington, NC 28403. The mailing address for the Western Regional Office is 537 College Street, Asheville, NC 28802.

(c) The Department's normal working hours shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday, except for State recognized holidays as set forth in 25 NCAC 01E .0901.

History Note: Authority G.S. 58-2-1; 58-2-40;

Eff. February 1, 1976;

Readopted Eff. May 12, 1978;

Amended Eff. January 1, 2018; November 1, 2005; July 1, 1992; September 1, 1988.

11 NCAC 04 .0116 INQUIRIES AND INFORMATION

The toll free telephone number for the Consumer Services Division is 1-855-408-1212. The mailing address of the Consumer Services Division is: North Carolina Department of Insurance, 1201 Mail Service Center, Raleigh, North Carolina 27699-1201; (Attention: Consumer Services Division). The street address of the Consumer Services Division is North Carolina Department of Insurance Consumer Services Division, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina.

History Note: Authority G.S. 58-2-25; 58-2-40;

Eff. December 15, 1979;

Amended Eff. January 1, 2018; July 1, 2012; April 1, 1989; July 1, 1986.

11 NCAC 05A .0502 QUALIFICATIONS 11 NCAC 05A .0503 ESTABLISHMENT OF FIRE DEPARTMENT 11 NCAC 05A .0504 PRIMARY PERSONNEL

History Note: Authority G.S. 58-2-40; 58-84-5; 58-86-25; 143-166.1;

Eff. September 1, 1985;

Amended Eff. February 1, 2017; October 1, 2006; July 1, 1992; July 1, 1986;

Repealed Eff. January 1, 2018.

11 NCAC 05A .0506 ALARM AND COMMUNICATIONS 11 NCAC 05A .0507 RECORDS AND DOCUMENTS

History Note: Authority G.S. 58-2-40; 58-79-45;

Eff. September 1, 1985;

Amended Eff. February 1, 2017; September 1, 2010; October 1, 2006; July 1, 1992;

Repealed Eff. January 1, 2018.

11 NCAC 05A .0509 FIRE STATION

History Note: Authority G.S. 58-2-40; 58-86-25; 143-166.1;

Eff. September 1, 1985;

Repealed Eff. January 1, 2018.

11 NCAC 05A .0512 STANDARDS AND POLICIES

History Note: Authority G.S. 58-2-40; 58-36-10(3);

Eff. October 1, 2006;

Amended Eff. February 1, 2017;

Repealed Eff. January 1, 2018.

11 NCAC 05A .0901 DEFINITIONS

As used in this Subchapter:

- (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to ensure compliance with the requirements of this Section in order to receive a public protection classification rating.
- (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between two communities or fire districts to all structure fires.
- (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by G.S. 58-86-2.
- (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for Automotive Fire Apparatus."
- (5) "Fire Department" means an organization established or organized under applicable State and local laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire or other emergency.

- (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county that is established in order to provide fire prevention and fire suppression services.
- (7) "Fire Station" means a building for the housing of fire department apparatus and personnel.
- (8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other fire suppression apparatus.
- (9) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its container.
- (10) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance districts throughout the State on their ability to provide fire prevention and fire suppression services to affected areas within its jurisdictional boundaries.
- (11) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency scene.
- (12) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city, town or municipality and is established pursuant to G.S. Chapter 69, Article 3A of or G.S. Chapter 153A, Article 11.
- (13) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred to a building or constructed area, due to the result of a fire.
- (14) "Tanker" means a fire truck/engine designed to carry water to fires, whether equipped with or without a pump to dispense the water.

History Note Authority G.S. 58-2-40; 58-36-10; 58-40-25;
Eff. January 1, 2018.

11 NCAC 05A .0902 PURPOSE

- (a) This Section establishes standards for insurance public protection classifications for fire districts throughout the State.
- (b) Fire districts in all rural areas of the State and in cities with populations of 100,000 or fewer according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by the Department in accordance with the requirements of this Section. All other fire districts in the State shall be inspected by the Insurance Services Office ("ISO") in accordance with this Section.
- (c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the minimum protection requirements.
- (d) A fire district that meets the certification requirements set forth in this Section shall be given a public protection classification of "PPC 9S."
- (e) A fire district that meets the certification requirements set forth in this Section, but contains properties within its jurisdictional limits that are more than five but within six road miles from a responding fire station, shall be given a public protection classification rating of "PPC 9E."
- (f) If a fire district contains some properties within its jurisdictional limits that meet the requirements of a certain PPC

rating, and some properties within its jurisdictional limits that meet the requirements of another PPC rating, the fire district may receive a split rating.

- (g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the requirements of this Section and the North Carolina Fire Suppression Rating Schedule ("NCFRSRS").

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25;
Eff. January 1, 2018.

11 NCAC 05A .0903 RATING OF FIRE DISTRICTS

- (a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the following information:

- (1) The name of the fire district;
- (2) The name of the entity that operates the fire district (e.g., city, town, county, non-profit corporation);
- (3) The name of the person in charge of the entity that operates the fire district;
- (4) The name and title of the Fire Chief or his or her designee;
- (5) The physical address of the location of every fire station utilized by the fire department;
- (6) The mailing address of the fire department;
- (7) The Federal (FEIN) Tax ID number of the fire department;
- (8) Copies of any contracts with a local government body to provide fire protection; and
- (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and documentation of the approval of the map by the local governing body if applicable.

- (b) A fire department may contract with more than one unit of government to provide fire protection. In addition, a local unit of government may contract with more than one fire department to provide fire protection.

- (c) 9S Re-Inspections. Fire departments shall be re-inspected by OSFM, at least every 10 years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by OSFM, OSFM shall perform unannounced re-inspections of fire departments.

- (d) New Station Inspection. A fire department may request a certification inspection for any new station. Before OSFM will conduct the inspection, the fire department must provide the following:

- (1) Proof of Certificate of Occupancy; and
- (2) If the fire department is adding to their rated insurance district with an additional station or making any changes to the insurance district lines, new maps and approvals in accordance with Subparagraph (a)(9) of this Rule.

- (e) Merging of fire departments. When two or more fire departments merge into one fire department, OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide the requirements of Paragraph (a) of this Rule.

(f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend more than five road miles from a responding fire station.

(g) A rural fire district may extend its boundaries to more than five road miles but within six road miles from a responding fire department if, in addition to the requirements of Paragraph (a) of this Rule, the fire department enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at least one piece of fire apparatus capable of carrying at least 1,000 gallons of water.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; 58-83-1; Eff. January 1, 2018.

11 NCAC 05A .0904 FACILITIES

(a) A fire station shall be provided with heating for all-weather protection of apparatus.

(b) If a fire department has multiple fire stations, each fire station shall not be more than 10 road miles from another fire station within the fire district.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT

(a) Engines. All stations shall have at least one engine that is:

- (1) Constructed in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus"; and
- (2) Equipped with the following:
 - (A) A pump certified by an independent third-party certification organization that is accredited for inspection and testing systems on fire apparatus in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus."
 - (B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.
 - (C) A tank with at least a 300-gallon capacity.
 - (D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2 inches, with nozzles that have a minimum flow of 95 GPM.
 - (E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at least 15 feet of soft-suction hose with a diameter of at least four inches.
 - (F) Four self-contained breathing apparatus (SCBA) in proper working condition. A SCBA shall be considered in proper working condition if the facepiece, back frame and harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and operational in accordance

with manufacturer's recommendations. The SCBA's shall be certified in accordance with NFPA 1981, "Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services."

- (G) Four spare SCBA cylinders.
- (H) One roof ladder at least 12 feet long.
- (I) One extension ladder at least 24 feet long.
- (J) One folding ladder.
- (K) One pike-head axe.
- (L) One flat-head axe.
- (M) One forcible entry tool.
- (N) One pike pole or plaster hook at least 6 feet long.
- (O) Two portable, rechargeable hand lights suitable for use in hazardous conditions in accordance with NFPA 70, "National Electrical Code."
- (P) 100 feet of utility rope, at least ½ inch in diameter.
- (Q) Two 20 pound, class BC portable extinguishers.
- (R) One 2½-gallon water extinguisher.
- (S) One first aid kit.
- (T) One bolt cutter at least 14 inches long.
- (U) One two-way radio assigned to the apparatus.
- (V) One traffic vest for each riding position.

(b) Tankers. If a station has a tanker, the tanker shall:

- (1) Be equipped with at least 1,000 gallons of water.
- (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
- (3) Be properly baffled in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus."
- (4) Be equipped with one traffic vest for each riding position.

(c) Protective Clothing. Each eligible firefighter shall be provided protective clothing approved pursuant to NFPA 1851, "Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting," including:

- (1) Helmet.
- (2) Coat.
- (3) Pants.
- (4) Boots.
- (5) Gloves.
- (6) Hoods.

(d) A fire station shall inspect all equipment inventory monthly, and document the inspection.

(e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers recommendations, and maintain logs documenting all such maintenance.

(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with NFPA 1911,

"Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles." If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this Rule shall satisfy this requirement.

(g) All NFPA standards referenced in this Rule are herein incorporated by reference, including subsequent amendments and editions. Copies of these standards are available for public inspection at the Department, or may viewed online for free at the National Fire Protection Association website at <http://www.nfpa.org>.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0906 STAFFING LEVELS

(a) Fire Station.

- (1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.
- (2) Each fire department shall provide a roster containing the names and date of birth of all eligible firefighters. A report submitted to the North Carolina State Firefighters' Association pursuant to G.S. 58-86-25 constitutes compliance with this Subparagraph.
- (3) Each fire department shall provide current workers compensation insurance certifications for all of its eligible firefighters.
- (4) Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of this Rule.

(b) Additional Fire Stations: Fire departments that operate more than one station shall have four additional personnel for each additional station.

History Note: Authority G.S. 58-2-30; 58-36-10; 58-40-25; S.L. 2017-167; Eff. January 1, 2018.

11 NCAC 05A .0907 TRAINING

(a) Eligible firefighters shall attend at least 36 hours of training annually in the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical services training may be counted toward the 36-hour training requirement.

(b) Fire departments shall provide at least four hours of training per month, for a total of 48 hours of training per year.

(c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of fire department operations and records approved by the State Fire and Rescue Commission in accordance with G.S. 58, Article 78.

(d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS

(a) Fire departments shall utilize the Public Service Answering Point (PSAP) established pursuant to G.S. 143B, Article 15, Part 10, to receive 911 calls and dispatching, 24 hours per day, 7 days per week.

(b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities, or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an acceptable means of notification.

(c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch, it shall ensure that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES

(a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all structure fires. The fire chief may be one of the four responding members.

(b) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM for 20 minutes within five minutes of the first arriving engine.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0910 INCIDENT REPORTING

(a) When a fire department responds to a fire, the fire chief shall ensure that a fire incident report is completed on the current version of the National Fire Incident Reporting System (NFIRS).

(b) A fire department shall keep records on dates, times, and locations of all fires on the current version of the NFIRS.

(c) All reports shall be submitted to OSFM within 120 days of incident occurrence.

(d) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief or fire marshal of the authority having jurisdiction within 48 hours of the incident to the Office of State Fire Marshal.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; 58-79-1; 58-79-45; Eff. January 1, 2018.

11 NCAC 05A .0911 RECORDS

A fire department shall maintain the following records for 36 months:

- (1) Apparatus maintenance logs for in service engines and tankers, in accordance with 11 NCAC 05A .0905.
- (2) Apparatus equipment inventory checks for all in service engines and tankers, in accordance with 11 NCAC 05A .0905.

- (3) Fire pump performance tests, in accordance with 11 NCAC 05A .0905.
- (4) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907.

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 05A .0912 NON-COMPLIANCE

- (a) Upon completion of an inspection, the OSFM inspector will review the inspection results with the fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.
- (b) A non-compliant fire department shall have a period of 30 days from the date of the inspection to submit a written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the inspection and the corrective action the fire department will take in response to the deficiency. Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have six months to become compliant. If the fire department remains non-compliant after the expiration of the six-month corrective action period, OSFM shall consult with the entity that operates the fire district and place the fire department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25; Eff. January 1, 2018.

11 NCAC 08 .0903 RULE-MAKING AND HEARING PROCEDURES

Copies of Standards and rules adopted by the Manufactured Housing Board or the Commissioner of Insurance may be obtained by writing or calling:

North Carolina Manufactured Housing Board
Manufactured Building Division
1202 Mail Service Center
Raleigh, North Carolina 27699-1202
Phone (919) 647-0000

The Manufactured Building Division is located at:
325 North Salisbury Street
Raleigh, North Carolina 27603.

History Note: Authority G.S. 143-143.10; 143-143.11; 143-143.11B; 143-143.12; 143-143.14; 143-143.19; Legislative Objection Lodged Eff. December 22, 1982; Eff. January 1, 1983; Amended Eff. March 1, 1988 at ARRC request to cure referenced Legislative Objection; Amended Eff. January 1, 2018; June 1, 2005.

11 NCAC 10 .1114 TRANSMITTAL HEADER

All rate filings shall be accompanied by a transmittal header, which shall include the company name, company state of domicile, NAIC number, company filer contact information, and filing information. The transmittal header is available at the Department's Internet web site (www.ncdoi.com), by writing the N.C. Department of Insurance, Property & Casualty Division, 325 North Salisbury Street, 1201 Mail Service Center, Raleigh, NC 27699-1201, or by calling the Division at (919) 807-6075.

History Note: Authority G.S. 58-2-40; 58-40-30; 58-41-50; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017; Amended Eff. January 1, 2018.

11 NCAC 10 .1209 TRANSMITTAL HEADER

All form filings shall be accompanied by a transmittal header, which shall include the company name, company state of domicile, NAIC number, company filer contact information, and filing information. The transmittal header is available at the Department's Internet web site (www.ncdoi.com), by writing the N.C. Department of Insurance, Property & Casualty Division, 325 North Salisbury Street, 1201 Mail Service Center, Raleigh, NC 27699-1201, or by calling the Division at (919) 807-6075.

History Note: Authority G.S. 58-2-40; 58-3-150; 58-36-55; 58-45-45; 58-46-55; Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017; Amended Eff. January 1, 2018.

11 NCAC 17 .0103 LOCATION, MAILING ADDRESS, AND TELEPHONE

- (a) The primary location of Seniors' Health Insurance Information Program or SHIIP is 325 North Salisbury Street, Albemarle Building, Raleigh, NC 27603.
- (b) The mailing address of SHIIP is 1201 Mail Service Center, Raleigh, North Carolina, 27699-1201.
- (c) The telephone numbers for SHIIP are toll-free 1-855-408-1212 and 1-919-807-6900.

History Note: Authority G.S. 58-2-5; 58-2-25; 58-2-40(1); 58-54-25; 58-55-30; Eff. July 1, 1992; Amended Eff. January 1, 2018; November 1, 2011; September 1, 2002.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 15A .1303 TRANSPORTATION FROM STATE ABC WAREHOUSE

Except as authorized by statute or the rules of the Commission, no spirituous liquors or antique spirituous liquors shall be transported within, into, or through this State for delivery to a local board except from the State ABC warehouse.

History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-701(a)(1); 18B-1001; Eff. January 1, 1982; Amended Eff. May 1, 1984; Transferred and Recodified from 04 NCAC 02R .1304 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. January 1, 2018.

14B NCAC 15A .1304 DIRECT SHIPMENTS

- (a) A "direct shipment" means a shipment from the distiller or a warehouse of spirituous liquors, or from an antique spirituous liquor seller of antique spirituous liquor, directly to a local board without passing through the State ABC warehouse.
- (b) Direct shipments shall be allowed by the Commission in emergency situations when the State ABC warehouse is closed due to natural or other disasters or in a situation where for transportation reasons it is mutually advantageous to local boards, the Commission, or the operator of the State ABC warehouse.
- (c) Direct shipment shall have prior written approval from the Commission. Merchandise authorized to be shipped by direct shipment shall be consigned by the State ABC warehouse to the distiller's account in care of the local board. The local board shall acknowledge receipt of the merchandise on the shipping documents and forward them to the Contractor for processing through the accounting system as though the merchandise were shipped from the State ABC warehouse.
- (d) Upon compliance with 14B NCAC 15A .1403 and obtaining a transportation permit as required by G.S. 18B-403, an antique spirituous liquor seller may deliver antique spirituous liquor listed in its inventory directly to the local board that placed the special order for that inventory.

History Note: Authority G.S. 18B-100; 18B-109(a); 18B-204; 18B-207; 18B-403; 18B-701(1); 18B-1001; Eff. January 1, 1982; Amended Eff. January 1, 2011; May 1, 1984; Transferred and Recodified from 04 NCAC 02R .1305 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. January 1, 2018.

14B NCAC 15A .1402 PERMIT REQUIRED TO SELL ALCOHOLIC BEVERAGES

No purchase of any spirituous liquor, antique spirituous liquor, or fortified wine for resale in ABC stores shall be made by any local board from any person that does not hold a permit from the Commission authorizing the sale of those beverages to the local boards. However, brands approved for sale in North Carolina on which all taxes have been paid may be purchased for resale in a

sale ordered pursuant to G.S. 18B-503. A local board shall purchase fortified wine only from a North Carolina wholesaler who holds an active wine wholesaler permit.

History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-304(a); 18B-503(e); 18B-1107(a)(2); Eff. January 1, 1982; Amended Eff. July 1, 1992; May 1, 1984; Transferred and Recodified from 04 NCAC 02R .1402 Eff. August 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. January 1, 2018.

14B NCAC 15A .1403 SPECIAL ORDERS

(a) Spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

- (1) When requested by a customer, a local board shall request that the Commission consider approval for inclusion on the Special Orders Price List any spirituous liquor brand or container size that is not otherwise approved.
- (2) The Commission shall consider the local board's request, and approve, in accordance with 14B NCAC 15C .0203 and .0204, any brand or product for special order and the addition to the Special Orders Price List, including the minimum order size requirement as required by the vendor of at least one case.

