

NORTH CAROLINA REGISTER

VOLUME 33 • ISSUE 11 • Pages 1103 – 1266

December 3, 2018

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PUBLISHED BY

The Office of Administrative Hearings

Rules Division

6714 Mail Service Center

Raleigh, NC 27699-6714

Telephone (919) 431-3000

Fax (919) 431-3104

Julian Mann III, Director

Molly Masich, Codifier of Rules

Dana McGhee, Publications Coordinator

Lindsay Woy, Editorial Assistant

Cathy Matthews-Thayer, Editorial Assistant

Contact List for Rulemaking Questions or Concerns

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

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

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Molly Masich, Codifier of Rules	molly.masich@oah.nc.gov	(919) 431-3071
Dana McGhee, Publications Coordinator	dana.mcgee@oah.nc.gov	(919) 431-3075
Lindsay Woy, Editorial Assistant	lindsay.woy@oah.nc.gov	(919) 431-3078
Cathy Matthews-Thayer, Editorial Assistant	cathy.thayer@oah.nc.gov	(919) 431-3006

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

(919) 431-3000

Raleigh, North Carolina 27609

(919) 431-3104 FAX

contact: Amber Cronk May, Commission Counsel	amber.may@oah.nc.gov	(919) 431-3074
Amanda Reeder, Commission Counsel	amanda.reeder@oah.nc.gov	(919) 431-3079
Jason Thomas, Commission Counsel	jason.thomas@oah.nc.gov	(919) 431-3081
Alexander Burgos, Paralegal	alexander.burgos@oah.nc.gov	(919) 431-3080
Julie Brincefield, Administrative Assistant	julie.brincefield@oah.nc.gov	(919) 431-3073

Fiscal Notes & Economic Analysis and Governor's Review

Office of State Budget and Management

116 West Jones Street

(919) 807-4700

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

Contact: Anca Grozav, Economic Analyst	osbmruleanalysis@osbm.nc.gov	(919) 807-4740
Carrie Hollis, Economic Analyst	osbmruleanalysis@osbm.nc.gov	(919) 807-4757

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

(919) 715-4000

150 Fayetteville Street, Suite 300

Raleigh, North Carolina 27601

contact: Sarah Collins

scollins@nclm.org

Legislative Process Concerning Rule-making

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

Karen Cochrane-Brown, Director/Legislative Analysis Division	karen.cochrane-brown@ncleg.net
Jeff Hudson, Staff Attorney	Jeffrey.hudson@ncleg.net

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	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	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	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	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	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	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	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	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	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	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	02/26/19
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33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	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	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	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/13/18	01/01/19	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/13/18	01/01/19	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	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	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	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	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	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	09/13/19

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

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.



State of North Carolina

ROY COOPER
GOVERNOR

October 29, 2018

EXECUTIVE ORDER NO. 80

**NORTH CAROLINA'S COMMITMENT TO ADDRESS CLIMATE CHANGE AND
TRANSITION TO A CLEAN ENERGY ECONOMY**

WHEREAS, North Carolina residents deserve to be better educated, healthier, and more financially secure so that they may live purposeful and abundant lives; and

WHEREAS, N.C. Const. art. XIV, § 5 requires the conservation, protection, and preservation of state lands and waters in public trust; and

WHEREAS, North Carolina is well positioned to take advantage of its technology and research and development sectors, along with its skilled workforce, to promote clean energy technology solutions and a modernized electric grid; and

WHEREAS, public-private partnerships in North Carolina foster market innovations and develop clean energy technology solutions that grow the state's economy; and

WHEREAS, the effects of more frequent and intense hurricanes, flooding, extreme temperatures, droughts, saltwater intrusion, and beach erosion have already impacted and will continue to impact North Carolina's economy; and

WHEREAS, climate-related environmental disruptions pose significant health risks to North Carolinians, including waterborne disease outbreaks, compromised drinking water, increases in disease-spreading organisms, and exposure to air pollution, among other issues; and

WHEREAS, to maintain economic growth and development and to provide responsible environmental stewardship, we must build resilient communities and develop strategies to mitigate and prepare for climate-related impacts in North Carolina.

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**:

1. The State of North Carolina will support the 2015 Paris Agreement goals and honor the state's commitments to the United States Climate Alliance.

The State of North Carolina will strive to accomplish the following by 2025:

- a. Reduce statewide greenhouse gas emissions to 40% below 2005 levels;
- b. Increase the number of registered, zero-emission vehicles ("ZEVs"; individually, "ZEV") to at least 80,000;
- c. Reduce energy consumption per square foot in state-owned buildings by at least 40% from fiscal year 2002-2003 levels.

2. Cabinet agencies shall evaluate the impacts of climate change on their programs and operations and integrate climate change mitigation and adaptation practices into their programs and operations. Council of State members, higher education institutions, local governments, private businesses, and other North Carolina entities are encouraged to address climate change and provide input on climate change mitigation and adaptation measures developed through the implementation of this Executive Order. Consistent with applicable law, cabinet agencies shall actively support such actions.
3. The Secretary or designee of each cabinet agency and a representative from the Governor's Office shall serve on the North Carolina Climate Change Interagency Council ("Council"), which is hereby established. The Secretary of the North Carolina Department of Environmental Quality, or the Secretary's designee, shall serve as the Council Chair. The North Carolina Department of Environmental Quality shall lead the Council by providing strategic direction, scheduling and planning Council meetings, determining the prioritization of activities, facilitating stakeholder engagement, and assisting in the implementation of pathways to achieve the goals provided in Section 1 of this Executive Order.

The duties of the Council shall include the following:

- a. Recommend new and updated goals and actions to meaningfully address climate change;
 - b. Develop, implement, and evaluate programs and activities that support statewide climate mitigation and adaptation practices;
 - c. Establish workgroups, as appropriate, to assist the Council in its duties;
 - d. Consider stakeholder input when developing recommendations, programs, and other actions and activities;
 - e. Schedule, monitor, and provide input on the preparation and development of the plans and assessments required by this Executive Order;
 - f. Review and submit to the Governor the plans and assessments required by this Executive Order.
4. The North Carolina Department of Environmental Quality ("DEQ") shall develop a North Carolina Clean Energy Plan ("Clean Energy Plan") that fosters and encourages the utilization of clean energy resources, including energy efficiency, solar, wind, energy storage, and other innovative technologies in the public and private sectors, and the integration of those resources to facilitate the development of a modern and resilient electric grid. DEQ shall collaborate with businesses, industries, power providers, technology developers, North Carolina residents, local governments, and other interested stakeholders to increase the utilization of clean energy technologies, energy efficiency measures, and clean transportation solutions. DEQ shall complete the Clean Energy Plan for the Council to submit to the Governor by October 1, 2019.
 5. The North Carolina Department of Transportation ("DOT"), in coordination with DEQ, shall develop a North Carolina ZEV Plan ("ZEV Plan") designed to increase the number of registered ZEVs in the state to at least 80,000 by 2025. The ZEV Plan shall help establish interstate and intrastate ZEV corridors, coordinate and increase the installation of ZEV infrastructure, and incorporate, where appropriate, additional best practices for increasing ZEV adoption. DOT shall complete the ZEV Plan for the Council to submit to the Governor by October 1, 2019.
 6. The North Carolina Department of Commerce ("DOC") and other cabinet agencies shall take actions supporting the expansion of clean energy businesses and service providers, clean technology investment, and companies with a commitment to procuring renewable energy. In addition, DOC shall develop clean energy and clean transportation workforce assessments for the Council to submit to the Governor by October 1, 2019. These assessments shall evaluate the current and projected workforce demands in North Carolina's clean energy and clean transportation sectors, assess the skills and education required for employment in those sectors, and recommend actions to help North Carolinians develop such skills and education.
 7. Cabinet agencies shall prioritize ZEVs in the purchase or lease of new vehicles and shall use ZEVs for agency business travel when feasible. When ZEV use is not feasible, cabinet agencies shall prioritize cost-effective, low-emission alternatives. To support implementation of this directive, the North Carolina Department of Administration ("DOA") shall develop a North

Carolina Motor Fleet ZEV Plan ("Motor Fleet ZEV Plan") that identifies the types of trips for which a ZEV is feasible, recommends infrastructure necessary to support ZEV use, develops procurement options and strategies to increase the purchase and utilization of ZEVs, and addresses other key topics. DOA shall complete the Motor Fleet ZEV Plan and provide an accounting of each agency's ZEVs and miles driven by vehicle type for the Council to submit to the Governor by October 1, 2019, and annually thereafter.

8. Building on the energy, water, and utility use conservation measures taken pursuant to N.C. Gen. Stat. § 143-64.12(a), DEQ shall update and amend, where applicable, a Comprehensive Energy, Water, and Utility Use Conservation Program ("Comprehensive Program") by February 1, 2019, and biennially beginning December 1, 2019, to further reduce energy consumption per gross square foot in state buildings consistent with Section 1 of this Executive Order. The Comprehensive Program shall include best practices for state government building energy efficiency, training for agency staff, cost estimation methodologies, financing options, and reporting requirements for cabinet agencies. DEQ and cabinet agencies shall encourage and assist, as requested, higher education institutions, K-12 schools, and local governments in reducing energy consumption. To achieve the required energy consumption reductions:
 - a. By January 15, 2019, each cabinet agency shall designate an Agency Energy Manager, who shall serve as the agency point of contact.
 - b. Each cabinet agency shall develop and submit an Agency Utility Management Plan to DEQ by March 1, 2019, and biennially thereafter, and implement strategies to support the energy consumption reduction goal set forth in Section 1 of this Executive Order. DEQ shall assess the adequacy of these plans and their compliance with this Executive Order.
 - c. By September 1, 2019, and annually thereafter, each cabinet agency shall submit to DEQ an Agency Utility Report detailing its utility consumption, utility costs, and progress in reducing energy consumption.
 - d. DEQ shall develop an annual report that describes the Comprehensive Program and summarizes each cabinet agency's utility consumption, utility costs, and achieved reductions in energy consumption. DEQ shall complete this report for publication on its website and for the Council to submit to the Governor by February 1, 2019, and annually thereafter beginning December 1, 2019.
9. Cabinet agencies shall integrate climate adaptation and resiliency planning into their policies, programs, and operations (i) to support communities and sectors of the economy that are vulnerable to the effects of climate change and (ii) to enhance the agencies' ability to protect human life and health, property, natural and built infrastructure, cultural resources, and other public and private assets of value to North Carolinians.
 - a. DEQ, with the support of cabinet agencies and informed by stakeholder engagement, shall prepare a North Carolina Climate Risk Assessment and Resiliency Plan for the Council to submit to the Governor by March 1, 2020.
 - b. The Council shall support communities that are interested in assessing risks and vulnerabilities to natural and built infrastructure and in developing community-level adaptation and resiliency plans.
10. DEQ shall prepare and manage a publicly accessible Web-based portal detailing the Council's actions and the steps taken to address climate-related impacts in North Carolina. Cabinet agencies shall submit data, information, and status reports as specified by the Council to be published on the portal. In addition, DEQ shall develop, publish on the portal, and periodically update an inventory of the state's greenhouse gas emissions that, among other things, tracks emissions trends statewide by sector and identifies opportunities for additional emissions reductions.
11. By October 15, 2019, and annually thereafter, the Council shall provide to the Governor a status report on the implementation of this Executive Order.
12. This Executive Order is consistent with and does not otherwise abrogate existing state law.

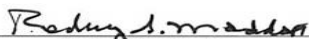
13. This Order is effective October 29, 2018 and shall remain in effect until rescinded or superseded by another applicable Executive Order.

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 the 29th day of October, in the year of our Lord two thousand eighteen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER

GOVERNOR

October 31, 2018

EXECUTIVE ORDER NO. 81

NOTICE OF TERMINATION OF EXECUTIVE ORDER NOS. 74, 75 and 77

WHEREAS, Executive Order No. 74, *Declaration of a State of Emergency by the Governor of North Carolina*, issued on October 10, 2018, declared a state of emergency in the following North Carolina counties: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, Stokes, Surry, Tyrrell, Vance, Wake, Warren, Washington, Wayne, Wilson, and Yadkin ("the Emergency Area") due to the impacts from the remnants of Hurricane Michael; and

WHEREAS, Executive Order No. 75 as amended, *Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and the Transportation of Essentials*, issued on October 10, 2018, waived the maximum hours of service for drivers transporting supplies and equipment for utility restoration and essentials in commerce, and, with the concurrence of the Council of State, temporarily suspended size and weight restrictions on vehicles supporting utility restoration and carrying essentials on the interstate and intrastate highways due to the impacts from the remnants of Hurricane Michael; and

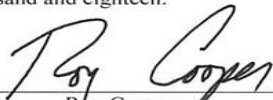
WHEREAS, Executive Order No. 77, *Amending Executive Order Nos. 74 and 75*, amended Executive Order Nos. 74 and 75 to expand the Emergency Area to include all 100 counties in the State of North Carolina to support all response and recovery efforts.

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(c), the state of emergency declared in Executive Order No. 74, the transportation waivers in Executive Order No. 75 and the amendment of the Emergency Area in Executive Order No. 77 are hereby terminated immediately.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of October in the year of our Lord two thousand and eighteen.


Roy Cooper
Governor

ATTEST:


Rodney S. Maddox
Chief Deputy Secretary of State



**North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101**

(919) 707-7806

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

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

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0101 to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of July 3, 2018, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically adopts subsequent amendments to certain parts of the *Code of Federal Regulations*. Title 29, Part 1910—General Industry Standards does not automatically include subsequent amendments.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, Revising the Beryllium Standard for General Industry, 29 CFR § 1910 (83 FR 31045, July 3, 2018)

The final rule, published in the Federal Register on July 3, 2018 (83 FR 31045), confirms the effective date of the direct final rule (DFR) published May 7, 2018 adopting a number of clarifying amendments to the beryllium standard for general industry to address the application of the standard to materials containing trace amounts of beryllium. Since no significant comments were received, OSHA's final rule was effective July 6, 2018.

For additional information, please contact:

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

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

Jill F. Cramer, Agency Rulemaking Coordinator
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10A .1501; 10D .0106, amend the rules cited as 15A NCAC 10B .0202; 10C .0401, .0402, .0407; 10D .0103; 10E .0104, and readopt with substantive changes the rules cited as 15A NCAC 10A .1001; 10B .0116; .0124, .0206, .0207, .0303; 10C .0205, .0211, .0305, .0306, .0313, .0314, and .0316.

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

Proposed Effective Date: August 1, 2019

Public Hearing:

Date: January 8, 2019

Time: 7:00 p.m.

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

Public Hearing:

Date: January 9, 2019

Time: 7:00 p.m.

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

Public Hearing:

Date: January 10, 2019

Time: 7:00 p.m.

Location: Stanly County Agri-Civic Center, 26032 Newt Rd., Albermarle, NC 28001

Public Hearing:

Date: January 15, 2019

Time: 7:00 p.m.

Location: Haywood Community College, 185 Freedlander Dr., Clyde, NC 28721

Public Hearing:

Date: January 16, 2019

Time: 7:00 p.m.

Location: Western Piedmont Community College, 1001 Burkemont Ave., Morganton, NC 28655

Public Hearing:

Date: January 17, 2019

Time: 7:00 p.m.

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

Public Hearing:

Date: January 22, 2019

Time: 7:00 p.m.

Location: Chowan County Public Safety Center, 305 W. Freemason St., Edenton, NC 27932

Public Hearing:

Date: January 23, 2019

Time: 7:00 p.m.

Location: Craven Community College, 800 College Court, New Bern, NC 28562

Public Hearing:

Date: January 24, 2019

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: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701, email regulations@ncwildlife.org

Comment period ends: February 1, 2019

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 (≥\$1,000,000) 15A NCAC 10B .0124
- ☒ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10A - WILDLIFE RESOURCES COMMISSION

SECTION .1000 - WARNING TICKETS

15A NCAC 10A .1001 PARTICULAR OFFENSES

(a) Warning Tickets Prohibited. Wildlife Enforcement Officers shall not issue warning tickets for the following ~~offenses, classes of offenses or offenses committed in a particular manner; offenses and classes of offenses:~~

- (1) second offense of a similar charge;
- (2) ~~hunting, fishing, or trapping without a license, except as listed in this Rule;~~
- (3)(2) exceeding bag or creel limits;
- (4)(3) unlawful taking of fish or wildlife by use of drugs, poison, explosives, or electricity;
- (5)(4) hunting, fishing, or trapping in closed season;
- (6) ~~hunting on Game Lands during closed days;~~
- (7) ~~firelighting deer;~~
- (8)(5) unlawful taking ~~or possession~~ of antlerless deer or fox;
- (9)(6) unlawful taking or possession of bear or wild turkey;
- (10)(7) unlawful purchase or sale of ~~wildlife; wildlife,~~ except when possession of a Trophy Wildlife Sale Permit would otherwise make purchase or sale lawful; and
- (11) ~~unlawful taking of fox; or~~
- (12)(8) taking wildlife with the aid of or from a motor vehicle or boat under power or while in motion.

(b) ~~Warning Tickets Permitted. In accordance with the conditions provided in G.S. 113-140(e) and where there is a contemporaneous occurrence of more than three violations of the motorboat statutes or administrative rules, Wildlife Enforcement Officers may issue a citation on the two most serious violations and a warning ticket on the lesser violation(s). In addition, Wildlife Enforcement Officers may issue warning tickets for the following offenses:~~

- (1) Boating Violations:
 - (A) ~~number missing, lack of contrast, not properly spaced or less than three inches in height;~~
 - (B) ~~no validation decal affixed or incorrect placement;~~
 - (C) ~~fire extinguisher not charged or non-approved;~~
 - (D) ~~no fire extinguisher on boats with false bottoms not completely sealed to hull or filled with flotation material;~~

- (E) ~~failure to notify North Carolina Wildlife Resources Commission of change of address of boat owner;~~
- (F) ~~personal flotation device not Coast Guard approved;~~
- (G) ~~failure to display navigation lights when there is evidence that lights malfunctioned while underway;~~
- (H) ~~no sound device;~~
- (I) ~~muffler not adequate;~~
- (J) ~~loaded firearm on access area;~~
- (K) ~~parking on access area in other than designated parking area, provided traffic to ramp not impeded;~~
- (L) ~~motorboat registration expired 10 days or less;~~
- (M) ~~no Type IV throwable personal flotation device on board, but other personal flotation device requirements met;~~
- (N) ~~violation of no wake speed zone when mitigating circumstances present;~~
- (O) ~~running lights on motorboat are obstructed, not visible or improperly configured;~~
- (P) ~~personal flotation device is not readily accessible on board motorboat;~~
- (Q) ~~failure to wear a kill switch lanyard on personal watercraft;~~
- (R) ~~exceeding capacity of personal watercraft while towing a skier;~~
- (S) ~~allowing youth under the age of 12 to operate a personal watercraft while accompanied by an adult;~~
- (T) ~~wearing an inflatable personal flotation device while operating a personal watercraft; or~~
- (U) ~~No light available on board a manually propelled vessel.~~
- (2) License Violations:
 - (A) ~~persons under 16 hunting, trapping, or trout fishing without meeting statutory requirements;~~
 - (B) ~~senior citizens hunting or fishing without valid license(s) (Senior citizens are those persons 65 years old or older);~~
 - (C) ~~when it appears evident that the wrong license was purchased or issued by mistake;~~
 - (D) ~~failure to carry required license or identification on person, if positive identification can be established;~~
 - (E) ~~non-resident hunting, fishing, or trapping with resident license, if domicile is established, but not 60 days;~~
 - (F) ~~hunting, fishing, or trapping on Game Lands or fishing in Designated Trout~~

- Waters that are not properly posted or have been posted for no more than 30 days;
- (G) persons who are 18 years or older or who do not reside with their parents, when such persons are taking wildlife upon their parent's land without a license as required by G.S. 113-270.2, 113-270.3(b) except for subdivision (5), 113-270.5, 113-271, or 113-272;
- (H) failure to comply with a statutorily enacted license requirement that has been in effect for less than a year; or
- (I) license expiration of 10 days or less.
- (3) Game Lands Violations:
 - (A) camping on Game Lands in other than designated area; or
 - (B) possession of weapons readily available for use while on game land thoroughfare, during closed season.
- (4) Trapping Violations:
 - (A) improper chain length at dry land sets;
 - (B) trap tag not legible;
 - (C) trap tag missing, but with a group of properly tagged traps;
 - (D) trap tag missing, but evidence that animal destroyed;
 - (E) improper jawsize;
 - (F) failure to comply with "offset" jaw requirement for traps with jaw spread of more than 5 ½ inches;
 - (G) failure to attend traps daily, during severe weather (ice, high water, heavy snow); or
 - (H) no written permission, but on right of way of public road.
- (5) Miscellaneous Violations:
 - (A) allowing dogs, not under the control of the owner to chase deer during closed season;
 - (B) attempting to take deer with dogs, or allowing dogs to chase deer in restricted areas;
 - (C) using dogs to track wounded deer during primitive weapon season;
 - (D) failure to report big game kill to nearest cooperator agent, when game is tagged and subject is enroute to another agent;
 - (E) training dogs or permitting them to run unleashed on Game Lands west of I-95 during the period of April 1 through August 15;
 - (F) violation of newly adopted rules, when not readily available to the public;
 - (G) violation of local laws, when information not available to the public;

- (H) all permits (except for fox depredation permit);
 - (I) closed season, if misprinted in digest or suddenly changed;
 - (J) minor record violation (taxidermist);
 - (K) failure to put name and address on marker (troutline); or
 - (L) failure to put name and address on nets.
- (e) ~~Special Consideration. Special consideration may be given in local areas where the offender is hunting or fishing out of his normal locality and is unfamiliar with the local law. Consideration may also be given for violations on newly opened or established Game Lands and on reclassified or newly Designated Mountain Trout Waters. Special consideration may be given to offenders under 18 years of age.~~

Authority G.S. 113-140.

SECTION .1500 - EVIDENCE

15A NCAC 10A .1501 SUMMARY DISPOSITION

The Executive Director or his or her designee may determine the summary disposition of fish or wildlife seized by the Commission. Summary disposition shall be determined in accordance with G.S. 113-137(d), on a case-by-case basis, taking into consideration factors that may include public health and safety, conservation objectives of the Commission, and the health or genetic integrity of native wildlife resources. Summary disposition may include release, relocation, or euthanasia.

Authority G.S. 113-137.

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT

(a) "Archery equipment" means any device that has a solid, stationary handle, two limbs, and a string, that uses non-pneumatic means to propel a single arrow or bolt and may be used to take game and nongame species.

(a)(b) Only longbows Longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds, and crossbows having a minimum pull of 100 pounds shall be used for taking ~~game-~~ bear, deer, elk, wild turkey, alligator, and feral swine.

(c) Archery equipment utilizing an elastic string and having a minimum pull of 40 pounds may be used to take wild turkey, small game animals, nongame animals, and nongame fish.

(b)(d) Only arrows and bolts with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, deer, elk, ~~or~~ wild turkey, turkey, alligator, and feral swine.

(e) Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels, quail, grouse, and pheasants.

(f) Poisonous, drugged, ~~barbed~~, or explosive arrowheads shall not be used for taking any ~~game~~ wildlife.
 (e) ~~Crossbows shall have a minimum pull rated at least 100 pounds. Heads on bolts used with crossbows shall conform to those described for arrows in Paragraph (b) of this Rule.~~

Authority G.S. 113-134; 113-291.1(a).

15A NCAC 10B .0124 IMPORTATION OF ANIMAL PARTS

(a) ~~Unless otherwise provided in this Rule, it shall be unlawful to import, transport, or possess a No cervid carcass or carcass part part(s) originating from any state or province where Chronic Wasting Disease occurs as identified by the Chronic Wasting Disease Alliance on the Internet at <http://www.cwd-info.org/index.php/fuseaction/about.map> shall be imported, transported, or possessed in outside of North Carolina except as provided herein: except:~~

- (1) ~~meat that is cut and wrapped;~~
- (2) ~~quarters or other portions of meat with no part of the spinal column or head attached;~~
- (3)(1) meat that has been boned out; out such that no pieces or fragments of bone remain;
- (4)(2) caped hides; hides with no part of the skull or spinal column attached;
- (5)(3) antlers, antlers attached to cleaned skull plates; plates, or skulls free from meat or brain tissue;
- (6) antlers;
- (7)(4) cleaned lower jawbone(s) with teeth or cleaned teeth; or
- (8)(5) finished taxidermy products. products and tanned hides.

(b) ~~Pursuant to G.S. 113-291.2, any Any cervid carcass, carcass part, part(s), or container of cervid meat or carcass parts processed and packaged cervid meat imported as in (a) listed in Subparagraph (a)(1) through (4) of this Rule above from a state or province where Chronic Wasting Disease is known to occur as identified by the Chronic Wasting Disease Alliance on the Internet at <http://www.cwd-info.org/index.php/fuseaction/about.map> shall be tagged identifying: labeled or identified with the following information:~~

- (1) Hunter's the individual's name and address;
- (2) State or province the state, Canadian province, or foreign country of origin of any cervid carcass, carcass part, or container of processed and packaged cervid meat; origin; and
- (3) Date the date the cervid was killed and the hunter's individual's hunting license number number, permit number, or equivalent identification from the state or province state, Canadian province, or foreign country of origin of any cervid carcass, carcass part, or container of processed and packaged cervid meat; and origin.
- (4) Destination of the cervid carcass, carcass part or container of processed and packaged cervid meat within North Carolina.

(c) It shall be lawful to import, transport, or possess a caped hide with only the head attached from a white-tailed deer lawfully

taken in South Carolina, if delivered to a licensed North Carolina taxidermist within 24 hours of entering the State. The hide and head shall be double plastic bagged and labeled or identified with the information required in Paragraph (b) of this Rule and the name of the county in South Carolina where the white-tailed deer was killed. This Paragraph shall expire on August 1, 2020 or upon confirmation of Chronic Wasting Disease in a cervid from South Carolina, whichever occurs first. Upon expiration, all restrictions and requirements of Paragraph (a) of this Rule shall apply.

Authority G.S. 113-291.2.

SECTION .0200 - HUNTING

15A NCAC 10B .0202 BEAR

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

- (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) Second Saturday in November through the ~~first~~ third Sunday ~~after Thanksgiving thereafter~~ and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, 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
- (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. It shall be unlawful to take bear on posted bear sanctuaries except when authorized by permit issued by the Commission. See 15A NCAC 10D .0106 for 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.