(b) When requested by a customer, a local board may place an order with the Commission for any product on the Special Orders Price List. All customer orders shall be prepaid by the customer prior to the order being placed with the Commission. Any order must meet the minimum order quantity requirements set by the Commission.

(c) Upon receipt of the special order from the local board, the Commission shall place the order with the vendor for shipment to the State ABC warehouse for delivery to the local board by the State ABC warehouse with the next regularly scheduled shipment to the local board.

(d) After completing the special order transaction with the customer, the local board shall report the sale of merchandise sold pursuant to this Rule on its next monthly report to the Commission.

(e) In addition to the provisions set forth in Paragraph (a) of this Rule, antique spirituous liquor products shall be approved for purchase from the Special Orders Price List as follows:

- (1) Upon receipt of a request for inclusion of an antique spirituous liquor on the Special Orders Price List from either a local board at the request of the owner of antique spirituous liquor, the owner of antique spirituous liquor, or a mixed beverages permittee, the Commission shall consider the request. Any antique spirituous liquor brand or product approved by the Commission for sale pursuant to 14B NCAC 15C .0203 and .0204 shall be added to the Special Orders Price List. The Commission shall determine the retail price for

each product based on the markup formula pursuant to G.S. 18B-804, set up each product in its pricing system, assign code numbers for each product, and notify the local board and the State ABC warehouse of the price and product code number of each product.

- (2) The seller of the antique spirituous liquor shall provide to the Commission an inventory of each product to be sold, the seller's selling price per bottle, and a picture or copy of the label of each product legible to the Commission sufficient to identify the product to be sold.

(f) An owner of antique spirituous liquor who desires to sell antique spirituous liquor shall obtain a special one-time permit pursuant to G.S. 18B-1002(a)(4) prior to the sale.

(g) A mixed beverages permittee who wants to order antique spirituous liquor from the Special Orders Price List from a permittee authorized to sell antique spirituous liquor pursuant to G.S. 18B-1002(a)(4) shall first obtain an antique spirituous liquor permit pursuant to G.S. 18B-1001(20).

(h) When requested by an antique spirituous liquor permittee, a local board shall place an order from the special one-time permittee selling the antique spirituous liquor on the Special Orders Price list. All orders shall be prepaid by the antique spirituous liquor permittee to the local board prior to the order being placed with the special one-time permittee.

(i) Upon delivery of the antique spirituous liquor to the local board by the special one-time permittee, the local board shall pay the seller's price to the special one-time permittee and notify the antique spirituous liquor permittee the order is available for pick up, and the location where it may be picked up.

(j) Once the local board has possession of the antique spirituous liquor to be sold, the local board shall notify the Commission and the State ABC warehouse, and forward the invoice bill of lading for the product to the State ABC warehouse. The State ABC warehouse shall bill the local board for the bailment and bailment surcharge for the product. The local board shall pay the bailment and bailment surcharge to the Commission.

History Note: Authority G.S. 18B-100; 18B-101; 18B-207; 18B-800(c); 18B-804; 18B-807; 18B-1001; 18B-1002(a)(4); Eff. January 1, 1982;

Amended Eff. May 1, 1984;

Transferred and Recodified from 04 NCAC 02R .1404 Eff. August 1, 2015;

Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of May 31, 2017;

Eff. January 1, 2018 (Codifier approved request from agency to reuse rule number).

14B NCAC 15A .1901 MIXED BEVERAGES TAX STAMP

(a) Prior to the sale of any container of spirituous liquor or antique spirituous liquor to a permittee, the local board shall affix to the container a mixed beverages tax stamp that states the following:

- (1) the local board system of sale;
- (2) the permittee's transaction number; and
- (3) the permittee's Mixed Beverage Permit number.

(b) The mixed beverages tax stamp shall be affixed to the original paper labeling of each container, except that in the case of a container bearing no original label, the stamp shall be affixed to any vertical portion of the container. In no event shall the stamp be affixed to the cap or closure of a container. Where a case of one brand has been purchased, the mixed beverages tax stamp shall be affixed to each container in the case and it shall not be sufficient to stamp the exterior of the case.

(c) For sales of liquor to a guest room cabinet permittee, a local board may affix the mixed beverages tax stamp to any portion of the container other than the cap or closure. In lieu of affixing the stamp to each container purchased by a guest room cabinet permittee, a local board may choose to give to the guest room cabinet permittee one tax stamp for each container of liquor purchased for resale from a guest room cabinet, as authorized by Rule .1804 of this Subchapter.

(d) Mixed beverage permittees may transport no more than eight liters of opened containers of spirituous liquor without a purchase-transportation permit to and from a local board in the non-passenger area of a motor vehicle for the purpose of replacing mixed beverage tax stamps that are defaced or that have worn out numbers.

History Note: Authority G.S. 18B-100; 18B-101; 18B-203(a)(1); 18B-207; 18B-807;

Eff. January 1, 1982;

Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;

Transferred and Recodified from 04 NCAC 02R .1901 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;

Amended Eff. January 1, 2018.

14B NCAC 15A .2101 PRIOR APPROVAL FROM ABC COMMISSION

(a) Prior to selling spirituous liquor distilled at the distillery on the premises to consumers, a distillery permittee shall submit a written request for approval to the Commission regarding its intent to sell bottles direct to consumers.

(b) The Commission shall verify compliance with G.S. 18B-1105(a)(4).

(c) Within 15 days of receipt of the request, the Commission shall send written notice to the permittee of approval based on satisfying the requirements in Paragraph (b) of this Rule, or of disapproval and the reasons for disapproval.

History Note: Authority G.S. 18B-100; 18B-207; 18B-1105; Eff. January 1, 2018.

14B NCAC 15A .2102 RETAIL SALES AT DISTILLERY'S PERMITTED PREMISES

(a) No retail sales shall be made on the distillery's permitted premises on:

- (1) New Year's Day;
- (2) Fourth of July;
- (3) Labor Day;
- (4) Thanksgiving Day;
- (5) Christmas Day;
- (6) Any Sunday; or

- (7) Any other day between the hours of 9:00 p.m. and 9:00 a.m.
- (b) Any distillery employee involved with the sale of spirituous liquor to the consumer shall be at least 18 years of age.
- (c) Distillery products to be sold directly to consumers shall be stored in a retail area in the permitted premises separate from distillery products to be shipped to the State ABC warehouse for sale to local boards.
- (d) The distillery permittee shall not sell any bottle of spirituous liquor to a consumer until after the consumer has completed a tour of the distillery.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-802; 18B-1105;
Eff. January 1, 2018.*

14B NCAC 15A .2103 DISTILLERY RECORD-KEEPING

The distillery permittee's electronic records, as required by G.S. 18B-1105(a)(4), shall be available for inspection by alcohol law enforcement officers and employees of the Commission at any time an employee of the permittee is present on the permitted premises.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-502; 18B-1105;
Eff. January 1, 2018.*

14B NCAC 15B .0523 ANTIQUE SPIRITUOUS LIQUOR REGULATED

For the purposes of this Subchapter, antique spirituous liquor shall be regulated and treated the same as spirituous liquor for mixed beverages permittees.

*History Note: Authority G.S. 18B-101; 18B-207; 18B-1001;
Eff. January 1, 2018.*

14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS

- (a) Application, license and trainee permit fees are as follows:
- (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;
 - (2) two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is requesting a new license be issued because of a transfer to a new company, which shall require a one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in the new company name;
 - (3) two hundred fifty dollar (\$250.00) annual trainee permit fee;
 - (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to the basic license;
 - (5) twenty five dollars (\$25.00) duplicate license fee per year of the license term;

- (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;
 - (7) one hundred dollars (\$100.00) temporary permit fee;
 - (8) fifty dollars (\$50.00) branch office license fee per year of the license term; and
 - (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.
- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
 - (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

*History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. July 1, 1987; December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a period of 180 days to expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. July 1, 2010; June 1, 2009; January 1, 2004;
February 1, 1995; July 1, 1990; Transferred and Recodified from 12 NCAC 07D .0202 Eff. July 1, 2015;
Amended Eff. January 1, 2018.*

14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

- (a) Fees for unarmed security guards are as follows:
- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
 - (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
 - (3) fifteen dollar (\$15.00) transfer fee; and
 - (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.
- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
 - (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

*History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. July 1, 2010; May 1, 2010; December 1, 2003; July 1, 1990;*

*Transferred and Recodified from 12 NCAC 07D .0702 Eff. July 1, 2015;
Amended Eff. January 1, 2018.*

14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed security guard firearm registration permits are as follows:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollar (\$15.00) application fee.

(b) Fees shall be paid as follows:

- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
- (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

*History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. July 1, 2010; December 1, 2003; July 1, 1990;
Transferred and Recodified from 12 NCAC 07D .0802 Eff. July 1, 2015;
Amended Eff. January 1, 2018.*

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

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

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPASL-Photos@ncdps.gov or by compact disc;
- (2) statements of any criminal record obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of

Investigation, collected by the Private Protective Services Board.

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

(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section.

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

*History Note: Authority G.S. 74C-5; 74C-11; 74C-13;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995;
February 1, 1990; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;
Amended Eff. January 1, 2018; November 1, 2017.*

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a four hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the

Secretary of Public Safety, a copy of which is on file in the Director's office. For rifle qualification all shots shall be located on the target. Should a student fail to attain a score of 80 percent accuracy, the student may be given three additional attempts to qualify on the course of fire the student did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire Basic Training Course for Armed Security Guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training for armed security guards.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);

- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for an armed security guard firearm registration permit who possess a current firearms trainer certificate shall be given a firearms registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) The armed security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the security guard fails to qualify on any course of fire, the security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

History Note: Authority G.S. 74C-5; 74C-9; 74C-13; Eff. June 1, 1984;
Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;
Temporary Amendment Eff. January 14, 2002;
Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009;
February 1, 2006; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;
Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015.

14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE

- (a) Trainer certificate fees are as follows:
- (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;
 - (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant;
 - (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.
- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
 - (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

History Note: Authority G.S. 74C-9; Eff. June 1, 1984;
Amended Eff. January 1, 2005; January 1, 2004;
Transferred and Recodified from 12 NCAC 07D .0903 Eff. July 1, 2015;
Amended Eff. January 1, 2018.

14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

- (a) Fees for unarmed armored car service guards are as follows:
- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
 - (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
 - (3) fifteen dollar (\$15.00) transfer fee; and
 - (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the

registration expires and to be paid in addition to the renewal fee.

- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
 - (2) if the application is submitted online, payment shall be and by credit card, e-check or other form of electronic funds transfer.

History Note: Authority G.S. 74C-3; 74C-5; 74C-9; Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1402 Eff. July 1, 2015;
Amended Eff. January 1, 2018.

14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

- (a) Fees for armed armored car service guard firearm registration permits are as follows:
- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
 - (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
 - (3) fifteen dollars (\$15.00) application fee.
- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Private Protective Services Board; or
 - (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

History Note: Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13; Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1502 Eff. July 1, 2015;
Amended Eff. January 1, 2018.

14B NCAC 17 .0203 FEES FOR LICENSES

- (a) Application license fees are as follows:
- (1) One hundred fifty dollars (\$150.00) non-refundable initial application fee;
 - (2) Three hundred seventy-five dollar (\$375.00) biennial fee for a new or renewal license;
 - (3) One hundred fifty dollars (\$150.00) branch office license fee;
 - (4) One hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.
- (b) Fees shall be paid as follows:

- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Alarm Systems Licensing Board; or
- (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

*Transferred and Recodified from 12 NCAC 11 .0302 Eff. July 1, 2015;
Amended Eff. January 1, 2018.*

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02D .0101 DEFINITIONS

The definition of any word or phrase used in Rules of this Subchapter is the same as given in Article 21, G.S. 143, as amended. The following words and phrases, which are not defined in the article, have the following meaning:

- (1) "Act" means Article 21, G.S. 143, entitled "Water and Air Resources."
- (2) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by reference in this Subchapter, the Director of the Division of Air Quality unless:
 - (a) a specific rule in this Subchapter specifies otherwise; or
 - (b) the U.S. Environmental Protection Agency, in a delegation or approval, states that a specific authority of the Administrator of the Environmental Protection Agency is not included in such a delegation or approval.
- (3) "Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive substance or matter emitted into or otherwise entering the ambient air.
- (4) "Ambient air" means that portion of the atmosphere outside buildings or other enclosed structures, stacks, or ducts and that surrounds human, animal, or plant life or property.
- (5) "Approved" means approved by the Director of the Division of Air Quality according to these Rules.
- (6) "Capture system" means the equipment including hoods, ducts, and fans, used to contain, capture, or transport a pollutant to a control device.
- (7) "CFR" means the Code of Federal Regulations.
- (8) "Combustible material" means any substance that, when ignited, will burn in air.
- (9) "Construction" means change in method of operation or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change in emissions or affects the compliance of a facility.
- (10) "Control device" means equipment, including fume incinerator, adsorber, absorber, scrubber, filter media, cyclone, and electrostatic precipitator, used to destroy or remove an air pollutant before discharge to the ambient air.
- (11) "Day" means a 24-hour period beginning at midnight.

*History Note: Authority G.S. 74D-7;
Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. January 1, 1986;
Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. February 1, 2010; March 1, 1993;
Transferred and Recodified from 12 NCAC 11 .0203 Eff. July 1, 2015;
Amended Eff. January 1, 2018; February 1, 2010; March 1, 1993.*

14B NCAC 17 .0302 FEES FOR REGISTRATION

- (a) Registration fees are as follows:
- (1) Forty-five dollar (\$45.00) non-refundable biennial registration fee;
 - (2) Ten dollar (\$10.00) non-refundable re-issue fee for lost cards or for registration of an employee who changes employment to another licensee;
 - (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee;
 - (4) Ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors;
 - (5) Twenty dollar (\$20.00) late renewal fee to be paid for an application submitted no more than 30 days from the date the registration expires and to be paid in addition to the renewal fee.
- (b) Fees shall be paid as follows:
- (1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in the form of a check or money order made payable to the Alarm Systems Licensing Board; or
 - (2) if the application is submitted online, payment shall be by credit card, e-check or other form of electronic funds transfer.

*History Note: Authority G.S. 74D-7;
Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. January 1, 1986;
Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. May 1, 2010; February 1, 2010; April 1, 2005;
March 1, 1993;*

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| <p>(12) "Director" means the Director of the Division of Air Quality, unless otherwise specified.</p> <p>(13) "Division" means Division of Air Quality.</p> <p>(14) "Dustfall" means particulate matter that settles out of the air. Dustfall shall be expressed in units of grams per square meter per 30-day period.</p> <p>(15) "Emission" means the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.</p> <p>(16) "Facility" means all of the pollutant-emitting activities, except transportation facilities, that are located on one or more adjacent properties under common control.</p> <p>(17) "FR" means the Federal Register.</p> <p>(18) "Fugitive emission" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.</p> <p>(19) "Fuel burning equipment" means equipment whose primary purpose is the production of energy or power from the combustion of any fuel. Uses of the equipment include heating water, generating or circulating steam, heating air as in a warm air furnace, or furnishing process heat by transferring energy by fluids or through process vessel walls.</p> <p>(20) "Garbage" means any animal or vegetable waste resulting from the handling, preparation, cooking, or serving of food.</p> <p>(21) "Incinerator" means a device designed to burn solid, liquid, or gaseous waste material.</p> <p>(22) "Opacity" means that property of a substance tending to obscure vision and is measured as percent obscuration.</p> <p>(23) "Open burning" means any fire whose products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney, approved incinerator, or other similar device.</p> <p>(24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, source, or air pollution control equipment.</p> <p>(25) "Particulate matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions.</p> <p>(26) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by methods specified in this Subchapter.</p> <p>(27) "Permitted" means any source subject to a permit under this Subchapter or 15A NCAC 02Q.</p> <p>(28) "Person" as defined in G.S. 143-212 includes any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political</p> | <p>subdivision, or any other legal entity, or its legal representative, agent, or assigns.</p> <p>(29) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by methods specified in this Subchapter.</p> <p>(30) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by methods specified in this Subchapter.</p> <p>(31) "PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by methods specified in this Subchapter.</p> <p>(32) "Refuse" means any garbage, rubbish, or trade waste.</p> <p>(33) "Rubbish" means solid or liquid wastes from residences, commercial establishments, or institutions.</p> <p>(34) "Rural area" means an area that is devoted to the following uses: agriculture, recreation, wildlife management, state park, or any area of natural cover.</p> <p>(35) "Salvage operation" means any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including metal, chemicals, motor vehicles, shipping containers, or drums.</p> <p>(36) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other burned or unburned residue of combustible materials that form a visible plume.</p> <p>(37) "Source" means any stationary article, machine, process equipment, or other contrivance, singly or in combination, or any tank-truck, trailer, or railroad tank car, from which air pollutants emanate or are emitted, either directly or indirectly.</p> <p>(38) "Sulfur oxides" means sulfur dioxide, sulfur trioxide, their acids, and the salts of their acids.</p> <p>(39) "Transportation facility" means a complex source as defined in G.S. 143-213(22).</p> <p>(40) "Total suspended particulate" means any finely divided solid or liquid material, except water in uncombined form, that is or has been airborne as measured by methods specified in this Subchapter.</p> <p>(41) "Trade wastes" means all solid, liquid, or gaseous waste materials or rubbish resulting from combustion, salvage operations, building operations, or the operation of any business, trade, or industry including plastic products, paper, wood, glass, metal, paint, grease, oil and other petroleum products, chemicals, and ashes.</p> <p>(42) "ug" or "µg" means micrograms.</p> |
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History Note: Authority G.S. 143-213; 143-215.3(a)(1); Eff. June 1, 1976;
Amended Eff. December 1, 1989; July 1, 1988; July 1, 1984;
Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. January 1, 2015; December 1, 2005; June 1, 2004; July 1, 1998; July 1, 1996; July 1, 1994;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0103 COPIES OF REFERENCED FEDERAL REGULATIONS

(a) Copies of applicable Code of Federal Regulations sections referred to in this Subchapter are available for public inspection at Department of Environmental Quality regional offices. They are:

- (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;
- (2) Winston-Salem Regional Office, 450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105;
- (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115;
- (4) Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina 27609;
- (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301;
- (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889; and
- (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

(b) Copies of such rules may be obtained free of charge online at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

History Note: Authority G.S. 143-215.3; 150B-21.6; Eff. December 1, 1976;
Amended Eff. December 1, 2005; December 1, 1992; August 1, 1991; July 1, 1988; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. January 1, 2018.