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

15A NCAC 10B .0206 SQUIRRELS

(a) Squirrel Open Seasons:

- (1) Gray and red squirrels may be taken by hunting on the Monday on or closest to October 15 to the last day of February.
- (2) Fox squirrels may be taken by hunting on the Monday on or nearest October 15 to ~~December 31 in the counties of Alleghany, Anson, Ashe, Bladen, Brunswick, Cumberland, Duplin, Edgecombe, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, Moore, New Hanover, Onslow, Pender, Pitt, Richmond, Sampson, Scotland, Stokes, Surry, Watauga, Wayne and Wilkes.~~ January 31.

(b) Squirrel Bag Limits:

- (1) The daily bag limit for gray and red squirrels is eight and there are no season and no possession limits.
- (2) ~~In those counties listed in Subparagraph (a)(2) of this Rule, the~~ The daily bag limit for fox squirrels is one; the possession limit is ~~two,~~ two; and the season limit is 10.

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

15A NCAC 10B .0207 RABBITS

(a) Rabbit Open Season: The open season for taking rabbits shall be from the Saturday before Thanksgiving Day Monday on or nearest October 15 through the last day of February.

(b) Rabbit Bag Limits: The daily bag limit for rabbits is five and there are no season and no possession limits.

(c) Rabbit 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.

SECTION .0300 - TRAPPING

15A NCAC 10B .0303 OPEN SEASONS

(a) General. ~~Following are the seasons for~~ The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S. 113-129(7a), including coyotes, armadillos, and groundhogs, all dates being inclusive: shall be November 1 through the last day of February, subject to the following restrictions:

- ~~(1) November 1 through the last day of February except for that part of the state described in Subparagraph (2) of this Paragraph.~~
- ~~(2) December 1 through the last day of February in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover counties.~~
- ~~(3)(1) Trapping~~ trapping coyotes is allowed during times and with methods described by local laws in counties where local laws have established fox trapping seasons even when those seasons fall outside the regular trapping seasons described ~~above~~, in Paragraph (a) of this Rule; and
- ~~(4)(2) Nutria nutria~~ may be trapped east of I-77 at any time.

(b) Feral Swine. There is no closed season for trapping feral ~~swine~~ swine, subject to the following restrictions:

- ~~(1) In~~ in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission is required to trap feral swine. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must acquire the ~~permit~~, permit.
- ~~(2) Feral~~ feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed in a manner such that a non-target animal can be easily released or can escape without harm. The permit number must be displayed on all ~~traps~~, traps; and
- ~~(3) Feral~~ feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.

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~~ 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~~ 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 4~~ 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, ~~ereel~~ creel, and size limits. Seasons, ~~ereel~~ 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~~ SR 1372 bridge to North Fork 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 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~~ 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) Special Regulation Trout Waters are as follows:
Apalachia Reservoir
- ~~(B)~~(C) 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)

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|---|--|
| <p>Green River (Lake Summit powerhouse to game land boundary)
(Big) Hungry River <u>(S.R. 1885 to Green River)</u></p> <p>(12) Jackson County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Flat Creek
Tuckasegee River (upstream from the Clark property)</p> <p>(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])</p> <p>(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</p> <p>(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)</p> <p>(E) Wild Trout Waters/Natural Bait are as follows:</p> | <p>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)</p> <p>(13) Macon County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)</p> <p>(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)</p> <p>(C) Queens Creek Lake
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)</p> <p>(14) Madison County</p> <p>(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.)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Big Laurel Creek (Mars Hill watershed boundary <u>Puncheon Fork</u> to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)</p> |
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- 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~~ (Meadow Fork Campground 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 (East Fork Baptist Church to ~~French Broad~~
- ~~River~~) the downstream S.R. 1107 bridge)
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 the Valle Crucis~~ Crucis Community Park lower boundary)
- (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

- (25) Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (A) Yancey County 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)

- (11) Japanese mysterysnail (Cipangopaludina ~~japonica~~); japonica);
- (12) Chinese mysterysnail (Cipangopaludina chinensis ~~malleata~~); malleata);
- (13) red-rim melania (Melanoides ~~tuberculatus~~); tuberculatus);
- (14) virile crayfish (Orconectes (Gremicambarus) ~~virilis~~); virilis);
- (15) rusty crayfish (Orconectes (Procericambarus) ~~rusticus~~); rusticus);
- (16) Australian red claw crayfish or "red claw" (Cherax quadricarinatus, or other species of "giant" crayfish species in the genus ~~Cherax~~); Cherax);
- (17) white amur or "grass carp" (Ctenopharyngodon ~~idella~~); idella);
- (18) swamp or "rice" eel (Monopterus ~~albus~~); albus);
- (19) red shiner (Cyprinella ~~lutrensis~~); lutrensis);
- (20) zebra mussel (Dreissena ~~polymorpha~~); polymorpha); or
- (21) quagga mussel (Dreissena rostriformis bugensis) or any mussel in the family Dreissenidae.

(b) A person may buy, ~~possess~~ possess, or stock ~~triploid grass carp~~ triploid grass carp, which have been certified to be triploid or sterile, only for the purpose of controlling aquatic vegetation under a permit issued by the Executive Director or his or her designee when the director determines that conditions of such possession or stocking provide minimal probability of escape based on an evaluation of the potential for escapement and threat to sensitive aquatic habitat and that the carp is certified to be sterile by genetic testing at a federal, state, or university laboratory. ~~habitats.~~

(c) It shall be unlawful to transport, possess, or release live river herring, also known as alewife or blueback herring, in the waters of the Little Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

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

15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES

(a) It ~~is~~ shall be unlawful to transport, purchase, possess, sell or stock in the public or private waters of North Carolina any live individuals of:

- (1) ~~piranha~~, piranha;
- (2) "walking catfish" (Clarias ~~batrachus~~); batrachus);
- (3) snakehead fish (from the Family Channidae, formerly ~~Ophiocephalidae~~); Ophiocephalidae);
- (4) black carp (Mylopharyngodon ~~piceus~~); piceus);
- (5) bighead carp (Hypophthalmichthys ~~nobilis~~); nobilis);
- (6) silver carp (Hypophthalmichthys ~~molitrix~~); molitrix);
- (7) rudd (Scardinius ~~erythrophthalmus~~); erythrophthalmus);
- (8) round goby (Neogobius ~~melanostomus~~); melanostomus);
- (9) tubenose goby (Proterorhinus ~~marmoratus~~); marmoratus);
- (10) ruffe (Gymnocephalus ~~cernuus~~); cernuus);

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), (d), and ~~(n)(m)~~ 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), ~~(m)~~, and ~~(n)~~ and (m) of this Rule. There is no closed season, except for waters identified in ~~Paragraphs~~ Paragraph ~~(l)~~ and ~~(n)(m)~~ 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) Lake Sutton in New Hanover County;
- ~~(2)(3)~~ Pungo Lake in Washington and Hyde counties;
- ~~(3)(4)~~ New Lake in Hyde County; and
- ~~(4)(5)~~ Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernon River, and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge). bridge, and all other associated tributaries and canals in these river systems.

(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)(1)~~ 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)(m)~~ In Jean Guite Creek and associated canals within the Town of Southern Shores, Dare County, no Black Bass may be possessed.

~~(o)(n)~~ 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 .0306 CRAPPIE

(a) There is no daily creel limit for Crappie, except for waters identified in Paragraphs (b), (c), (d), ~~and (e)(e), and (f)~~ of this Rule. There is no minimum size limit for these fish, except for waters identified in Paragraphs ~~(d) and (e)-(d), (e), and (f)~~. There is no closed season.

(b) In Buckhorn Reservoir in Wilson and Nash counties, the daily creel limit is 20 fish.

(c) In Lake Chatuge in Clay County, the daily creel limit is 30 fish.

(d) In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:

- ~~(1)~~ B. Everett Jordan Reservoir;
- ~~(2)(1)~~ Roanoke River and its tributaries downstream of Roanoke Rapids dam;
- ~~(3)(2)~~ Cashie River and its tributaries;
- ~~(4)(3)~~ Middle River and its tributaries;
- ~~(5)(4)~~ Eastmost River and its tributaries; and
- ~~(6)(5)~~ Lake Mattamuskeet and associated canals in Hyde County.

(e) In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:

- (1) Pee Dee River from Blewett Falls Dam to the South Carolina state line;
- (2) Badin Lake;
- (3) Falls Lake (Stanly and Montgomery counties);
- (4) Lake Tillery;
- (5) Blewett Falls Lake;
- (6) Lake Norman;
- (7) Lake Hycos;
- (8) Lake Ramseur;
- (9) Cane Creek Lake;
- (10) Lake Hampton (Yadkin County);
- (11) B. Everett Jordan Reservoir;
- ~~(14)(12)~~ Tar River downstream of Tar River Reservoir ~~Dam; Dam and all tributaries;~~
- ~~(12)(13)~~ Neuse River downstream of Falls Lake ~~Dam;~~ Dam and all tributaries;
- ~~(13)(14)~~ Haw River downstream of Jordan Lake ~~Dam;~~ Dam and all tributaries;
- ~~(14)(15)~~ Deep River downstream of Lockville ~~Dam;~~ Dam and all tributaries;
- ~~(15)(16)~~ Cape Fear ~~River;~~ River and all tributaries;
- ~~(16)(17)~~ Waccamaw River downstream of Lake Waccamaw ~~Dam; Dam and all tributaries;~~
- ~~(17)(18)~~ Lumber River including Drowning ~~Creek;~~ Creek and all tributaries;
- ~~(18)(19)~~ all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (d) of this Rule; and
- ~~(19)(20)~~ all public waters west of Interstate 77, except Lake Chatuge.

~~For waters in Subparagraphs (11) through (19), the restrictions apply to all tributaries.~~

(f) In John H. Kerr Reservoir, the daily creel limit is 25 fish and the minimum size limit is nine inches.

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

15A NCAC 10C .0313 SHAD (AMERICAN AND HICKORY)

- (a) The daily creel limit for American and Hickory Shad in the aggregate is 10 fish, only one of which may be an American Shad, except for waters identified in Paragraphs (b), (c) and (d) of this Rule. There is no minimum size limit for these fish. There is no closed season, except for waters identified in Paragraph (e) of this Rule.
- (b) In the inland waters of ~~Roanoke River, Neuse River, the Tar-Pamlico River, Pungo River, Pee Dee River,~~ and their tributaries, the daily creel limit for American and Hickory Shad is 10 in the ~~aggregate, only one of which may be an American Shad aggregate.~~
- (c) In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and Hickory Shad is 10 in the aggregate, only five of which may be American Shad.
- (d) In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no American Shad may be possessed.
- (e) The season for taking American and Hickory Shad with bow nets is March 1 through April 30.

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

15A NCAC 10C .0314 STRIPED BASS

- (a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in Paragraphs (b), (e), (f), (g), (h), (i), and (j) of this Rule. The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. There is no closed season, except for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.
- (b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the minimum size limit is 24 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.
- (c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.
- (d) In Lake Norman, Arrowhead Lake (Anson Co.), High Rock Pond (Caswell Co.), Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.
- (e) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but only two may be greater than 22 inches.
- (f) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the South Carolina state line, the daily creel limit for Striped Bass and its hybrids is three fish in the aggregate, and the minimum size limit is 18 inches.
- (g) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to the first

impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95 not specified in Paragraphs (f), (h), (i), and (j) of this Rule, the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and possessing Striped Bass is closed from May 1 through September 30.

- (h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam, the season for taking and possessing Striped Bass is closed year-round.
- (i) In the inland and joint fishing waters ~~as identified in 15A NCAC 10C .0107(1)(e)~~ of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 10C .0110 and identified in 15A NCAC 10C .0110, which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate, and the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily creel limit. Only one fish larger than 27 inches may be possessed in the daily creel limit.
- (j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), the Striped Bass fishing season, size ~~limits~~ limits, and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (k) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-and-line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

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 (e)~~ Paragraph (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~~

(1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum size limit, but only one may be greater than 14 inches. There is no closed season.

(2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is two fish. 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 or~~ grabbling, line, grabbling, or special device with a special device fishing license.

(b) Nongame fishes may be taken by hook and line or grabbling line, grabbling, or special device with a special device fishing license at any time without restriction as to size limits or creel limits, with the following exceptions: limits, except as designated in this Rule.

(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.~~

(c) Special devices may only be used to take nongame fishes with a special device fishing license in those counties and waters with open season designated in 15A NCAC 10C .0407.

(d) Archery equipment may only be used for the take of catfish on Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.

(e) Set hooks, jug hooks, and trotlines may be used to take nongame fishes as designated in 15A NCAC 10C .0206.

(f) The season for taking nongame fishes by hook and line in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

~~(d)~~(g) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken ~~in~~ in:

- (1) Lake Waccamaw in Columbus ~~County~~ County; and ~~in~~
- (2) 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*).

(h) 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.

(i) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback herring) that are greater than six inches in length, or possess such herring regardless of origin in:

- (1) Roanoke River downstream of Roanoke Rapids Dam;
- (2) Tar River downstream of Rocky Mount Mill Dam;
- (3) Neuse River downstream of Falls Lake Dam;
- (4) Cape Fear River downstream of Buckhorn Dam;
- (5) Pee Dee River downstream of Blewett Falls Dam;
- (6) Lumber River, including Drowning Creek;
- (7) all the tributaries to the rivers listed above; and
- (8) all other inland fishing waters east of I-95.

~~(e)~~(j) 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)~~(k) 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;
- (5) Lake Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Lake Gaston (North Carolina portion); and
- (8) Roanoke Rapids Reservoir.

(l) The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.

~~(g)~~(m) 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.

(n) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Mountain Island Reservoir, and Lake Wylie, except that one fish per day may be taken with archery equipment.

(o) Grass carp shall not be taken or possessed on Lake Norman and the North Carolina portion of John H. Kerr Reservoir, except

for scientific study by permit issued by the Wildlife Resources Commission.

(p) 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.

~~(h)~~(q) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish specified in Paragraphs (h), (i), (k), (m), and (p) of this Rule having a size limit so as to render it ~~impracticable~~ impractical to measure its total original length. No person while fishing shall change the appearance of any nongame fish specified in Paragraphs (g), (h), (j), (k), (l), (m), (n), (o), and (p) of this Rule having a daily creel limit so as to obscure its identification or render it ~~impracticable~~ impractical to count the number of fish in possession.

(r) Nongame fishes taken by hook and line, grabbling, or by special device with a special device fishing license 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.

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, from which all fish and animals are removed daily, and that 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 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:~~ size and creel limits identified in 15A NCAC 10C .0401.

- (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 the following 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;
- (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.

~~(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 blueback).~~

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit identified in 15A NCAC 10C .0401 so as to render it ~~impracticable~~ impractical to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit identified in 15A NCAC 10C .0401 so as to obscure its identification or render it ~~impracticable~~ impractical 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.

15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. The use of special fishing devices, including crab pots in impoundments located entirely on game ~~lands~~ lands, ~~is shall be~~ prohibited. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (1) Alamance:
 - (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
 - (b) July 1 to June 30 with gigs in all public waters;
- (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
- (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;
- (4) Anson:
 - (a) July 1 to June 30 with traps and gigs in all public waters;
 - (b) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;

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| <p>(c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;</p> <p>(5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;</p> <p>(6) Beaufort:</p> <p>(a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters;</p> <p>(7) Bertie:</p> <p>(a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters;</p> <p>(8) Bladen:</p> <p>(a) March 1 to April 30 with bow nets in Black River;</p> <p>(b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;</p> <p>(9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;</p> <p>(10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(11) Burke:</p> <p>(a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;</p> <p>(b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;</p> <p>(12) Cabarrus:</p> <p>(a) July 1 to August 31 with seines in all running public waters,</p> <p>(b) July 1 to June 30 with traps and gigs in all public waters;</p> <p>(13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;</p> <p>(14) Camden:</p> | <p>(a) July 1 to June 30 with traps in all inland public waters;</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters;</p> <p>(15) Carteret: March 1 to April 30 with bow nets in all inland public waters except South River and the tributaries of the White Oak River;</p> <p>(16) Caswell:</p> <p>(a) July 1 to June 30 with gigs in all public waters;</p> <p>(b) July 1 to August 31 with seines in all running public waters, except Moons Creek;</p> <p>(c) July 1 to June 30 with traps in Hyco Reservoir;</p> <p>(17) Catawba:</p> <p>(a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;</p> <p>(b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;</p> <p>(18) Chatham:</p> <p>(a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);</p> <p>(b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;</p> <p>(c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;</p> <p>(19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(20) Chowan:</p> <p>(a) March 1 to April 30 with bow nets in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters;</p> <p>(b) July 1 to June 30 with traps in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters;</p> <p>(21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(22) Cleveland:</p> <p>(a) July 1 to August 31 with seines in all running public waters;</p> <p>(b) July 1 to June 30 with gigs, traps and spear guns in all public waters;</p> <p>(23) Columbus:</p> <p>(a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;</p> <p>(b) March 1 to April 30 with bow nets in Livingston Creek;</p> |
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- (c) July 1 to March 1 with hand-crank electrofishers (local law) in Waccamaw and Lumber rivers;
- (24) Craven:
- (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
- (b) March 1 to April 30 with bow nets in all inland public waters, except Pitch Kettle, Grindle, Slocum (downstream of the US 70 bridge), ~~Spring Spring~~, and Hancock Creeks and their tributaries; and with seines in the Neuse River;
- (25) Currituck:
- (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
- (b) March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (26) Dare:
- (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East ~~Lake Lake~~, and South Lake;
- (b) March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (27) Davidson:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;
- (28) Davie:
- (a) July 1 to June 30 with traps and gigs in all public waters;
- (b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;
- (29) Duplin:
- (a) December 1 to June 5 with seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (b) March 1 to April 30 with bow nets in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (30) Durham:
- (a) July 1 to August 31 with seines in Neuse River;
- (b) July 1 to June 30 with gigs in all public waters;
- (31) Edgecombe: March 1 to April 30 with bow nets in all public waters;
- (32) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- (33) Franklin:
- (a) July 1 to August 31 with seines in Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, ~~Moore's~~ Moore's, and Perry's Ponds, and in the Franklinton City ponds;
- (34) Gaston:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs, ~~traps~~ traps, and spear guns in all public waters;
- (35) Gates: March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (37) Granville:
- (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
- (b) July 1 to August 31 with seines in the Tar River below US 158 bridge;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (38) Greene: March 1 to April 30 with bow nets and reels in Contentnea Creek;
- (39) Guilford:
- (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
- (b) July 1 to June 30 with gigs in all public waters;
- (40) Halifax: March 1 to April 30 with bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- (41) Harnett:
- (a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
- (b) March 1 to April 30 with bow nets in Cape Fear River;
- (42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- (43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

- (44) Hertford: designated public mountain trout waters and Lake James;
- (a) July 1 to June 30 with traps in Wiccacon Creek;
- (b) March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (45) Hyde:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (46) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout Shoals Reservoir and Lake Norman;
- (47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (48) Johnston: March 1 to April 30 with bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River and Swift Creek;
- (49) Jones:
- (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;
- (b) March 1 to April 30 with bow nets in all inland public waters, except the tributaries to the White Oak River;
- (50) Lee:
- (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River;
- (b) July 1 to August 31 with seines in Cape Fear River;
- (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- (51) Lenoir:
- (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
- (b) March 1 to April 30 with ~~30 with~~ 30 with bow nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;
- (52) Lincoln:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with traps, ~~gigs~~ gigs, and spear guns in all public waters;
- (53) McDowell:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
- (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except
- (54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (56) Martin: March 1 to April 30 with bow nets in all inland public waters, ~~excluding~~ except public lakes, ponds, and other impounded waters;
- (57) Mecklenburg:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with traps, ~~gigs~~ gigs, and spear guns in all public waters except Freedom Park Pond and Hornet's Nest Ponds;
- (58) Montgomery:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (59) Moore:
- (a) July 1 to August 31 with seines in all running public waters except in Deep River;
- (b) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- (60) Nash:
- (a) July 1 to June 30 with gigs in all public waters, except Tar River;
- (b) March 1 to April 30 with bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- (61) New Hanover: March 1 to April 30 with ~~30 with~~ 30 with bow nets in all inland public waters, except Sutton (Catfish) Lake;
- (62) Northampton:
- (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
- (b) March 1 to April 30 with ~~30 with~~ 30 with bow nets in Oconeechee Creek, Old River Landing ~~Gut~~ Gut, and Vaughans Creek below Watsons Mill;
- (63) Onslow:
- (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
- (b) August 1 to March 31 with eel pots in the main run of New River between

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| | US 17 bridge and the mouth of Hawkins Creek; | (71) | Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; |
| (c) | March 1 to April 30 with bow nets in the main run of New River and in the main run of the White Oak River; | (72) | Randolph: |
| (d) | March 1 to April 30 with bow nets in Grant's Creek; | (a) | July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River; |
| (64) | Orange: | (b) | July 1 to June 30 with gigs in all public waters; |
| (a) | July 1 to August 31 with seines in Haw River, | (73) | Richmond: |
| (b) | July 1 to June 30 with gigs in all public waters; | (a) | July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle; |
| (65) | Pamlico: March 1 to April 30 with bow nets in all inland public waters, except Dawson Creek; | (b) | July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land; |
| (66) | Pasquotank: | (c) | March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam; |
| (a) | July 1 to June 30 with traps in all inland waters; | (74) | Robeson: December 1 to March 1 with gigs in all inland public waters. |
| (b) | March 1 to April 30 with bow nets in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters; | (75) | Rockingham: |
| (67) | Pender: | (a) | July 1 to August 31 with seines in Dan River and Haw River; |
| (a) | December 1 to June 5 with seines in the main run of Northeast Cape Fear River; | (b) | July 1 to June 30 with traps in Dan River; and with gigs in all public waters; |
| (b) | March 1 to April 30 with bow nets in the Northeast Cape Fear River, Long Creek, Moore's Creek approximately one mile upstream to New Moon Fishing Camp, and Black River; | (76) | Rowan: |
| (c) | July 1 to March 1 with hand-crank electrofishers (local law) in Black River; | (a) | July 1 to August 31 with seines in all running public waters, |
| (68) | Perquimans: | (b) | July 1 to June 30 with traps and gigs in all public waters; |
| (a) | July 1 to June 30 with traps in all inland waters; | (77) | Rutherford: |
| (b) | March 1 to April 30 with bow nets in all inland public waters, excluding <u>except</u> public lakes, ponds, and other impounded waters; | (a) | July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters; |
| (69) | Person: | (b) | July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters; |
| (a) | July 1 to August 31 with seines in Hyco Creek and Mayo Creek; | (78) | Sampson: |
| (b) | July 1 to June 30 with gigs in all public waters. | (a) | March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek; |
| (70) | Pitt: | (b) | July 1 to March 1 with hand-crank electrofishers (local law) in Black River downstream of NC 1105 bridge; |
| (a) | July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee Creek east of Greenville; | (79) | Stanly: |
| (b) | March 1 to April 30 with bow nets in all inland public waters, except Grindle Creek, and Contentnea Creek between NC 118 bridge at Grifton and the Neuse River; | (a) | July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River; |
| (c) | December 1 to June 5 with seines in Tar River; | (b) | July 1 to June 30 with traps and gigs in all public waters; |

- (80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- (81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (84) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernong River and Alligator Creek;
- (b) March 1 to April 30 with bow nets in all inland public waters, ~~excluding except~~ Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds and other impounded waters;
- (85) Union:
- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (86) Vance:
- (a) July 1 to August 31 with seines in the Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (87) Wake:
- (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
- (b) March 1 to April 30 with bow nets in the Neuse River below ~~Milburnie Falls Lake~~ Dam, and Swift Creek below Lake Benson Dam;
- (88) Warren:
- (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; ~~excluding except~~ Duck and Hammes Mill Ponds;
- (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (89) Washington: March 1 to April 30 with bow nets in all inland public waters, ~~excluding except~~ Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds, ~~ponds ponds~~, and other impoundments.
- (90) Wayne: March 1 to April 30 with bow nets in Little River, Mill Creek and Neuse River.
- (91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spear guns in all public waters, except designated public mountain trout waters;
- (92) Wilson:
- (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
- (b) March 1 to April 30 with bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam; and
- (93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

Authority G.S. 113-134; 113-276; 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 on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday 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)~~(g) 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 open day 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.
 - ~~(C) Target Shooting is prohibited.~~
- (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 open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) Target Shooting 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 Thanksgiving Day through the third Saturday after Thanksgiving. Deer of either sex may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. and during the Deer With Visible Antlers Season. Deer with visible antlers may be taken with archery equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the first open Saturday 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 open day of the applicable Deer With Visible Antlers 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~~ the first open day ~~days~~ of the applicable Deer With Visible Antlers ~~Season~~ Season through the first Friday thereafter.
- (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 open day 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 first open day of the applicable Deer With Visible Antlers 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 open day of the applicable Deer With Visible Antlers 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~~ prohibited on the Sand Banks tract in Gates County, 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 first open ~~day~~ Saturday 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.~~ Three Days per Week Area
- (B) Deer hunting is by permit only.
- (C) Wild turkey hunting is by permit only.
- ~~(B)(D)~~ (D) 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)(E)~~ (E) Target shooting is prohibited.
- (26) Dare Game Land in Dare and Hyde counties ~~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 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.
- (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.
- (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.
- (29) Elk Knob Game Land in Watauga 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 through the first Friday thereafter.
- (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 open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) Target Shooting is prohibited.
- (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.
- (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 first open Saturday of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (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 and trapping 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.
- (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

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| <p>(iii) Tuesdays and Saturdays of the applicable waterfowl season.</p> <p>(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.</p> <p>(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.</p> <p>(35) Harris Game Land in Chatham, Harnett, and Wake counties</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.</p> <p>(C) Waterfowl shall be taken only on the following days:</p> <p style="padding-left: 20px;">(i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;</p> <p style="padding-left: 20px;">(ii) Thanksgiving, Christmas, and New Year's Days; and</p> <p style="padding-left: 20px;">(iii) the opening and closing days of the applicable waterfowl seasons.</p> <p>(D) The use or construction of permanent hunting blinds shall be prohibited.</p> <p>(E) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.</p> <p>(F) Target shooting is prohibited.</p> <p>(G) Horseback riding is prohibited.</p> <p>(36) Headwaters State Forest Game Land in Transylvania County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season</p> <p>(37) Hill Farm Game Land in Stokes County- hunting and trapping is by permit only.</p> <p>(38) Holly Shelter Game Land in Pender County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p> <p>(C) Waterfowl may be taken only on the following days:</p> <p style="padding-left: 20px;">(i) the opening and closing days of the applicable waterfowl seasons;</p> <p style="padding-left: 20px;">(ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and</p> | <p>(iii) Tuesdays and Saturdays of the applicable waterfowl seasons.</p> <p>(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.</p> <p>(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.</p> <p>(F) The use of dogs for hunting deer and bear is prohibited:</p> <p style="padding-left: 20px;">(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</p> <p style="padding-left: 20px;">(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.</p> <p>(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.</p> <p>(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.</p> <p>(I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.</p> <p>(J) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.</p> <p>(39) Hyco Game land in Person County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer</p> |
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- (40) With Visible Antlers Season through the second Friday thereafter.
(C) Target shooting is prohibited.
J. Morgan Futch Game Land in Tyrrell County - Permit Only Area.
- (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.
(E) Camping and the presence of campers and tents in designated Hunter Camping Areas is limited to August 31 through the last day of February and March 31 through May 14.
- (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.
- (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.
- (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.
- (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.
- (46) Lee Game Land in Lee 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 through the second Friday thereafter.
(C) Target shooting is prohibited.
- (47) Light Ground Pocosin Game Land in Pamlico County
(A) Six Days per Week Area

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| <p>(B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.</p> <p>(48) Linwood Game Land in Davidson County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all of the open days of the applicable Deer With Visible Antlers Season.</p> <p>(49) Lower Fishing Creek Game Land in Edgecombe and Halifax counties</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.</p> <p>(C) Horseback riding is prohibited.</p> <p>(D) The use of dogs for hunting deer is prohibited.</p> <p>(F) <u>Target Shooting is prohibited.</u></p> <p>(50) Mayo Game Land in Person County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.</p> <p>(C) Waterfowl shall be taken only on:</p> <p style="padding-left: 40px;">(i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;</p> <p style="padding-left: 40px;">(ii) Christmas and New Year's Days; and</p> <p style="padding-left: 40px;">(iii) the opening and closing days of the applicable waterfowl seasons.</p> <p>(D) Target shooting is prohibited.</p> <p>(51) Mitchell River Game Land in Surry County</p> <p>(A) Three Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.</p> <p>(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.</p> <p>(52) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.</p> <p>(53) Needmore Game Land in Macon and Swain counties.</p> <p>(A) Six Days per Week Area</p> | <p>(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.</p> <p>(C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.</p> <p>(54) Neuse River Game Land in Craven County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p> <p>(C) <u>Camping is allowed any time within 100 yards of the Neuse River on that portion of the game land that lies west of NC-43.</u></p> <p>(55) New Lake Game Land in Hyde and Tyrrell counties</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p> <p>(56) Nicholson Creek Game Land in Hoke County</p> <p>(A) Three Days per Week Area</p> <p>(B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 through the Friday before Thanksgiving Day.</p> <p>(C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the Saturday before Thanksgiving Day through the Wednesday thereafter.</p> <p>(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 Day.</p> <p>(E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.</p> <p>(F) The use of dogs for hunting deer is prohibited.</p> <p>(G) Wild turkey hunting is by permit only.</p> <p>(H) On Lake Upchurch, the following activities are prohibited:</p> <p style="padding-left: 40px;">(i) Operating any vessel or vehicle powered by an internal combustion engine; and</p> <p style="padding-left: 40px;">(ii) Swimming.</p> <p>(I) Target shooting is prohibited.</p> <p>(57) North River Game Land in Camden and Currituck counties</p> <p>(A) Six Days per Week Area</p> |
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- (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.
- (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.
- (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 open day 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.
- (60) Perkins Game Land in Davie County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited from November 1 through January 1.
 - (D) Target Shooting is prohibited.
- (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 first open Saturday 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).
- (62) Pond Mountain Game Land in Ashe 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 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.
- (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.
- (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 first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Bear hunting is prohibited.
- (65) Rhodes Pond Game Land in Cumberland and Harnett counties
 - (A) Hunting is by permit only.
 - (B) Swimming is prohibited on the area.
- (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.
 - (D) Target Shooting is prohibited.
- (67) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (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.
- (69) Rockfish Creek Game Land in Hoke County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving Day.

- (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the fourth Saturday before Thanksgiving Day through the 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 Day.
- (E) Deer of either sex may be taken the 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) Taking fox squirrels is prohibited.
- (I) Target shooting is prohibited.
- (70) Rocky Run Game Land in Onslow County - Hunting is by permit only.
- (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.
- (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 of either-sex may be taken with archery equipment on all the open days of the archery season through the fourth Friday before Thanksgiving Day; with blackpowder firearms and archery equipment all the open days of the blackpowder firearms season through the third Wednesday before Thanksgiving Day; and only deer with visible antlers may be taken with all legal weapons from the second Saturday before Thanksgiving Day through the Saturday following 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 Day through the Saturday following Thanksgiving Day;
- (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day through the Saturday following 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 Day except on the J. Robert Gordon Field Trial Grounds.
- (D) The archery season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Deer may be taken with archery equipment on all open hunting days during the 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 Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. 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) Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless participating in authorized field trials.
- (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.
- (K) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- (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 open day 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) Target Shooting is prohibited.
- (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 first open Saturday 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.
- (75) Second Creek Game Land in Rowan County- hunting is by permit only.
- (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 open day 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.
 - (E) Target Shooting is prohibited.
- (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 for deer consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. Deer of either sex may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. ~~and during the Deer With Visible Antlers Season.~~ Deer with visible antlers may be taken with archery equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
 - (C) Deer of either sex may be taken the first open Saturday 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.
- (78) Stones Creek Game Land in Onslow 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 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.
- (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).
- (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 first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Target shooting is prohibited.
- (81) Tar River Game Land in Edgecombe County – ~~hunting is by permit only.~~
- (A) Hunting is by permit only.
- (B) Target Shooting is prohibited.
- (82) Texas Plantation Game Land in Tyrrell County - hunting is by permit only.
- (83) Three Top Mountain Game Land in Ashe 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 through the first Friday thereafter.
- (C) Horseback riding is prohibited.
- (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 open day 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.
- (85) Tillery game Land in Halifax 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 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.
- (F) Target Shooting is prohibited.
- (86) Toxaway Game Land in Jackson and Transylvania counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open Saturday 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.
- (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 open day 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.
 - (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.
 - (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.
 - (90) Voice of America Game Land in Beaufort County ~~—hunting and trapping is by permit only.~~
 - (A) Hunting and trapping is by permit only.
 - (B) Target Shooting is prohibited.
 - (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.
 - (G) Target Shooting is prohibited.
 - (92) Whitehall Plantation Game Land in Bladen County and Pender 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) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Long Ridge Tract.
 - (93) William H. Silver Game Land in Haywood County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- ~~+~~(h) 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.
- ~~+~~(i) 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)(j)~~ 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.

~~(k)(k)~~ 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)(l)~~ 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.

~~(m)(m)~~ 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.

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

~~(o)(o)~~ When waterfowl hunting is ~~specifically permitted~~ authorized 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 .0106 BEAR SANCTUARIES

(a) It shall be unlawful to take bear on posted bear sanctuaries as set forth in Paragraph (b) of this Rule, except when authorized by permit issued by the Commission on sanctuaries specified in Paragraph (c) of this Rule.

(b) The following shall be posted bear sanctuaries:

Bachelor Bay bear sanctuary – Bertie and Washington counties
Columbus County bear sanctuary – Brunswick and Columbus counties
Croatan bear sanctuary – Carteret, Craven, and Jones counties
Daniel Boone bear sanctuary – Avery, Burke, and Caldwell counties
Dare bear sanctuary – Dare and Hyde counties
Fires Creek bear sanctuary – Clay County
Flat Top bear sanctuary – Mitchell and Yancey counties
Green Swamp bear sanctuary – Brunswick County
Gull Rock bear sanctuary – Hyde County
Harmon Den bear sanctuary – Haywood County

Juniper Creek bear sanctuary – Brunswick and Columbus counties

Mt. Mitchell bear sanctuary – McDowell and Yancey counties

North River bear sanctuary – Camden and Currituck counties

Panther town – Bonas Defeat bear sanctuary – Jackson County

Pisgah Bear Sanctuary – Buncombe, Haywood, Henderson and Transylvania

Pungo River bear sanctuary – Hyde County

Rich Mountain bear sanctuary – Madison County

Sherwood bear sanctuary – Haywood County

Suggs Mill Pond bear sanctuary – Bladen and Cumberland counties

Standing Indian bear sanctuary – Macon County

Thurmond Chatham bear sanctuary – Allegheny and Wilkes counties

Wayah bear sanctuary – Macon County

(c) It shall be lawful to take bear on the following sanctuaries when authorized by permit issued by the Commission:

Daniel Boone bear sanctuary – Avery, Burke, and Caldwell counties

Dare bear sanctuary – Dare and Hyde counties

Mt. Mitchell bear sanctuary – McDowell and Yancey counties

(d) Feral Swine shall not be taken with the use of dogs on bear sanctuaries.

(e) Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries located in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

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

SUBCHAPTER 10E - FISHING AND BOATING ACCESS AREAS

15A NCAC 10E .0104 USE OF AREAS REGULATED

(a) No person shall leave any vehicle, boat trailer or other obstruction on any public fishing or boating access area in such a location, position or condition that it will prevent or impede the use by other persons of any ramp or other facility constructed for the purpose of launching or landing boats or fishing. No person shall leave parked any vehicle, boat, boat trailer or other object at any place on any public fishing or boating access area other than on such place or zone as is designated as an authorized parking zone and posted or marked as such.

(b) No person shall possess a loaded firearm on any public fishing or boating access area, except that a handgun may be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. The permission to carry a handgun does not apply to access areas on the following game lands:

- (1) Bladen Lakes State Forest
- (2) Buckhorn

- (3) Butner-Falls of Neuse
- (4) Chatham
- (5) DuPont State Forest
- (6) Harris
- (7) Hyco
- (8) Jordan
- (9) Kerr Scott
- (10) Lee
- (11) Mayo
- (12) Pee Dee River north of U.S 74
- (13) Sutton Lake
- (14) Vance
- (15) the portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119

No person shall operate a vehicle on any public fishing or boating access area in a manner so as to endanger life or property.

(c) No person, when using any public fishing or boating access area, shall deposit any debris or refuse anywhere on the grounds of the area. No person, when using any public fishing or boating access area, shall do any act which is prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use of the area. At any time when all designated parking zones on any public fishing or boating access area are full, any person may enter and use such facilities, provided such person makes other arrangements for parking and violates none of the provisions of this Rule or the signs or markings made or posted pursuant hereto.

(d) No person shall operate a motorboat in the public waters of North Carolina within 50 yards of a Commission-owned or managed boat launching ramp at greater than "no wake" speed. For the purpose of this Rule, "no wake" speed means idling speed or a slow speed creating no appreciable wake.

(e) Except where facilities are provided, it is unlawful to use any boating access area for purposes other than the launching of boats and parking vehicles and boat trailers. All other uses—including swimming, skiing, camping, building fires, operating concessions or other activities not directly involved with launching of boats—are prohibited, except that those activities including fish weigh-ins and for which a permit has been issued may be conducted, provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is taking place.

(f) Except where facilities are provided and approved uses are posted, it is unlawful to use any public fishing area for purposes other than fishing. All prohibited uses and activities shall be posted including possession of loaded firearms (except as allowed in Paragraph (b) of this Rule), swimming, launching or mooring jet skis or boats, skiing, building fires, operating concessions, or other activities not directly associated with fishing.

(g) It is unlawful to feed or release animals or birds, domesticated animals and feral animals on public fishing or boating access areas without prior written authorization of the Wildlife Resources Commission. Written authorization will only be granted to persons acting on behalf of the Commission, to persons conducting scientific investigations or surveys, and for release of rehabilitated wildlife. Written authorization will not be granted for any feeding or release that is inimical to the conservation of native wildlife resources. For the purpose of enforcing this Paragraph, "domesticated animals" does not include pets under

the control of the owner and raptors or hunting dogs where otherwise permitted for hunting or training purposes.

(h) The use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing Area in Edgecombe County is prohibited.

Authority G.S. 75A-14; 113-134; 113-264.

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to adopt the rules cited as 15A NCAC 18C .0503, amend rules cited as 15A NCAC 18C .0703, .0904, .1508, .1509, .1511, .1512, .1519, .1525, .1532, .1535, .1537, .1538, .1804, .2001, .2002, .2005, .2008, repeal the rule cited as 15A NCAC 18C .0715, readopt with substantive changes the rules cited as 15A NCAC 18C .0102, .0202, .0203, .0305, .0307, .0402-.0406, .0408, .0409, .0601, .0707, .0711, .0713, .0714, .0906, .1002-1004, .1406, .1507, .1515, .1516, .1523, .1524, .1527-.1529 and readopt without substantive changes the rules cited as 15A NCAC 18C .0706, .0708, and .0803.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <https://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://deq.nc.gov/permits-regulations/rules-regulations>

Proposed Effective Date: April 1, 2019

Public Hearing:

Date: January 15, 2019

Time: 10:00 a.m.

Location: 512 N Salisbury St., Archdale Building, Ground floor hearing room, Raleigh, NC 27604

Reason for Proposed Action:

15A NCAC 18C .0102

No substantive change. Definitions were updated to fit the rules. Correct (b) to adopt only what is not in statute or federally defined. Use AWWA M-14 Backflow Prevention and Cross Connection Control for backflow-prevention related definitions.

(b)(1) and (c)(7) - "Disinfection" is federally defined, and no alternate state-specific definition is needed or appropriate.

(b)(1)-(5) - "Contaminant", "Maximum contaminant level", "Person", "Public Water System", and "Supplier of Water" "are defined in statute and are therefore not in rule.

Note: "Department" does not need a definition in this section because it is also defined in statute.

(c)(2) - Removes the definition of air gap from the definition of cross-connection and parallels the language in AWWA M-14.

(c)(3), (4), (12), and (13) - "Backflow", "backflow preventer", "high health hazard" and "low health hazard" are from AWWA M-14 and are needed for Rule .0406.

(c)(8) - “Cross-connection” definition is adjusted to reflect the air gap definition in (c)(2).

(c)(11) - “Fecal coliform” definition is corrected in that *E.coli* are one type of fecal coliforms, as opposed to fecal coliforms being a type of *E.coli*.

(c)(17) - “Non-regulated public water system” is defined for its relevance in Rule .0406, where cross-connection control approved by the department is required for provision of water by a supplier of water to a customer who in turn serves 15 or more connections or 25 or more individuals, and thereby meets the statutory definition of a public water system, but who also meets the statutory criteria for exclusions for regulation in G.S. 130A-314. The definition is created to simplify the language for this type of situation in Rule .0406.

(c)(21) - “Service connection” is amended to include the point at which the ownership changes from the supplier of water to the customer for metered and unmetered service. This change was requested by stakeholders.

15A NCAC 18C .0202

The physical watershed survey to identify potential sources of pollution has been replaced for many years by the availability of Source Water Assessment Plans created and updated by the Department and available to all suppliers of water listing all known sources of pollution in the watershed, as a more comprehensive analysis including unseen sources of pollution. The source protection text being deleted in this rule has been logically replaced by the more detailed requirement in G.S. 130A-320(c) for each supplier of water treating raw surface water to create and implement a source protection plan to respond to the known sources of pollution. Source water protection planning rules will be included in this Subchapter as Rule .1305 and are ahead of this rule set in the rule development process. Aligning these two rules is required to avoid unnecessary duplication.

Section .0400 contains details on how the source availability relates to demand places and the non-specific, deleted sentence on the capacity of the sources is unnecessary in this rule.

15A NCAC 18C .0203

(a)(2)(L) - Includes a provision for a new 650 ft separation from fracking operations. This separation was chosen to be consistent with the setback in the fracking rules: 15A NCAC 05H .1601 SETBACK DISTANCES.

(a)(2)(M) – Includes a new clarification that backup generators and fuel needed to supply power to a well may by necessity be stored onsite during the time that the well needs the generator to function.

(a)(3) - Specifically allows permanent fuel storage on a well site for critical emergencies with secondary containment.

(a)(5) – Revising rule language from “not subject to flooding” to “have a greater than 1 percent annual chance of flooding”. Risk of flooding is corrected from the lot to the well. This change will provide more clarity as to how the rule is applied and will limit consideration of sites which are not approvable.

(a)(6) – Deleting text regarding temporary use means that the State can approve a permanent variance. As the paragraph only applies when no other approvable source can be identified, the ability to use the source permanently is needed. Allowing reduced separation distances increases the risk of contamination of the

well, therefore the ability to mitigate the increased risk by increasing monitoring for contaminants that are now more proximate to the well is needed. Other than the ability to approve permanently, the text changes match current implementation.

15A NCAC 18C .0305

(a) - Amended to address stakeholder request to make Authorizations to Construct valid for 36 months from the date of the letter. Extensions are routinely requested and granted, and this should reduce burden on the applicants and the state. After 16 years of implementation, no negative impacts are anticipated. In addition, having the Authorization to Construct available for review during construction was the intent, not that it posted before construction (when there may be nowhere to post), and then potentially removed.

(c) – Clarifying change to reference the rule section that allows local governments to adopt a local plan approval program for system extensions and other small changes to make current language more uniform. In (7), clarification was added that the annual submittal to the state of projects the supplier of water had approved under their delegated authority is submitted for information and not, in fact, approval.

15A NCAC 18C .0307

(c)(2)(D) – Sentence restructured to address existing lack of needed punctuation.

(c)(6) – The reference to Rule .1526 is deleted, as references to keeping and compiling records are throughout the Subchapter.

(c)(7)(C) is added to simplify the financial plans required to obtain plan approval for existing, compliant non-transient non-community water systems. Minimizing the detail of the updated financial plan to cover only the anticipated impact of the project on the ability to finance compliance with the Subchapter should streamline the process without compromising capacity development review.

(c)(7)(D) – Typographical corrections and clarifying language suggested by stakeholders.

(e) – Since the rule was adopted, there has been great national standardization for emergency response within the National Incident Management System (NIMS). This rule does not require that the Emergency Management Plan actually follow NIMS, as it may not be appropriate for all systems, however, if a different model is used, a decision is made that the national model is not appropriate.

(e)(2) - The requirements for Source Water Protection Plans required in accordance with G.S. 130A-320 are in the rulemaking process under new Rule .1305. The requirements for community public water systems listed in (e)(1) have been incorporated into Rule .1305 and therefore its redundancy with (e) is being eliminated. Rule .1305 is ahead of this rules package.

15A NCAC 18C .0402

Minor technical changes.

(g)(3) – Fix language inconsistency between this rule and the referenced .0409.

15A NCAC 18C .0403

~~(b)~~ – Removed and relocated to .0601, as the two sections covered off stream pre-settling reservoirs. Paragraphs are re-lettered.

15A NCAC 18C .0404

This rule was opened to address an obsolete rule citation in former (k).

(c)(1) - Fix punctuation.

(e) - Deleted, as OSHA covers health and safety for confined spaces.

(j) - Deleted as state building codes cover restroom facilities for staffed facilities. Water treatment facilities for a well are neither staffed, nor permitted to have restroom facilities on the well lot.

(i)(2)(C) – Obsolete regulatory reference has been deleted and text corrected to maintain the purpose and intent.

15A NCAC 18C .0405

Fix typos and standardize language.

(a)(6) and (b)(4) - Clarify that the drain valves must not only be installed, but must be capable of draining.

(b)(1) - Update references

(b)(3) - Short circuiting or dead zones in storage tanks leads to bacterial growth and disinfection byproduct formation. Either problem can decrease the safety of the water provided to consumers. The state of practice currently includes at a minimum separate inlets and outlets, but this change will ensure analysis is presented on the initial submittal to reduce the number of comments and response.

(c)(5) - 13 NCAC 13 covers construction and inspection requirements of the N.C. Dept. of Labor and the text has been corrected to reflect this.

15A NCAC 18C .0406

.0406(b) - Substantial rewording to what has been a confusing rule for the regulated community. The changes are designed to more explicitly explain what potential cross connections require state review, and their requirements. The implementation of the state plumbing code at the local level is the primary means by which backflow prevention is regulated. The revised rule defers to AWWA Manual of Supply Practices: M-14 recommended Practice for Backflow Prevention and Cross-Connection Control (M-14) for any situations where backflow prevention assemblies in a building under the plumbing code do not provide protection to the water system. The supplier of water has the responsibility to ensure that its distribution system is protected from the hazards that may be created if allowing a cross connection.

(a) – Updates text to the current and appropriate standards. Disallows the use of new asbestos cement pipe due to asbestos concerns.

(b) – With so many editing changes and text relocations, to aid with review, the entire section is stricken and the entirety of the amended text is added. (b) provides the introductory requirement from which the rest of Paragraph (b) follows. The second sentence is verbatim from stricken .0406(b)(2).

(1) – The North Carolina Plumbing Code has requirements designed to protect the building from cross connections between hazards and the consumers of water. The placement of the backflow prevention assembly for compliance with the NC Plumbing Code will protect both the consumers of water as well as the distribution system of the supplier of water. Review for plumbing code compliance is handled outside of DEQ and does not need duplicative DEQ review. This is consistent with current paragraph (b)(1).

(2) – Clarifies the types of connections that require Departmental review, as the existing rule language is confusing. The focus of state review is on connections where there is another source of supply or large service area. A non-public community water system is defined in Rule .0102. This clarification is consistent with current practice, except AWWA-M14 was not explicitly allowed in lieu of case-specific state review. This clarifies portions of current paragraphs (b)(1), (2), (3) and (4).

(3) – This section covers both the standards applicable to situations where the plumbing code does not apply, as well as cross connection situations needing backflow prevention but where state review is not needed. The current rules were not sufficiently explicit for situations that are not covered by the plumbing code, but are handled as part of typical daily management of the distribution system and do not require Departmental review. This part clarifies and includes portions of paragraphs (b)(3) and (7).

(3)(A) – Specifies the standards that backflow prevention assemblies must meet.

(3)(B) – Specifies the standards which must be followed for installation. Several AWWA and ASSE standards are given, which apply to different types of backflow prevention assemblies. The supplier of water must follow the appropriate standard that corresponds to the backflow prevention assembly they are installing.

(3)(C) – Covers hazards related to the water treatment process. The supplier of water must ensure that the appropriate assembly is provided in accordance with AWWA M-14.

(3)(D) – This paragraph is similar in wording and unchanged in intent from the existing rule in .0406(b)(7)

(3)(E) – This paragraph is similar in wording and unchanged in intent from the existing rule in .0406(b)(3) except that installation requirements have been relocated to (3)(F).

(3)(F) – Covers installation, taking some language that was included in the prior rule and in Appendix B, and centralizing.

(3)(G) – Covers installation, incorporating Appendix B, Figure 2, and adding the flexibility of using pressure vacuum breaker assemblies, as allowable for backsiphonage-only situations.

(4) – Specifies that no connections shall be made to a distribution system without the approval and authorization of the supplier of water. The supplier of water cannot protect against cross connections if connections are made without their knowledge and consent. From former (b)(4).

(5) – A new section on record-keeping ensures that the work that is done to protect the distribution system from cross connections on an ongoing basis is documented. Record-keeping requirements apply to any supplier of water that has five or more testable assemblies required by the rule, regardless of the ownership or control of each assembly, for any activity listed which the supplier of water performs. If the activity is not performed, the supplier of water shall document that fact within their record-keeping. Record-keeping requirements include documenting implementation aspects of a cross connection control program.

(6) – A new requirement for the supplier of water to alert the state if there is a known backflow incident into the public water system, and to prepare a report for the state about the incident if requested. This notification has typically occurred, but as backflow has the potential to cause serious harm to the consuming

public, it is important for the state to be aware, in case additional public notifications are deemed warranted.

15A NCAC 18C .0408

Amends the definition of “lead free” to match the new federal definition that took effect January 4, 2014. The federal definition is currently in effect and legally applicable. Fixtures may not be sold for drinking water use which do not meet this criterion. The state rule is being updated to match the federal definition.

15A NCAC 18C .0409

Changes to this section explicitly include the criteria needed to request a variance from the Rule that has been done historically under Rule .0502 on a case-by-case basis, thereby streamlining the permitting process, and making the availability of a variance process clearer to all.

(b)(2) - Changed wording to address inconsistent terminology between the text and the Table and allows the calculation to be used for systems with only one type of service connection without extra work to request the flexibilities of current Rule .0502.

(c) - Clarifies that Table 1 is not intended for residential connections with in-ground irrigation systems or multifamily resort homes, and alerts design engineers to ensure that flows are sufficient for the intended connections. There have been several instances where resort rental homes or homes with in-ground irrigation have caused serious pressure problems for a system when the flow rates were calculated only using Table 1. Such problems are much more difficult and expensive to address later.

(d) - Clarifies existing procedures which allows a supplier of water to recalculate demands and recover yield for additional development once sufficient data on the actual demands is on hand to update the calculations with site-specific data.

(e) - Rule allows suppliers of water to use low flow fixtures or other flow reduction technologies to calculate more efficient water use than given in Table 1, if designed and sealed by a PE. This change was required in accordance with 2017 Regulatory Reform Bill (Session Law 2017-10 – Senate Bill 131). The requirement of the paragraph is substantively identical, however, the language has been simplified from what was in the bill, as there were unclarified redundancies which would have been difficult for the regulated community to follow. Session Law 2018-34 also directed changes be made to accommodate lower flow fixtures in new construction.

15A NCAC 18C .0503

Rule .0715 has been deleted and the text relocated to new Rule .0503, including updated citations for the referenced standards. By changing the applicability of the rule language from the .0700 Section to the overall Supplemental Criteria, the regulated community may use the familiar and nationally accepted AWWA and 10 States’ Standards for infrastructure design for other sections of the rules than just those in Section .0700. The new wording also allows use of these national standards in lieu of the specific state standard, and not only when state standards do not exist. This rule change is paired with the repeal of Rule .0715. Design engineers always could propose the use of alternate standards under Rule .0502, but this change makes that availability clearer to the regulated community.