15A NCAC 02D .0104 INCORPORATION BY REFERENCE

(a) If referred to in this Subchapter, the following materials shall be incorporated in this Subchapter by reference:

- (1) a regulation codified in the Code of Federal Regulations (CFR); and
- (2) a method established by the American Society for Testing and Materials (ASTM).

(b) The Code of Federal Regulations and American Society for Testing and Materials methods incorporated by reference in this

Subchapter shall include subsequent amendments and editions unless a rule specifies otherwise.

(c) The Code of Federal Regulations is available in electronic form free of charge at <https://www.gpo.gov/fdsys/search/home.action>.

(d) The American Society for Testing and Materials methods may be purchased from <https://www.astm.org/>. Purchase price varies according to the particular test method and format chosen, and the cost of the materials are set forth at <https://www.astm.org/>.

History Note: Authority G.S. 150B-21.6; Eff. July 1, 1988;
Amended Eff. July 1, 1998; May 1, 1995; December 1, 1992; October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. January 1, 2018.

15A NCAC 02D .0105 MAILING LIST

(a) The Division shall develop and maintain a mailing list of persons who have requested notification of rule-making as required by G.S. 150B 21.2(d). Such persons shall receive a copy of the complete notice as filed with the Office of Administrative Hearings.

(b) Any person requesting to be on a mailing list established under Paragraph (a) of this Rule shall submit a written request to the Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina, 27699-1641. Payment of fees required under this Rule may be by check or money order for thirty dollars (\$30.00) made payable to the Department of Environmental Quality. Payment shall be submitted with each request and received by June 1 of each year. The fee covers from July 1 to June 30 of the following year. A person requesting to be on the list for notification of rule-making may opt to receive notification via email free of charge by contacting Division staff as shown at <https://deq.nc.gov/about/divisions/air-quality/air-quality-planning>.

History Note: Authority G.S. 143-215.3(a)(1); 150B 21.2(d); Eff. April 1, 1995;
Amended Eff. April 1, 2003; July 1, 1998; May 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. January 1, 2018.

15A NCAC 02D .0201 CLASSIFICATION OF AIR POLLUTION SOURCES

(a) Purpose. This Rule establishes a system for classifying air pollution sources. The Commission shall use the system for classifying air pollution sources set forth in this Rule to classify air pollution sources governed by this Subchapter.

(b) Scope. This Rule shall apply to all air pollution sources, both combustion and non-combustion. The following system for classifying air pollution sources shall be used:

- (1) "Class I-C" includes all sources of air pollution using fuel-burning equipment for the production of heat to generate electricity for public use.

- (2) "Class II-C" includes all sources of air pollution using fuel-burning equipment for the production of steam, and for other process uses at commercial and industrial establishments.
- (3) "Class III-C" includes all sources of air pollution using fuel-burning equipment for comfort heating at institutional, commercial, or industrial establishments, or at apartment houses having a central heating system serving more than four apartments.
- (4) "Class IV-C" includes all sources of air pollution that burn trash, rubbish, refuse, or similar materials in incinerators, teepee burners, or similar devices.
- (5) "Class V-C" includes all sources of air pollution using fuel-burning equipment for comfort heating that are not included in Class III-C.
- (6) "Class VI-C" includes all sources of air pollution using internal combustion engines.
- (7) "Class I-I" includes all sources of air pollution resulting from industrial plants engaged in the manufacture of chemicals or allied products whose processes depend on the chemical reaction of two or more elements or compounds, and includes plants producing acids, fertilizer materials, dyestuff, synthetic fibers, and industrial gases.
- (8) "Class II-I" includes all sources of air pollution resulting from industrial plants engaged in the production of pulp and paper.
- (9) "Class III-I" includes all sources of air pollution resulting from the mining and processing of minerals, stone, clay, and cement products, and includes phosphate ore, mica and feldspar operations, stone quarries and crushers, cement plants, concrete mixing plants, and masonry block plants.
- (10) "Class IV-I" includes all sources of air pollution resulting from industrial operations using petroleum products, and includes asphalt mix plants, roofing felt plants, and petroleum products storage areas.
- (11) "Class V-I" includes all sources of air pollution resulting from furniture, lumber, or wood product plants.
- (12) "Class VI-I" includes all sources of air pollution resulting from textile manufacturing, textile dyeing, or finishing plants.
- (13) "Class VII-I" includes all sources of air pollution resulting from the shelling, drying, storage, ginning, and processing of tobacco, corn, soybeans, peanuts, cotton, fruits, vegetables, or other agricultural products.
- (14) "Class VIII-I" includes all sources of air pollution resulting from industries engaged in the processing of metals, and includes smelting, casting foundries, metal working, and other similar operations.

- (15) "Class IX-I" includes all sources of air pollution resulting from slaughtering and processing of meat, poultry, fish, and similar products and from rendering or the recovering of by-products of these operations.

- (16) "Class X-I" includes all sources of air pollution resulting from industries which do not fall within the classifications described in Subparagraphs (b)(7) through (b)(15) of this Rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4);
 Eff. February 1, 1976;
 Amended Eff. July 1, 1984; December 1, 1976;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0202 REGISTRATION OF AIR POLLUTION SOURCES

(a) The Director may require the owner or operator of a source of air pollution to register that source, pursuant to G.S. 143 215.107(a)(4).

(b) Any person required to register a source of air pollution with the Division shall register the source on forms provided by the Division and shall provide the following information:

- (1) the name of the person, company, or corporation operating the sources;
- (2) the address, location, and county;
- (3) principal officer of the company;
- (4) quantities and kinds of raw materials used;
- (5) process flow sheets;
- (6) operating schedules;
- (7) total weights and kinds of air pollution released;
- (8) types and quantities of fuels used;
- (9) stack heights; and
- (10) other information considered essential in evaluating the potential of the source to cause air pollution.

The forms shall be completed and returned to the Division within 60 days following their receipt.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4);
 Eff. February 1, 1976;
 Amended Eff. July 1, 1998; June 1, 1985; July 1, 1984;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0301 PURPOSE

Notwithstanding any other provisions of air pollution control regulations or standards, this Section is designed to prevent the excessive buildup of air contaminants during air pollution episodes thereby preventing the occurrence of an emergency due to the effects of these contaminants on the public health.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);
 Eff. February 1, 1976;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0302 EPISODE CRITERIA

The Director may issue a proclamation of an air pollution alert, air pollution warning, or air pollution emergency if the Director determines that the accumulation of air contaminants in any place is attaining or has attained levels that could, if such levels are sustained or exceeded, lead to a threat to the health of the public. In deciding whether to issue such a proclamation, the Director shall be guided by the following criteria:

- (1) Alert. The alert level is that concentration of pollutants at which first stage control actions are to begin. The Secretary of the Department of Environmental Quality with the concurrence of the Governor shall proclaim an alert when any of the following levels is reached at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at or exceed above levels for 12 or more hours or, in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken:
 - (a) sulfur dioxide -- 800 $\mu\text{g}/\text{m}^3$ (0.3 ppm), 24-hour average;
 - (b) carbon monoxide -- 17 $\mu\text{g}/\text{m}^3$ (15 ppm), eight-hour average;
 - (c) ozone -- 400 $\mu\text{g}/\text{m}^3$ (0.2 ppm), one-hour average;
 - (d) nitrogen dioxide -- 1130 $\mu\text{g}/\text{m}^3$ (0.6 ppm), one-hour average; 282 $\mu\text{g}/\text{m}^3$ (0.15 ppm), 24-hour average; or
 - (e) PM10--350 $\mu\text{g}/\text{m}^3$ 24-hour average.
- (2) Warning. The warning level indicates that air quality is continuing to degrade and that additional abatement actions are necessary. The Secretary of the Department of Environmental Quality with the concurrence of the Governor shall proclaim a warning when any one of the following levels is reached at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at or exceed above levels for 12 or more hours or, in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken:
 - (a) sulfur dioxide -- 1600 $\mu\text{g}/\text{m}^3$ (0.6 ppm), 24-hour average
 - (b) carbon monoxide -- 34 $\mu\text{g}/\text{m}^3$ (30 ppm), eight-hour average;
 - (c) ozone -- 800 $\mu\text{g}/\text{m}^3$ (0.4 ppm), one-hour average;
 - (d) nitrogen dioxide -- 2260 $\mu\text{g}/\text{m}^3$ (1.2 ppm), one-hour average; 565 $\mu\text{g}/\text{m}^3$ (0.3 ppm), 24-hour average; or
 - (e) PM10 -- 420 $\mu\text{g}/\text{m}^3$ 24-hour average.
- (3) Emergency. The emergency level indicates that air quality is continuing to degrade to a level that the most stringent control actions are necessary. The Secretary of the Department of Environmental Quality with the concurrence of the Governor shall declare an emergency when

any one of the following levels is reached at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at or exceed above levels for 12 or more hours or, in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken:

- (a) sulfur dioxide -- 2100 $\mu\text{g}/\text{m}^3$ (0.8 ppm) 24-hour average;
 - (b) carbon monoxide -- 46 $\mu\text{g}/\text{m}^3$ (40 ppm), eight-hour average;
 - (c) ozone -- 1000 $\mu\text{g}/\text{m}^3$ (0.5 ppm), one-hour average;
 - (d) nitrogen dioxide -- 3000 $\mu\text{g}/\text{m}^3$ (1.6 ppm), one-hour average; 750 $\mu\text{g}/\text{m}^3$ (0.4 p.p.m.), 24-hour average; or
 - (e) PM10--500 $\mu\text{g}/\text{m}^3$ 24-hour average.
- (4) Termination. After a proclamation has been issued, any level reached by application of these criteria shall remain in effect until the criteria for that level are no longer met. At that time the next lower level shall remain in effect until the criteria for that level are no longer met.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1988; July 1, 1984; June 1, 1980; December 1, 1976;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0303 EMISSION REDUCTION PLANS

- (a) Air Pollution Alert. Any person responsible for the operation of a source of air pollution described in 15A NCAC 02D .0305 shall take all air pollution alert actions required for that source and shall put into effect the preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution alert.
- (b) Air Pollution Warning. Any person responsible for the operation of a source of air pollution described in 15A NCAC 02D .0306 shall take all air pollution warning actions required for that source and shall put into effect the preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution warning.
- (c) Air Pollution Emergency. Any person responsible for the operation of a source of air pollution described in 15A NCAC 02D .0307 shall take all air pollution emergency actions required for that source and shall put into effect the preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution emergency.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);
Eff. February 1, 1976;
Amended Eff. July 1, 1984;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0304 PREPLANNED ABATEMENT PROGRAM

(a) Any person who is responsible for the operation of a source of air pollution that is described in 15A NCAC 02D .0305, .0306, or .0307 or that emits 100 tons per year or more of any one pollutant shall prepare an abatement program plan to reduce the emissions of air pollutants into the outdoor atmosphere during periods of an air pollution episode as described in 15A NCAC 02D .0302. The plan shall be consistent with good industrial practices and safe operating procedures. When the Director requests that the plan be submitted for review, the owner or operator of the source shall submit the plan within 30 days of the Director's request.

(b) When requested by the Commission in writing, any person responsible for the operation of a source not described in 15A NCAC 02D .0305, .0306, or .0307 shall prepare a plan to reduce the emissions of air pollutants into the outdoor atmosphere during periods of air pollution alert, air pollution warning, and air pollution emergency as described in 15A NCAC 02D .0302. The plan shall be consistent with good industrial practices and safe operating procedures.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12); Eff. February 1, 1976; Amended Eff. July 1, 1988; July 1, 1984; Readopted Eff. January 1, 2018.

15A NCAC 02D .0305 EMISSION REDUCTION PLAN: ALERT LEVEL

(a) General.

- (1) There shall be no open burning of any material otherwise allowed under 15A NCAC 02D .1900.
- (2) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between noon and 4:00 p.m.
- (3) Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of noon and 4:00 p.m.
- (4) Persons operating motor vehicles should eliminate all unnecessary operations.

(b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required control actions for the alert level that are listed below:

- (1) Operators of coal or oil fired electric power generating facilities shall:
 - (A) use fuels having low ash and sulfur content,
 - (B) perform boiler lancing and soot blowing between noon and 4:00 p.m., and
 - (C) divert electric power generation to facilities outside of the alert area;
- (2) Operators of coal or oil fired process steam generating facilities shall:
 - (A) use fuels having low ash and sulfur content,

- (B) perform boiler lancing and soot blowing between noon and 4:00 p.m., and
 - (C) reduce steam load demands consistent with continuing plant operation;
- (3) Operators of manufacturing industries of the following classifications: primary metals industry; petroleum refining and related industries; chemical and allied products industries; paper and allied products industries; glass, clay, and concrete products industries shall:
- (A) reduce air pollutants from manufacturing operations by curtailing, postponing, or deferring production and related operations;
 - (B) defer trade waste disposal operations that emit particles, gases, vapors, or malodorous substances;
 - (C) reduce heat-load demands for processing; and
 - (D) perform boiler lancing or soot blowing between noon to 4:00 p.m.; and
- (4) Other persons requested by the Commission to prepare a preplanned abatement program shall take all required control actions for the alert level contained in their program plan.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12); Eff. February 1, 1976; Amended Eff. July 1, 1984; December 1, 1976; Readopted Eff. January 1, 2018.

15A NCAC 02D .0306 EMISSION REDUCTION PLAN: WARNING LEVEL

(a) General

- (1) There shall be no open burning of any material otherwise allowed under 15A NCAC 02D .1900.
- (2) The use of incinerators for the disposal of solid waste or liquid waste shall be prohibited.
- (3) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between noon and 4:00 p.m..
- (4) Persons operating motor vehicles should minimize their use through car pools and increased use of public transportation.

(b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required control actions for the warning level that are listed below:

- (1) Operators of coal or oil fired electric power generating facilities shall:
 - (A) use fuels having the lowest ash and sulfur content;
 - (B) perform boiler lancing and soot blowing between noon to 4:00 p.m.; and

- (C) divert electric power generating to facilities outside of the warning area;
- (2) Operators of coal or oil fired process steam generating facilities shall:
 - (A) use fuels having the lowest ash and sulfur content;
 - (B) perform boiler lancing and soot blowing between noon to 4:00 p.m.;
 - (C) reduce steam load demands consistent with continuing plant operations; and
 - (D) prepare to use the preplanned abatement program for emergency level;
- (3) Operators of manufacturing industries of the following classifications: primary metal industries; petroleum refining and related industries; chemical and allied products industries; paper and allied products industries; glass, clay, and concrete products industries shall:
 - (A) reduce air pollutants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and related operations;
 - (B) defer trade waste disposal operations that emit particles, gases, vapors, or malodorous substances;
 - (C) reduce heat-load demands for processing consistent with continuing plant operations; and
 - (D) perform boiler lancing or soot blowing between noon to 4:00 p.m.; and
- (4) Other persons requested by the Commission to prepare a preplanned abatement program shall take all required control actions for the warning level contained in their program plan.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12); Eff. February 1, 1976; Amended Eff. July 1, 1984; December 1, 1976; Readopted Eff. January 1, 2018.

15A NCAC 02D .0307 EMISSION REDUCTION PLAN: EMERGENCY LEVEL

(a) General

- (1) There shall be no open burning of any material otherwise allowed under 15A NCAC 02D .1900.
- (2) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
- (3) All places of employment described below shall cease operations:
 - (A) mining and quarrying of nonmetallic minerals;
 - (B) all manufacturing establishments except those required to have in force

- a preplanned abatement program for an air pollution emergency;
- (C) all construction work involving grading or other operations that generate dust;
- (D) all wholesale and retail establishments except pharmacies and stores primarily engaged in the sale of food;
- (E) all commercial and manufacturing establishments, automobile repair services and garages, laundries, barbershops, beauty shops, and motion picture theaters; and
- (F) elementary and secondary schools, colleges, universities, and professional schools.
- (4) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.
- (b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required control actions for the emergency level that are listed below:
 - (1) Operators of coal- or oil-fired electric power generating facilities shall:
 - (A) use fuels having lowest ash and sulfur content;
 - (B) perform boiler lancing or soot blowing between noon to 4:00 p.m.;
 - (C) divert electric power generation to facilities outside of emergency area;
 - (2) Operators of coal- or oil-fired process steam generating facilities shall:
 - (A) reduce heat and steam demands to that necessary to prevent equipment damage;
 - (B) perform boiler lancing and soot blowing between noon and 4:00 p.m.;
 - (C) take the action called for in the preplanned abatement program;
 - (3) Operators of manufacturing industries of the following classifications: primary metals industries; petroleum refining and related industries; chemical and allied products industries; paper and allied products industries; glass, clay, and concrete products industries shall:
 - (A) eliminate air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and related operations to the extent possible without causing injury to persons or damage to equipment;
 - (B) eliminate air pollution from trade waste disposal processes which emit particles, gases, vapors, or malodorous substances;
 - (C) reduce heat-load demands for processing to the minimum;

- (D) perform boiler lancing or soot blowing between 12:00 p.m. to 4:00 p.m.; and
- (4) Other persons requested by the Commission to prepare a preplanned abatement program shall take all required control actions for the emergency level contained in their program plan.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);
 Eff. February 1, 1976;
 Amended Eff. July 1, 1984; December 1, 1976;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0401 PURPOSE

- (a) The purpose of the ambient air quality standards set out in this Section is to establish certain maximum limits on parameters of air quality considered desirable for the preservation and enhancement of the quality of the State's air resources. Furthermore, the objective of the Commission, consistent with the North Carolina Air Pollution Control Law, shall be to prevent significant deterioration in ambient air quality in any substantial portion of the State where existing air quality is better than the standards. An atmosphere in which these standards are not exceeded should provide for the protection of the public health, plant and animal life, and property.
- (b) Ground-level concentrations of pollutants shall be determined by sampling at fixed locations in areas beyond the premises on which a source is located. The standards shall be applicable at each such sampling location in the State.
- (c) No facility or source of air pollution shall cause any ambient air quality standard in this Section to be exceeded or contribute to a violation of any ambient air quality standard in this Section except as allowed by 15A NCAC 02D .0531 or .0532.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
 Eff. February 1, 1976;
 Amended Eff. December 1, 1992; October 1, 1989; July 1, 1984;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0402 SULFUR OXIDES

- (a) The ambient air quality standards for sulfur oxides measured as sulfur dioxide shall be:
- (1) 80 micrograms per cubic meter (0.03 ppm) annual arithmetic mean;
 - (2) 365 micrograms per cubic meter (0.14 ppm) maximum 24-hour concentration not to be exceeded more than once per year; and
 - (3) 1300 micrograms per cubic meter (0.5 ppm) maximum three-hour concentration not to be exceeded more than once per year.
- (b) Sampling and analysis shall be in accordance with procedures in Appendix A or A-1 of 40 CFR Part 50 or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.
- (c) Applicability of the standards listed in Subparagraph (a)(1) and (2) of this Rule shall be in effect until one year after the effective date of initial designations under Section 107(d) of the

Clean Air Act for the sulfur dioxide standard in Paragraph (d) of this Rule.