15A NCAC 18C .0601

(a) - Relocated from .0403 to have all the rules related to pre-settling reservoirs in one place. Redundancy is removed.

(b) - Added to allow for the consideration of engineered solution alternatives to pre-treatment reservoirs.

(c) – Allows a supplier of water who is increasing the treatment capacity at an existing treatment facility to demonstrate the ability of the treatment facility to treat the water effectively without a corresponding increase to the size of the pre-settling reservoir.

15A NCAC 18C .0703

Because design consistent with 10 States Standards is explicitly allowed, the theoretical detention period is relaxed slightly for consistency. These flexibilities have been permitted under Rule .0502, but this explicit addition makes it clearer to the regulated community.

15A NCAC 18C .0706

Rule was opened to allow for public comment. No change is made to the rule. To address any concerns regarding allowed use of new technologies, Rule .0503 has been added (primarily from previous Rule .0715), in combination with Rule .0502, to clarify the availability of flexibility.

15A NCAC 18C .0707

(b) and (c) - Amended for consistency with 10 States Standards: the weir loading rate is relaxed slightly for consistency and the exclusion for WS-IV in Rule .0711 is removed. These flexibilities have been permitted under Rule .0502, but this explicit addition makes it clearer to the regulated community.

15A NCAC 18C .0708

Rule was opened to allow for public comment. No substantive change is made to the rule. To address any concerns regarding allowed use of new technologies, Rule .0502 currently exists, and Rule .0503 has been added to clarify the availability of flexibility.

15A NCAC 18C .0711

(1) - Amended consistent with the changes in Rule .0202, whereby statutorily mandated source water protection planning under proposed Rule .1305 for surface waters is required, and eliminates the need for additional sanitary survey of the watershed. Reference is made to the proposed Rule .1305, which is being adopted pursuant to G.S. 130A-320.

To address any concerns regarding allowed use of new technologies, Rule .0502 exists and Rule .0503 has been added to clarify the availability of flexibility.

15A NCAC 18C .0713

This rule removes the prohibition against use of pressure filters in treating surface water, and instead allows pressure filters in treatment of surface waters following coagulation and flocculation. Membranes have become a proven technology since the rule was passed in 1994 and have already been approved under the general flexibility of Rule .0502 and Rule .0715.

15A NCAC 18C .0714

Changed to reflect compliance data that are needed to conclude the treatment meets regulatory criteria.

(c) *The rule is updated to reference all the removal and removal/inactivation criteria necessary for compliance under Section .2000. The change maintains the concept that the purpose of a pilot study is to ensure that the plant is capable of meeting all the established regulatory performance criteria for surface water treatment.*

(e) *Rule .1507 requires a study be conducted when changing source or treatment to determine if adjustment to the corrosion control strategy is warranted. This paragraph ensures the regulated community is aware of the provision and that the pilot study will yield the complete data set necessary for final determination.*

15A NCAC 18C .0715

This rule is deleted and the text is relocated to a new .0503 rule.

15A NCAC 18C .0803

No change proposed. Rule was opened for public review.

15A NCAC 18C .0904

Changes to this section explicitly include the criteria needed to request a variance from the Rule that has been done historically under Rule .0502 on a case-by-case basis, thereby streamlining the permitting process, and making the availability of a variance process known to all.

(a) - *Adds a provision to allow engineering solutions to be applied for a deviation from the requirement to maintain 30 inches of cover. This will allow additional flexibility when 30 inches of cover is not possible but an engineering solution is available. Such deviations have been approvable on a case-by-case basis under .0502, however explicit rule language clarifies the requirement and availability of such deviation.*

(b) *Ensures that 12 inches of separation in all directions from other utilities is maintained around the water pipe such that the other utilities can be accessed and maintained without causing damage or disruption to the water line. This is what is currently included in Standard Specifications*

(c) - *Specifies the data and criteria that must be submitted to justify a deviation.*

15A NCAC 18C .0906

Changes to this section explicitly include the criteria needed to request a variance from the Rule that has been done historically under Rule .0502 on a case-by-case basis, thereby streamlining the permitting process, and making the availability of a variance process known to all.

(a) – *Defines sewer to exclude reclaimed water lines and storm sewers from the definition of sewer, and clarify the applicability of the sewer separations.*

(c) – *Paragraphs (b) and (c) have been replaced with new Paragraph (c) for crossings. The requirement for crossings is streamlined and the requirement to center ferrous material sewer pipes at the crossing has been removed, as it predates widespread and acceptable use of plastic pipe. The requirement now contains an 18-inch pipe separation and a centering of the water pipe across the sewer. Water systems have often requested and been granted such deviation historically. This change formalizes what has been common practice.*

(d)- *Storm sewer pipes are separated from the definition of “sewer” and are subject to requirements for ground cover and protective radius for water lines from other utilities as covered in Rule .0904. Storm drainage pipes are not seen as fundamentally riskier than drainage ditches which are prevalent in road rights-of-way, where water pipes are typically located.*

(e) – *Reclaimed water distribution lines are separated from the definition of “sewer”. Standard separation distances are specified, consistent with prior regulation. The language from the reclaimed water rules is paralleled for when separation can't be maintained. Paragraph (f) is available for special conditions.*

(f) – *This Paragraph allows the engineer to demonstrate how they have used alternative design/ construction criteria to protect public health when separation distances cannot be maintained. Separation distances under the current rule have been very difficult to obtain in some instances and deviations have commonly been sought and granted under the authority of Rule .0502. The new language is designed to simplify the rule in accordance with typical deviations granted and explicitly address the applicability of storm sewers and reclaimed water lines to separation requirements.*

15A NCAC 18C .1002

Provides additional clarity regarding how to disinfect wells, while lowering the amount of chlorine needed to adequately disinfect a well. Reducing chlorine levels to only what is needed for disinfection will result in less highly chlorinated water needing disposal. Revised text references standards which will help keep the rule up-to-date. Maintaining records for three years will allow state inspectors to review materials during routine inspections.

15A NCAC 18C .1003

Reducing chlorine levels to only what is needed for disinfection when water in tanks and pipes could have been exposed to pathogenic organisms will result in less highly chlorinated water needing disposal. The new rule matches and uses by reference national American Water Works Association standards. Reference to the AWWA standards will keep the rule up-to-date. Maintaining records for three years will allow state inspectors to review materials during routine inspections.

15A NCAC 18C .1004

The new rule matches and uses by reference national American Water Works Association standards. Reference to the AWWA standards will keep the rule up-to-date. Plants disinfect and filter to waste now, and the AWWA standard provides additional flexibility. The new language includes not just filters, which often cannot be disinfected without negatively affecting the filter media, but ensures that anytime activity is undertaken which may allow the introduction of pathogens into the treatment works, proper disinfection occurs. Maintaining records for three years will allow state inspectors to review materials during routine inspections.

15A NCAC 18C .1406

Stakeholders have requested monthly reporting and reduction in the current rule requirement of 1.0 mg/l of fluoride to match CDC guidance. The prior rule left uncertainly as to what decisions the

state might make. This rule addresses the uncertainty by outlining the typical decisions. It also allows other certified labs to be used if the supplier of water so chooses.

(a) Rule changes accommodate the CDC conclusions regarding safe fluoride levels in drinking water by reducing the target amount from 1.0 mg/l to 0.7 mg/l. As it is extremely difficult to maintain exact and unchanging levels of any feed chemical, a small allowable operational range is added, consistent with CDC recommendations. DEQ allowed the dose reduction to the new recommended level by formal policy when CDC initially released their conclusions.

(c) Where the prior rule was non-specific as to the actual sampling requirements, and left the requirement to state decision-making, this rule details the sampling requirements. These criteria reflect practice, but provide the regulated community with clarity and specificity regarding the requirement.

(c)(2) Current rules require split sampling even when the system uses a certified lab to analyze the samples. This requirement is deleted. In addition, the change allows a system needing to perform split sampling to use any certified lab of their choice, and not only the State Lab.

(c)(3) Historically, some distribution system monitoring was required. Fluoride is often used in tracer studies because of the consistency of the readings in the system. Thus, distribution system monitoring to ensure the operating range is maintained is only indicated where the entry point samples would not be reflective of the fluoride levels in the distribution system.

(c)(4) An annual raw water sample is included as recommended by the CDC to help ensure that informed decisions on dosing are made.

(c)(5) The intent of split sampling is to ensure that the field test methods are reading accurately by comparing against certified lab results. If the field results are inaccurate, the water system must investigate and come to resolution.

(e) This change allows most the reporting to be done monthly within the eMOR (electronic monthly reporting) instead of weekly by paper, and should greatly simplify reporting. As with all sampling in 18C, sampling required to be reported by certified labs must be submitted by the laboratory.

(f) To ensure proper response to a fluoride overfeed, which creates acute health concern, the rule adds a requirement for reporting of elevated levels to the state within 24 hours instead of the 48 hours otherwise required.

(h) This paragraph adds a new requirement to provide notification regarding the decision to stop feeding fluoride in the same manner notification was provided to initiate the fluoride addition. It is important that the public health community is aware of the status of fluoride feed for all public water systems so they can respond appropriately to the change.

15A NCAC 18C .1507

(a) - This paragraph has been revised to address a perceived lack of clarity on how a pH of 6.5 in this rule and a pH of 7.0 in federal Subpart I relate. EPA has requested this clarifying change.

(d) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1508

(b) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1509

(a), (b), (d) - Replaces rule text with adoption by reference of the federal rule, which is substantively identical.

(c) Renumbered to (b).

(e) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1511

(b) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1512

(b) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1515

Text is revised to match the federal rule, which does not require 3 additional samples. Program review has showed the state has been following federal rule implementation, and has not been requiring 3 samples, with no known detriment.

(b) - Rule .1517 no longer exists and its reference has been deleted. Reporting in Paragraph (b) refers to results for the list of analytes in Paragraph (a)

15A NCAC 18C .1516

(a) and (b) - Text is revised to update the citation to match the federal rule. 40 C.F.R 141.40(n)(10) no longer exists and its reference is deleted. EPA has historically implemented the Unregulated Contaminant Monitoring Rule, and therefore the requirements to the public water systems have matched the current federal regulations.

(c) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1519

The current rule both defines the federal rule by reference in (a), but also describes the federal rule in text in (c). That redundancy is removed. Dates specified in the federal rule were for initial rule implementation, which is long since passed.

(b) - The schedule set forth in (c) is the same requirement as in the federal law adopted by reference, negating the need for listing redundant criteria for adjacent systems.

(c) - Not applied as it is redundant with and superseded by the federal regulations. There is no need to maintain this language.

(d) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1523

(a) - 141.32 no longer exists. Replaces text with the current EPA citation for Public Notification Requirements, combines former paragraphs (a) and (b), and re-letters the paragraphs. No change in the requirement.

(b) - Adds schools and daycares to the residences notified under current rule, simplifies the language, and clarifies the special notification requirement is for samples that must be reported to the state. Special samples, other than lead or copper special samples, are not included in this notification requirement. Federal rules require that all lead and copper samples be reported to the state and owner of the tap. Special samples may or may not follow all required sampling criteria or analytical methods and there is no reasonable way for the state to provide oversight.

The individual to be notified is amended from the person authorizing the sample to the billing customer at the sampled address, to ensure that those being exposed to the water are the ones receiving the notification.

The proposed changes the special public notice for coliform bacteria to *E. coli* only, because under the Revised Total Coliform Rule, EPA has eliminated the total coliform MCL due to the lack of negative health impact. Positive samples are instead used as a trigger for additional evaluation.

(b)(1) - Clarifies that if proper written contact is completed within 24 hours, the supplier of water does not also need to call.

(b)(2) - Redundant language is deleted, as language above already states who receives the results.

The state has never received a waiver request and granting of a waiver could allow a landlord to hide from their tenants a potential health risk.

15A NCAC 18C .1524

The federal rule had been adopted by text instead of by reference. This changes the rule to an adoption by reference of the current federal requirements. EPA has historically implemented the Unregulated Contaminant Monitoring Rule (UCMR), and therefore the requirements to the public water systems have matched the current federal regulations. The federal language has been updated to cover the next round of unregulated contaminant monitoring (UCMR4). Updating this rule allows the State to enter into agreements with EPA to assist with implementation.

15A NCAC 18C .1525

Since the rule was last amended, all labs report all analytical results electronically in accordance with G.S. 130A-329, greatly streamlining and simplifying the reporting process. Data that is

uploaded is available for viewing by the water utility and the public within 15 minutes of the data upload. This allows not only full transparency of the data as soon as it is available, but allows the public water systems to verify that the data has been uploaded by the certified laboratory during the compliance period, and thereby ensure they remain in compliance. Several labs now report data more frequently than the 10th of the month following the completion of the analysis, but some still perform only one data upload once per month. For example, for any sample over a regulatory threshold, labs have a maximum of 48 hours to report. As the public water system is ultimately responsible for the timeliness of the submittal, having data submitted more quickly is critical to giving water systems real-time ability to view submitted data before the end of the compliance period and provide the ability to avoid unnecessary monitoring or reporting violations due to failures of the lab to report in a timely fashion. When submittals were by paper and tracked manually, it would have been a burden to report on a weekly basis. Now that all labs submit analyses electronically, files can be uploaded once per week instead of once per month, with a negligible impact on resources.

15A NCAC 18C .1527

Changes the rule to an adoption of the federal text by reference with exceptions. As allowed by federal rules, the rule clarifies that a certified operator or other person instructed by the department or certified lab in sample collection is allowed to collect samples for certain contaminants that do not require analysis by a certified laboratory.

15A NCAC 18C .1528

The federal rule had been adopted by text instead of by reference. This change instead adopts the federal rule by reference. Wording is substantively identical.

15A NCAC 18C .1529

(a) - The federal rule had been adopted by text instead of by reference. This change instead adopts the federal rule by reference. Wording is substantively identical.

15A NCAC 18C .1532

The rule is amended to use the current appropriate language for an adoption by reference and delete the reference to a repealed rule. While G.S. 150B-21.6 provides the context for the current, outdated citation to remain, we believe it is clearer to remove repealed rules and update with the appropriate language.

15A NCAC 18C .1535

The rule is amended to use the current appropriate language for an adoption by reference and delete the reference to a repealed rule. While G.S. 150B-21.6 provides the context for the current, outdated citation to remain, we believe it is clearer to remove repealed rules and update with the appropriate language.

15A NCAC 18C .1537

Conversations with staff at ANSI/NSF resulted in their recommendation that small changes were made for greater technical accuracy and clarification. These changes reflect the small clarifying changes they recommended.

15A NCAC 18C .1538

(b) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

15A NCAC 18C .1804

This rule is amended to no longer require a supplier of water with delegated local approval authority for plan approval to submit each approved set of plans to the state. Instead, an annual notice will be provided listing plans which constructed or altered the distribution system. If the state has need to review a specific set of plans, they will be provided upon request. As the state does not typically have need for the actual plans, most systems got out of the habit of submitting them. This change, therefore, reflects the general state of practice.

15A NCAC 18C .2001

The rule is amended to use the current appropriate language for an adoption by reference and delete the reference to a repealed rule. While G.S. 150B-21.6 provides the context for the current, outdated citation to remain, we believe it is clearer to remove repealed rules and update with the appropriate language.

15A NCAC 18C .2002

If more systems introduce alternative disinfection methods into their treatment process under the flexibilities of Rule .0503, in accordance with EPA guidance, a minimum of 0.5 log removal for Giardia shall continue to be provided from chemical disinfection to ensure multiple barriers to contamination exist. The 0.5 log Giardia removal has been met by the needed chemical disinfection for viruses. As Section 18C is amended to enhance engineers' ability to use alternative designs when they can demonstrate treatment effectiveness, adding this provision will ensure design engineers continue to maintain chemical disinfection as part of the primary treatment system.

15A NCAC 18C .2005

The rule is amended to use the current appropriate language for an adoption by reference and delete the reference to a repealed rule. While G.S. 150B-21.6 provides the context for the current, outdated citation to remain, we believe it is clearer to remove repealed rules and update with the appropriate language.

15A NCAC 18C .2008

(a)-(e) - Citations for reference materials are updated to include review through the Department or through EPA.

(f) - Deleted to conform to a statutory relaxation in the definition of a public water system to match the federal definition. The program has been implemented in accordance with the statute since its passage, and this change will clean up the unnecessary residual rule language.

Comments may be submitted to: Jay Frick, Public Water Supply Section, 1634 Mail Service Center, Raleigh, NC 27699-1634, phone (919) 707-9102, email jay.frick@ncdenr.gov

Comment period ends: February 1, 2019

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 (≥\$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required by G.S. 150B-21.4**
- ☐ **No fiscal note required by G.S. 150B-21.3A(d)(2)**

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18C - WATER SUPPLIES

SECTION .0100 - PROTECTION OF PUBLIC WATER SUPPLIES

15A NCAC 18C .0102 DEFINITIONS

(a) The definitions contained in G.S. 130A-2, G.S. 130A-290, and G.S. 130A-313 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection at the principal address of the Division of Water Resources at 512 North Salisbury Street, Raleigh NC 27604-1170; 1634 Mail Service Center, Raleigh NC 27699-1634; or at the website of the Division at www.ncwater.org.

(b) The definitions contained in 40 C.F.R. 141.2 are hereby incorporated by reference including any subsequent amendments and editions except the following definitions are not adopted:

- (1) ~~"Disinfection;"~~ **"Contaminant;"**
- (2) ~~"Maximum containment contaminant level;"~~
- (3) **"Person;"**
- (4) **"Public Water System;"** and
- (5) **"Supplier of water."**

Copies are available for public inspection as set forth in ~~Rule 18C .0102 Paragraph (a)~~ of this ~~Section. Rule.~~ In addition, copies of governing federal regulations may be obtained from the United States Environmental Protection Agency's (USEPA) homepage at <http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm> or from the USEPA's Drinking Water Hotline at 1-800-426-4791.

(c) In addition to the definitions incorporated by reference as set forth in Paragraph ~~(a)~~, (a) of this Rule, the following definitions shall apply to this Subchapter:

- (1) "Act" means the North Carolina Drinking Water Act.
- (2) "Air gap" means the unobstructed vertical distance through free atmosphere between the lowest effective opening from any pipe or faucet conveying a water or waste to a tank, plumbing fixture, receptor, or any other assembly and the flood level of the receptacle where the vertical, physical separation is at least twice the effective inside opening of the water supply outlet and never less than one inch (25 mm) above the receiving vessel flood rim.
- (3) "Backflow" means the undesirable reversal of flow of a liquid, gas, or other substance in a potable water distribution piping system as a result of a cross-connection.
- (4) "Backflow preventer" means an assembly, device, or method designed to prevent the backflow of water into potable water supply systems. The definitions of specific backflow preventer types provided in the AWWA Manual of Water Supply Practices M14: Recommended Practice for Backflow Prevention and Cross Connection Control are hereby incorporated by reference including subsequent amendments and editions. An approved backflow prevention assembly is a backflow prevention device which has been designed and constructed by the manufacturer as a complete assembly with no field modifications and consists of internally loaded, independently operating check valves located between fully ported, tightly closing, resilient seated shutoff valves, and resilient-seated test cocks.
- ~~(2)~~(5) "Class I reservoir" means a reservoir from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.
- ~~(3)~~(6) "Class II reservoir" means a reservoir from which the water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.
- ~~(4)~~(7) "Class III reservoir" means an impoundment used for electric power generation, flood control, and similar purposes, and that serves as a source of raw water for a community water system.
- ~~(5)~~(8) "Cross-connection" means:
 - (A) any physical connection between a potable water supply system and any other piping system, sewer fixture, container, or device, whereby water or other liquids, mixtures, or substances

may flow into or enter the potable water supply system;

- (B) any potable water supply outlet which is submerged or is designed or intended to be submerged in non-potable water or in any source of contamination; or
- (C) an air gap, providing a space between the potable water pipe outlet and the flood level rim of a receiving vessel of less than ~~twice the diameter of the potable water pipe~~, required in Subparagraph (c)(2) of this Rule.
- ~~(6)~~(9) "Community Water System intake" means the structure at the head of a conduit into which water is diverted from a stream or reservoir for transmission to water treatment facilities.
- (7) "Disinfection" means a process that inactivates ~~pathogenic organisms in water~~.
- (10) "Division" means the Department of Environmental Quality, Division of Water Resources.
- ~~(8)~~(11) "Fecal Coliform" means bacteria found in the intestine of humans and other ~~warm-blooded~~ warm-blooded animals that are not normally disease producing but serve as indicators of recent fecal contamination. Fecal Coliforms include the Family Enterobacteriaceae, Genus Escherichia Escherichia, Species Coli: coli.
- (12) High-Health Hazard: An actual or potential cross-connection involving any substance that could cause illness, death, spread disease, or would be a danger to the public health if introduced into the potable water supply.
- (13) Low-Health Hazard: An actual or potential cross-connection involving any substance that could negatively affect the aesthetics of the public water system.
- ~~(9)~~(14) "Mobile Home Park" means a site or tract of land where spaces are provided for lease or rental only to mobile home occupants.
- ~~(40)~~(15) "Mobile home subdivision" means a subdivided site or tract of land in which lots are sold for use by mobile home occupants.
- ~~(44)~~(16) "Non-potable water supply" means waters not approved for drinking ~~or~~ and other household uses.
- (17) "Non-regulated public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals, but to which the scope of the Article 10- North Carolina Drinking Water Act does not apply due to the regulatory exclusion criteria in G.S. 130A-314.
- ~~(42)~~(18) "Potable water supply" means water approved for drinking ~~or~~ and other household uses.

~~(13)~~(19) "Raw water" means surface water or groundwater that because of bacteriological quality, chemical quality, turbidity, color, or mineral content makes it unsatisfactory as a source for a community water system without treatment.

~~(14)~~(20) "Raw water reservoir" means a natural or artificial impoundment used for the primary purpose of storing raw water to be subsequently treated for use as a source for a community water system.

~~(15)~~(21) "Service connection" means a piped connection from a water main for the purpose of conveying water to a building or onto a premise for human use.

(A) For metered service, the service connection begins at the point immediately downstream of the meter.

(B) For unmetered service, the service connection begins at the point of connection to the potable water supply system.

~~(16)~~(22) "Water supply product" means any chemical or substance added to a public water system in conjunction with a treatment technique or material used in construction of a public water system. The term includes any material used in the manufacture of public water system components, appurtenances, any pipe, storage tank or valve that comes in contact with water intended for use in a public water system.

Authority G.S. 130A-311 through 130A-327; P.L. 93-523; 40 C.F.R. 141.2.

SECTION .0200 – LOCATION OF SOURCES OF PUBLIC WATER SUPPLIES

15A NCAC 18C .0202 ~~REMOVAL OF DISSOLVED MATTER AND SUSPENDED MATTER~~ SURFACE SUPPLIES FROM CLASSIFIED WATERSHEDS

Any surface water that is to receive treatment for removal of dissolved matter or suspended matter in order to be used for a public water system shall be obtained from a source that meets the WS-I, WS-II, WS-III, WS-IV or WS-V stream classification standards established by the Environmental Management Commission codified in 15A NCAC 02B. Copies are available for public inspection as set forth in Rule ~~.0402~~ .0102(a) of this Subchapter. ~~The source shall be protected from potential sources of pollution as determined by a sanitary survey of the watershed made by an authorized representative of the Department. The source supply shall be sufficient in capacity to satisfy the anticipated needs of the users for the period of design. A supplier of water initiating a new surface water supply shall complete the contaminant source inventory of their source water protection plan in accordance with Rule .1305(c)(1) of this Subchapter prior to designing the treatment processes.~~

Authority G.S. 130A-315; 130A-318; P.L. 93-523.

15A NCAC 18C .0203 PUBLIC WELL WATER SUPPLIES

(a) Any site or sites for any water supply well to be used as a community or non-transient, non-community water system shall be investigated by an authorized representative of the ~~Division of Water Resources~~ Department. Approval by the ~~Division~~ Department is required in addition to any approval or permit issued by any other state agency. The site shall meet the following requirements at the time of approval:

(1) The well shall be located on a lot so that the area within 100 feet of the well shall be owned or controlled by the person supplying the water. The supplier of water shall be able to protect the well lot from potential sources of pollution and to construct landscape features for drainage and diversion of pollution.

(2) The minimum horizontal separation between the well and known potential sources of pollution shall be as follows:

(A) 100 feet from any sanitary sewage disposal system, sewer, or a sewer pipe unless the sewer is constructed of water main materials and joints, in which case the sewer pipe shall be at least 50 feet from the well;

(B) 200 feet from a subsurface sanitary sewage treatment and disposal system designed for 3000 or more gallons of wastewater a day flows, unless it is determined that the well water source utilizes a confined aquifer;

(C) 500 feet from a septage disposal site;

(D) 100 feet from buildings, mobile homes, permanent structures, animal houses or lots, or cultivated areas to which chemicals are applied;

(E) 100 feet from surface water;

(F) 100 feet from a chemical or petroleum fuel underground storage tank with secondary containment;

(G) 500 feet from a chemical or petroleum fuel underground storage tank without secondary containment;

(H) 500 feet from the boundary of a ground water contamination area;

(I) 500 feet from a sanitary landfill or non-permitted non-hazardous solid waste disposal site;

(J) 1000 feet from a hazardous waste disposal site or in any location which conflicts with the North Carolina Hazardous Waste Management Rules cited as 15A NCAC 13A;

(K) 300 feet from a cemetery or burial ground; ~~and~~

(L) 650 feet from any site used for underground gas exploration or hydraulic fracturing, including wells,

- discharges, materials or vehicle storage or transport; and
- ~~(4)~~(M) 100 feet from any other potential source of ~~pollution~~, except that backup generators and fuel to power the well may be stored temporarily onsite during a period of power outage.
- (3) The Department may approve a permanent variance for back-up generators and generator fuel storage with secondary containment within the well lot when the well is critical to maintaining emergency supplies, is periodically subject to loss of power during emergencies, and the supplier of water is unable to provide storage outside of the 100-foot radius of the well while maintaining emergency capabilities of the well.
- ~~(3)~~(4) The Department may require greater separation distances or impose other protective measures when necessary to protect the well from pollution; the Department shall consider as follows:
- (A) The hazard or health risk associated with the source of pollution;
 - (B) The proximity of the potential source to the well;
 - (C) The type of material, facility or circumstance that poses the source or potential source of pollution;
 - (D) The volume or size of the source or potential source of pollution;
 - (E) Hydrogeological features of the site which could affect the movement of contaminants to the source water;
 - (F) The effect that well operation might have on the movement of contamination; and
 - (G) The feasibility of providing additional separation distances or protective measures.
- ~~(4)~~(5) The lot shall be graded or sloped so that surface water is diverted away from the wellhead. The ~~lot~~ well shall not have greater than a one percent annual chance of flooding, be subject to flooding.
- ~~(5)~~(6) When the supplier of water is unable to locate water from any other approved source and when an existing well can no longer provide water that meets the requirements of this Subchapter, a representative of the Division may approve a variance for a smaller well lot and reduced separation distances for temporary use, to meet existing demands. Additional monitoring under this Part or other conditions may be imposed to mitigate the increased risk from the variance.

supply wells set out in ~~15A NCAC 18C .0203(a)(2)(D) and 15A NCAC 18C .0203(a)(2)(E)~~ Parts (a)(2)(D) and (E) of this Rule.

- (1) Such variance shall require the following findings:
 - (A) The well supplies water to a non-community water system as defined in G.S. 130A-313(10)(b) or supplies water to a business or institution, such as a school, that has become a non-community water system through an increase in the number of people served by the well.
 - (B) It is impracticable, taking into consideration feasibility and cost, for the public water system to comply with the minimum horizontal separation distance set out in ~~the applicable sub-subpart of 15A NCAC 18C .0203~~ Subparagraph (a)(2) of this Rule.
 - (C) There is no reasonable alternative source of drinking water available to the public water supply system.
 - (D) The granting of the variance will not result in an unreasonable risk to public health.
- (2) Such variance shall require that the non-community public water supply well meet the following requirements:
 - (A) The well shall comply with the minimum horizontal separation distances set out in ~~15A NCAC 18C .0203(a)(2)(D) and 15A NCAC 18C .0203(a)(2)(E)~~ Parts (a)(2)(D) and (E) of this Rule to the maximum extent practicable.
 - (B) The well shall meet a minimum horizontal separation distance of 25 feet from a building, mobile home, or other permanent structure that is not used primarily to house animals.
 - (C) The well shall meet a minimum horizontal separation distance of 100 feet from any animal house or feedlot and from cultivated areas to which chemicals are applied.
 - (D) The well shall meet a minimum horizontal separation distance of 50 feet from surface water.
 - (E) The well shall comply with all other requirements for public well water supplies set out in ~~15A NCAC 18C .0203(a)~~ Paragraph (a) of this Rule.

Authority G.S. 130A-315; 130A-318; P.L. 93-523; S.L. 2011-394.

**SECTION .0300 - SUBMISSION OF PLANS:
SPECIFICATIONS: AND REPORTS**

- (b) The Division of Water Resources may grant a variance from the minimum horizontal separation distances for public water

15A NCAC 18C .0305 APPROVALS NECESSARY BEFORE CONTRACTING OR CONSTRUCTING

(a) No construction shall be undertaken, and no contract for construction, alteration, or installation shall be entered into unless the Department determines the system complies with G.S. 130A-317(c) and the Department issues the authorization to construct letter. This authorization shall be issued following completion and submittal of the ~~Engineer's~~ Engineer's Report and Water System Management Plan and approval of the engineering plans and specifications by the Department. Authorization to construct from the Department shall be valid for ~~twenty-four~~ 36 months from the date of the letter. Authorization to construct may only be extended if the rules governing a public water supply and site conditions have not changed. The authorization to construct and approval letter for engineering plans and specifications from the Department shall be posted at the primary entrance of the job site ~~before construction begins.~~ during construction.

(b) Upon request, permission to drill test wells at approved sites in order to establish quality and quantity may be granted by the Department prior to completion and submittal of the Engineer's Report and Water System Management Plan and approval of engineering plans and specifications. All wells abandoned, either temporarily or permanently, shall be abandoned in accordance with 15A NCAC 02C 2C .0113 (Well Construction Standards) and all local ordinances.

(c) Units of local government which have an adopted water system extension ~~policy;~~ program under Section .1800 of this Subchapter, upon submission to and approval of a copy of their policy by the Department, may be excluded from the requirements of submitting engineering plans and specifications for water main ~~extensions, and that extensions which~~ would not have adverse effect upon the existing system supply or pressure, provided the following requirements are met:

- (1) Engineering plans and specifications for all such extensions shall be prepared by or under the direct supervision of an engineer licensed to practice in the State of North Carolina.
- (2) All engineering plans shall be approved by the ~~units~~ unit of local ~~government~~ government's engineering department or its consulting engineers prior to the commencement of construction.
- (3) The Department shall have approved the extension ~~policy~~ program submitted by the unit of local government prior to construction commencing.
- (4) The extension ~~policy~~ program submitted for review and approval by the Department shall provide for establishing ownership, operation and maintenance of water system extensions, and shall constitute prior notice of proposed construction.
- (5) Where design is to be based on a local government's standard specifications in lieu of written separate specifications for each extension project, the standard specifications shall have been previously approved by the Department.

(6) The local government shall have obtained from the Department a letter stating they have met the aforementioned ~~requirement~~ requirements and are excluded from the requirement for submitting detailed engineering plans and specifications for each minor extension in keeping with the intent of this Rule.

(7) Where such minor additions or extensions have been made, an annual up-to-date plan of the entire public water system shall be ~~submitted for review and approval~~ maintained by the supplier of water and made available on request by the Department.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0307 ENGINEER'S REPORT, WATER SYSTEM MANAGEMENT PLAN AND OTHER PLANS

(a) The applicant shall submit to the Department an ~~Engineer's~~ Engineer's Report and Water System Management Plan covering the basic factors and principles considered in planning of the project.

(b) Engineer's Report. The Engineer's Report shall contain a system description for the entire project, including scheduled phase development and the following information, where applicable:

- (1) description of any existing water system related to this project;
- (2) identification of the municipality, community, area, or facility to be served by the proposed water system;
- (3) the name and address of the applicant;
- (4) a description of the nature of the establishments and of the area to be served by the proposed water system;
- (5) a description of the future service areas of the public water system for 5, 10, 15 and 20 years;
- (6) consideration of alternative plans for meeting the water supply requirements of the area, including, for new systems, obtaining water service from an existing system;
- (7) for applicants seeking State loan or grant support for the project, financial considerations, including:
 - (A) any technical alternatives;
 - (B) costs of integral units; and
 - (C) total costs.
- (8) population records and trends, present and anticipated future water demands, present and future yield of source or sources of water supply, including provisions to supply water to other systems;
- (9) character of source or sources of water supply, including:
 - (A) hydrological or hydrogeological data;
 - (B) stream flow rates or well yields;

- (C) for surface sources, analytical results for chemical, mineral, bacteriological, and physical qualities; and
 - (D) location and nature of sources of pollution.
 - (10) proposed water treatment processes, including:
 - (A) criteria and basis of design of units;
 - (B) methods or procedures used in arriving at recommendations; and
 - (C) reasons or justifications for any deviations from conventional or indicated process or method.
 - (11) for purchased water, a copy of the agreement with the supplier and the hydraulic analysis showing the supplier's capabilities for supplying the purchased water;
 - (12) a description of the design basis of the source, treatment, and distribution system, and the useful life of all sources, treatment, and transmission facilities including pipes, pumping stations, and storage facilities;
 - (13) for existing system projects intending to alter or expand a distribution system, provide a statement of maximum daily treated water supply and maximum daily demand. Provide supporting documentation and calculations; and
 - (14) for existing systems, a prioritized list of infrastructure improvements.
- (c) Water System Management Plan. The Water System Management Plan shall document, where applicable, the ability to finance, operate, and manage the system in accordance with this Subchapter for the current owner and for any entity that assumes ownership of the water system within the first 24 months of operation:
- (1) Organization:
 - (A) description of organizational structure or a chart showing all aspects of water system management and operation;
 - (B) identification of positions responsible for policy decisions ensuring compliance with State rules and the day-to-day operation of the system; and
 - (C) copies of any contracts for management or operation of the water system by persons or agencies other than the system's owner.
 - (2) Ownership:
 - (A) identify the ownership structure (sole proprietor, partnership, corporation, limited liability company, homeowner association, nonprofit organization, local government unit, state or federal agency, or other legal entity) and disclose if the ownership of the system is expected to change once the system is constructed, and if known, identify the future owners;
 - (B) provide mailing address and street address of the owner, and physical location of the water system;
 - (C) disclose any encumbrances, trust indentures, bankruptcy decrees, legal orders or proceedings, or other items that may affect or limit the owner's control over the system and describe how compliance with the requirements of this Subchapter will still be maintained; and
 - (D) describe the legal ~~authority, such as~~ authority (such as ownership, leases or recorded easements easements) allowing ~~inspection-repair inspection, repair,~~ and maintenance of system components.
 - (3) Management qualifications:
 - (A) describe the qualifications of the owners and managers of the water system, including any training and experience in owning or managing a water system; and
 - (B) provide the name and Public Water Supply Identification Number of all public water systems owned within the last five years as well as any systems operated under contract for another owner within the last five years. For systems with penalties assessed, describe how the owner will prevent similar violations at this system.
 - (4) Management training. Describe plans to keep management current with regulatory requirements for managing and operating a public water system.
 - (5) Policies. At a minimum, the system shall have policies regarding the following procedures:
 - (A) cross-connection control;
 - (B) customer information, complaints, and public education;
 - (C) budget development and rate structure;
 - (D) response and notification if water quality violations occur;
 - (E) customer connection, disconnection, billing, and collection; and
 - (F) safety procedures.
 - (6) System monitoring, reporting and record keeping. At a ~~minimum~~ minimum, the applicant shall provide:
 - (A) A summary of the applicable system monitoring and reporting requirements; and
 - (B) A description of procedures for keeping and compiling records and reports in accordance with ~~Rule 1526 of~~ this Subchapter.

(7) Financial Plans. The plan shall contain the following financial information, where applicable:

(A) Units of Local Government:

(i) For projects that require the unit of local government to incur debt, the unit of local government shall submit a statement from the Local Government Commission stating that debt issue has been approved; or

(ii) For projects that do not require the unit of local government to incur debt, the unit of local government shall submit the following:

(I) a statement from the unit of local government documenting that they are in compliance with G. S. 159, Article 3, The Local Government Budget and Fiscal Control Act; and

(II) estimated revenues, expenditures and rate structure for the construction, operation and maintenance, administration and reasonable expansion of the project. This information shall be provided on a form designated by the Department and shall demonstrate that revenues are greater than expenses.

(B) The North Carolina Utilities Commission's financial determination may be used as the financial plan for systems subject to its regulations:

(i) submit a copy of the Order Granting Franchise and Approving Rates from the North Carolina Utility Commission; or

(ii) submit a copy of the Order Recognizing Continuous Extension and Approving Rates from the North

Carolina Utilities Commission.

(C) Non-transient non-community water systems. Owners of existing non-transient non-community water system(s) which receive no violation of this Subchapter in the preceding three years shall provide a description of any negative impact the project would have on the financial ability to comply with this Subchapter. The owner of either a proposed new or existing non-transient non-community water system with any violation of this Subchapter within the prior three years shall follow the requirements in Part (c)(7)(D) of this Rule.

~~(C)~~(D) All other community and non-transient non-community water systems shall document the following:

(i) analysis that compares anticipated revenues with planned expenditures for a ~~five-year~~ five-year period that demonstrates a positive cash flow in each year, and a 20-year equipment replacement cost plan documenting the method(s) to finance equipment replacement;

(ii) the creation and funding of a continuous operating cash reserve greater than or equal to one-eighth of the annual operating, maintenance and administrative expenses for the water system. The operating cash reserve shall be fully funded by the end of the first year of operation;

(iii) the creation and funding of an emergency cash reserve greater than or equal the cost of replacing the largest capacity pump. The emergency cash reserve shall be fully funded by the end of the fifth year of operation;

(iv) a description of the budget and expenditure control procedures that assure budget control for the applicant which includes procedures or policies to prevent misuse of funds and a demonstration that the system has adopted generally accepted accounting procedures; and

(v) in lieu of Sub-Items (ii) and (iii) of this Paragraph, substitute documentation may be accepted in the following instances:

- (I) an applicant with multiple water systems showing reserves affording greater or equal capabilities; or
- (II) an applicant showing equivalent financial capacity to comply with requirements of this Section.

(8) One Water System Management Plan may be submitted on behalf of an applicant owning and operating multiple water systems or an applicant pursuing multiple alterations or expansions and may include future projected construction or system acquisitions. The applicant shall submit a new Water System Management Plan for a project not covered under the existing Water System Management Plan or when violations of this Subchapter occur or continue at a system under an applicant's ownership or control.

(d) Operation and Maintenance Plan. The plan does not have to be submitted to the Department but shall be completed prior to submitting the applicant's certification in accordance with ~~Paragraph (e) of Rule .0303~~ .0303(c) of this Section. This plan shall be accessible to the operator on duty at all times and available to the Department upon request. The Operation and Maintenance Plan shall include, at a minimum, a description of the location and routine operation and maintenance procedures for:

- (1) components of the treatment facility;
- (2) pumps, meters, valves, blowoffs, and hydrants;
- (3) backflow devices;
- (4) storage tanks; and
- (5) all other appurtenances requiring routine operation and maintenance.

(e) Emergency Management Plan. ~~The plan~~ The Emergency Management Plan does not have to be submitted to the Department, but shall be completed prior to submitting the applicant certification required in ~~Paragraph (e) of Rule .0303~~ .0303(c) of this Section. The Emergency Management Plan shall be available to personnel responsible for emergency management and operator on duty at all times and available to the Department upon request. The supplier of water shall consider using the principles, practices, forms, nomenclature, structure, and definitions found in the National Incident Management System, and The plan shall contain the following information where applicable:

- (1) For community water systems, a plan with the following elements is required:

- (A) identification and phone numbers of personnel responsible for emergency management, including public water system, local, state, and federal emergency contacts;
- (B) identification of foreseeable natural and human-caused emergency event including water shortages and outages;
- (C) description of the emergency response plan for each identified event;
- (D) description of the notification procedures; and
- (E) identification and evaluation of all facilities and equipment whose failure would result in a water outage or water quality violations.

(2) For a supplier of water who treats and furnishes water from a surface water source, completion of the Source Water Protection Plan in accordance with Rule .1305 of this Subchapter shall fulfill the Emergency Management Plan requirement.

~~(2)~~(3) For non-transient, non-community water systems, the plan shall contain the positions and phone numbers of responsible persons to contact in the event of an emergency, including public water system, local, state, and federal emergency contacts.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .0400 – WATER SUPPLY DESIGN CRITERIA

15A NCAC 18C .0402 WATER SUPPLY WELLS

(a) Well Construction. The construction of water supply wells shall conform to well construction regulations and standards of the ~~Division of Water Resources, Department of Environment and Natural Resources, Department~~, codified in 15A NCAC 02C. Copies are available for public inspection as set forth in Rule ~~.0402~~ .0102(a) of this Subchapter.

(b) Upper Terminal of Well. The well casing shall neither terminate below ground nor in a pit. The pump pedestal for above ground pumps of every water supply well shall project not less than six inches above the concrete floor of the well house, or the concrete slab surrounding the well. The well casing shall project at least one inch above the pump pedestal. For submersible ~~pumps~~ pumps, the casing shall project at least six inches above the concrete floor or slab surrounding the well head.

(c) Sanitary Seal. The upper terminal of the well casing shall be sealed watertight with the exception of a vent pipe or vent tube having a downward-directed, screened opening.

(d) Concrete Slab or Well House Floor. Every water supply well shall have a continuous bond concrete slab or well house concrete floor extending at least three feet horizontally around the outside of the well casing. Minimum thickness for the concrete slab or floor shall be four inches.

(e) Sample Tap and Waste Discharge Pipe. Faucets or spigots shall be provided for sampling both raw water prior to treatment

and treated water prior to delivery to the first customer. Sample spigots shall not be threaded for hose connection. Threaded hose bibs shall be equipped with anti-siphon devices. A water sample tap and piping arrangement for discharge of water to waste shall be provided.

(f) Physical Security and Well Protection. A water supply well shall be secured against unauthorized access and protected from the weather. One of the following structures shall be provided:

- (1) Well house. A well house shall be constructed as follows:
 - (A) structures shall comply with applicable provisions of state and local building codes;
 - (B) drainage shall be provided by floor drain, wall drain, ~~or~~ and/or slope to door;
 - (C) access into the structure shall be a doorway with minimum dimensions of 36 inches wide and 80 inches high;
 - (D) the structure shall have adequate space for the use and maintenance of the piping and appurtenances. If treatment is provided at the well, the provisions of Rule .0404(a) of this Section shall apply; and
 - (E) the structure shall be secured with lock and key.
- (2) Prefabricated structures. A prefabricated structure shall be constructed as follows:
 - (A) a well-head cover shall be hinged and constructed so that it can be lifted by one person;
 - (B) a locking mechanism shall be provided; and
 - (C) permanent fastening to the slab (such as with bolts) shall not be permitted.
- (3) Fencing and temperature protection. Fencing and temperature protection shall be constructed as follows:
 - (A) the fence height shall be a minimum of six feet;
 - (B) the fence shall be constructed of chain link with locked access;
 - (C) the fence shall enclose the well, hydropneumatic tank, and associated equipment;
 - (D) access shall be provided for maintenance and operation; and
 - (E) the well, piping, treatment equipment, and electrical controls shall be protected against freezing. Wrapping with insulation is acceptable for appurtenances such as the air vent, meter, valves, and sample taps provided they are visible and accessible. Insulation shall be jacketed.

(g) Yield:

- (1) Wells shall be tested for yield and drawdown. A report or log of at least a 24-hour drawdown test to determine yield shall be submitted to the ~~Division of Water Resources~~ Department for each well.
- (2) Wells shall be located so that the drawdown of any well shall not interfere with the required yield of another well.
- (3) The combined yield of all wells of a public water system shall provide in ~~42 hours~~ 12-hours pumping time the ~~average daily demand~~ daily flow requirements as determined in Rule .0409 of this Section.
- (4) The capacity of the permanent pump to be installed in each well shall not exceed the yield of the well as determined by the drawdown test.
- (5) A residential community water system using well water as its source of supply and designed to serve 50 or more connections shall provide at least two wells. A travel trailer park or campground designed to serve 100 or more connections shall provide at least two wells. In lieu of a second well, another approved water supply source may be accepted.
- (6) A totalizing meter shall be installed in the piping system from each well.

(h) Initial Disinfection of Water Supply Well. All new wells, and wells that have been repaired or ~~reconditioned~~ reconditioned, shall be cleaned of foreign substances such as soil, grease, and oil, and then shall be ~~disinfected~~ disinfected in accordance with Rule .1002 of this Subchapter. A representative sample or samples of the water (free of chlorine) shall be collected and submitted to a certified laboratory for bacteriological analyses. The water supply shall not be placed into service after disinfection until bacteriological test results of representative water samples analyzed in a certified laboratory are found to be free of bacteriological contamination.

(i) Initial Chemical Analyses. A representative sample of water from every new water supply well shall be collected and submitted for chemical analyses to the ~~Division of Laboratory Services~~ State Laboratory of Public Health or to a certified laboratory. The results of the analysis shall demonstrate the water is treatable to meet water quality standards in Section .1500 of this Subchapter and needed treatment shall be provided before the well is placed into service.

(j) Continuous Disinfection. Continuous application of chlorine, hypochlorite solution, or some other approved and equally efficient disinfectant shall be provided for all well water supplies introduced on or after January 1, 1972. Equipment for determining residual chlorine concentration in the water shall be included in the plans and specifications.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0403 SURFACE WATER FACILITIES

(a) Unimpounded Stream. Both the minimum daily flow of record of the stream and the estimated minimum flow calculated from rainfall and run-off shall exceed the maximum daily draft for which the water treatment plant is designed with due

consideration given to requirements for future expansion of the treatment plant. The Department may approve a water plant capacity greater than the minimum daily flow of record of the stream when rules of other government agencies will not be violated. The maximum allowable system expansion shall be based on the minimum daily flow of record of the stream.

~~(b) Pre-settling Reservoirs. Construction of a pre-settling or pre-treatment reservoir shall be required where wide and rapid variations in turbidity, bacterial concentrations or chemical qualities occur or where the following raw water quality standards are not met: turbidity 150 NTU, coliform bacteria 3000/100 ml, fecal coliform bacteria 300/100 ml, color 75 CU.~~

~~(e)(b)~~ Impoundments. Raw water storage capacity shall be sufficient to reasonably satisfy the designed water supply demand during periods of drought.

~~(d)(c)~~ Clearing of Land for Impoundment. The area in and around the proposed impoundment of class I and class II reservoirs shall be cleared as follows:

- (1) The area from normal full level to five feet below the normal pool elevation of the impoundment shall be cleared and grubbed of all vegetation and shall be kept cleared until the reservoir is filled. Secondary growth shall be removed prior to flooding.
- (2) The entire area below the ~~five-foot~~ five-foot water depth shall be cleared and shall be kept cleared of all growth of less than six inches in diameter until the reservoir is filled. Stumps greater than six inches in diameter may be cut off at ground level.
- (3) All brush, trees, and stumps shall be burned or removed from the proposed reservoir.

~~(e)(d)~~ Existing Impoundments. Existing impoundments may be approved as raw water sources as follows:

- (1) The requirements of Paragraph (c) of this Rule, and Section .0200 of this Subchapter shall be met;
- (2) A class I or class II reservoir shall meet the requirements of Section .1200 of this Subchapter; and
- (3) The supplier of water shall have an engineer along with other qualified consultants as needed conduct a study of the impoundment and provide the Department information to determine whether the requirements of this Subchapter are met. The study shall include as follows:
 - (A) Plans and specifications of the impounding structure;
 - (B) Information concerning clearing of the land for impoundment as provided in Paragraph (d) of this Rule;
 - (C) Information concerning sources of pollution on the watershed;
 - (D) Documentation of control by the supplier of water of the impoundment and ~~50-foot~~ 50-foot margin around the impoundment measured from the normal pool elevation;

(E) Information concerning the quality of the water and sediments which could cause water quality fluctuations such as lake stratification, turnover and algae bloom; and

(F) Other information necessary to show the proposed source will meet the requirements of this Subchapter.

~~(f)(e)~~ A margin of at least 50 feet around a class I and class II reservoir measured from the normal pool elevation shall be owned or controlled by the ~~water supplier.~~ supplier of water.

~~(g)(f)~~ Intakes, Pumps, Treatment Units, and Equipment. Raw water intakes, pumps, treatment units and equipment shall be designed to provide water of potable quality meeting the water quality requirements stated in Section .1500 of this Subchapter.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0404 WATER TREATMENT FACILITIES

(a) Physical Security and Facility Protection. Treatment equipment and chemicals shall be secured against unauthorized access and shall be protected against the weather as follows:

- (1) Structures shall comply with provisions of state and local building codes;
- (2) Drainage shall be provided by floor drain, wall drain, ~~or~~ and/or slope to door;
- (3) Access to the structure shall be a doorway with minimum dimensions of 36 inches wide and 80 inches high or larger. The doorway shall be large enough to accommodate installation or removal of equipment; and
- (4) The structure shall have space to facilitate operation and maintenance of treatment equipment, storage of chemicals, required piping and appurtenances, electrical controls, and laboratory testing.

(b) Mixing and Dispersion of Chemicals. Provisions shall be made for mixing and dispersion of chlorine and other chemicals applied to the water. All facilities treating surface water or ground water influenced by surface water shall comply with the disinfection requirements in Rule .2002 of this Subchapter.

(c) Chemical Feed Machines

- (1) Durable chemical feed machines designed for adjustable accurate control of feed rates shall be installed for application of all chemicals necessary for appropriate treatment of the water. Sufficient stand-by units to assure uninterrupted operation of the treatment processes shall be provided. Continuous chemical application must be protected from electrical circuit interruption which could result in ~~overfeed, underfeed~~ overfeed or underfeed, or otherwise interrupt the feed of chemicals.
- (2) Chemical feed lines from the feeders to the points of application shall be of material sized for the design flow rate, corrosion resistant, easily accessible for cleaning and protected

- against freezing. Length and the number of bends shall be reduced to a minimum.
- (3) Piping and appurtenances shall be constructed of suitable material for the chemical being added and the specific application.
- (4) A separate feeder shall be used for each chemical applied.
- (d) Disinfection Equipment:
 - (1) Equipment designed for application of chlorine, or some other approved, equally efficient disinfectant shall be provided. Stand-by units shall be provided. The plans and specifications shall describe the equipment in detail.
 - (2) Chlorinators shall be installed in tightly constructed, above ground rooms with mechanical ventilation to the outside air. The capacity of exhaust fans shall be sufficient to discharge all air in the rooms every 30 seconds to ± one minute. The fans or their suction ducts shall be located not more than eight inches above floor level. Provisions for entrance of fresh air shall be made. The point of discharge shall be so located as not to contaminate the air in any building or inhabited areas. Electrical switches for operation of fans shall be located outside the chlorinator rooms. Rooms used for storage of chlorine cylinders shall be designed as described above.
- ~~(e) Safety Breathing Apparatus. Self contained emergency breathing apparatus for operators shall be stored outside rooms where gaseous chlorine is used or stored.~~
- ~~(f)(e)~~ Meters and Gauges. Meters and gauges, including raw and finished water meters, shall be installed to indicate and record water flow entering the treatment ~~plant~~ facility and water pumped or conducted to the distribution system.
- ~~(g)(f)~~ Prevention of Backflow and ~~Back Siphonage~~ Backsiphonage. Submerged inlets and interconnections whereby non-potable water, ~~or~~ water of questionable quality, or other liquids may be siphoned or forced into or otherwise allowed to enter the finished water supply shall not be permitted.
- ~~(h)(g)~~ Chemical Storage. Separate space for storing at least a 30-day ~~30 days~~ supply of chemicals shall be provided. A separate room or partitioned space shall be provided for storage of dry fluoride chemicals or liquid fluoride chemicals in portable containers.
- ~~(i)(h)~~ Laboratory. Adequate space, equipment, and supplies shall be provided for daily, routine chemical and bacteriological tests. A layout of laboratory furniture and equipment shall be included in the plans.
- ~~(j) Toilet Facilities. Toilet facilities shall be provided for the plant personnel.~~
- ~~(k)(i)~~ Waste Handling and Disposal.
 - (1) Provisions must be made for disposal of water treatment plant wastes such as clarification sludge, softening sludge, iron-manganese sludge, filter backwash water and brines. Untreated waste shall not be returned to the head of the water treatment plant.