- (d) The primary one-hour annual ambient air quality standard for oxides of sulfur shall be 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide.
- (e) The one-hour primary standard shall be met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR Part 50.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
 Eff. February 1, 1976;
 Amended Eff. September 1, 2011; July 1, 1984; December 1, 1976;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0404 CARBON MONOXIDE

- (a) The ambient air quality standards for carbon monoxide shall be:
- (1) 9 parts per million (10 milligrams per cubic meter) maximum eight-hour average concentration not to be exceeded more than once per year; and
 - (2) 35 parts per million (40 milligrams per cubic meter) maximum one-hour average concentration not to be exceeded more than once per year.
- (b) Sampling and analysis shall be in accordance with procedures in Appendix C of 40 CFR Part 50 or equivalent methods established under 40 CFR Part 53.
- (c) An eight-hour average shall be considered valid if at least 75 percent of the hourly averages for the eight-hour period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be computed on the basis of the hours available using six or seven as the divisor.
- (d) When summarizing data for comparison with the standards, averages shall be stated to one decimal place. Comparison of the data to the standards in parts per million shall be made in terms of integers with fractional parts of 0.5 or greater rounded up.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
 Eff. February 1, 1976;
 Amended Eff. October 1, 1989; July 1, 1984; December 1, 1976;
 Readopted Eff. January 1, 2018.

15A NCAC 02D .0405 OZONE

The ambient air quality standard for ozone measured by a reference method based on Appendix D of 40 CFR Part 50 and designated according to 40 CFR Part 53 shall be 0.070 parts per million (ppm), daily maximum eight-hour average. The standard shall be deemed attained at an ambient air quality monitoring site when the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.070 parts per million (ppm) as determined by Appendix U of 40 CFR Part 50, or equivalent methods established under 40 CFR Part 53.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
Eff. February 1, 1976;
Amended Eff. January 1, 2010; April 1, 1999; July 1, 1984; July 1, 1979; December 1, 1976;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0407 NITROGEN DIOXIDE

- (a) The primary annual ambient air quality standard for oxides of nitrogen shall be 53 parts per billion annual average concentration measured in the ambient air as nitrogen dioxide.
- (b) The primary one-hour ambient air quality standard for oxides of nitrogen shall be 100 parts per billion one hour annual average concentration measured in the ambient air as nitrogen dioxide.
- (c) The secondary ambient air quality standard for nitrogen dioxide shall be 0.053 parts per million (100 micrograms per cubic meter) annual arithmetic mean concentration.
- (d) Sampling and analysis shall be in accordance with:
- (1) procedures in Appendix F of 40 CFR Part 50; or
 - (2) by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.
- (e) The annual primary standard shall be deemed attained when the annual average concentration in a calendar year is less than or equal to 53 parts per billion, as determined in accordance with Appendix S of 40 CFR Part 50 for the annual standard.
- (f) The one hour primary standard shall be deemed attained when the three-year average of the annual 98th percentile of the daily maximum one-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 CFR Part 50 for one-hour standard.
- (g) The secondary standard shall be deemed attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater than 0.0005 parts per million are rounded up). To demonstrate attainment, an annual mean shall be based on hourly data that are at least 75 percent complete or on data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
Eff. February 1, 1976;
Amended Eff. September 1, 2011; October 1, 1989; July 1, 1984; December 1, 1976;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0408 LEAD

The ambient air quality standard for lead and its compounds, measured as elemental lead by a reference method based on Appendix G of 40 CFR Part 50 or by an equivalent method established under 40 CFR Part 53, shall be 0.15 micrograms per cubic meter. The standard shall be deemed met when the maximum arithmetic three-month mean concentration for a three-year period, as determined in accordance with Appendix R of 40 CFR Part 50, is less than or equal to 0.15 micrograms per cubic meter.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
Eff. June 1, 1980;
Amended Eff. January 1, 2010; July 1, 1984;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0409 PM10 PARTICULATE MATTER

- (a) The ambient air quality standard for PM10 particulate matter shall be 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 24-hour average concentration. This standard shall be deemed attained when 150 ($\mu\text{g}/\text{m}^3$), as determined according to Appendix N of 40 CFR Part 50, is not exceeded more than once per year on average over a three-year period.
- (b) For the purpose of determining attainment of the standards in Paragraph (a) of this Rule, particulate matter shall be measured in the ambient air as PM10 (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by either:
- (1) a reference method based on Appendix M of 40 CFR Part 50 and designated according to 40 CFR Part 53; or
 - (2) an equivalent method designated according to 40 CFR Part 53.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
Eff. July 1, 1988;
Amended Eff. January 1, 2010; April 1, 1999;
Readopted Eff. January 1, 2018.

15A NCAC 02D .0410 PM2.5 PARTICULATE MATTER

- (a) The national primary ambient air quality standards for PM2.5 shall be 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual arithmetic mean concentration and 35 $\mu\text{g}/\text{m}^3$ 24-hour average concentration measured in the ambient air as PM2.5 (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by either:
- (1) A reference method based on appendix L to 40 CFR Part 50 and designated in accordance with 40 CFR Part 53; or
 - (2) An equivalent method designated in accordance with 40 CFR Part 53.
- (b) The primary annual PM2.5 standard shall be deemed met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 12.0 $\mu\text{g}/\text{m}^3$.
- (c) The primary 24-hour PM2.5 standard shall be deemed met when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 35 $\mu\text{g}/\text{m}^3$.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);
Eff. April 1, 1999;
Amended Eff. September 1, 2015; January 1, 2010;
Readopted Eff. January 1, 2018.

15A NCAC 02D .1301 PURPOSE
15A NCAC 02D .1302 APPLICABILITY
15A NCAC 02D .1303 DEFINITIONS
15A NCAC 02D .1304 OXYGEN CONTENT
STANDARD
15A NCAC 02D .1305 MEASUREMENT AND
ENFORCEMENT

History Note: Authority G.S. 119-26; 143-213; 143-215.3(a)(1); 143-215.107(a)(3),(7); 143-215.108(c)(7); 150B-21.6;

Eff. September 1, 1992;

Amended Eff. November 1, 1994;

Temporary Amendment Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. July 1, 1998; September 1, 1996;

Repealed Eff. January 1, 2018.

15A NCAC 02D .2001 PURPOSE, SCOPE AND APPLICABILITY

(a) The purpose of this Section is to assure the conformity of transportation plans, programs, and projects that are developed, funded, or approved by the United States Department of Transportation and by metropolitan planning organizations or other recipients of funds under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.), or State or Local only sources of funds, with all plans required of areas designated as nonattainment or maintenance under 40 CFR 81.334 for the pollutants specified therein or listed in Paragraph (c) of this Rule.

(b) This Section shall apply to the emissions of volatile organic compounds and nitrogen oxides in the following areas:

- (1) townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;
- (2) townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County;
- (3) townships of Davidson and Coddle Creek in Iredell County;
- (4) townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;
- (5) all townships in Mecklenburg County;
- (6) townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury, Steele, and Unity in Rowan County; and
- (7) townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

(c) This Section shall apply to the emissions of:

- (1) particulate matter in areas identified in 40 CFR 81.334 as nonattainment or that have been redesignated attainment and are current maintenance areas for fine particulate (PM_{2.5}); or
- (2) volatile organic compounds or nitrogen oxides in areas identified in 40 CFR 81.334 as

nonattainment or that have been redesignated attainment and are current maintenance areas for ozone.

(d) For Federal Highway Administration/Federal Transit Administration (FHWA/FTA) projects or regionally-significant State or local projects that meet the standards set forth in Paragraphs (b) and or (c) of this Rule, this Section shall apply to:

- (1) the adoption, acceptance, approval, or support of transportation plans and transportation plan amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of Transportation;
- (2) the adoption, acceptance, approval, or support of transportation improvement programs or amendments to transportation improvement programs pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning organization or the United States Department of Transportation; or
- (3) the approval, funding, or implementation of FHWA/FTA projects.

Conformity determinations are not required under this Section for individual projects that are not FHWA/FTA projects. However, 40 CFR 93.121 shall apply to these projects if they are regionally significant projects.

(e) This Section applies to maintenance areas for 20 years from the date the Environmental Protection Agency approves the area's request under Section 107(d) of the Clean Air Act for redesignation to attainment or until the effective date of revocation of the conformity requirements for the NAAQS by EPA.

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

Eff. April 1, 1999;

Amended Eff. December 1, 2005;

Readopted Eff. January 1, 2018.

15A NCAC 02D .2002 DEFINITIONS

For the purposes of this Section, the definitions contained in 40 CFR 93.101 and the following definitions apply:

- (1) "Regionally-significant project" means a transportation project (other than an exempt project under 40 CFR 93.126) that is on a facility that serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls and sports complexes, or transportation terminals as well as most terminals themselves) and would be included in the modeling of a metropolitan area's transportation network, including all principal arterial highways and all fixed guide-way transit facilities that offer an alternative to regional highway travel.
- (2) "Regionally-significant State or local project" means any highway or transit project that is a regionally significant project and that is

proposed to receive only non-federal funding assistance or approval through the State or any local program.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); Eff. April 1, 1999; Readopted Eff. January 1, 2018.

15A NCAC 02D .2003 TRANSPORTATION CONFORMITY DETERMINATION

(a) Conformity analyses, determinations, and redeterminations for transportation plans, transportation improvement programs, FHWA/FTA projects, and State or local regionally-significant projects shall be made according to the requirements of 40 CFR 93.104 and shall comply with the applicable requirements of 40 CFR 93.119, 93.120, 93.124, 93.125, and 93.126. For the purposes of this Rule, regionally-significant State or local projects shall be subject to the same requirements under 40 CFR Part 93 as FHWA/FTA projects except that State Environmental Policy Act procedures and requirements shall be substituted for National Environmental Policy Act procedures and requirements. Regionally-significant State or local projects subject to this Section for which the State Environmental Policy Act process and a conformity determination have been completed may proceed toward implementation without further conformity determination unless more than three years have elapsed since the most recent major step (State Environmental Policy Act process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications, and estimates) occurred. All phases of these projects considered in the conformity determination shall also be included if these phases were for the purpose of funding final design, right-of-way acquisition, construction, or any combination of these phases.

(b) Before making a conformity determination, the metropolitan planning organizations, local transportation departments, North Carolina Department of Transportation, United States Department of Transportation, Division of Air Quality, local air pollution control agencies, and United States Environmental Protection Agency shall consult with each other on matters described in 15A NCAC 02D .2005. Consultation shall begin as early as possible in the development of the emissions analysis used to support a conformity determination. The agency that performs the emissions analysis shall make the analysis available to the Division of Air Quality and at least 21 days shall be allowed for review and comment on the emissions analysis. The 21-day review period shall begin upon receipt of the analysis by the Director of the Division of Air Quality. After review by the Division of Air Quality, the approving agency shall seek public comments in accordance with its public participation policy. The agency making the conformity determination shall address all written comments received prior to close of the public comment period, and these comments and responses thereto shall be included in the final document. If the Division of Air Quality disagrees with the resolution of its comments, the conflict may be escalated to the Governor within 14 days and shall be resolved in accordance with 40 CFR 93.105(d). The 14-day appeal period shall begin upon receipt by the Director of the Division of Air

Quality of the metropolitan planning organization's resolution that determines conformity.

(c) The agency that performs the conformity analysis shall notify the Division of Air Quality of:

- (1) changes in planning or analysis assumptions, including land use and vehicle miles traveled (VMT) forecasts; and
- (2) revisions to transportation plans or transportation improvement plans that add, delete, or change projects that require a new emissions analysis including, design scope and dates that change the transportation network existing in a horizon year.

Comments made by the Division of Air Quality and responses thereto made by the agency shall become part of the final planning document.

(d) Transportation plans shall satisfy the requirements of 40 CFR 93.106. Transportation plans and transportation improvement programs shall satisfy the fiscal constraints specified in 40 CFR 93.108. Transportation plans, programs, and FHWA/FTA projects shall satisfy the applicable requirements of 40 CFR 93.109 through 93.119.

(e) Written commitments to implement control measures that are not included in the transportation plan or transportation improvement program (TIP) shall be obtained before a conformity determination, and these commitments shall be fulfilled. Written commitments to implement mitigation measures shall be obtained before a positive conformity determination, and project sponsors shall comply with these commitments.

(f) A recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Act shall not adopt or approve a regionally-significant highway or transit project, regardless of funding source, unless the requirements of 40 CFR Part 93 are met.

(g) The degree of specificity required in a transportation plan and the specific travel network assumed for air quality modeling shall not preclude the consideration of alternatives in the National Environmental Policy Act of 1969 process, in accordance with 40 CFR 93.107.

(h) When assisting or approving any action with air quality-related consequence, the Federal Highway Administration and the Federal Transit Administration of the Department of Transportation shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the national ambient air quality standards, as provided under 40 CFR 93.103. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); Eff. April 1, 1999; Readopted Eff. January 1, 2018.

15A NCAC 02D .2004 DETERMINING TRANSPORTATION-RELATED EMISSIONS

(a) The procedures in 40 CFR 93.122 shall be used to determine regional transportation-related emissions.

(b) The procedures in 40 CFR 93.123 shall be used to determine localized carbon monoxide concentrations (hot-spot analysis).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999;
Readopted Eff. January 1, 2018.

15A NCAC 02D .2005 MEMORANDUM OF AGREEMENT

(a) The Division of Air Quality shall develop and maintain a memorandum of agreement with the North Carolina Department of Transportation, the metropolitan planning organizations of the areas identified in 15A NCAC 02D .2001, and the United States Department of Transportation to describe the participation and responsibilities of each of these agencies in implementing the requirements of this Section and 40 CFR Part 93. For those areas identified in 15A NCAC 02D .2001 for which there is no metropolitan planning organization, the North Carolina Department of Transportation shall represent those areas for the purposes of the memorandum of agreement. The memorandum of agreement shall include:

- (1) consultation procedures described in 40 CFR 93.105;
- (2) the projected time allotted for each agency to review and comment on or to respond to comments on transportation improvement programs, transportation plans, and transportation projects; and
- (3) consultation procedures for the development of State Implementation Plans that relate to transportation.

The contents of the Memorandum of Agreement shall comply with the criteria and procedures in the federal Clean Air Act Section 176(c) [42 U.S.C. 7401-7671q] and 40 CFR Part 51, Subpart T, 40 CFR Part 93, Subpart A, and 15A NCAC 02D .2001 through .2004.

(b) No recipient of federal funds, defined in 40 CFR 93.101, designated under Title 23 U.S.C. or the Federal Transit Act shall adopt or approve or take any action to develop or implement a regionally-significant highway or transit project unless such recipient has signed the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

(c) No agency shall adopt or approve or take any action to implement or develop any transportation plan, transportation improvement program, or federally funded or approved FHWA/FTA highway or transit project unless the agency has signed the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

(d) Each federal agency that participates in determinations of conformity to state and federal implementation plans shall sign the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999;

Readopted Eff. January 1, 2018.

15A NCAC 02D .2201 PURPOSE

The purpose of this Section is to implement the provisions of G.S. 143-215.110 pertaining to the issuance of air quality Special Orders by the Environmental Management Commission.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.110;
Eff. April 1, 2004;
Readopted Eff. January 1, 2018.

15A NCAC 02D .2202 DEFINITIONS

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

- (1) "Special Order" means a directive of the Commission to any person whom it finds responsible for causing or contributing to any air pollution in the State. The term includes all orders or instruments issued by the Commission pursuant to G.S. 143-215.110.
- (2) "Consent Order" means a Special Order into which the Commission enters with the consent of the person who is subject to the order.

History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1); 143-215.110;
Eff. April 1, 2004;
Readopted Eff. January 1, 2018.

15A NCAC 02D .2204 FINAL ACTION ON CONSENT ORDERS

(a) The Director shall take final action for the Commission on Consent Orders for which a public hearing has not been held as provided in 15A NCAC 02D .2203. The final action on the proposed order shall be taken no later than 60 days following publication of the notice.

(b) The Commission shall take final action on Consent Orders for which a public hearing has been held as provided in 15A NCAC 02D .2203. The final action on the proposed order shall be taken no later than 90 days following the hearing.

History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.3(a)(4); 143-215.110;
Eff. April 1, 2004;
Readopted Eff. January 1, 2018.

15A NCAC 02D .2205 NOTIFICATION OF RIGHT TO CONTEST SPECIAL ORDERS ISSUED WITHOUT CONSENT

For any Special Orders other than Consent Orders, the Commission shall notify the person subject to the order of the procedure set out in G.S. 150B-23 to contest the Special Order.