- (2) Recycling of supernatant or filtrate from waste treatment facilities treating filter wash water, sedimentation basin sludge or clarifier basin sludge to the head of the water treatment plant may be allowed when the following conditions are met:
 - (A) The water recycled shall be less than 10 percent by volume of the raw water entering the water treatment ~~plant~~ plant.
 - (B) A permit has been issued by the appropriate regulatory authority for discharge of wastes to sanitary sewer, stream, lagoon or spray ~~irrigation~~ irrigation; and
 - (C) The raw water does not contain excessive algae, finished water taste and odor problems are not ~~encountered~~ encountered, and ~~trihalomethane~~ contaminant levels ~~in the distribution system~~ do not exceed allowable levels in Rule .1517 in this Subchapter.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0405 STORAGE OF FINISHED WATER

- (a) Ground Level Storage
 - (1) Finished Water Ground Storage Tank. Finished water ground storage tanks shall be provided with a light-proof and insect-proof cover of concrete, steel, or equivalent material approved by the ~~Division~~ Department. The construction joints between side walls and the covers of concrete tanks or reservoirs shall be above ground level and above flood level; except that clearwells constructed below filters may be excepted from this requirement when total design, including waterproof joints, gives equal protection from flooding.
 - (2) Access Manholes. The access manholes for finished water ground storage tanks or reservoirs shall be framed at least four inches above the tank or reservoir covers at the opening and shall be fitted with solid covers of materials that overlap the framed openings and extend down around the frames at least two inches. The covers for the openings shall be hinged at one side and fitted with a locking device.
 - (3) Venting. Finished water ground storage tanks or reservoirs shall have vents with screened, downward directed openings. The vent and screen shall be of corrosion resistant material.
 - (4) Overflow. The overflow pipes for finished water ground storage tanks or reservoirs shall not be connected directly to sewers or storm drains. Screens or other devices to prevent

- access by rodents, insects, etc. shall be provided in the overflow pipe.
- (5) Inlets and Outlets. Water supply inlets and outlets of finished water ground storage tanks and reservoirs shall be located and designed to provide circulation of the water and to meet the CT requirements in Section .2000 of this Subchapter. Baffles shall be constructed where necessary to provide thorough circulation of the water.
 - (6) Drain Valves. All finished water ground storage tanks and reservoirs shall be equipped with ~~drain valves.~~ valves which allow for unobstructed emptying of the tank.
- (b) Elevated Storage Tanks:
- (1) Standards. The specifications for elevated tanks, stand-pipes, towers, paints, coatings, and other appurtenances shall meet the appropriate ANSI/AWWA Standards ~~D-100-84 and D-101-53 (R&C) D100 11, D102 17, and D103 09~~ of the American Water Works Association, Inc. that are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) of this Subchapter.
 - (2) Elevation of Storage Tanks. The elevation of storage tanks shall be sufficient to produce a designed minimum distribution system pressure of 20 pounds per square inch at peak demand (fire flow) and 30 pounds per square inch during peak flow.
 - (3) Elevated storage tanks shall be designed to minimize water age by avoiding short-circuiting of flows and dead-zones.
 - ~~(3)~~(4) Drain. Elevated storage tanks shall be equipped with ~~drain valves.~~ valves which allow for unobstructed emptying of the tank.
- (c) Hydropneumatic Storage Tanks (Pressure Tanks)
- (1) Use of Pressure Tanks. Where well yields and pumping capacities are sufficient, hydropneumatic (pressure) tanks may be used to control pumps, stabilize pressures, and provide a minimum of storage. Pressure tanks shall have the capacity to maintain a minimum pressure of 30 pounds per square inch throughout periods of peak flow. Pressure tanks shall not be considered acceptable for meeting total storage requirements for public water systems of over 300 connections, except as provided in Paragraph (d) of this Rule.
 - (2) Corrosion Control. Pressure tanks shall be galvanized after fabrication, provided with an ANSI/NSF approved liner or coating in accordance with Rule .1537 of this Subchapter.
 - (3) Required Parts. Pressure tanks shall have access manholes, bottom drains, pressure gauges, and properly sized safety and vacuum relief valves.
 - (4) Controls. Automatic pressure and start-stop controls for operation of pumps shall be provided.
 - (5) Hydropneumatic Storage Tanks. Hydropneumatic storage tanks shall conform to the construction and inspection requirements for pressure vessels adopted by the North Carolina Department of Labor and codified in 13 NCAC 13 that is hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) of this Subchapter.
 - (6) Appurtenances to hydropneumatic storage tanks such as valves, drains, gauges, sight tubes, safety devices, air-water volume controls, and chemical feed lines shall be protected against freezing.
- (d) High Yield Aquifers:
- (1) Equipment. In lieu of providing elevated storage for public water systems over 300 connections in areas where aquifers are known to produce high yields, e.g., 400-500 gpm from an eight-inch well, a system of extra well pumping capacity, auxiliary power generating equipment, hydropneumatic tanks, controls, alarms, and monitoring systems may be provided. The design and installation of such system shall assure that reliable, continuous service is provided.
 - (2) Auxiliary Power. Such a system shall have an adequate number of wells equipped with sufficient pumping capacity so that the required flow rate may be maintained with the single largest capacity well and pump out of operation. Auxiliary power generating equipment shall be provided for each well sufficient to operate the pump, lights, controls, chemical feeders, alarms, and other electrical equipment as may be necessary.
 - (3) Pump Control. Hydropneumatic tanks designed in accordance with Paragraph (c) of this Rule and Section .0800 of this Subchapter shall be provided to maintain pressure and control the pump operation.
 - (4) Alarm System. An alarm system shall be provided that will send a visual or audible signal to a constantly monitored location so that the water system operator will be advised of a primary power failure.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0406 DISTRIBUTION SYSTEMS

- (a) Water Pipe Materials. ~~Distribution mains~~ Water pipes shall be cast iron, ductile iron, ~~asbestos-cement~~, reinforced concrete, plastic, or other material designed for potable water system service and shall be ~~the appropriate AWWA standards, section C, or NSF Standards No. 14 and No. 15 that is~~ certified as meeting

the specifications of NSF/ANSI Standard 61 Drinking Water System Components – Health Effects, which is hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0402 .0102(a) of this Subchapter. The pressure rating class of the pipe shall be in excess of the maximum design pressure within that section of the water distribution system. The quality of pipe to be used shall be stated in the project specifications.

(b) Cross Connections

- (1) ~~No potable water supply shall be connected by any means to another source of water supply or to a storage facility unless such connection has been previously approved by the Department. No connection shall be made to any plumbing system that does not comply with the North Carolina State Building Code, volume II, or any applicable local plumbing code.~~
- (2) ~~No person shall introduce any water into the distribution system of a public water supply through any means other than from a source of supply duly approved by the Department or its representatives, or make a physical connection between an approved supply and unapproved supply unless authorized in an emergency by the Department or its representative.~~
- (3) ~~In cases where storage capacity is used only for non-potable purposes and there is installed either an elevated or ground tank or a ground reservoir, the following precautions shall be taken:~~
 - (A) ~~When the reservoir or tank is filled from a supply other than a public water supply and the public water supply is used as a supplemental supply, the pipeline from the public water supply shall be installed in such a manner that the water will be discharged over the top or rim of the reservoir or tank. There shall be a complete physical break between the outlet end of the fill pipe and the top or overflow rim of the tank of at least twice the inside diameter of the inlet pipe.~~
 - (B) ~~When the reservoir or tank is filled entirely by water from a public water supply:~~
 - (i) ~~If a covered ground reservoir or covered elevated tank is used, an approved reduced pressure back flow preventor or an approved double check valve assembly may be used. The back flow prevention device shall be installed in such a manner as to afford adequate protection, be easily accessible, and include all~~

- (ii) ~~necessary pressure gauges and drains for testing. Gate valves shall be installed in the line at both ends of the back flow prevention device. If an uncovered ground reservoir or uncovered elevated tank is used, a complete physical break shall be provided between the reservoir or elevated tank and the public supply. The physical break between the inlet pipe and the top or overflow rim of the reservoir shall be at least twice the diameter of the inlet pipe.~~

- (4) ~~All cross connections between potable water supplies and non-potable or unprotected supplies that are not specifically covered in the categories in this Paragraph will be considered special problems and the protective devices required shall be determined by the Department on the basis of the degree of health hazard involved.~~
- (5) ~~Persons desiring to install non-potable water supplies in conjunction with a public water supply shall submit detailed plans and specifications in triplicate showing the non-potable water supply and its relation to the potable water supply to the Department in accordance with Rule .0302(a) of this Subchapter.~~
- (6) ~~Any such interconnection to a potable water system is subject to the approval of the water supplier and shall not be made until authorized by the water supplier in addition to the Department.~~
- (7) ~~No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues from a public water system except at a location equipped with an over the rim free discharge of water or a reduced pressure backflow preventer properly installed on the public water supply that has been approved by the Department. No supplier of water shall permit the filling of such special use tanks or tankers except at locations so equipped.~~

(b) Cross-Connections: No person shall construct, maintain or operate a physical arrangement whereby a public water system has a cross-connection without the use of proper backflow protection. No person shall introduce any water into the distribution system of a public water supply through any means other than from a source of supply duly approved by the Department or its representatives, or make any physical connection between an approved supply and unapproved supply unless authorized in an emergency by the Department or its representative.

- (1) Service Connection Relation to Plumbing Code. No supplier of water shall provide a service connection to any plumbing system that does not comply with the North Carolina State Building Code, Volume II, and any applicable local plumbing code, as determined by local plumbing code officials. The supplier of water shall install or require to be installed the appropriate testable backflow prevention assembly prior to making the service connection. Design of backflow prevention assemblies for service connections do not require Department review.
- (2) Connections Requiring Departmental Review. Connections between a public water system and the following connection types require review and approval by the Department prior to making the connection. Installation of a testable backflow prevention assembly or air gap is required when the connection is non-potable or unapproved. Engineering plans and specifications shall be submitted in accordance with Section .0300 of this Subchapter.
 - (A) Any regulated public water system;
 - (B) Any community non-regulated public water system. Before providing connection, a supplier of water shall ensure that the construction of the non-regulated public water system either was approved in accordance with Rule .0301(a) of this Subchapter or that proper backflow prevention is provided to protect the quality of the water in the public water system;
 - (C) Non-potable water treatment processes within a potable water treatment plant; and
 - (D) All cross-connections between potable water supplies and non-potable or unprotected supplies that are not specifically addressed in this Rule or AWWA M-14 Backflow Prevention and Cross Connection Control, which are considered special problems for which the degree of health hazard involved shall be determined by the Department.
- (3) Backflow Prevention Not Addressed by the Plumbing Code.
 - (A) Testable backflow prevention assemblies shall meet American Society of Sanitary Engineering (ASSE) standards and carry an ASSE seal, be on the University of Southern California approval list for testable backflow prevention assemblies, or be on the North Carolina State Plumbing Code approval list for approved testable backflow prevention assemblies.
 - (B) Each assembly must be installed in accordance with the standard AWWA C510, AWWA C511, ASSE 1013, ASSE 1015, ASSE 1020, ASSE 1047, ASSE 1048, or ASSE 1056 applicable to the selected backflow prevention assembly, or Rule .0102(c)(2) of this Subchapter for an air gap.
 - (C) For each identified water treatment process related hazard, the supplier of water shall provide the appropriate backflow prevention assembly or method to protect the water supply and water treatment employees in accordance with AWWA M-14 Backflow Prevention and Cross Connection Control.
 - (D) Filling stations for special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues. No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues from a public water system except at a location equipped with an over-the-rim free discharge of water or a reduced pressure backflow preventer properly installed on the public water supply. No supplier of water shall permit the filling of such special use tanks or tankers except at locations so equipped.
 - (E) A supplier of water shall not authorize for construction or other temporary, non-emergency use; connections to hydrants not equipped with an approved air gap; or a properly installed reduced pressure principle backflow prevention assembly.
 - (F) Non-potable Storage. In cases where storage capacity is used only for non-potable purposes and there is installed either an elevated or ground tank or a ground reservoir, the following precautions shall be taken:
 - (i) When the reservoir or tank is filled from a supply other than a public water supply and the public water supply is used as a supplemental supply, the pipeline from the public water supply shall be installed with an air gap.
 - (ii) When the reservoir or tank is filled entirely by water from a public water supply:

- (I) If a covered ground reservoir or covered elevated tank is used, an approved reduced pressure back-flow preventer or an approved double check valve assembly may be used.
- (II) If an uncovered ground reservoir or uncovered elevated tank is used, an air gap is required.
- (G) Installation.
- (i) Backflow prevention assemblies shall be installed in accordance with manufacturers' recommendations and specifications and be free from any field modifications.
- (ii) Back-flow prevention assemblies shall be located and installed in such a manner as to afford adequate protection; be easily accessible for regular testing, maintenance, and inspection; and include all necessary test cocks and drains for testing. Valves shall be installed in the line at both ends of the back-flow prevention device to provide for replacement and maintenance.
- (iii) Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly installed that is equal to that on the main line.
- (iv) Reduced Pressure Principle Assemblies shall be installed above ground or below ground in a vault with positive gravity drainage to atmosphere employing a drain of sufficient size to handle the full flow of discharge from a discharging assembly, 12-inch minimum clearance from vault walls and floor, and in accordance with manufacturers recommendations. A reduced pressure principle assembly may be installed as protection for either a high-health or low-health hazard.
- (v) Double Check Valve Assemblies shall be installed either vertically or horizontal and above ground, or below ground in a vault with positive gravity drainage to atmosphere. A double check valve assembly shall be installed as protection for a low-health hazard only.
- (vi) Pressure Vacuum Breaker Assemblies shall be installed only where there is no means or potential means of a pressure higher than the supply pressure caused by a pump, elevated tank, boiler, air/steam pressure, or any other means which may cause backflow, and in accordance with manufacturers recommendations. A pressure vacuum breaker shall be installed as protection for a high-health or low-health hazard that is subject to backsiphonage only, and with no backpressure.
- (4) Supplier of Water Shall Authorize Connections. Interconnection to a public water system is subject to the approval of the supplier of water and shall not be made until authorized by the supplier of water.
- (5) Recordkeeping. A community or non-transient non-community public water system with five or more testable backflow prevention assemblies protecting the distribution system as required under this Rule shall maintain the following records beginning on January 1, 2020:
- (A) Records of the location, type, installation date, and size of backflow prevention devices whose failure would create a high-health hazard or a low-health hazard and the associated hazards;
- (B) A description of specific ongoing plans, actions, or schedules to inventory existing backflow prevention devices under Part (b)(5)(A) of this Rule and to identify and address any uncontrolled cross-connection hazards;

- (C) Final results of all backflow prevention assembly field testing and air gap inspections; and
- (D) Review of new service connections and existing service connections during change of account owner to ensure any required backflow prevention devices are properly installed and tested.
- (E) A supplier of water which contracts with a third-party to implement any part of their cross-connection program may allow records required by this Paragraph to be maintained on the premises of the third-party, as long as the records are available on demand by the supplier of water.
- (F) Program records under Part (b)(5)(C) of this Rule shall be maintained for a minimum of four years. Remaining records in this Paragraph shall be maintained while still current and/or in use.
- (6) Reporting. Each supplier of water shall notify the Department of any known incident of backflow into the public water system that creates a risk of contamination as soon as possible upon discovery of the incident but no later than the end of the next business day. If requested by the Department, the supplier of water shall submit a written report of the incident describing the nature and severity of the backflow, the actions taken by the supplier of water in response to the incident, and the
- action plan intended to prevent such incidents in the future.
- Authority G.S. 130A-315; 130A-317; P.L. 93-523.*
- 15A NCAC 18C .0408 LEAD FREE CONSTRUCTION**
- (a) Any pipe, pipe fitting, solder or flux used ~~after June 19, 1988~~ in the installation or repair of any public water system shall be lead free.
- (b) "Lead free" ~~means that solders and flux shall not contain more than 0.2 percent lead, and pipes and pipe fittings shall not contain more than 8.0 percent lead.~~ means:
- (1) not containing more than 0.2 percent lead when used with respect to solder and flux; and
- (2) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.
- ~~(c) This Rule shall not apply to leaded joints necessary for the repair of cast iron pipes.~~
- Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.*
- 15A NCAC 18C .0409 SERVICE CONNECTIONS**
- (a) Local Water Supply Plan. Units of local government which are operating under a local water supply plan in accordance with G.S. 143-355(l) shall not be limited in the number of service connections.
- (b) No local water supply plan. A public water system which does not have a local water supply plan as stated in Paragraph (a) shall limit its number of service connections as follows:
- (1) A public water system shall meet the daily flow requirements specified in Table 1:

Table 1: Daily Flow Requirements

Type of Service Connection	Daily Flow for Design
Residential	400 gallon/connection
Mobile Home Parks	250 gallon/connection
Campgrounds and Travel Trailer Parks	100 gallon/space
Marina	10 gallon/boat slip
Marina with bathhouse	30 gallon/boat slip
Rest Homes and Nursing Homes	
with laundry	120 gallon/bed
without laundry	60 gallon/bed
Schools	15 gallon/student
Day Care Facilities	15 gallon/student
Construction, work, or summer camps	60 gallon/person
Business, office, factory (exclusive of industrial use)	
without showers	25 gallon/person/shift
with showers	35 gallon/person/shift
Hospitals	300 gallon/bed

or;

- (2) A public water system ~~serving different types of service connections~~ shall meet the ~~maximum daily demand~~ daily flow requirements calculated as follows:
- (A) Where records of the previous year are available that reflect daily usage, the average of the two highest consecutive days of record of the water treated

shall be the value used to determine if there is capacity to serve additional service connections (unusual events such as massive line breaks or line flushings shall not be considered).

- (B) Where complete daily records of water treated are not available, the public water system shall multiply the daily average use based on the amount of water treated during the previous year of record by the appropriate factor to determine maximum daily demand, as follows:

- (i) A system serving a population of 10,000 or less shall multiply the daily average use by 2.5; or
- (ii) A system serving a population greater than 10,000 shall multiply the daily average use by 2.0.

(c) A supplier of water shall include the impact that demands from any anticipated in-ground irrigation systems, multi-family units or large vacation rental homes will have on the daily flow needs determined in Paragraph (b) of this Rule.

(d) Once two years of metered usage data exists, a supplier of water may recalculate the daily flow requirements based on the actual usage. If actual demands are lower than the projected demand, any recovered supply can be used to support additional connections in accordance with Paragraph (b) of this Rule.

(e) A supplier of water may use lower flows than given in Table 1 for determining the daily flow requirements for the public water system in certain instances. A supplier of water shall be exempt from using Table 1, and any other design flow standards established by the Department or the Commission to determine the daily flow requirements, provided that a professional engineer licensed pursuant to Chapter 89C of the General Statutes prepares, seals, and signs documentation supporting alternative daily flow requirements which are sufficient to sustain the water usage required in the engineering design by using low-flow fixtures and/or flow reduction technologies.

Authority G.S. 130A-315; ~~103A-317~~; 130A-317; P.L. 93-523.

SECTION .0500 - SUPPLEMENTAL DESIGN CRITERIA

15A NCAC 18C .0503 OTHER DESIGN STANDARDS

In evaluation of public water systems or water system design features, in addition to the Rules in this Subchapter, the Department shall consider standards from the American Water Works Association or Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies by the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, which are hereby incorporated by reference, including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .0600 - RAW SURFACE WATER FACILITIES

15A NCAC 18C .0601 IMPOUNDMENTS: PRE-SETTLING RESERVOIRS

(a) Pre-settling Reservoirs. Construction of a pre-settling reservoir shall be required where wide and rapid variations in turbidity, bacterial concentrations, or chemical qualities occur, or where the following raw water quality standards are not met: turbidity - 150 NTU, coliform bacteria - 3000/100 ml, fecal coliform bacteria - 300/100 ml, color - 75 CU. Where impoundment of the water supply stream does not or will not provide a raw water of acceptable quality, a pre-settling ~~or pre-treatment~~ reservoir located outside the watershed or catchment area may be required.

(b) The Department may approve alternatives to pre-settling reservoirs if a supplier of water can demonstrate that engineered pretreatment providing an additional treatment barrier to low raw water quality will be installed and that the overall designed treatment process is capable of compliance with this Subchapter. Pilot plant studies under Rule .0714 of this Subchapter will be required to demonstrate treatment effectiveness unless operational data demonstrating treatment effectiveness for the variety of water quality that is experienced at the treatment facility are already available.

(c) The Department may approve capacity increases at existing surface water treatment facilities without addition or up-sizing of pre-settling reservoirs where:

- (1) historical data or full-scale pilot studies can demonstrate the plant can provide treatment in accordance with this Subchapter without additional pre-settling, or
- (2) the use of alternative technology alleviates the need for additional pre-settling.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .0700 - SURFACE WATER TREATMENT FACILITIES

15A NCAC 18C .0703 MECHANICAL FLOCCULATION

(a) Basin Inlet and Outlet. The design of inlets and outlets of flocculation basins shall prevent short circuiting of the water and destruction or deterioration of the floc.

(b) Detention Period. The flocculation basins shall have a theoretical detention period of not less than ~~20~~ 30 minutes.

(c) Agitator Control. The agitators of flocculation basins shall be equipped with variable speed controls.

(d) Paddles. Peripheral speed and paddle configuration shall be designed to obtain optimum velocity gradient.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0706 SEDIMENTATION BASIN (READoption WITHOUT SUBSTANTIVE CHANGES)

15A NCAC 18C .0707 SOLIDS CONTACT OR UP-FLOW UNITS

(a) Approval of Solids Contact or Up-Flow Units. Solids contact or up-flow clarification units shall be approved only where raw water characteristics are substantially constant and shall not be approved for raw waters that have wide and rapid variations in turbidity or other qualities that would adversely affect the treatment process.

(b) Water Rise Rate. The rise rate shall not exceed 1.0 gallon per minute per square foot of clarification ~~area. area unless the requirements of Rule .0711 of this Section have been satisfied.~~

(c) Weir Loading. Weir loading shall not exceed ~~seven~~ 10 gallons per minute per foot of weir length. Horizontal flow to the collection trough shall not exceed 10 feet.

(d) Speed Agitator Equipment. Mixing and flocculation shall be accomplished by means of adjustable, variable speed agitator equipment.

(e) Sludge Withdrawal. Sludge withdrawal equipment shall include an intermittent sludge removal mechanism controlled by an adjustable automatic timer.

(f) Basin Drain. The basin shall be provided with a bottom drain that is of sufficient size to empty the basin in two hours or less.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

**15A NCAC 18C .0708 GRAVITY FILTERS
(READoption WITHOUT SUBSTANTIVE CHANGES)**

15A NCAC 18C .0711 ALTERNATIVE FILTRATION TREATMENT TECHNOLOGIES

A public water system may propose an alternative filtration treatment technology as provided in Rule .2003 of this Subchapter. The following conditions shall apply:

- (1) The source waters shall be derived from WS-I, WS-II or WS-III watersheds and shall be protected from sources of pollution ~~as determined from a sanitary survey~~ in accordance with Rule ~~.0202~~ .1305 of this Subchapter.
- (2) The raw water quality standards and fluctuations shall be as specified in Rule ~~.0710~~ ~~Item (6)~~ .0710(6) of this Section, except that the following maximum concentrations shall be allowed in the influent water to the water treatment plant: Turbidity - 20 NTU, coliform - 500/100 ml, fecal coliform - 50/100 ml, color - 20 CU.
- (3) Off-stream pre-treatment/storage shall be provided as specified in Rule .0710 of this Section except that the raw water quality standards of Item (2) of this Rule shall be maintained in the water treatment plant influent water.
- (4) If the Department determines that the proposed water treatment plant employs treatment techniques that are consistent with this Subchapter, a pilot study shall be conducted in accordance with Rule .0714 of this Section.

- (5) If the pilot study demonstrates to the Department that the proposed water treatment plant can consistently produce water which complies with all requirements of this Subchapter, detailed engineering plans and specifications for the proposed plant and appurtenances shall be presented to the Department for review and approval prior to construction or letting a contract.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0713 PRESSURE FILTERS

Pressure filters shall not be used in treatment of surface ~~waters.~~ waters without prior coagulation and flocculation. Pressure filters may be approved for treatment of existing groundwater sources under the influence of surface water under the following conditions:

- (1) Design standards for gravity filters in Rule .0708 of this Section shall apply.
- (2) Overall plant design shall comply with Rule .0404 of this Subchapter.
- (3) Special design or operational features or modifications shall be provided when needed due to water quality or design of the proposed filter.
- (4) If the Department determines that the proposed water treatment plant employs treatment techniques that are consistent with this Subchapter, a pilot plant study shall be conducted in accordance with Rule .0714 of this Section.
- (5) If the pilot study demonstrates to the Department that the proposed plant can consistently produce water which complies with all requirements of this Subchapter, detailed engineering plans and specifications for the proposed plant and appurtenances shall be presented to the Department for review and approval prior to construction or letting a contract.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0714 PILOT PLANT STUDIES

(a) A pilot plant study proposal shall be submitted to the Department for approval before the study is conducted.

The following conditions shall apply:

- (1) An engineering report shall describe the proposed study and shall include the information and data to justify use of the particular plant to treat the source water;
- (2) The proposed plant shall employ treatment techniques that are consistent with this Subchapter;
- (3) The pilot plant shall be of the same design and operation as the proposed plant;
- (4) A protocol for conducting the study shall be submitted which includes the duration, testing

procedures, reporting procedures, plant scale and other factors which affect the proposed plant operation; and

- (5) The study shall be conducted over a time sufficient to treat all ~~worst-case~~ worst-case source water conditions expected through the year.

(b) Pilot plant finished water shall not be introduced to a public water system unless approved by the Department.

(c) When the proposed plant or pilot plant has been tested under worst case conditions on similar ~~water and achieved 3.0 log removal of Giardia cysts and water; achieved the required log inactivation/removal under Section .2000 for Giardia, Cryptosporidium, and viruses; and achieved~~ a maximum of 0.3 NTU turbidity levels 95 percent of the time in filtered effluent, the particular model plant may be proposed without on-site testing.