History Note: Authority G.S. 143-215.2(b); 143-215.3(a)(1); 143-215.110(b);
Eff. April 1, 2004;
Readopted Eff. January 1, 2018.

15A NCAC 02T .1501 SCOPE

The rules in this Section shall apply to the Disposal or Treatment of Soils Containing Petroleum Products or other Contaminated Soil by Land Application, Storage, or Containment and Treatment. These Rules shall not apply to:

- (1) "hazardous waste" as defined in 40 CFR 261.3, as adopted by reference in 15A NCAC 13A .0106(a), and North Carolina General Statute 130A-290;
- (2) soil contaminated with "hazardous waste" or "hazardous waste constituents" as defined in 40 CFR 261.3, as adopted by reference in 15A NCAC 13A .0106(a) from a "Facility" as defined in 15A NCAC 13A .0102(c); or
- (3) cuttings and other wastes generated in the construction and development of oil and gas wells regulated by Article 27 of G.S. 113.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Amended Eff. March 19, 2015; Readopted Eff. January 1, 2018.

15A NCAC 02T .1502 DEFINITIONS

The following definitions apply to this Section:

- (1) "Contaminated soil" means soil containing petroleum products or other soil containing non-petroleum substances as a result of a release or discharge as defined in G.S. 143-215.77, but does not include hazardous waste.
- (2) "Dedicated site" means a site used for more than one application of petroleum-contaminated soils onto the same receiver site within an 18-month period.
- (3) "Permitting agency" means the Division of Waste Management, UST Section, for contaminated soils originating from discharges of petroleum and for dedicated sites. For other soils originating from non-petroleum sources, the permitting agency means the Division of Water Resources. If the permitting agency is the Division of Waste Management, the Division of Waste Management shall be considered the Division for the purposes of Section .0100 of this Subchapter.
- (4) "Petroleum-contaminated soil" or "Soil containing petroleum products" shall mean any soil that has been exposed to petroleum products because of any emission, spillage, leakage, pumping, pouring, emptying, or dumping of petroleum products onto or beneath the land surface and that exhibits characteristics or concentrations of petroleum product constituents in quantities that exceed either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, by compatible laboratory

analytical procedures pursuant to 15A NCAC 02H .0800.

- (5) "Petroleum product" means any petroleum product as defined by G.S. 143-215.94A and includes motor gasoline, aviation gasoline, gasohol, jet fuels, kerosene, diesel fuel, fuel oils (#1 through #6), and motor oils (new and used).
- (6) "Soil remediation at conventional rates" means the treatment of contaminated soils by land application methods at an evenly-distributed application layer of contaminated soils not to exceed six inches in thickness.
- (7) "Soil remediation at minimum rates" means the treatment of contaminated soils by land application methods at an evenly-distributed application layer of contaminated soils not to exceed one inch in thickness.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Readopted Eff. January 1, 2018.

15A NCAC 02T .1503 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter, provided that the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system in this Rule:

- (1) Storage sites for petroleum-contaminated soils that are utilized for less than 45 days. Such sites shall meet the following criteria:
 - (A) storage shall be on 10 mil or thicker plastic;
 - (B) provisions shall be made for containing potential leachate and runoff;
 - (C) setbacks required in Rule .1506 of this Section shall be maintained; and
 - (D) approval of the activity, stating that the site meets the criteria of this Rule, shall have been received from the appropriate Regional Supervisor or his or her designee.
- (2) Land application sites for petroleum-contaminated soils with volumes of soil from each source of less than or equal to 50 cubic yards or for the application of up to 100 cubic yards if the application is at the minimum rate defined in Rule .1502(7) of this Subchapter. Such sites shall meet the following criteria:
 - (A) setbacks required in Rule .1506 of this Section shall be maintained; and
 - (B) approval of the activity, stating that the site meets the criteria of this Rule, shall have been received from the appropriate Regional Supervisor or his or her designee.
- (3) Land application sites for the disposal of drill cuttings if applied on the site where the drilling

occurs. Such sites shall meet the following criteria:

- (A) soils contaminated with non-petroleum substances shall be determined by chemical analysis to be non-hazardous wastes; and
- (B) setbacks required in Rule .1506 of this Section shall be maintained.

(b) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Readopted Eff. January 1, 2018.

15A NCAC 02T .1504 APPLICATION SUBMITTAL

(a) For all applications the following shall be submitted to the permitting agency by the applicant:

- (1) a chemical analysis of the contaminated soil to be remediated, including total petroleum hydrocarbons (TPH), semivolatile and volatile organics, pH, and heavy metals. All methods and procedures shall be in accordance with 15A NCAC 02H .0800;
- (2) a determination of hazardous waste constituents using the Toxicity Characteristic Leaching Procedure (TCLP) described in 40 CFR 261.24. Any substance shall be considered a hazardous waste if the results of the TCLP analysis indicate concentrations of constituents greater than the federal regulatory level, unless documentation is provided showing that the contaminated soil is not a hazardous waste and is within the scope of this Section as provided in Rule .1501 of this Section. A TCLP analysis shall be required for all applications for a permit to dispose of petroleum-contaminated soil in accordance with the following criteria:
 - (A) If the source of the soil contamination is a virgin (unused) petroleum product from an underground storage tank regulated under Subtitle I of RCRA, the contaminated soil shall not be considered a hazardous waste and no TCLP analysis shall be required. In lieu of the TCLP analysis, certification of soil contamination from a virgin petroleum product shall be required.
 - (B) If an analysis of the virgin (unused) petroleum product is submitted showing concentrations less than the regulatory level associated with the constituents of the TCLP analysis (Table II.2 of the Federal Register, Volume 55, No. 61), the contaminated soil shall not be considered a

hazardous waste and no TCLP analysis shall be required.

- (C) For soils contaminated with used motor oil, the soils shall be considered hazardous unless proven otherwise by a TCLP analysis for volatile organics and metals (EPA Hazardous Waste Nos. D004-D011).
- (D) For soils contaminated by waste oil, a TCLP analysis for all constituents in Table II.2 of the Federal Register, Volume 55, No. 61, with the exception of pesticides and herbicides, shall be required.
- (E) For soils contaminated with petroleum products not regulated under Subtitle I of RCRA, excluding used motor and waste oils, the soils shall be considered hazardous waste until proven otherwise.

- (3) a site map showing location information of boundaries and physical features with a horizontal scale of one inch equals 100 feet or less and topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, whichever is less, and including the following:

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not pursuant to the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying under G.S. 89C.]

- (A) all property boundaries and all structures within the treatment, storage, and land application areas;
- (B) the location of all wells, springs, lakes, ponds, or other surface drainage features within 500 feet of the waste disposal site;
- (C) setbacks as required by Rule .1506 of this Section; and
- (D) all residences or places of public assembly under separate ownership within 400 feet of the waste disposal site;
- (4) for disposal sites encompassing more than one acre, confirmation that an erosion control plan has been submitted to the Division of Land Quality or its designee;
- (5) the volume of contaminated soil to be remediated; and
- (6) a landowner agreement to allow the use of the property for the purpose of remediating contaminated soil. The agreement is not required when the permit applicant is the sole landowner.

(b) For soil remediation at minimum rates the following shall be submitted to the permitting agency by the applicant:

- (1) a calculation of the area required for land application, using the maximum application thickness of one inch;
- (2) an indication of cover crops; and
- (3) proof of written notification in the form of certified mail return receipts to each city and county government having jurisdiction over any part of the land over which disposal is to occur.

(c) For soil remediation at conventional rates at dedicated or non-dedicated sites, the following shall be submitted to the permitting agency by the applicant:

- (1) a soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. The report shall include:
[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]
 - (A) field descriptions of texture, color, and structure;
 - (B) depth and thickness of soil horizons;
 - (C) presence of any restrictive horizons;
 - (D) depth to seasonal high water table;
 - (E) soil pH and cation exchange capacity; and
 - (F) estimates of liming and fertilization requirements;
- (2) the calculation of the size of the disposal area and thickness of application;
- (3) a description of the proposed cover crop;
- (4) a site maintenance plan;
- (5) for dedicated sites only, proposed groundwater quality monitoring well network; and
- (6) proof of written notification in the form of certified mail return receipts to each city and county government having jurisdiction over any part of the land over which disposal is to occur.

(d) For containment and treatment the following shall be submitted to the permitting agency by the applicant:

- (1) a soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. The report shall include:
[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]
 - (A) field descriptions of texture, color, and structure;
 - (B) depth and thickness of soil horizons;
 - (C) presence of any restrictive horizons; and

- (D) depth to seasonal high water table;
- (2) the plans and specifications of the soil containment vessel and any associated leachate collection system, including the operating thickness of the soil to be contained and treated; and

- (3) a description of the chemical or biological additives used in treating the contaminated soil.

(e) For containment and utilization at brick, asphalt, or other production facilities, a site management plan consisting of a complete description of all operational procedures related to the handling of soils at the proposed facility, shall be submitted to the permitting agency by the applicant, including:

- (1) a description of the staging area or areas designated for initial placement of the contaminated soils;
- (2) the method of placing the soils in the containment area or areas;
- (3) the average time the soils will remain in the containment area or areas;
- (4) the method of incorporation of the soils into the production facility's product materials; and
- (5) the method of containment and disposal of any leachate or runoff resulting from the containment and storage of contaminated soils.

(f) For soil remediation using mobile or portable self-contained facilities, the following shall be submitted to the permitting agency by the applicant:

- (1) a description of the treatment system, including procedures for controlling any vapors or liquid or solid by-products of the treatment process;
- (2) the method by which any by-product will be disposed;
- (3) the predicted average concentration of contaminants in the untreated soil;
- (4) the sampling procedures and analytical methods by which the concentrations and types of contaminants in the treated soil will be determined;
- (5) the method of disposal of the treated soil; and
- (6) for applications proposing to stage soils, a description of the method proposed to prevent contact of contaminated soil with the environment.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Readopted Eff. January 1, 2018.

15A NCAC 02T .1505 DESIGN CRITERIA

(a) Land Application of Soils Containing Petroleum Products at Minimum Rates. Petroleum-contaminated soils shall be incorporated into the native soils of the receiver site immediately upon application. Subsequent application of petroleum-contaminated soils onto the same receiver site shall not occur for at least 18 months from the date of the most recent application of petroleum-contaminated soils and shall cause the receiver site to be reclassified as a "dedicated site" unless the permittee or applicant can demonstrate, through soil sampling and

contaminant analytical procedures pursuant to 15A NCAC 02H .0800, that the petroleum contaminant level in the upper eight inches of the receiver site soils is below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower.

(b) Land Application of Soil Containing Petroleum Products at Conventional Rates. Land application of soils containing petroleum products at an application thickness greater than one inch shall require fertilization, liming, and aeration of the mixture of native and petroleum-contaminated soils. Application thickness shall be based upon the nature of the receiver site soils, depth to the seasonal high water table, the intended cover crop, and the source of contamination. Operation of the land application program shall not result in contravention of groundwater or surface water standards. Subsequent application of petroleum-contaminated soils onto the same receiver site shall not occur for at least 18 months from the date of the most recent application of petroleum-contaminated soils and shall cause the receiver site to be reclassified as a "dedicated site" unless the permittee or applicant can demonstrate, through soil sampling and contaminant analytical procedures pursuant to 15A NCAC 02H .0800, that the petroleum contaminant level in the upper eight inches of the receiver site soils is below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower.

(c) Disposal of Soils Containing Petroleum Products at Dedicated Land Application Sites. Subsequent applications of petroleum-

contaminated soils at dedicated sites shall not recur until such time as it can be demonstrated that additional applications of contaminated soils will not result in the contravention of any groundwater or surface water standards.

(d) Containment, Treatment and Containment, and Use of Contaminated Soil.

- (1) A containment structure designed to bioremediate or volatilize contaminated soil shall be constructed of either a synthetic liner of at least 30 mils thickness or of a one-foot-thick liner of natural material compacted to at least 95 percent standard proctor dry density and with a permeability of less than 1×10^{-7} cm/sec.
- (2) The bottom of the containment structure shall be at least three feet above the seasonal high water table or bedrock.
- (3) A leachate collection system shall be installed in order to prevent runoff from the contaminated soils within the containment structure, or a cover shall be provided to avoid accumulation of stormwater within the containment structure.
- (4) The containment structure shall be compatible with the chemical and physical properties of the contaminants involved.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Readopted Eff. January 1, 2018.

15A NCAC 02T .1506 SETBACKS

Remediation systems shall adhere to the following setbacks, unless greater setbacks are required to comply with minimum horizontal distance requirements set by the Division pursuant to 15A NCAC 02L .0107:

	Feet
Any habitable residence or place of public assembly under separate ownership or not to be maintained as part of the project site	100
Any well with the exception of a Division-approved groundwater monitoring well	100
Surface waters (such as intermittent and perennial streams, perennial waterbodies, and wetlands)	100
Surface water diversions (such as ephemeral streams, waterways, and ditches)	25
Groundwater lowering ditches (where the bottom of the ditch intersects the seasonal high water table)	25
Subsurface groundwater-lowering drainage systems	25
Any building foundation except treatment facilities	15
Any basement	15
Any property line	50
Any water line	10
Any swimming pool	100
Rock outcrops	25
Public right-of-way	50

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Readopted Eff. January 1, 2018.

15A NCAC 02T .1507 CLOSURE REQUIREMENTS

(a) A permit shall be held, and renewed if necessary, until such time that the soil remediation facility has satisfied all conditions for closure and the permitting agency has notified the permit holder that the facility has satisfied conditions necessary for closure and rescinded the permit. The permittee shall notify the permitting agency 30 days prior to the initiation of closure activities. This Rule does not apply to facilities that are deemed permitted pursuant to Rule .1503 of this Section.

(b) A facility may be considered for closure if all of the following conditions have been satisfied:

- (1) All outstanding enforcement actions levied by the permitting agency have been resolved.
- (2) Requirements for all other on-site permitted activities have been met.
- (3) For all land application sites, the applicant shall provide to the permitting agency:
 - (A) a demonstration that no contaminant constituents in the groundwater exceed groundwater standards for dedicated and conventional rate land application sites;
 - (B) a demonstration that all contaminated soil has been remediated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower. The demonstration shall be based upon representative samples from the permitted site; and
 - (C) if a groundwater drainage system or surface waters are present on the site or within the compliance boundary, a demonstration that surface water does not contain contaminants at concentrations in excess of those established in Subchapter 15A NCAC 02B.
- (4) For facilities utilizing containment and treatment or portable self-contained treatment systems:
 - (A) The applicant shall demonstrate to the permitting agency that all treated soil has been remediated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, based upon analysis of representative soil samples or is disposed of under Subparagraph (b)(4)(B) of this Rule.
 - (B) All remaining soil that contains contaminants at levels that exceed either the soil-to-groundwater

contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, shall be disposed of at another permitted facility and the permitting agency shall be notified prior to transport.

(C) The applicant shall demonstrate to the permitting agency that the facility has been decontaminated based upon analysis of samples.

(5) For storage facilities, a demonstration that the storage facility has been decontaminated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, shall be submitted by the permittee to the Division. The demonstration shall be based upon analysis of pollutants identified in the contaminated soil as provided in Rule .1504(a)(1) of this Section.

(c) A facility that satisfies the conditions for closure may petition the permitting agency for approval of closure and shall provide the following information:

- (1) identification of the original permit number authorizing the construction and operation of the soil remediation facility;
- (2) the reason for closure of facility;
- (3) the name and title of the facility contact;
- (4) tabulated and graphed sample analyses for the last four groundwater sampling events prior to facility shutdown, showing the concentrations of the parameters of concern and, if groundwater monitoring is required at a land application site, groundwater analytical results for sample collection to satisfy Part (b)(3)(A) of this Rule;
- (5) laboratory analytical results for soil samples collected from the treated soil that have been analyzed by methods approved in accordance with Rule .1504(a)(1) of this Section;
- (6) if a groundwater drainage network, such as ditches, or surface waters are present on the site or within the compliance boundary, analytical results for surface water samples collected upstream of the facility, within the facility, and at a downstream location at the edge of the property to document that surface waters do not exceed the surface water quality standards and criteria established in Subchapter 15A NCAC 02B;
- (7) decontamination procedures for all treatment or containment structures;
- (8) a sedimentation and erosion control plan, prepared in accordance with the Division of Energy, Mineral, and Land Resources requirements pursuant to Subchapter 15A

NCAC 04B, if a plan to restore the site to pre-soil treatment conditions is proposed that will disturb an area of land equal to or greater than one acre;

- (9) a map of the facility that shows the size, orientation, and location of the facility relative to existing monitor wells, roads, structures, and other site features; and
- (10) certification that the closure has been accomplished and that the information submitted is complete, factual, and accurate.

(d) The permitting agency shall issue a notice approving the closure of a facility and stating that the permit for the facility has been rescinded if the permitting agency has determined that the facility has met all applicable requirements set forth in this Rule.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. September 1, 2006; Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); Readopted Eff. January 1, 2018.

15A NCAC 07H .2201 PURPOSE

A general permit pursuant to this Section shall allow the construction of freestanding moorings and bird nesting poles in the estuarine waters and public trust areas AECs according to the procedures provided in 15A NCAC 07J .1100 and according to the rules in this Section. This permit shall not apply to waters adjacent to oceanfront shorelines or to waters and shorelines adjacent to the Ocean Hazard AEC with the exception of those shorelines that feature characteristics of the Estuarine Shoreline AEC. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than the adjacent Ocean Erodible Area.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. February 1, 1996; Amended Eff. January 1, 2018; April 1, 2003.

15A NCAC 07H .2202 APPROVAL PROCEDURES

(a) An applicant for a General Permit under this Subchapter shall contact the Division of Coastal Management and request approval for development pursuant to Paragraph (b) of this Rule.

(b) The applicant shall provide:

- (1) information on site location, dimensions of the project area, and applicant name and address;
- (2) a dated plat(s) showing existing and proposed development; and
- (3) evidence that:
 - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
 - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. The notice shall instruct adjacent property owners to

provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 calendar days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. Division of Coastal Management staff shall review all comments. If the Division of Coastal Management determines that:

- (i) the comments are relevant to the potential impacts of the proposed project; and
- (ii) the Division of Coastal Management shall review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project may be approved by a General Permit. If the Division of Coastal Management determines that the project exceeds the guidelines established by the General Permit process provided in 15A NCAC 07J .1100, the Division shall notify the applicant that an application for a major development permit shall be required.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy the rules of this Section. Construction authorized by this permit shall be completed within 120 days of permit issuance or the general authorization expires and a new permit shall be required to begin or continue construction.

History Note: Authority G.S. 113A-107; 113A-118.1; Eff. February 1, 1996; Amended Eff. January 1, 2018; August 1, 2007.

15A NCAC 07H .2204 GENERAL CONDITIONS

- (a) A "freestanding mooring" is any means to attach a ship, boat, vessel, floating structure, or other water craft to a stationary underwater device, mooring buoy, buoyed anchor, or piling (as long as the piling is not associated with an existing or proposed pier, dock, or boathouse).
- (b) A "bird nesting pole" is any pole or piling erected, with a platform on top, for the purpose of attracting birds for nesting.
- (c) Freestanding moorings and bird nesting poles authorized by this permit shall be for the exclusive use of the riparian landowner(s) in whose name the permit is issued, and shall not provide either leased or rented moorings or any other commercial services.

- (d) There shall be no unreasonable interference with navigation or use of the waters by the public by the existence of freestanding moorings or bird nesting pole authorized by this permit.
- (e) This general permit may not be applicable to proposed construction when the Department determines that the proposal might affect the quality of the human environment or endanger adjoining properties. In those cases, individual permit applications and review of the proposed project shall be required according to 15A NCAC 07J.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC rules, and local land use plans current at the time of authorization.
- (g) Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections in order to be sure that the activity being performed under the authority of this general permit is in accordance with the terms and conditions prescribed herein.

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. February 1, 1996;
Amended Eff. January 1, 2018.*

15A NCAC 07H .2205 SPECIFIC CONDITIONS

- (a) Freestanding moorings and bird nesting poles may be located up to a maximum of 400 feet from the mean high water line, or the normal water line, whichever is applicable.
- (b) Freestanding moorings and bird nesting poles along federally maintained channels must meet US Army Corps of Engineers guidelines.
- (c) Freestanding moorings in no case shall extend more than 1/4 the width of a natural water body or man-made canal or basin.
- (d) Freestanding mooring buoys and piles shall be evaluated based upon the arc of the swing including the vessel to be moored. Moorings and the attached vessel shall not interfere with the access to any riparian property, and shall have a minimum setback of 15 feet from the adjacent property lines extended into the water at the points that they intersect the shoreline. The minimum setbacks provided in this Rule may be waived by the written agreement of the adjacent riparian owner(s), or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any development of freestanding moorings. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge.
- (e) The total number of docking or mooring facilities to be authorized by this General Permit shall not exceed two per property.
- (f) Bird nesting poles shall be limited to one per property. Any proposal to change the location of a permitted bird nesting pole shall require additional authorization from the Division of Coastal Management.
- (g) Freestanding moorings and bird nesting poles shall not interfere with shellfish franchises or leases. Applicants for authorization to construct freestanding moorings and bird nesting

poles shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed installation would extend.

(h) Freestanding moorings shall not be constructed in a designated Primary Nursery Area as defined in 15A NCAC 07H .0208(a)(4) with less than two feet of water at normal low water level or normal water level under the General Permit set forth in this Section without prior approval from the Division of Marine Fisheries or the Wildlife Resources Commission.

(i) Freestanding moorings located over shellfish beds or submerged aquatic vegetation (as defined by the Marine Fisheries Commission) may be constructed without prior consultation from the Division of Marine Fisheries or the Wildlife Resources Commission if the following two conditions are met:

- (1) water depth at the freestanding mooring location is equal to or greater than two feet of water at normal low water level or normal water level; and
- (2) the freestanding mooring is located to minimize the area of submerged aquatic vegetation or shellfish beds impacted under the structure as determined by the Division of Coastal Management.

(j) Freestanding moorings and bird nesting poles shall not be established in submerged utility crossing areas or in a manner that interferes with the operation of an access through any bridge.

(k) Freestanding moorings and bird nesting poles shall be marked or colored for the life of the mooring(s) in compliance with G.S. 75A-15 and the applicant shall contact the U.S. Coast Guard and N.C. Wildlife Resource Commission to ensure compliance. Permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.

(l) Freestanding moorings shall bear owner's name, vessel State registration numbers or U.S. Customs Documentation numbers. Required identification shall be legible for the life of the mooring(s).

(m) The type of material used to anchor a proposed mooring buoy(s) shall be non-polluting and of sufficient weight and design to anchor the buoy and vessel.

(n) Mooring buoys authorized by this General Permit shall be a minimum 12" in diameter or otherwise be designed to be recognized and not present a hazard to navigation.

(o) The platform located at the apex of the bird nesting pole shall not exceed 3'x 3' and shall not have sides.

(p) This permit does not relieve the permit holder of the responsibility to ensure that all other State and Federal permit requirements are met prior to implementation of the project, including G.S. 113A-107(a), G.S. 113A-118(d)(1) or G.S. 113A-120(b1)(4).

*History Note: Authority G.S. 113A-107; 113A-118.1;
Eff. February 1, 1996;
Amended Eff. January 1, 2018.*

15A NCAC 27 .0101 DEFINITIONS

In addition to the definitions set forth in G.S. 87-98.2, the following shall apply:

- (a) "College course" means a semester unit or quarter hour unit of instruction given at a college or university, that is relevant to well contractor activities.
- (b) "Continuing Education Unit" or "CEU" means a contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements. One CEU is equivalent to 60 minutes of instructional time.
- (c) "Course/activity" means any course or activity with a purpose and objective to maintain, improve or expand skills and knowledge relevant to the practice of well contractor activities.
- (d) "Personally manage" means giving directions to the on-site person who is personally supervising well contractor activities.
- (e) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those activities are being conducted.
- (f) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements and shall hereafter be referred to as "continuing education unit" or "CEU."

History Note: Authority G.S. 87-98.2; 87.98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Amended Eff. January 1, 2018.

15A NCAC 27 .0110 TYPES OF CERTIFICATION

(a) The following types of certification for well contractors are as follows:

- (1) Level A certification: this level of certification includes all well contractor activities and is required for geothermal well and related loop installations;
- (2) Level B certification: this level of certification includes all Level C well contractor activities, hydrofracturing, and all well construction and all well drilling techniques except sonic, air rotary and mud rotary drilling;
- (3) Level C certification: this level of certification includes all Level D well contractor activities, grouting, well abandonment, rehabilitating a well due to biofouling, well development (eg.-pumping or surging), packer and liner installations, and extending casing above land surface; and
- (4) Level D certification: this level of certification includes breaking a well seal, installation of a pump or other equipment in a well, and disinfection.

(b) Each certified well contractor shall be assigned a permanent certification number and shall be issued a certificate with that

certification number and level. Certification numbers are not transferable and shall not be used by another well contractor.

(c) The certification number shall be carried by the well contractor on a card issued by the Commission at all times when performing well contractor activities.

(d) A certified well contractor of the appropriate level must be present at all times when well contractor activities are being performed.

History Note: Authority G.S. 87-98.2; 87-98.4; 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. July 3, 2012; May 1, 2008;
Readopted Eff. January 1, 2018.

15A NCAC 27 .0301 APPLICATION FOR CERTIFICATION

- (a) Applicants seeking certification as a well contractor shall:
 - (1) submit an application for the level of certification being sought on forms provided by the Commission as set forth in Paragraph (b) of this Rule;
 - (2) submit the required fee as set forth in Rule .0201 of this Chapter;
 - (3) complete a field observation for Level A applicants; and
 - (4) pass the examination for the level of certification being sought as provided in Section .0400 of these Rules.
- (b) The form to apply for certification as a well contractor can be found online at www.wellcontractors.nc.gov and shall include the following information:
 - (1) the applicant's name;
 - (2) last four digits of applicant's social security number;
 - (3) contact information, including home, employer and mailing addresses;
 - (4) educational information, including proof of completion of coursework as provided in Paragraph (g) of this Rule;
 - (5) employment information, including proof of experience as provided in Paragraph (f) of this Rule; and
 - (6) stamp and signature of a notary.
- (c) Applicants for certification must be at least 18 years of age.
- (d) A photograph of the applicant shall be obtained by the Commission prior to issuance of certification.
- (e) If an applicant fails to pass the examination within three consecutive attempts or within a one year period of time after application submittal, whichever expires first, a new application shall be required. An applicant who has failed the examination after three consecutive attempts shall obtain eight CEUs as set forth in Rule .0820 of this Chapter prior to resubmittal of an application for certification.
- (f) Proof of full-time equivalent experience as specified in Rule .0702 of this Chapter in level specific well contractor activities obtained within seven years prior to application submittal or

previous certification by examination at a comparable or higher level, shall be demonstrated by providing one of the following:

- (1) payroll records and an affidavit on a form provided by the Commission from at least one currently North Carolina certified well contractor who has not committed any violation of either 15A NCAC 02C, this Chapter, or any county well ordinance within the past two years, attesting that the applicant has been working in well contractor activities under the supervision of a certified well contractor of the desired level or higher;
- (2) proof of previous certification by examination as a well contractor in North Carolina at a comparable or higher level, such as the applicant's previous certification number;
- (3) a letter of good standing from another state's well contractor licensing or certification organization showing the applicant has not violated well construction or licensing rules of that State in the past five years; or
- (4) any other proof that demonstrates the applicant has received a level of instruction in well construction techniques and practices appropriate for the level being sought.

(g) The Commission shall approve a course of study with a program and educational materials meeting technical aspects of well construction. The course of study shall provide needs-to-know education for the level being sought. The experience requirements for an applicant may be reduced up to three months and the Level A field observation may be waived for successful completion of the course to be determined on a case-by-case basis considering the length of the course and material covered.

History Note: Authority G.S. 87-98.5; 87-98.6; 87-98.9; 87-98.12; 87-98.14; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Codifier determined that findings did not meet criteria for temporary rule on July 12, 2002;
Temporary Adoption Eff. September 12, 2002;
Amended Eff. May 1, 2011; May 1, 2008; August 1, 2004;
Readopted Eff. January 1, 2018.

15A NCAC 27 .0410 WELL CONTRACTOR EXAMINATIONS

(a) Well contractor examinations shall be comprehensive examinations that are standardized statewide. The examinations shall be designed to determine the applicant's knowledge of applicable rules; the ability to perform well contractor activities; and the ability to supervise, direct, manage and control the contracting activities of the well contracting business. The Commission shall conduct examinations and field observations in English.

(b) If an applicant needs an accommodation in taking the examination based upon a medical condition, he or she shall submit a request form that includes the following information:

- (1) the applicant's name;
- (2) accommodation requested; and

- (3) supporting documentation from a physician.

Upon receipt of the information required by this Paragraph, the Commission will consider each request on a case by case basis.

(c) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.

History Note: Authority G.S. 87-98.6; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011; May 1, 2008;
Readopted Eff. January 1, 2018.

15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION

An examination shall be given at least twice a year. Information regarding the date, time, and place shall be made available upon request and online at www.wellcontractors.nc.gov.

History Note: Authority G.S. 87-98.6; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Readopted Eff. January 1, 2018.

15A NCAC 27 .0440 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES

(a) After an examination, the applicant shall be informed in writing of the results of his or her examination. If a passing score is obtained, the applicant shall be certified and a certificate shall be issued.

(b) Neither the examination grade nor the examination paper of any applicant shall be made available to anyone other than the members of the Commission and its authorized representatives who assist in conducting and grading the examinations. The examination papers shall be held by the Commission for a period of 12 months following notification to the applicant. Questions by the applicant concerning the examination shall be made in writing to the Commission within 12 months of the notification date. An applicant who fails to pass an examination, and who is still eligible to retake the examination under their current application in accordance with the rules of this Chapter, shall be entitled to and notified of the privilege to review his or her examination, within 12 months of the applicant's failed exam, in the presence of one or more Commission members or its authorized representative.

History Note: Authority G.S. 87-98.6; 87-98.8; 93B-8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Readopted Eff. January 1, 2018.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

19A NCAC 06C .0107 RETROACTIVE REIMBURSEMENT
19A NCAC 06C .0108 STATE FINANCIAL ASSISTANCE CONSTRUCTION STANDARDS
19A NCAC 06C .0109 PROJECT APPLICATION PROCEDURES
19A NCAC 06C .0110 ENVIRONMENTAL ASSESSMENT
19A NCAC 06C .0111 PROJECT APPROVAL PROCEDURES
19A NCAC 06C .0112 ALLOWABLE PROJECT COSTS

History Note: Authority G.S. 63-66; 63-67; 63-68; 63-70; 113A-4; 143B-348; 143B-350(f),(g); 143B-355; 143B-356; Eff. July 1, 1978; Amended Eff. December 1, 1993; November 1, 1991; March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0123 SPONSOR CERTIFICATION OF LOCAL MATCHING FUNDS
19A NCAC 06C .0124 LIMITS ON USE OF ALLOCATED FUNDS
19A NCAC 06C .0125 TIME LIMITS ON CONSTRUCTION OF THE PROJECT
19A NCAC 06C .0126 REQUEST FOR EXTENSION OF TIME TO COMPLETE PROJECT
19A NCAC 06C .0127 SANCTIONS FOR NON-PERFORMANCE ON STATE AID PROJECTS

History Note: Authority G.S. 63-66; 63-68; Eff. November 1, 1991; Amended Eff. December 1, 1993; Repealed Eff. January 1, 2018.

19A NCAC 06C .0129 DEPARTMENT TO ACT AS AGENT FOR FEDERAL GRANT PROGRAMS

History Note: Authority G.S. 63-66; 63-71; Eff. November 1, 1991; Amended Eff. December 1, 1993; Repealed Eff. January 1, 2018.

19A NCAC 06C .0134 HOSPITAL HELIPORTS

History Note: Authority G.S. 63-66; Eff. November 1, 1991; Repealed Eff. January 1, 2018.

19A NCAC 06C .0301 PROMOTION OF AVIATION FACILITY SAFETY

History Note: Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-355; Eff. July 1, 1978; Amended Eff. December 1, 1993; March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0304 PROJECT APPLICATION AND APPROVAL PROCEDURES

History Note: Authority G.S. 63-66; 63-70; 143B-350(f),(g); 143B-355; Eff. July 1, 1978; Amended Eff. December 1, 1993; Repealed Eff. January 1, 2018.

19A NCAC 06C .0401 CORRECTION OF AVIATION SAFETY HAZARDS

History Note: Authority G.S. 63-68; 143B-350(f),(g); 143B-355; Eff. July 1, 1978; Amended Eff. March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0403 PROJECT APPLICATION AND APPROVAL

History Note: Authority G.S. 63-66; 63-68; 63-70; 143B-350(f),(g); 143B-355; Eff. July 1, 1978; Amended Eff. December 1, 1993; March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0408 SPONSOR'S RESPONSIBILITIES

History Note: Authority G.S. 63-65; 63-66; 63-68; 63-70; Eff. July 1, 1978; Amended Eff. December 1, 1993; March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0502 RECIPIENTS ELIGIBILITY STANDARDS

19A NCAC 06C .0503 PROJECT ELIGIBILITY STANDARDS

History Note: Authority G.S. 63-65; 63-66; 63-70; 143B-350(f),(g); Eff. July 1, 1978; Amended Eff. December 1, 1993; March 1, 1982; Repealed Eff. January 1, 2018.

19A NCAC 06C .0703 TRESPASS ON STATE AIRPORTS

19A NCAC 06C .0704 PROHIBITION AGAINST GROUND VEHICLES ON STATE AIRPORTS

19A NCAC 06C .0705 CLOSURE OF STATE AIRPORTS DURING HOURS OF DARKNESS

19A NCAC 06C .0706 COMMERCIAL FLIGHT OPERATIONS PROHIBITED WITHOUT APPROVAL

History Note: Authority G.S. 63-72; 143B-350(f),(g); Eff. November 1, 1991; Amended Eff. December 1, 1993; Repealed Eff. January 1, 2018.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 - BARBER EXAMINERS

21 NCAC 06F .0102 MANAGER

- (a) Each barber school shall designate one of the instructors required by G.S. 86A-22(2) as the school manager.
- (b) The barber school manager is responsible for the school's compliance with G.S. 86A-15 and the rules in this Subchapter, whether present on the school premises or not.

History Note: Authority G.S. 86A-15; 86A-22; Eff. February 1, 1976; Readopted Eff. February 8, 1978; Amended Eff. April 1, 2010; May 1, 1989; March 1, 1983; Readopted Eff. July 1, 2016; Amended Eff. January 1, 2018.

21 NCAC 06L .0116 BARBER SHOP MANAGERS

- (a) All barber shop managers shall verify that any licensee employed in the barber shop is the person whose name appears on the license or permit prior to allowing the licensee to perform barbering services in the shop. This verification shall be based on government issued identification.
- (b) The shop manager is responsible for the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the entire shop.
- (c) The barber shop manager is accountable for activities at the shop whether present on the premises or not.

History Note: Authority G.S. 86A-15; 86A-22; Eff. June 1, 2008; Amended Eff. April 1, 2010; Readopted Eff. July 1, 2016; Amended Eff. January 1, 2018.