(d) The pilot plant shall comply with the provisions of Section .2000 of this Subchapter.

(e) If the proposal includes a change of treatment as defined in Rule .1507 of this Subchapter, the pilot study shall consider the effect of the proposed changes on lead, copper, and water quality parameter compliance.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0715 OTHER DESIGN STANDARDS

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .0800 - HYDROPNEUMATIC STORAGE TANKS RULES

15A NCAC 18C .0803 CAPACITIES: DETERMINING TOTAL VOLUME (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0900 - DISTRIBUTION SYSTEMS

15A NCAC 18C .0904 PIPE LAYING

(a) Trenching, pipe laying, and backfilling shall be accomplished in a manner to prevent damage and ~~mis-alignment~~ misalignment of the pipe. Water mains shall be buried to a depth below the ~~frostline~~ frost line or to a depth sufficient to provide a minimum of 30 inches cover, whichever is greater. In cases where it is impracticable taking into consideration feasibility and cost to provide 30 inches of cover, a deviation may be approved on a case-by-case basis, when supported by data from the design engineer including, but not limited to, consideration of pipe material, cover material, land cover, land use, land slope, depth of frost line, and location of other utilities.

(b) To allow for construction and repair, a minimum distance of 12 inches must be maintained between the outside of the water main and the outside of other utilities.

(c) Special Conditions. In cases where the engineer demonstrates it is impractical to maintain a separation distances in this Rule when taking into consideration feasibility and cost, a deviation may be approved on a case-by-case basis. Such deviation must be supported by data and alterative construction criteria submitted by

the design engineer. Data and alterative construction criteria submitted by the design engineer to justify the deviation must describe the:

- (1) rationale for determining that separation criteria described in Paragraphs (a) and (b) of this Rule are impracticable;
- (2) extent of the deviation from separation criteria in Paragraphs (a) and (b) of this Rule;
- (3) consideration of pipe materials, pressure ratings, type of joints for water main and non-potable water line, and soil conditions;
- (4) ability to provide adequate work space to repair or replace pipe segments or other utility infrastructure without causing damage to or otherwise compromising the integrity of pipes; and
- (5) rationale for determining that the deviation will not result in unreasonable risk to public health.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .0906 RELATION OF WATER MAINS TO SEWERS ~~NON-POTABLE WATER LINES~~

(a) For this rule, sewer shall mean any existing or proposed gravity or force main used to convey sanitary or industrial process waste.

(a)(b) Lateral Separation of Sewers and Water Mains. Water mains shall be laid at least 10 feet laterally from existing or proposed sewers, unless local conditions or barriers prevent a 10-foot lateral separation--in which case:

- (1) The water main is laid in a separate trench, with the elevation of the bottom of the water main at least 18 inches above the top of the sewer; or
- (2) The water main is laid in the same trench as the sewer with the water main located at one side on a bench of undisturbed earth, and with the elevation of the bottom of the water main at least 18 inches above the top of the sewer.

(b) ~~Crossing a Water Main Over a Sewer. Whenever it is necessary for a water main to cross over a sewer, the water main shall be laid at such an elevation that the bottom of the water main is at least 18 inches above the top of the sewer, unless local conditions or barriers prevent an 18 inch vertical separation in which case both the water main and sewer shall be constructed of ferrous materials and with joints that are equivalent to water main standards for a distance of 10 feet on each side of the point of crossing.~~

(c) ~~Crossing a Water Main Under a Sewer. Whenever it is necessary for a water main to cross under a sewer, both the water main and the sewer shall be constructed of ferrous materials and with joints equivalent to water main standards for a distance of 10 feet on each side of the point of crossing. A section of water main pipe shall be centered at the point of crossing.~~

(c) Crossings. Water mains crossing sewers shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer with preference to the water main located above the sewer.

One full length of water pipe shall be located so both joints will be as far from the sewer as possible.

(d) Water Mains and Storm Sewer Pipes. Pipes carrying storm drainage shall be separated from water lines in accordance with Rule .0904 of this Section.

(e) Water Mains and Reclaimed Water Distribution Lines. Water lines shall be located at least 10 feet horizontally from and at least 18 inches above water pipes carrying treated and disinfected wastewater in reclaimed water distribution lines. Crossings shall be made in accordance with Paragraph (c) of this Rule.

(f) Special Conditions. In cases where the engineer demonstrates it is impracticable, taking into consideration feasibility and cost, to maintain the separation distances in this Rule, a deviation may be approved on a case-by-case basis, when supported by data and alternative construction criteria provided by the design engineer. Data and alternative construction criteria submitted by the design engineer to justify the deviation must describe the:

- (1) rationale for determining that separation criteria described in this Rule are impracticable;
- (2) extent of the deviation from separation criteria in this Rule;
- (3) consideration of pipe materials, pressure ratings, type of joints for water main and non-potable water line, and soil conditions;
- (4) ability to provide adequate work space to repair or replace pipe segments or other utility infrastructure without causing damage to or otherwise compromising the integrity of pipes; and
- (5) rationale for determining that the deviation will not result in unreasonable risk to public health.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .1000 - DISINFECTION OF WATER SUPPLY SYSTEMS

15A NCAC 18C .1002 DISINFECTION AND VERIFICATION OF WELLS

(a) After water supply wells have been cleaned of foreign substances, including sediment, grease and oil, the wells shall be disinfected by the addition of chlorine solution in concentrations sufficient to produce a minimum chlorine residual of 100 milligrams per liter (or ppm) in the entire water column within the well casing. Water supply wells. Following construction, servicing, maintenance, or any other activity or event that might lead to contamination of the water, water supply wells shall undergo disinfection and verification in accordance with ANSI/AWWA Standard C654-13, Disinfection of Wells. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter. The disinfection procedures covered are for the gravel pack, well casing, pump, and appurtenant piping.

(b) The chlorine solution shall remain in the well for a period of 24 hours. The well shall then be pumped until the water is free of chlorine. For disinfection of existing wells following general servicing or maintenance, plans or specifications do not need Departmental review or approval.

(c) A representative sample or samples of the water shall be collected and analyzed by a certified laboratory. The absence of

total coliform bacteria in addition to the documented use of proper disinfection techniques provides verification that the disinfection process has been accomplished in compliance with the standard.

If bacteriological tests indicate verify that the water is free of bacteriological contamination, the well may be placed in service.

(d) Records demonstrating compliance with ANSI/AWWA Standard C654-13 shall be available for three years for state inspection.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .1003 DISINFECTION AND VERIFICATION OF STORAGE TANKS AND DISTRIBUTION SYSTEMS

(a) Water distribution systems, including storage tanks and water mains, after flushing to remove sediment and other foreign matter, and after testing for leaks, shall be disinfected by the addition and thorough dispersion of a chlorine solution in concentrations sufficient to produce a chlorine residual of at least 50 milligrams per liter (or ppm) in the water throughout the distribution system, including all water mains and storage tanks. Distribution systems. After flushing to remove sediment and other foreign matter and after checking for leaks, distribution systems shall undergo disinfection and verification in accordance with ANSI/AWWA Standard C651-14, Disinfection of Water Mains, if they have been newly constructed; have been removed from service for planned repairs or for maintenance that exposes them to contamination; have undergone emergency repairs because of physical failure; or under normal operation, continue to show the presence of coliform bacteria. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter.

(b) The chlorine solution shall remain in contact with interior surfaces of the water system for a period of 24 hours. Then the water system shall be flushed with fresh water from an approved water source until the chlorine solution is dispelled. Water storage facilities. Water storage facilities, including storage tanks and clearwells, shall undergo disinfection and verification in accordance with ANSI/AWWA Standard C652-11 if they have been newly constructed, have been entered for construction or inspection purposes, or continue to show the presence of coliform bacteria during normal operations. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter.

(c) Representative After disinfection under Paragraphs (a) and (b) of this Rule, representative samples of the water shall then be collected. collected and analyzed for coliform bacteria. The absence of total coliform bacteria in addition to the documented use of proper disinfection techniques provides verification that the disinfection process has been accomplished in compliance with the standard. If bacteriological tests of the samples indicate that the water quality is satisfactory, the water mains and storage tanks may be placed in service. New storage tanks and distribution system water lines may be placed into service after bacteriological tests of the samples indicate that the water quality is free from contamination.

(d) Disinfection of existing storage tanks and distribution systems following general servicing or maintenance do not require Departmental plans or specifications review or approval under Section .0300 of this Subchapter.

~~(d)~~(e) In unusual situations where large volume tanks are involved and where there is not sufficient water available to fill the tank or there is not available a suitable drainage area for the chlorinated water, an alternate disinfection procedure for tanks may be proposed. Such proposal must be submitted in writing completely describing the proposed disinfection procedure and substantiating the need for an alternate procedure in the particular circumstance. Such alternate procedure must be approved before being implemented. The conclusion of the ~~department~~ Department shall be final.

(f) Records demonstrating compliance with ANSI/AWWA Standards C651-14 and C652-11 shall be available for three years for state inspection.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

15A NCAC 18C .1004 DISINFECTION AND VERIFICATION OF FILTERS WATER TREATMENT FACILITIES

~~(a) After filters have been thoroughly backwashed to remove dust, silt and other foreign matter the entire filter (including filter media, supporting material and underdrain system) shall be disinfected by application of a chlorine solution having a minimum concentration of 50 milligrams per liter (or ppm).~~

~~(b) The solution shall be dispersed throughout the filter bed and remain in contact for a minimum of 24 hours.~~

(a) New treatment facilities and existing water treatment facilities temporarily taken out of service for cleaning, inspection, maintenance, painting, repair, or any other activity or event that might lead to the contamination of water must undergo disinfection and verification in accordance with ANSI/AWWA Standard C653-13, Disinfection of Water Treatment Plants. This standard applies to treatment components, including filter basins, filter media, pump suction wells, and associated piping and appurtenances located downstream from the filter influent or from the first point of application of disinfectant in the treatment process. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter.

(b) Filters (including filter media, supporting material and underdrain system) must be thoroughly backwashed to remove dust, silt and other foreign matter from the entire filter prior to disinfection and verification.

(c) A representative sample or samples of the water shall be collected and analyzed by a certified laboratory. The absence of total coliform bacteria in addition to the documented use of proper disinfection techniques provides verification that the disinfection process has been accomplished in compliance with the standard. If bacteriological tests verify that the water is free of bacteriological contamination, the facility may be placed in service.

~~(e)~~(d) For treatment equipment that cannot tolerate chlorine, alternate disinfection procedures as recommended by the equipment manufacturer may be used if equivalent to the disinfection procedure using chlorine.

(e) Records demonstrating compliance with ANSI/AWWA Standard C653-13 shall be available for three years for state inspection.

Authority G.S. 130A-315; 130A-317; P.L. 93-523.

SECTION .1400 - FLUORIDATION OF PUBLIC WATER SUPPLIES

15A NCAC 18C .1406 CONTROL OF TREATMENT FLUORIDE PROCESS

~~(a) The treatment process shall result in the adjustment of fluoride ion (F⁻) in the treated water to 1.0 mg/liter.~~

Fluoride Levels. To maintain as close to an optimal fluoride level of 0.7 mg/l as possible, a supplier of water which is adding fluoride to the treated water shall maintain the following fluoride levels:

- (1) An operational control range for fluoride of 0.6 mg/l to 1.0 mg/l is established.
- (2) The monthly average of the daily measurements at the entry point to the distribution system shall be within the operational control range, and
- (3) Eighty percent of the daily measurements at the entry point to the distribution system shall be within the operational control range.
- (4) Fluoride levels shall not exceed the MCL in Rule .1510 of this Subchapter.

~~(b) A water treatment plant operator certified under 15A NCAC 18D shall conduct the necessary chemical analyses and supervise application of the fluoride.~~

~~(c) Samples shall be collected and analyzed from points before and after fluoridation and from one or more points in the distribution system. The minimum number of control tests required and the number of check samples to be collected and submitted to the North Carolina State Laboratory of Public Health for analysis shall be determined by the Department in conjunction with the State Health Director, based on guidance from the Center for Disease Control, and considering recommendations from the local health department and the supplier of water.~~

(c) Sample Location and Frequency.

- (1) Daily Monitoring. A supplier of water shall measure the fluoride concentration at least once per day at each entry point to the distribution system with fluoridated water.
- (2) Split Samples. One entry point sample collected under Subparagraph (c)(1) of this Rule, per month shall be split equally and one portion analyzed by water system personnel and the other portion analyzed by the North Carolina State Laboratory for Public Health or other laboratory certified to analyze drinking water samples for fluoride by the North Carolina State Laboratory of Public Health. A supplier of water which has all fluoride samples under this Rule analyzed by a laboratory certified to analyze drinking water samples for fluoride by the North Carolina State Laboratory for Public Health is not required to conduct split sampling.
- (3) Distribution System Monitoring. Where a public water system has multiple entry points and either not all are fluoridated or the fluoride level at an entry point to the distribution system is not within the range in Paragraph (a)(1) of this Rule the supplier of water shall measure the fluoride concentration in the distribution

system at least two times per month. One sample per month shall be a split sample and analyzed in accordance with Subparagraph (c)(2) of this Rule. Sample sites shall be rotated throughout the distribution system at monitoring locations approved for coliform compliance sampling. These sample results are not required to be submitted to the Department, but must be available for review by the Department upon request.

(4) Annual Raw Water Sample. A supplier of water shall measure the fluoride concentration of the raw water at least annually by a laboratory certified to analyze fluoride in drinking water by the North Carolina State Laboratory of Public Health.

(5) Discrepancies. A supplier of water shall compare the results of the split samples and shall consult with the North Carolina State Laboratory of Public Health to investigate and resolve any discrepancy greater than 15 percent within 30 days.

(d) Analysis Methods. The fluoride content of the water shall be determined in accordance with methods in Rule .1508 of this Subchapter.

(e) Monthly Reporting. Accurate records of ~~the amount of fluoride applied to the water and the results of~~ all fluoride analyses performed in accordance with Subparagraph (c)(1) of this Rule, shall be recorded on forms approved by the Department and submitted to the Department ~~weekly,~~ monthly. Fluoride results performed by certified laboratories in accordance with Subparagraph (c)(1) of this Rule, shall be reported by the certified laboratory electronically in a format prescribed by the Department.

(f) Reporting Exceedances. Any fluoride result above the MCL in Rule .1510 of this Subchapter shall be reported to the Department as soon as possible, but in all cases within 24 hours after receipt of the analysis.

~~(f)(g)~~ Fluoride Products. Any fluoridation product used by a public water system shall meet the requirements of Rule .1537 of this Subchapter.

(h) Discontinuation of Fluoridation. Prior to the discontinuation of fluoride addition, a supplier of water shall provide to the Department and the Department of Health and Human Services Oral Health Section copies of documentation by the unit of local government or the governing body operating the community water system that:

(1) the resolution provided in the formal application to add fluoride has been rescinded or replaced, and

(2) the local board of health has been notified.

Authority G.S. 90A-29; 130A-316.

SECTION .1500 - WATER QUALITY STANDARDS

15A NCAC 18C .1507 CORROSION CONTROL AND LEAD AND COPPER MONITORING

(a) Control and adjustment of pH shall be provided for community water systems having water with a pH below 6.5; such control and adjustment to be approved by the Department. ~~Most waters are corrosive in varying degrees at pH 6.5 and slightly above, and such waters may have pH adjustment. If the community water system is also required to install corrosion control treatment to comply with this Rule, it shall meet the minimum pH level required under this Rule.~~

(b) The provisions of 40 C.F.R. 141.42 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter.

(c) The provisions of 40 C.F.R. 141, Subpart I - Control of Lead and Copper are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter.

~~(d) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year, shall be exempt from the provisions of this Rule.~~

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1508 INORGANIC CHEMICAL SAMPLING AND ANALYSIS

The provisions of 40 C.F.R. 141.23 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter. In addition, two or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve 15 or more service connections or 25 or more persons shall ~~conform to the following sampling schedule:~~ submit samples every three years from each section of the water system supplied from a separate source.

(a) ~~a water supplier shall submit samples every three years from each section of the water system supplied from a separate source, and~~

(b) ~~travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same people more than six months per year shall monitor as specified for transient non-community water systems.~~

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1509 SPECIAL MONITORING FOR SODIUM

(a) ~~Suppliers of water for community water systems shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels. Samples must be collected and analyzed annually for systems utilizing surface water sources in whole or in part, and at~~

least every three years for systems utilizing solely ground water sources. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with Department approval, be considered one treatment plant for determining the minimum number of samples. The supplier of water may be required by the Department to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(b) Suppliers of water for community water systems shall report to the Department the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is first. If more than annual sampling is required, the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

(c) The Department shall notify appropriate local health officials of the sodium levels found in community water systems.

(d) Analyses conducted to determine compliance with this Rule shall be made in accordance with methods adopted by the United States Environmental Protection Agency and codified as 40 C.F.R. 141.41(d) that are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

(e) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

(a) The provisions of 40 C.F.R. 141.41 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

(b) In accordance with 40 C.F.R. 141.41(c), the supplier of water shall notify appropriate local health officials of the sodium levels found in community water systems.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1511 CONCENTRATION OF IRON

(a) The requirements of this Rule apply only to community water systems. A community water system which has an iron concentration in excess of 0.30 mg/l shall provide treatment to control the water quality. Analysis of samples shall be made on an as needed basis determined by the Department. Such need basis shall include, but not be limited to, addition of a new well or other raw water source, approval of a new community water system, approval of an existing system not previously approved, or problems and complaints of water quality normally associated with iron concentration.

(b) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1512 CONCENTRATION OF MANGANESE

(a) The requirements of this Rule apply only to community water systems. A community water system which has a manganese concentration in excess of 0.05 mg/l shall provide treatment to control the water quality. Analysis of samples shall be made on an as needed basis determined by the Department. Such need basis shall include, but not be limited to, addition of a new well or other raw water source, approval of a new community water system, approval of an existing system not previously approved, or problems and complaints of water quality normally associated with manganese concentration.

(b) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1515 ORGANIC CHEMICALS OTHER THAN TTHM, SAMPLING AND ANALYSIS

(a) The requirements of this Rule shall apply to community and non-transient non-community water systems. The provisions of 40 C.F.R. 141.24 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter. Any dates set forth in the federal rule shall be applicable.

(b) If the result of an analysis made pursuant to Paragraph (a) of this Rule indicates that the level of any contaminant listed in Rule .1517 of this Subchapter regulated under this Subchapter exceeds the maximum contaminant level, the supplier of water shall report to the Department within 48 hours and initiate three additional analyses within one month. hours of receipt of the analytical result.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1516 SPECIAL MONITORING FOR INORGANIC AND ORGANIC CHEMICALS UNREGULATED CONTAMINANTS

(a) The provisions of 40 C.F.R. 141.40 are hereby incorporated by reference including any subsequent amendments and editions, except that 40 C.F.R. 141.40(n)(10) is not adopted. editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter.

(b) To comply with the monitoring requirements of this Rule, a community water system or non-transient, non-community water system serving fewer than 150 service connections shall take a single water sample to be analyzed for inorganic and organic chemicals.

(c) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.

Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1519 MONITORING FREQUENCY FOR RADIOACTIVITY

~~(a) The requirements of this Rule shall apply to community water systems, systems and community adjacent water systems, as defined in G.S. 130A-315(b2). The provisions of 40 C.F.R. 141.26 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter. Any dates set forth in the federal rule shall be applicable.~~

~~(b) An adjacent water system as defined in G.S. 130A-315(b2) shall conform to the sampling schedule as set in Paragraph (c) of this rule rather than the schedule set forth in 40 C.F.R. 141.26(a) and (b).~~

~~(c) When the Secretary determines that the system is in an area subject to radiological contamination, a water supplier shall take samples for the following contaminants:~~

- ~~(1) gross alpha particle activity;~~
- ~~(2) radium 226;~~
- ~~(3) radium 228;~~
- ~~(4) uranium; and~~
- ~~(5) man-made radioactivity from the water system.~~

~~When the sampling is required, a water supplier shall submit samples every four years from each section of the water system supplied from a separate source.~~

~~(d) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall monitor the same as required by adjacent systems in Paragraph (b) of this Rule.~~

Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1523 PUBLIC NOTIFICATION REQUIREMENTS

~~(a) The provisions of 40 C.F.R. 141.32 are hereby incorporated by reference including any subsequent amendments and editions, except that multi-lingual notice shall be given if 30 percent or more of the consumers served by the system are non-English speaking. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.~~

~~(b)(a) The provisions of 40 C.F.R. 141, Subpart Q – Public Notification of Drinking Water Violations are hereby incorporated by reference including any subsequent amendments and editions, except that under 40 C.F.R. 141.205(c)(2), multi-lingual notice shall be given if 30 percent or more of the consumers served by the system are non-English speaking. Copies are available for public inspection as set forth in Rule .0102 .0102(a) and (b) of this Subchapter.~~

~~(c)(b) Special notification for distribution system samples. The requirements of this Paragraph shall be in addition additional to the public notice requirements in Paragraphs (a) and (b) Paragraph (a) of this Rule and to the reporting requirements contained in Rule .1525 of this Subchapter. When a distribution sample which is required to be reported to the Division is taken from the plumbing of a school or daycare, place of residence, or location supplying permanent or temporary housing, the supplier of water shall notify the billing customer at the sampled address is taken on property not owned or controlled by the supplier of water, the~~

~~supplier of water shall notify the person authorizing the sample if any individual water sample exceeds an action level, maximum contaminant level, or maximum residual disinfectant level established in this Subchapter, or if any individual sample is positive for coliform bacteria. E. coli or any other fecal indicator as follows:~~

- ~~(1) For a contaminant listed as Tier 1 in Appendix A to 40 C.F.R. 141, Subpart Q, notice shall be provided by telephone within 24 hours of receipt of analytical results. If the initial contact is by telephone, results and shall be followed by written notice by mail or direct delivery shall also be provided within 48 hours of receipt. The written notice shall include the analytical results and appropriate health effects language.~~
- ~~(2) For a contaminant listed as Tier 2 or Tier 3 in Appendix A to 40 C.F.R. 141, Subpart Q, notice shall be provided within 48 hours of receipt of analytical results. Written notice shall be provided by mail or direct delivery to the person authorizing the sample and shall include the analytical results and appropriate health effects language.~~
- ~~(3) The supplier of water shall submit a copy of the written notice and certification of delivery to the Department within 10 days of completing notification.~~

~~The person authorizing the sample may waive the notification required by this Paragraph. The waiver shall be documented in writing and signed by the authorizing person. The waiver is valid for five years and is renewable.~~

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1524 REPORTING FOR ORGANIC CHEMICALS REPORTING FOR UNREGULATED CONTAMINANT MONITORING RESULTS

~~(a) The requirements of this Rule only apply to the contaminants listed in 15A NCAC 18C .1516.~~

~~(b) The water supplier for a community water system or non-transient, non-community water system who is required to monitor under 15A NCAC 18C .1516 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under Paragraph (d) of this Rule to the Department.~~

~~(c) The Department shall furnish the following information to the administrator for each sample analyzed:~~

- ~~(1) Results of all analytical methods, including negatives;~~
- ~~(2) Name and address of the system that supplied the sample;~~
- ~~(3) Contaminants;~~
- ~~(4) Analytical methods used;~~
- ~~(5) Date of sample;~~
- ~~(6) Date of analysis.~~

~~(d) The water supplier shall notify persons served by the system of the availability of the results of sampling by including a notice in the first set of water bills issued after the receipt of the results, or by written or newspaper notice, within three months. The notice shall identify a person and telephone number to contact for~~

~~information on the monitoring results. For surface water systems, public notice is required only after the first quarter's monitoring and shall include a statement that additional monitoring will be conducted for three more quarters with the results available upon request.~~

The provisions of 40 C.F.R. 141.35 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1525 REPORTING REQUIREMENTS

(a) The requirements of this Rule shall apply to all public water systems. The provisions of 40 C.F.R. 141.31 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter. Any dates set forth in the federal rule shall be applicable.

(b) When a certified laboratory analyzes a compliance sample for a supplier of water, the certified laboratory shall report the results to both the Department and to the supplier of water or his designated representative within the required periods as set forth in 40 C.F.R. ~~141.31- 141.31~~, except that electronic reporting conducted in accordance with 40 C.F.R. 141.31(a) shall be completed within seven days of completion of the analysis. The laboratory reporting to the Department shall include analytical results for any maximum contaminant level ~~exceedence~~ exceedance within the timeframes applicable to the system owner. Reporting shall be in a format, to include electronic reporting, provided by the Department and shall be filled out completely. Should a certified laboratory fail to properly report a compliance sample result, it shall be the responsibility of the supplier of water to report results to the Department as required by this Rule.

Authority G.S. 130A-315; 130A-324; 130A-329; 40 C.F.R. 141.

15A NCAC 18C .1527 CERTIFIED LABORATORIES

~~(a) For the purpose of determining compliance with the requirements of this Section, samples may be considered only if they have been analyzed by a laboratory certified by the Division of Laboratory Services Laboratory Certification Branch. However, measurements for turbidity, free chlorine residual, temperature and pH may be performed by any person who has been instructed in the appropriate procedure by the Department or a certified laboratory. Measurements may also be performed by a person who holds a valid certificate issued by the North Carolina Water Treatment Facility Operators Board of Certification.~~

~~(b) Nothing in this Section shall be construed to preclude the Department or any duly designated representative from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Section.~~

(a) The provisions of 40 C.F.R. 141.28 are hereby incorporated by reference including any subsequent amendments and editions, with the following exceptions:

- (1) Laboratories analyzing samples under this Subchapter must be certified for that analytical method by the State Laboratory of Public

Health in the Department of Health and Human Services; and

- (2) Measurements for alkalinity; bromide; calcium; daily chlorite samples at the entrance to the distribution system; conductivity; orthophosphate; pH; residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide; magnesium; silica; Specific Ultraviolet Absorbance (SUVA); temperature; Total Organic Carbon (TOC); and turbidity may be performed by any person who holds a valid certificate issued by the North Carolina Water Treatment Facility Operators Board of Certification, or by any person who has been instructed in the appropriate procedure by the Department or a certified laboratory.