21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS

- (a) The Board charges the following amounts for the fees authorized by G.S. 86A-25:

- | | | |
|-----|--|---------|
| (1) | Certificate of registration or renewal as a barber | \$50.00 |
| (2) | Certificate of registration or renewal as an apprentice barber | \$50.00 |
| (3) | Barbershop permit or renewal | \$50.00 |
| (4) | Examination to become a registered barber | \$85.00 |
| (5) | Examination to become a registered apprentice barber | \$85.00 |
| (6) | Late fee for restoration of an expired barber certificate within first year after expiration | \$35.00 |
| (7) | Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration | \$70.00 |
| (8) | Late fee for restoration of an expired apprentice certificate within the first year after expiration | \$35.00 |

- | | | |
|------|---|----------|
| (9) | Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate | \$45.00 |
| (10) | Late fee for restoration of an expired barber shop certificate | \$45.00 |
| (11) | Examination to become a barber school instructor | \$165.00 |
| (12) | Student permit | \$25.00 |
| (13) | Issuance of any duplicate copy of a license, certificate, or permit | \$10.00 |
| (14) | Barber school permit or renewal | \$130.00 |
| (15) | Late fee for restoration of an expired barber school certificate | \$85.00 |
| (16) | Barber school instructor certificate or renewal | \$85.00 |
| (17) | Late fee for restoration of an expired barber school instructor certificate within first year after expiration | \$45.00 |
| (18) | Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration | \$85.00 |
| (19) | Inspection of newly established barbershop | \$120.00 |
| (20) | Inspection of newly established barber school | \$220.00 |
| (21) | Issuance of a registered barber or apprentice certificate by certification | \$120.00 |
| (22) | Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter | |
| (23) | Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule | |
| (24) | Certificate of registration or renewal as a barber for barbers over 70 years of age | \$0.00 |
| (25) | Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector. | \$70.00 |

- (b) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for this purpose.

- (c) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A .0102.

- (d) All timely renewals of licenses, permits, or certificates of registration shall be submitted online at the Board's website, along with any fees required by this Rule.

- (e) Barber school permits shall be exempt from the online renewal requirement in Paragraph (d) of this Rule.

- (f) Registered barbers, apprentice barbers, barber instructors, or barber shops that are unable to comply with the online requirement of Paragraph (d) of this Rule may submit the renewal and payment by mail or in person after receiving a waiver from the Board. This waiver shall be effective only for one renewal

period. The Board shall issue a waiver within five business days after receiving the following:

- (1) For registered barbers, apprentice barbers, or barber instructors, a notarized statement from the holder of the license, permit, or certificate of registration that the individual is not able to renew online; or
- (2) For barber shops, a notarized statement from the manager or owner that neither the manager nor owner are able to renew online.

History Note: Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008;
April 1, 2005; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, 2016;
Amended Eff. January 1, 2018; April 1, 2017.

This Section contains information for the meeting of the Rules Review Commission February 15, 2018 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**

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran (2nd Vice Chair)

COMMISSION COUNSEL

Abigail Hammond (919)431-3076
Amber Cronk May (919)431-3074
Amanda Reeder (919)431-3079
Jason Thomas (919)431-3081

RULES REVIEW COMMISSION MEETING DATES

February 15, 2018 March 15, 2018
April 19, 2018 May 17, 2018

AGENDA**RULES REVIEW COMMISSION**

THURSDAY, FEBRUARY 15, 2018 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
- IV. Review of Log of Filings (Permanent Rules) for rules filed December 21, 2017 through January 22, 2018
 - Pre-Reviewed Rules
 - Alcoholic Beverage Control Commission (Reeder)
 - Environmental Management Commission 02D,R (Thomas)
 - Environmental Management Commission 13A (Hammond)
 - Licensing Board for General Contractors (May)
 - Hearing Aid Dealers and Fitters Board (May)
 - Non Pre-Reviewed Rules
 - Board of Agriculture (Hammond)
 - Social Services Commission (May)
 - Environmental Management Commission 02Q (Thomas)
 - Board of Cosmetic Art Examiners (May)
 - Building Code Council
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
 - Review of Reports
 - 1. 01 NCAC 38 – Department of Administration (Reeder)
 - 2. 01 NCAC 39 - Department of Administration (Reeder)
 - 3. 01 NCAC 40 – Department of Administration (Redder)

4. 01 NCAC 41B – Department of Administration (Reeder)
5. 01 NCAC 43 - Department of Administration (Reeder)
6. 01 NCAC 44 - Department of Administration (Reeder)
7. 04 NCAC 19L – Department of Commerce (Reeder)
8. 12 NCAC 10 – Sheriffs Education and Training Standards Commission (Reeder)
9. 15A NCAC 02L – Environmental Management Commission (Reeder)
10. 15A NCAC 02N - Environmental Management Commission (Reeder)
11. 15A NCAC 02P - Environmental Management Commission (Reeder)
12. 15A NCAC 02O - Environmental Management Commission (Reeder)

- Not Scheduled for Review this month
- 13. 21 NCAC 48 - Board of Physical Therapy Examiners (Hammond)

VII. Commission Business

- A. Periodic Review and Expiration of Existing Rules Readoption Schedule
 - Next meeting: Thursday, March 15, 2018
-

Commission Review
Log of Permanent Rule Filings
December 21, 2017 through January 22, 2018

AGRICULTURE, BOARD OF

The rules in Chapter 60 are for the division of forest resources.

The rules in Subchapter 60B concern the administration (.0100) of division programs including forest fire control (.0200); pest control (.0300); forest management (.0400); forest tree seedlings (.0500); custom forestry services (.0600); forest development program (.0700); urban and community forestry (.0800); NC prescribed burning act (.0900); and Dupont State Forest (.1000).

<u>County Cooperation: Fiscal Aspects</u>	02	NCAC	60B	.0101
Readopt without Changes*				
<u>Burning Permits for Forest Fire Prevention: Cancellation</u>	02	NCAC	60B	.0201
Readopt without Changes*				
<u>Summoning Fire Fighters</u>	02	NCAC	60B	.0202
Readopt without Changes*				
<u>Personal Injury Liability During Forest Fire Control</u>	02	NCAC	60B	.0205
Readopt without Changes*				
<u>Control Actions and Limitations</u>	02	NCAC	60B	.0302
Readopt without Changes*				
<u>Referrals and Limitations</u>	02	NCAC	60B	.0401
Readopt without Changes*				
<u>Technical Services</u>	02	NCAC	60B	.0402
Readopt with Changes*				
<u>Fees for Services</u>	02	NCAC	60B	.0603
Readopt without Changes*				
<u>Contracts for Services</u>	02	NCAC	60B	.0604
Readopt without Changes*				
<u>Authority to Sub-Contract Custom Services</u>	02	NCAC	60B	.0605
Readopt without Changes*				
<u>Administration of Program</u>	02	NCAC	60B	.0701
Readopt with Changes*				
<u>Approved Practices and Sub-Practices</u>	02	NCAC	60B	.0702
Readopt with Changes*				

<u>Limitation of Services</u>	02	NCAC	60B	.0804
Readopt with Changes*				
<u>Procedures</u>	02	NCAC	60B	.0805
Readopt without Changes*				
<u>Burner Certification</u>	02	NCAC	60B	.0901
Readopt without Changes*				
<u>Permits</u>	02	NCAC	60B	.1003
Readopt without Changes*				
<u>Rock or Cliff Climbing and Repelling</u>	02	NCAC	60B	.1004
Readopt without Changes*				
<u>Bathing or Swimming</u>	02	NCAC	60B	.1005
Readopt without Changes*				
<u>Hunting</u>	02	NCAC	60B	.1006
Readopt without Changes*				
<u>Fishing</u>	02	NCAC	60B	.1007
Readopt without Changes*				
<u>Animals at Large</u>	02	NCAC	60B	.1008
Readopt without Changes*				
<u>Boating</u>	02	NCAC	60B	.1009
Readopt without Changes*				
<u>Camping</u>	02	NCAC	60B	.1010
Readopt without Changes*				
<u>Sports and Games</u>	02	NCAC	60B	.1011
Readopt without Changes*				
<u>Horses</u>	02	NCAC	60B	.1012
Readopt without Changes*				
<u>Bicycles</u>	02	NCAC	60B	.1013
Readopt without Changes*				
<u>Skates, Blades and Boards</u>	02	NCAC	60B	.1014
Readopt without Changes*				
<u>Explosives</u>	02	NCAC	60B	.1015
Readopt without Changes*				
<u>Firearms</u>	02	NCAC	60B	.1016
Readopt without Changes*				
<u>Fires</u>	02	NCAC	60B	.1017
Readopt without Changes*				
<u>Disorderly Conduct</u>	02	NCAC	60B	.1018
Readopt without Changes*				
<u>Intoxicating Beverages and Drugs</u>	02	NCAC	60B	.1019
Readopt without Changes*				
<u>Damage to Buildings, Structures and Signs</u>	02	NCAC	60B	.1020
Readopt without Changes*				
<u>Commercial Enterprises</u>	02	NCAC	60B	.1021
Readopt without Changes*				
<u>Noise Regulations</u>	02	NCAC	60B	.1022
Readopt without Changes*				
<u>Meetings and Exhibitions</u>	02	NCAC	60B	.1023
Readopt without Changes*				
<u>Alms and Contributions</u>	02	NCAC	60B	.1024
Readopt without Changes*				
<u>Aviation</u>	02	NCAC	60B	.1025
Readopt without Changes*				

RULES REVIEW COMMISSION

<u>Expulsion</u>	02	NCAC	60B	.1026
Readopt without Changes*				
<u>Motorized Vehicles</u>	02	NCAC	60B	.1027
Readopt without Changes*				
<u>Flowers, Plants, Minerals, Etc</u>	02	NCAC	60B	.1028
Readopt without Changes*				
<u>Trash and Debris</u>	02	NCAC	60B	.1029
Readopt without Changes*				
<u>Fees and Charges</u>	02	NCAC	60B	.1030
Readopt without Changes*				
<u>Hours of Operation</u>	02	NCAC	60B	.1031
Readopt without Changes*				
<u>Enforcement</u>	02	NCAC	60B	.1032
Readopt without Changes*				

The rules in Subchapter 60C concern the general provisions (.0100) and performance standards (.0200) for the forest practices guidelines related to water quality.

<u>Introduction and Purpose</u>	02	NCAC	60C	.0101
Readopt with Changes*				
<u>Definitions</u>	02	NCAC	60C	.0102
Readopt with Changes*				
<u>Streamside Management Zone</u>	02	NCAC	60C	.0201
Readopt without Changes*				
<u>Prohibition of Debris Entering Streams and Waterbodies</u>	02	NCAC	60C	.0202
Readopt with Changes*				
<u>Access Road and Skid Trail Stream Crossings</u>	02	NCAC	60C	.0203
Readopt with Changes*				
<u>Access Road Entrances</u>	02	NCAC	60C	.0204
Readopt with Changes*				
<u>Prohibition/Waste Entering Streams/Waterbodies/Groundwater</u>	02	NCAC	60C	.0205
Readopt without Changes*				
<u>Pesticide Application</u>	02	NCAC	60C	.0206
Readopt without Changes*				
<u>Fertilizer Application</u>	02	NCAC	60C	.0207
Readopt without Changes*				
<u>Perennial Stream Temperature</u>	02	NCAC	60C	.0208
Readopt without Changes*				
<u>Rehabilitation of Project Site</u>	02	NCAC	60C	.0209
Readopt with Changes*				

SOCIAL SERVICES COMMISSION

The rules in Chapter 10 concern subsidized child care and include identifying and general information (.0100); requirements for the purchase of child care (.0200); requirements for child care service funds (.0300); start-up funds (.0400); requirements for contracts with private agencies (.0500); requirements for child care centers (.0600); requirements for family child care homes (.0700); requirements for nonlicensed child care homes (.0800); general policies for provision of subsidized child care services (.0900); eligibility for services (.1000); and client fees for child care services (.1100).

<u>Sanctions and Appeals for Fraudulent Misrepresentation</u>	10A	NCAC	10	.0308
Readopt with Changes*				

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); and administrative action by commission (.1200).

Off-Site Storage Location
Adopt*/P

14B NCAC 15C .0505

ENVIRONMENTAL MANAGEMENT COMMISSION

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

Sewage Sludge Incineration Units
Readopt with Changes*

15A NCAC 02D .1204

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

Required Air Quality Permits
Readopt without Changes*

15A NCAC 02Q .0101

Activities Exempted from Permit Requirements
Readopt without Changes*

15A NCAC 02Q .0102

Definitions
Readopt without Changes*

15A NCAC 02Q .0103

Where to Obtain and File Permit Applications
Readopt without Changes*

15A NCAC 02Q .0104

Copies of Referenced Documents
Readopt without Changes*

15A NCAC 02Q .0105

Incorporation by Reference
Readopt with Changes*

15A NCAC 02Q .0106

Confidential Information
Readopt without Changes*

15A NCAC 02Q .0107

Delegation of Authority
Readopt without Changes*

15A NCAC 02Q .0108

Compliance Schedule for Previously Exempted Activities
Readopt without Changes*

15A NCAC 02Q .0109

Retention of Permit at Permitted Facility
Readopt without Changes*

15A NCAC 02Q .0110

Applicability Determinations
Readopt without Changes*

15A NCAC 02Q .0111

<u>Application Requiring Professional Engineer Seal</u> Readopt without Changes*	15A	NCAC	02Q	.0112
<u>Notification in Areas Without Zoning</u> Readopt without Changes*	15A	NCAC	02Q	.0113
<u>Applicability</u> Readopt without Changes*	15A	NCAC	02Q	.0201
<u>Definitions</u> Readopt without Changes*	15A	NCAC	02Q	.0202
<u>Permit and Application Fees</u> Readopt without Changes*	15A	NCAC	02Q	.0203
<u>Inflation Adjustment</u> Readopt without Changes*	15A	NCAC	02Q	.0204
<u>Other Adjustments</u> Readopt without Changes*	15A	NCAC	02Q	.0205
<u>Payment of Fees</u> Readopt without Changes*	15A	NCAC	02Q	.0206
<u>Annual Emissions Reporting</u> Readopt with Changes*	15A	NCAC	02Q	.0207
<u>Applicability</u> Readopt without Changes*	15A	NCAC	02Q	.0301
<u>Definitions</u> Readopt with Changes*	15A	NCAC	02Q	.0303
<u>Applications</u> Readopt with Changes*	15A	NCAC	02Q	.0304
<u>Application Submittal Content</u> Readopt with Changes*	15A	NCAC	02Q	.0305
<u>Permits Requiring Public Participation</u> Readopt with Changes*	15A	NCAC	02Q	.0306
<u>Public Participation Procedures</u> Readopt with Changes*	15A	NCAC	02Q	.0307
<u>Final Action on Permit Applications</u> Readopt without Changes*	15A	NCAC	02Q	.0308
<u>Termination, Modification and Revocation of Permits</u> Readopt without Changes*	15A	NCAC	02Q	.0309
<u>Permitting of Numerous Similar Facilities</u> Readopt without Changes*	15A	NCAC	02Q	.0310
<u>Permitting of Facilities at Multiple Temporary Sites</u> Readopt without Changes*	15A	NCAC	02Q	.0311
<u>Application Processing Schedule</u> Readopt without Changes*	15A	NCAC	02Q	.0312
<u>Expected Application Processing Schedule</u> Readopt without Changes*	15A	NCAC	02Q	.0313
<u>General Requirements for All Permits</u> Readopt without Changes*	15A	NCAC	02Q	.0314
<u>Synthetic Minor Facilities</u> Readopt without Changes*	15A	NCAC	02Q	.0315
<u>Administrative Permit Amendments</u> Readopt without Changes*	15A	NCAC	02Q	.0316
<u>Avoidance Conditions</u> Readopt without Changes*	15A	NCAC	02Q	.0317
<u>Changes Not Requiring Permit Revisions</u> Amend*	15A	NCAC	02Q	.0318

<u>Purpose and Applicability</u> Readopt without Changes*	15A	NCAC	02Q	.0401
<u>Acid Rain Permitting Procedures</u> Readopt without Changes*	15A	NCAC	02Q	.0402
<u>Purpose of Section and Requirement for a Permit</u> Readopt without Changes*	15A	NCAC	02Q	.0501
<u>Applicability</u> Readopt without Changes*	15A	NCAC	02Q	.0502
<u>Definitions</u> Readopt with Changes*	15A	NCAC	02Q	.0503
<u>Option for Obtaining Construction and Operation Permit</u> Readopt without Changes*	15A	NCAC	02Q	.0504
<u>Application Submittal Content</u> Readopt without Changes*	15A	NCAC	02Q	.0505
<u>Application</u> Readopt with Changes*	15A	NCAC	02Q	.0507
<u>Permit Content</u> Readopt without Changes*	15A	NCAC	02Q	.0508
<u>Permitting of Numerous Similar Facilities</u> Readopt without Changes*	15A	NCAC	02Q	.0509
<u>Permitting of Facilities at Multiple Temporary Sites</u> Readopt without Changes*	15A	NCAC	02Q	.0510
<u>Permit Shield and Application Shield</u> Readopt without Changes*	15A	NCAC	02Q	.0512
<u>Permit Renewal and Expiration</u> Readopt without Changes*	15A	NCAC	02Q	.0513
<u>Administrative Permit Amendments</u> Readopt with Changes*	15A	NCAC	02Q	.0514
<u>Minor Permit Modifications</u> Readopt without Changes*	15A	NCAC	02Q	.0515
<u>Significant Permit Modification</u> Readopt without Changes*	15A	NCAC	02Q	.0516
<u>Reopening for Cause</u> Readopt without Changes*	15A	NCAC	02Q	.0517
<u>Final Action</u> Readopt without Changes*	15A	NCAC	02Q	.0518
<u>Termination, Modification, Revocation of Permits</u> Readopt without Changes*	15A	NCAC	02Q	.0519
<u>Certification by Responsible Official</u> Readopt without Changes*	15A	NCAC	02Q	.0520
<u>Public Participation</u> Readopt without Changes*	15A	NCAC	02Q	.0521
<u>Review by EPA and Affected States</u> Readopt without Changes*	15A	NCAC	02Q	.0522
<u>Changes Not Requiring Permit Revisions</u> Readopt with Changes*	15A	NCAC	02Q	.0523
<u>Ownership Change</u> Readopt without Changes*	15A	NCAC	02Q	.0524
<u>Application Processing Schedule</u> Readopt without Changes*	15A	NCAC	02Q	.0525
<u>112(J) Case-By-Case MACT Procedures</u> Readopt without Changes*	15A	NCAC	02Q	.0526

<u>Expedited Application Processing Schedule</u> Readopt without Changes*	15A	NCAC	02Q	.0527
<u>112(G) Case-By-Case MACT Procedures</u> Readopt without Changes*	15A	NCAC	02Q	.0528
<u>Purpose and Scope</u> Readopt with Changes*	15A	NCAC	02Q	.0801
<u>Gasoline Service Stations and Dispensing Facilities</u> Readopt without Changes*	15A	NCAC	02Q	.0802
<u>Coating, Solvent Cleaning, Graphic Arts</u> Readopt without Changes*	15A	NCAC	02Q	.0803
<u>Dry Cleaning Facilities</u> Readopt without Changes*	15A	NCAC	02Q	.0804
<u>Grain Elevators</u> Readopt without Changes*	15A	NCAC	02Q	.0805
<u>Cotton Gins</u> Readopt without Changes*	15A	NCAC	02Q	.0806
<u>Emergency Generators</u> Readopt without Changes*	15A	NCAC	02Q	.0807
<u>Peak Shaving Generators</u> Readopt without Changes*	15A	NCAC	02Q	.0808
<u>Concrete Batch Plants</u> Repeal*	15A	NCAC	02Q	.0809
<u>Air Curtain Burners</u> Readopt without Changes*	15A	NCAC	02Q	.0810
<u>Purpose and Scope</u> Readopt without Changes*	15A	NCAC	02Q	.0901
<u>Temporary Crushers</u> Readopt with Changes*	15A	NCAC	02Q	.0902
<u>Emergency Generators and Stationary Reciprocating Interna...</u> Readopt without Changes*	15A	NCAC	02Q	.0903

The rules in Chapter 2 concern environmental management and are promulgated by the Environmental Management Commission or the Department of Environment and Natural Resources. The rules in Subchapter 2R concern the wetlands restoration program including purpose and definitions (.0100); basinwide restoration plans (.0200); compensatory mitigation (.0300); and wetlands restoration fund (.0400).

<u>Purpose</u> Repeal*	15A	NCAC	02R	.0101
<u>Definitions</u> Readopt with Changes*	15A	NCAC	02R	.0102
<u>Purpose</u> Repeal*	15A	NCAC	02R	.0201
<u>Components</u> Readopt with Changes*	15A	NCAC	02R	.0202
<u>Public Involvement, Availability</u> Readopt with Changes*	15A	NCAC	02R	.0203
<u>General</u> Readopt with Changes*	15A	NCAC	02R	.0301
<u>Mitigation Banks</u> Readopt with Changes*	15A	NCAC	02R	.0302
<u>Purpose</u> Repeal*	15A	NCAC	02R	.0401
<u>Schedule of Fees</u>	15A	NCAC	02R	.0402

Readopt with Changes*				
<u>Donation of Property</u>	15A	NCAC	02R	.0403
Readopt with Changes*				
<u>Riparian Buffer Mitigation Fees to the NC Ecosystem Enhanc...</u>	15A	NCAC	02R	.0601
Readopt with Changes*				
<u>Nutrient Offset Payment Rates for the NC Ecosystem Enhanc...</u>	15A	NCAC	02R	.0602
Readopt with Changes*				

The rules in Chapter 13 cover hazardous and solid waste management, inactive hazardous substances, and waste disposal sites.

The rules in Subchapter 13A cover hazardous waste management and specifically HWTSD (hazardous waste treatment, storage, or disposal) facilities.

<u>General</u>	15A	NCAC	13A	.0101
Amend*				
<u>Definitions</u>	15A	NCAC	13A	.0102
Readopt without Changes*				
<u>Petitions - Part 260</u>	15A	NCAC	13A	.0103
Readopt without Changes*				
<u>Public Information - Part 2</u>	15A	NCAC	13A	.0104
Readopt with Changes*				
<u>RCRA/Hazardous Waste Permit Requirements - Part 124</u>	15A	NCAC	13A	.0105
Readopt with Changes*				
<u>Identification and Listing of Hazardous Wastes - Part 261</u>	15A	NCAC	13A	.0106
Readopt with Changes*				
<u>Standards Applicable to Generators of Hazardous Waste - P...</u>	15A	NCAC	13A	.0107
Readopt with Changes*				
<u>Standards Applicable to Transporters of Hazardous Waste - ...</u>	15A	NCAC	13A	.0108
Readopt with Changes*				
<u>Standards for Owners and Operators of Hazardous Treatment...</u>	15A	NCAC	13A	.0109
Readopt with Changes*				
<u>Interim Status Standards for Owners and Operators of Haza...</u>	15A	NCAC	13A	.0110
Readopt with Changes*				
<u>Standards for the Management of Specific Hazardous Wastes...</u>	15A	NCAC	13A	.0111
Readopt with Changes*				
<u>Land Disposal Restrictions - Part 268</u>	15A	NCAC	13A	.0112
Readopt with Changes*				
<u>The Hazardous Waste Permit Program - Part 270</u>	15A	NCAC	13A	.0113
Readopt with Changes*				
<u>Requirements for Authorization of State Hazardous Waste P...</u>	15A	NCAC	13A	.0114
Amend*				
<u>Commercial Hazardous Waste Facility Scoring For Category ...</u>	15A	NCAC	13A	.0116
Readopt with Changes*				
<u>Fee Schedule for Commercial Hazardous Waste Treatment, St...</u>	15A	NCAC	13A	.0117
Readopt with Changes*				
<u>Standards for the Management of Used Oil</u>	15A	NCAC	13A	.0118
Readopt with Changes*				
<u>Standards For Universal Waste Management - Part 273</u>	15A	NCAC	13A	.0119
Readopt with Changes*				

GENERAL CONTRACTORS, LICENSING BOARD FOR

The rules of the Licensing Board for General Contractors include the board's organization (.0100); licensing requirements (.0200); application procedures (.0300); examinations (.0400); licenses (.0500); disciplinary procedures (.0700); contested cases (.0800); and home-owners recovery fund (.0900).

<u>Identification</u>	21	NCAC	12	.0101
Amend*				
<u>Structure of Board</u>	21	NCAC	12	.0103
Amend*				
<u>Classification</u>	21	NCAC	12	.0202
Amend*				
<u>License Limitations; Eligibility</u>	21	NCAC	12	.0204
Amend*				
<u>Qualifier</u>	21	NCAC	12	.0205
Amend*				
<u>Joint Venture</u>	21	NCAC	12	.0207
Amend*				
<u>Construction Management</u>	21	NCAC	12	.0208
Amend*				
<u>Multiunit Buildings</u>	21	NCAC	12	.0211
Amend*				
<u>General</u>	21	NCAC	12	.0301
Repeal*				
<u>Request</u>	21	NCAC	12	.0302
Repeal*				
<u>Application for Licensure</u>	21	NCAC	12	.0303
Amend*				
<u>Fees</u>	21	NCAC	12	.0304
Adopt*				
<u>Filing Address</u>	21	NCAC	12	.0305
Adopt*				
<u>Subject Matter</u>	21	NCAC	12	.0402
Repeal*				
<u>Passing Grade</u>	21	NCAC	12	.0404
Adopt*				
<u>Person Taking Examination</u>	21	NCAC	12	.0408
Repeal*				
<u>Failing Examination</u>	21	NCAC	12	.0410
Repeal*				
<u>License Granted</u>	21	NCAC	12	.0501
Amend*				
<u>Temporary License</u>	21	NCAC	12	.0502
Amend*				
<u>Renewal of License</u>	21	NCAC	12	.0503
Amend*				
<u>Increase in Limitation</u>	21	NCAC	12	.0504
Amend*				
<u>Maintaining Current Address; Notification</u>	21	NCAC	12	.0505
Amend*				
<u>Charge for Status of Licensure</u>	21	NCAC	12	.0506
Amend*				

<u>Improper Practice</u> Amend*	21	NCAC	12	.0701
<u>Unlicensed Practice</u> Amend*	21	NCAC	12	.0702
<u>Fee for Submittal of Bad Check</u> Amend*	21	NCAC	12	.0703
<u>Right to Hearing</u> Repeal*	21	NCAC	12	.0817
<u>Request for Hearing</u> Amend*	21	NCAC	12	.0818
<u>Notice of Hearing</u> Amend*	21	NCAC	12	.0820
<u>Failure to Appear</u> Amend*	21	NCAC	12	.0826
<u>Subpoenas</u> Amend*	21	NCAC	12	.0827
<u>Final Decision</u> Amend*	21	NCAC	12	.0829
<u>Proposals for Decisions</u> Amend*	21	NCAC	12	.0830

COSMETIC ART EXAMINERS, BOARD OF

The rules in Subchapter 14A are the Cosmetic Art Board of Examiners departmental rules including organizational rules (.0100); and license renewal waiver for armed forces (.0400).

<u>Definitions</u> Amend*	21	NCAC	14A	.0101
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The rules in Subchapter 14H are sanitation rules for both operators and facilities including sanitation (.0100); shop licensing and physical dimensions (.0200); cosmetic art shop and equipment (.0300); sanitation procedures and practices (.0400); and enforcement, maintenance of licensure (.0500).

<u>Water</u> Amend*	21	NCAC	14H	.0301
<u>Ventilation and Light</u> Amend*	21	NCAC	14H	.0302
<u>Bathroom Facilities</u> Amend*	21	NCAC	14H	.0303
<u>Licensees and Students</u> Amend*	21	NCAC	14H	.0401
<u>Disinfection Procedures</u> Amend*	21	NCAC	14H	.0403
<u>First Aid</u> Amend*	21	NCAC	14H	.0404
<u>Rule Compliance and Enforcement Measures</u> Amend*	21	NCAC	14H	.0505

The rules in Subchapter 14I govern the operation of cosmetic art schools including record keeping (.0100); the reception area (.0200); classrooms (.0300); and licensure of convicted felons (.0400).

<u>Application/Licensure/Individuals Who Have Been Convicted...</u> Amend*	21	NCAC	14I	.0401
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HEARING AID DEALERS AND FITTERS BOARD

The rules in Subchapter 22A concern the board's definitions (.0400); and fees and applications (.0500).

<u>Abbreviations</u> Adopt*	21	NCAC	22A	.0402
<u>Forms</u> Adopt*	21	NCAC	22A	.0403
<u>Affidavits</u> Adopt*	21	NCAC	22A	.0404
<u>Fee Schedule</u> Amend*	21	NCAC	22A	.0501
<u>Submission of Applications and Fees</u> Amend*	21	NCAC	22A	.0503

The rules in Subchapter 22F concern general examination and license provisions.

<u>Qualifications for Licensure</u> Amend*	21	NCAC	22F	.0104
<u>Examination</u> Amend*	21	NCAC	22F	.0105
<u>Examination Results</u> Amend*	21	NCAC	22F	.0107
<u>Review of Examination</u> Amend*	21	NCAC	22F	.0108
<u>Reciprocity</u> Repeal*	21	NCAC	22F	.0122
<u>Military Licensure</u> Adopt*	21	NCAC	22F	.0123
<u>Continuing Education Definitions</u> Amend*	21	NCAC	22F	.0201
<u>Annual Continuing Education Requirements</u> Amend*	21	NCAC	22F	.0202
<u>Content Categories</u> Amend*	21	NCAC	22F	.0203
<u>Self-Study</u> Amend*	21	NCAC	22F	.0208
<u>Apprenticeship Requirements</u> Amend*	21	NCAC	22F	.0301
<u>Certificate Expiration and Renewal</u> Amend*	21	NCAC	22F	.0303

BUILDING CODE COUNCIL

<u>2017 NC Electrical Code</u> Adopt*	2017 National Electrical Code with NC Amendments
<u>2017 (and 2014) NC Electrical Code/Motors GFCI Protection</u> Amend*	680.21(C)(2)
<u>2012 NC Building Code/Criteria</u> Amend*	1301.1.1
<u>2012 NC Energy Conservation Code/Scope</u> Amend*	101.2

<u>2015 NC Existing Building Code/Energy Conservation</u> Amend*	101.12
<u>2018 NC Building Code/Criteria</u> Amend*	1301.1.1
<u>2018 NC Existing Building Code/Energy Conservation</u> Amend*	101.12
<u>2018 NC Energy Conservation Code/Scope</u> Amend*	C101.2
<u>2018 NC Residential Code/Definitions</u> Amend*	R202
<u>2018 NC Residential Code/R&U Value Tables</u> Amend*	R402.1.2, R402.1.4
<u>2018 NC Energy Conservation Code/R&U Value Tables</u> Amend*	N1102.1.2, N1102.1.4
<u>2018 NC Plumbing Code/General Definitions</u> Amend*	202
<u>2018 NC Plumbing Code/Water Service Pipe</u> Amend*	605.3

CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
15	CPS	07494	12/6/2017	Brenda Shelton	v.	Crime Victims Compensation Commission	May
17	CPS	03238	12/14/2017	Sharon Anita Baker	v.	NC Crime Victims Compensation Commission	Mann
17	DHR	02352	12/11/2017	Ronald McIlwain	v.	NC Department of Health and Human Services	Lassiter
17	DHR	03968	12/6/2017	Elona Nichols, Willing Care Day Care Home	v.	Division of Child Development and Early Education-Dept. Health and Human Services	Lassiter
17	DHR	04533	12/5/2017	Harriet Small Wiegand Kapossy	v.	Medicaid Recovery Unit Glana M Surles	Sutton
17	DHR	04609	12/1/2017	Robert Y Allen/Dorsina Hargrove	v.	North Carolina Department of Health and Human Services, Division of Medical Assistance	Overby
17	DHR	05079	12/1/2017	Mary Y Mason	v.	Dept of Health and Human Services, Division of Medical Assistance (Medicaid)	Culpepper
17	DHR	05340	12/18/2017	Linda Lane	v.	NC Medicaid Recovery	Malherbe
17	DOJ	02169	12/22/2017	Jennifer Lynn Cabrera	v.	NC Criminal Justice Education and Training Standards Commission	Ward
17	DOJ	02256	12/21/2017	Timothy Natan Teves	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
17	DOJ	04886	12/15/2017	Stephen P Wilder	v.	NC Sheriffs Education and Training Standards Commission	Overby
17	DOJ	05780	12/13/2017	Ikey Lee Moser	v.	NC Private Protective Services Board	Bawtinheimer
17	DOJ	06014	12/22/2017	Randy Scott High	v.	NC Private Protective Services Board	Overby

CONTESTED CASE DECISIONS

17	DOJ	06331	12/8/2017	Daniel Carl Hagerty	v.	North Carolina Alarm Systems Licensing Board	Overby
16	EHR	10879; 11067; 12265	12/1/2017	Eaven Brice Partnership James Rice	v.	Department of Environmental Quality Division of Water Resources; Department of Environment Quality Division of Water Resources; Sam M Hayes General Council Dept of Environmental Quality	Malherbe
17	EHR	03759	9/11/2017; 12/21/2017	Town of Leland, North Carolina	v.	North Carolina Department of Environmental Quality, Division of Water Resources	Bawtinheimer
17	INS	03692	12/18/2017	Millie Rosen	v.	North Carolina State Health Plan	Lassiter
16	OSP	10131	12/5/2017	Debra McLeod- Duncan	v.	NC Department of Public Safety	May
				UNPUBLISHED			
17	ABC	05266	12/6/2017	David Wynn Divine Ego QC Inc	v.	NC Alcoholic Beverage Control Commission	Mann
17	ABC	06923	12/7/2017	NC Alcoholic Beverage Control Commission	v.	El Ray Mexican Restaurant Inc T/A El Rey Mexican Restaurant	Sutton
17	BAR	06306	12/29/2017	Valerie Arroyo	v.	North Carolina State Bar	Morrison
17	BOE	07248	12/28/2017	Andrea E Smith	v.	NC State Board of Elections & Ethics Enforcement	Bawtinheimer
17	CPS	04684	12/4/2017	Rashad A Saylon	v.	NC Crime Victims Compensation Commission	Lassiter
17	CSE	06000	12/15/2017	William C Davis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
17	CSE	07030	12/22/2017	Vernon Gibbs Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
17	CSE	07032	12/22/2017	Vernon Gibbs Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
16	DCS	04756	12/8/2017	Georgina L Rose White	v.	N.C. Department of Health and Human Services, Division of Social Services, Child Support Services	Ward
17	DHR	05937	12/22/2017	Cathy Gathings	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Elkins
17	DHR	06103	12/6/2017	Gaston Memorial Hospital Rachel Stiles	v.	NCDHHS/NC Medicaid Program	Mann

CONTESTED CASE DECISIONS

17	DHR	06105	12/6/2017	Gaston Memorial Hospital Rachel Stiles	v.	NCDHHS/NC Medicaid Program	Mann
17	DHR	06106	12/6/2017	Gaston Memorial Hospital Rachel Stiles	v.	NCDHHS/NC Medicaid Program	Mann
17	DHR	06272	12/7/2017	Natasha Tyson	v.	Health Care Personnel/Investigations	Overby
17	DHR	06472	12/7/2017	Monah V Toe	v.	DHHS Div Health Serv	Malherbe
17	DHR	06914	12/1/2017	Antanique Kearney	v.	NC Department of Health and Human Services	Ward
17	DHR	07621	12/22/2017	Aaron Joseph Honeycutt	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Lassiter
17	EHR	06405	12/22/2017	Harmon Miley	v.	NC Department of Environmental Quality	Lassiter
17	INS	04855	12/21/2017	Kishen Renauld Judge	v.	North Carolina State Health Plan	Lassiter
17	OSP	06482	12/14/2017	Walle Laniyan	v.	Durham Co Govt Health Dept	Elkins
17	OSP	06581	12/14/2017	Robert Bright	v.	NC Department of Public Safety	Elkins
17	OSP	06582	12/20/2017	Anthony Reeves	v.	DHHS	Elkins