(b) Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1528 ALTERNATE ANALYTICAL TECHNIQUES

~~With the written permission of the Secretary, concurred in by the Administrator of the U.S. Environmental Protection Agency, an alternate analytical technique may be employed. An alternate technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternate analytical technique shall not decrease the frequency of monitoring required by this Section.~~

The provisions of 40 C.F.R. 141.27 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1529 POINT-OF-ENTRY POINT-OF-ENTRY, BOTTLED WATER, AND OTHER TREATMENT DEVICES

~~(d) Effective technology shall be properly applied under a plan approved by the Department and the microbiological safety of the water must be maintained as follows:~~

- ~~(1) Certification of performance, field testing, and, if not included in the certification process, an engineering design review of the point-of entry devices shall be provided; and~~
- ~~(2) The tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon shall be considered in the design and application of the point of entry devices. Frequent backwashing, post-contactor disinfection, and Heterotrophic Plate Count monitoring shall be used when necessary to ensure that the microbiological safety of the water is not compromised.~~

~~(e) Every building connected to the system shall have a point-of-entry device installed, maintained, and adequately monitored. The rights and responsibilities of the public water system consumer shall be conveyed with title upon sale of property.~~

(a) The provisions of 40 C.F.R. 141 Subpart J – Use of Non-Centralized Treatment Devices are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

~~(b)~~ Public water systems shall not use bottled water or point-of-use devices to achieve compliance with a maximum contaminant level. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1532 VARIANCES AND EXEMPTIONS

The provisions of 40 C.F.R. 141.4 are hereby ~~adopted by reference in accordance with G.S. 150B-14(e).~~ incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.

15A NCAC 18C .1535 MAXIMUM CONTAMINANT LEVELS FOR COLIFORM BACTERIA

(a) The provisions of 40 C.F.R. 141.63 are hereby ~~adopted by reference in accordance with G.S. 150B-14(e).~~ incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 (a) and (b) of this Subchapter.

(b) The provisions of 40 C.F.R. 141.52 are hereby ~~adopted by reference in accordance with G.S. 150B-14(e).~~ incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 (a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.52; 40 C.F.R. 141.63.

15A NCAC 18C .1537 DRINKING WATER ADDITIVES TREATMENT CHEMICALS AND SYSTEM COMPONENTS

(a) The standards set forth ~~in~~ by American National Standards Institute/NSF International, codified ~~at~~ as ANSI/NSF Standard 60 and ANSI/NSF Standard 61, are hereby incorporated by reference including any subsequent amendments and editions. ANSI/NSF Standard 60 applies to drinking water treatment chemicals. ANSI/NSF Standard 61 applies to drinking water system components. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) of this Subchapter.

(b) A water supply product used in a public water system shall meet the standards incorporated by reference in Paragraph (a) of this Rule. A product certified by an organization having a third-party certification program accredited by the American National Standards Institute to test and certify such products is acceptable for use in a public water system.

(c) A supplier of water shall maintain a list of all water supply products used in a public water system for inspection by the Department. Prior to using a product not previously listed, a supplier of water shall either determine the product is certified as required by Paragraph (b) of this Rule or notify the Department of the type, name and manufacturer of a product.

(d) A supplier of water shall not introduce or permit the introduction of a water supply product into a public water system which does not meet the requirements of this Rule.

Authority G.S. 130A-315; P.L. 93-523.

15A NCAC 18C .1538 CONSUMER CONFIDENCE REPORT

~~(a)~~ The provisions of 40 C.F.R. 141, Subpart O - Consumer Confidence Reports are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

~~(b) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be exempt from the provisions of this Rule.~~

Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141.

SECTION .1800 - LOCAL PLAN APPROVAL

15A NCAC 18C .1804 NOTICE

(a) A local approval program shall submit an annual notice to the Department ~~to identify~~ of each approval of the construction or alteration of the distribution system of a community water system. The local approval program shall retain a copy of the application and approved engineering plans, and shall provide a copy to the Department upon request. The notice shall consist of one copy of the application with construction plans, any revisions made to the plans and the final approval letter.

(b) The local approval program shall provide notice to the department within 10 days of any change in staff, budget or other resources which may affect the ability to effectively carry out the plan review program.

(c) Upon completion of the construction or alteration of the distribution system, the applicant shall submit a statement to the local approval program signed by a registered professional engineer stating that construction was completed in ~~substantial~~ accordance with approved plans and specifications and revised only in accordance with ~~15A NCAC 18C Rule .0306 of this Subchapter~~. The statement shall be based upon adequate observations during and upon completion of construction by the engineer or a representative of the engineer's office supervised by the engineer. The local approval program shall provide a copy of the statement to the ~~Department~~ Department upon request.

Authority G.S. 130A-317; 1985 S.L., c. 697, s. 3.

SECTION .2000 - FILTRATION AND DISINFECTION

15A NCAC 18C .2001 GENERAL REQUIREMENTS

The provisions of 40 C.F.R. 141.70 are hereby ~~adopted by reference in accordance with G.S. 150B-14(e)~~; incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.70.

15A NCAC 18C .2002 DISINFECTION

The provisions of 40 C.F.R. 141.72 are hereby adopted by reference in accordance with G.S. 150B-21.6 including subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. These provisions are adopted with the following exceptions:

- (1) Water entering the distribution system. In 40 C.F.R. 141.72 (a)(2), (a)(3), and (b)(2), "0.2 mg/l" of residual disinfectant concentration shall be replaced with "0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."
- (2) Water in the distribution system at coliform sampling sites. In 40 C.F.R. 141.72(a)(4) and (b)(3), "undetectable" shall be replaced with "less than 0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and less than 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."
- (3) Water in the distribution system at maximum residence time sites. For samples collected at maximum residence time sites or at other locations with high water age as required by Rule .1302(a)(2) of this Subchapter, residual disinfectant concentrations shall be at detectable levels as set forth and calculated in 40 C.F.R. 141.72(a)(4) and (b)(3).
- (4) All surface water treatment facilities shall include chemical disinfection for a minimum 0.5 log Giardia inactivation.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.72.

15A NCAC 18C .2005 CRITERIA FOR AVOIDING FILTRATION

The provisions of 40 C.F.R. 141.71 are hereby ~~adopted by reference in accordance with G.S. 150B-14(e)~~; incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.71.

15A NCAC 18C .2008 DISINFECTANTS AND DISINFECTION BYPRODUCTS

(a) The provisions of 40 C.F.R. 141.53 are hereby incorporated by reference including any subsequent amendments and editions.

Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

(b) The provisions of 40 C.F.R. 141.54 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

(c) The provisions of 40 C.F.R. 141.64 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

(d) The provisions of 40 C.F.R. 141.65 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

(e) The provisions of 40 C.F.R. 141, Subpart L- Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors, and the provisions of 40 C.F.R. 141, Subparts U- Initial Distribution System Evaluations and Subpart V - Stage 2 Disinfection Byproducts Requirements are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule ~~.0102~~ .0102(a) and (b) of this Subchapter.

~~(f) Travel trailer parks, campgrounds, and marina slips that are community water systems as defined by G.S. 130A-313(10), but do not serve 25 or more of the same persons more than six months per year shall be regulated as transient non-community water systems for the purpose of this Rule.~~

Authority G.S. 130A-313; 130A-315; P.L. 93-525; 40 C.F.R. 141.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber Examiners intends to amend the rules cited as 21 NCAC 06F .0113 and .0127.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncbarbers.com/news.html>

Proposed Effective Date: April 1, 2019

Public Hearing:

Date: December 18, 2018

Time: 10:00 a.m.

Location: 5809 Departure Drive, Ste 102, Raleigh, NC 27616

Reason for Proposed Action:

The amendment to 21 NCAC 06F .0113 would allow schools to enroll students once the student permit is issued and establishes time frames for the board staff to issue student permits.

The amendment to 21 NCAC 06F .0127 would make technical changes to conform to the new paragraph letters in the amended version of Rule .0113.

Comments may be submitted to: Dennis Seavers, NC Board of Barber Examiners, 5809 Departure Dr., Ste 102, Raleigh, NC 27616, phone (919)814-0641, fax (919)981-5068, email dseavers@ncbarbers.com

Comment period ends: February 1, 2019

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

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

21 NCAC 06F .0113 STUDENT PERMIT

(a) The barber school shall submit an application as required by 21 NCAC 06N .0104 for a student permit to the ~~Board at least 10 days prior to the student beginning classes.~~ Board at an address listed in 21 NCAC 06A .0102.

(b) The Board shall issue the student permit within:

- (1) Five business days for applications submitted online; or
- (2) Ten calendar days for applications submitted by mail or in person.

~~(b)(c)~~ A student cannot be enrolled in the school until the Board issues the student permit. The student shall receive no credit for training received in barber school until a student permit has been issued for the ~~student and received by the school.~~ student.

~~(c)(d)~~ Within five business days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board.

~~(d)(e)~~ The Board issues a student permit only for the specific application. Once a student permit is issued, the Board shall not refund the fee.

Authority G.S. 86A-22.

21 NCAC 06F .0127 STATE AUTHORIZATION AS A POSTSECONDARY INSTITUTION

(a) If a barber school seeks to be authorized by the Board as a postsecondary educational institution as set forth in 34 C.F.R. 600.9:

- (1) the school handbooks and enrollment agreements required by 21 NCAC 06F .0125 shall require prospective students to have a high school diploma or equivalent; and
- (2) the school shall submit a copy of the student's high school diploma or equivalency documentation with each Form BAR-3 required by 21 NCAC 06N .0104 ~~within the time frame as set forth in 21 NCAC 06F .0113(a).~~ 21 NCAC 06F .0113.

(b) If a barber school meets the requirements set forth in Paragraph (a) of this Rule, the Board shall include the phrase "Postsecondary Institution" on the barber school permit issued under G.S. 86A-13. If the school already holds a school permit issued by the Board, the Board shall issue the permit with the phrase "Postsecondary Institution" at no additional cost, and the school shall relinquish the permit without the phrase to the Board.

(c) The Board shall determine that a school no longer complies with Paragraph (a) based on an inspection or investigation, notification to the Board by the school, or a failure by the school to comply with Paragraph (a)(2) of this Rule. If the Board makes this determination:

- (1) the Board shall issue at no charge a duplicate copy of the permit without the phrase "Postsecondary Institution";
- (2) the school shall relinquish to the Board the permit with the phrase "Postsecondary Institution"; and
- (3) the Board shall notify the federal Department of Education of the school's change in postsecondary status.

(d) This Rule shall not be construed to authorize the Board to delay issuing a permit without the phrase "Postsecondary Institution" to a school that otherwise meets the requirements of the North Carolina General Statutes and the rules of the Board.

Authority G.S. 86A-13; 86A-22; 20 U.S.C. 1001; 20 U.S.C. 1002; 34 C.F.R. 600.9.

CHAPTER 28 – LANDSCAPE CONTRACTORS' LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Landscape Contractors' Licensing Board intends to adopt the rules cited as 21 NCAC 28B .0104, .0303, and .0901, and amend the rules cited as 21 NCAC 28B .0103, .0201, .0202, .0402, .0403, .0501, .0507, .0601, and .0803.

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

Proposed Effective Date: June 1, 2019

Public Hearing:

Date: December 20, 2018

Time: 9:00 a.m.

Location: 3901 Barrett Drive, Suite 202, Raleigh, NC 27609

Reason for Proposed Action:

21 NCAC 28B .0103 Provide clarity on when and how license number is to be displayed.

21 NCAC 28B .0104 Required per G.S. 93B-2; establish manner in which annual reports are filed and escrow account maintained.

21 NCAC 28B .0201 Provide clarity on length of time of exam authorization.

21 NCAC 28B .0202 Clarify who must present evidence of licensure from other jurisdiction.

21 NCAC 28B .0303 Establish rule regarding definition of qualifier and use of assumed names.

21 NCAC 28B .0402 Provide clarity on CEU credits, who is responsible for taking CEU, etc.

21 NCAC 28B .0403 Clarify that failure to comply with CEU requirements will impact license status.

21 NCAC 28B .0501 Clarify how Board will review contracts in determining whether licensure is required.

21 NCAC 28B .0507 Clarify definition of "garden pool."

21 NCAC 28B .0601 Clarify fees for types of licenses (licensing and reinstatement).

21 NCAC 28B .0803 Include copy costs for subpoenaed documents.

21 NCAC 28B .0901 Required per G.S. 150B-20; establish process for rulemaking petitions.

Comments may be submitted to: Calvin M. Kirven, The North Carolina Landscape Contractors' Licensing Board, 3901 Barrett Drive, Suite 202, Raleigh, NC 27609

Comment period ends: February 1, 2019

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

SUBCHAPTER 28B – LICENSING BOARD RULES

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING; DISPLAY OF LICENSE NUMBER

(a) An individual who is "readily available to exercise supervision over the landscape construction and contracting work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100 miles from where the construction or contract project is located or who is available electronically with the ability to view the construction or contract project.

(b) The contractor's license number shall be displayed in accordance with G.S. 89D-12(3). License numbers displayed on vehicles used in the contractor's landscaping business shall be a minimum of one inch in height.

Authority G.S. ~~89D-12(a)~~; 89D-12(a) and (e); 89D-15(2).

21 NCAC 28B .0104 ANNUAL REPORTS

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2. The Board shall file reports in the manner requested by receiving agency or committee.

(b) The Board shall maintain an escrow account at the financial institution used regularly for deposits and checks. Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

Authority G.S. 93B-2.

SECTION .0200 – LICENSURE; RECIPROCITY

21 NCAC 28B .0201 APPLICATIONS FOR LICENSURE

(a) All applicants for licensure or examination shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office. The application shall require the following:

- (1) The Social Security Number of applicant;
- (2) The applicant's contact information;
- (3) The name of business under which licensee will be operating, if any;
- (4) Information about all crimes of which the applicant has been convicted;
- (5) Documentation regarding all crimes of which the applicant has been convicted;
- (6) Information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration or certification board or agency;
- (7) Three personal letters of reference;

- (8) Two professional letters of reference;
- (9) The corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (10) The application fee as set forth in Rule .0601 of this Subchapter.

(b) All letters of reference as required by Subparagraphs (a)(7) and (a)(8) of this Rule shall include the following information for the person providing the reference:

- (1) Name;
- (2) Address;
- (3) Phone number; and
- (4) Email address.

(c) Once an applicant has submitted a complete application and has been determined to have met the minimum qualifications set forth in G.S. 89D-16(a), the Board will notify the applicant that the applicant applicant's qualifier is permitted to take an examination. Prior to taking the examination, the applicant shall submit an examination fee as set out in this Subchapter. In order for a qualifier to be permitted to take an examination, an applicant shall submit a complete application no less than 30 days prior to a scheduled examination date.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

(e) A qualifier has one year from the date an application is approved by the Board to take and pass an examination. If a license expires pursuant to G.S. 89D-20(a) and is not renewed within one year of the date of expiration, the licensee must submit a new application pursuant to this Rule.

Authority G.S. 89D-15(2); 89D-15(4); 89D-16; 89D-20.

21 NCAC 28B .0202 RECIPROCITY

(a) All applicants for licensure by reciprocity shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office located as described in Rule .0101 of this Subchapter.

(b) All applications shall include the following:

- (1) The license by reciprocity application fee as set forth in Rule .0601 of this Subchapter;
- (2) Documentation establishing that the qualifier for the applicant holds an active license, certification, or registration as a landscape contractor in another state or country;
- (3) Information indicating whether the applicant or qualifier has any disciplinary history with any other occupational licensing, registration or certification board or agency;
- (4) The ~~corporate~~ surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (5) Contact information for three personal references;
- (6) Contact information for two professional references; and
- (7) Documentation regarding all crimes of which the applicant has been convicted.

If there is any evidence to show that the applicant has committed any acts that would constitute a violation under G.S. 89D-22, the applicant shall not be licensed by reciprocity.

(c) Once an applicant has submitted a complete application and the Board has determined that the requirements for licensure, certification, or registration in the applicant's home jurisdiction are substantially equivalent to the requirements in G.S. 89D-16, the Board shall issue a license to the applicant.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

Authority G.S. 89D-15(2); 89D-15(3); 89D-15(4); 89D-16; 89D-19; 89D-22.

SECTION .0300 – LICENSE RENEWAL; REINSTATEMENT

21 NCAC 28B .0303 QUALIFIER/QUALIFYING PARTY; USE OF ASSUMED NAME

(a) Each license shall have a person associated with the license who shall be deemed the "qualifier" or the "qualifying party." The qualifier shall be an individual who has passed the Board's examination in accordance with the Board's statutes and rules.

(b) If the license is an individual license, the qualifier shall be the same person as the person holding the individual license name. If the licensee is a legal entity authorized under the Board's practice act, the qualifier shall be as follows:

- (1) If a corporation, the qualifier shall be an officer or a full-time employee;
- (2) If a limited liability company, the qualifier shall be a manager as defined in G.S. 57D-1-03 or a full-time employee;
- (3) If a partnership, the qualifier shall be a general partner or full-time employee; and
- (4) If the holder of an assumed or designated trade name, the qualifier shall be an owner of no less than 50 percent of the business or a full-time employee.

(c) If a qualifier ceases his relationship with the licensee and pursuant to G.S. 89D-17(h) seeks additional time to acquire a qualifier, the licensee shall submit a written request to the Board. If more than 30 days pass without a qualifier and no written request is submitted, the license is automatically suspended. If more than one year passes and the license is not renewed, the license shall be revoked pursuant to G.S. 89D-20.

(d) "Full-time employee" means a person who is paid a salary or wage and is engaged in the work of the licensee a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less. A qualifier shall not be an independent contractor.

(e) Any applicant or licensee seeking to operate under an assumed name shall submit to the Board a Certificate of Assumed Name filed in accordance with Chapter 66, Article 14A of the General Statutes. Applications submitted to the Board on behalf of corporations, limited liability companies and partnerships shall be accompanied by a copy of any documents required to be filed with the North Carolina Secretary of State's office, such as Articles of Incorporation or Certificate of Authority.

(f) All licensees shall comply with the requirements of G.S. 66-71.4 and shall notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.

(g) No applicant or licensee shall use or adopt an assumed name used by any other licensee, or any name so similar to an assumed name used by another licensee that could confuse or mislead the public.

Authority G.S. 66-71-4; 89D-16; 89D-17; 89D-20.

SECTION .0400 - CONTINUING EDUCATION

21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete seven continuing education units (CEUs) during the year preceding renewal. Beginning with renewals filed after August 1, 2016, at least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided to the Board as required by this Section is unclear, the Board may request additional information from a licensee in order to assure compliance with continuing education requirements.

(b) For the purposes of this Rule:

- (1) "technical credits" are defined as credits relating directly to the subject matter of landscape contracting as described in G.S. 89D-11(3); and
- (2) "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

(c) CEUs shall be determined as follows:

Type of Qualifying Activity	Minimum time required for 1 CEU
Live course	50 minutes
Online course	50 minutes
Trade Shows, Field Days, and Tours	4 hours
Green Industry Board Member Service	1 hour
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour

(d) No more than two CEU credits will be given for qualifying teaching or instructing in one year.

(e) No more than four CEU credits will be given for pesticide credits issued by the North Carolina Department of Agriculture and Consumer Services in a given year.

~~(e)(f)~~ Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards CEU credit.

~~(f)(g)~~ Requests for pre-approval shall be submitted at least 45 days prior to the first day of the course or event.

(h) All continuing education shall be taken personally by the individual receiving credit.

(i) A licensee shall not take the same CEU course within two consecutive licensing years.

(j) A licensee licensed less than 12 months shall not be required to submit evidence of continuing education at the initial renewal date.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

21 NCAC 28B .0403 CONTINUING EDUCATION RECORDS; AUDIT

(a) A licensee shall maintain records of attendance at continuing education programs for which CEUs have been approved for two years following the processing date of the renewal application to which the CEUs were applied.

(b) Compliance with annual CEU requirements shall be determined through a random audit process conducted by the Board. Licensees selected for auditing shall provide the Board with the following documentation of the CEU activities claimed for the renewal period:

- (1) Attendance verification records; and
- (2) Information regarding course content, instructors, and sponsoring organization.

(c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the date the licensee was notified by the Board of the audit.

(d) Failure to maintain compliance with the Board's continuing education requirements will result in the licensee's status being automatically changed to inactive.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

SECTION .0500 - MINIMUM STANDARDS

21 NCAC 28B .0501 GENERAL

(a) Prior to commencing work, services performed by a licensed landscape contractor ("licensed contractor") that exceed five thousand dollars (\$5,000) in value shall be described in a written agreement. This agreement may be authored by either party and shall contain:

- (1) The business name, license number, business address, and telephone number of the licensed contractor;
- (2) The name and address of client or customer;
- (3) The address or location of work to be performed, if different from the client or customer's address;
- (4) The date of the proposal;
- (5) The description of the work to be performed;
- (6) The total value in lump sum, unit price, or time and material price;
- (7) The estimated time of completion unless already identified in an original prime contract, if applicable;
- (8) The terms of payment;
- (9) The terms of warranty (if any);
- (10) The terms of maintenance, including the party responsible for maintenance;
- (11) The signatures of all parties by individuals legally authorized to act on behalf of the parties;

- (12) Affixation of a seal described in G.S. 89D-12(d) or a statement that the licensed contractor is licensed by the Board and the current address and phone number of the Board; and
- (13) The date of signing.

Contracts that are lump sum and have no breakout of cost for services that are either covered or noncovered under G.S. 89D-11 through G.S. 89D-13 shall be inclusive of covered services under G.S. 89D-13(5).

(b) All work performed by a licensed contractor shall meet all applicable building codes, local ordinances, and project specifications. All work performed by a licensed contractor shall meet manufacturer's specifications.

(c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer.

(d) If the licensed contractor observes a condition while the work is being performed that requires attention beyond the original scope of work, the contractor shall report the condition to a supervisor, the owner, or the person responsible for authorizing the work.

(e) The licensed contractor shall call for utility location services pursuant to the Underground Utility Safety and Damage Prevention Act, G.S. 87-115 et seq., also known as the N.C. 811 law.

(f) The licensed contractor shall maintain a worksite that meets state and local standards for a safe workplace.

Authority G.S. 89D-13(5); 89D-15(2); 89D-15(16).

21 NCAC 28B .0507 LOW-VOLTAGE LIGHTING; POOLS

(a) When installing low-voltage landscape lighting systems, the licensed contractor shall:

- (1) Insure that all wire connections are waterproof;
- (2) Only use weather-proof fixtures;
- (3) Supply lamps per the manufacturer's specifications with all fixtures;
- (4) Ensure that the total lamp wattage of each circuit does not exceed the National Electrical Code (NEC) standard for the size of wire being used;
- (5) Not load a wire to more than 80 percent of the wire's capacity;
- (6) Connect all exterior low-voltage wiring to a ground fault circuit interrupter (GFCI) circuit;
- (7) Mount transformers a minimum of 18 inches above grade;
- (8) Perform a post-installation inspection to verify that the lighting system is fully operational as intended per the manufacturer's recommendations; and
- (9) Provide literature to the client about the lighting components that lists lamps per the manufacturer's specifications for fixtures.

(b) All garden pools shall be installed in accordance with state and local codes. A garden pool is an ornamental water feature that is not defined as a swimming pool under any state or local code.

Authority G.S. 89D-15(2); 89D-15(16).

SECTION .0600 - FEES

21 NCAC 28B .0601 FEE SCHEDULE

(a) The Board shall charge the following fees:

- (1) Application: \$75.00;
- (2) Examination: \$150.00;
- (3) ~~License~~ Individual license fee: \$60.00;
- (4) ~~Corporate license fee: \$60.00;~~
- (4)(5) License renewal: \$60.00;
- (5)(6) Late renewal: \$25.00;
- (6)(7) ~~Reinstatement:~~ Individual license reinstatement: \$100.00;
- (8) Corporate license reinstatement: \$100.00;
- (7)(9) License by reciprocity: \$100.00; and
- (8)(10) Duplicate license: \$25.00.

(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the Board shall charge the applicant the actual cost of the examination services and a prorated portion of the examination fee.

(c) The late renewal and reinstatement fees shall be imposed for renewal applications submitted after August 1. All licenses shall expire on August 1 unless renewed.

~~(e)(d)~~ All fees charged by the Board are non-refundable.

Authority G.S. 89D-15(2); 89D-15(10); 89D-21.

SECTION .0800 - HEARINGS PROCESS; SUMMARY SUSPENSION

21 NCAC 28B .0803 SUBPOENAS

(a) Pursuant to G.S. 150B-39, the Board may issue subpoenas for the appearance of witnesses or the production of documents or information, either at the hearing or for the purposes of discovery.

(b) After a notice of hearing in a contested case has been issued and served upon a licensee or, in a case concerning an application for licensure, the applicant, the respondent may request subpoenas for the attendance of witnesses and the production of evidence.

(c) Requests by a licensee or applicant for subpoenas shall be made in writing to the Board and shall include the following:

- (1) the name and home or business address of all persons to be subpoenaed; and
- (2) the identification of any documents or information being sought.

Upon submission of a written request containing the information in Subparagraphs (1) and (2) of this Paragraph, the Board shall issue the subpoenas to the requesting party within three business days of the Board's receipt of the request.

(d) Subpoenas shall be served by the party requesting the subpoena as provided by the Rules of Civil Procedure, G.S. 1A, Rule 45. The cost of service, fees, and ~~expenses~~ expenses, including copying costs, of any witnesses or documents subpoenaed is prescribed by G.S. 150B-39.

Authority G.S. 89D-15(2); 89D-15(8); 150B-39; 150B-40(c).

SECTION .0900 – RULEMAKING

21 NCAC 28B .0901 RULEMAKING PETITION

(a) Any person may petition the Board to adopt a rule by submitting to the Board a written request that shall include the following:

- (1) Petitioner's contact information including phone number and email address;
- (2) Proposed rule, proposed amendment, or rule to be repealed; and
- (3) An explanation of why the proposed adoption, amendment or repeal is being requested.

The request shall be submitted in writing to the Board office as set out in 21 NCAC 28B .0101.

(b) The Board shall consider a petition at its next regularly scheduled meeting unless the petition is filed less than 15 days prior to such meeting. If a petition is filed less than 15 days prior to the next regularly scheduled Board meeting, the Board shall

consider the petition at the next subsequent Board meeting. In all cases, the Board shall make its decision within the timeframe set out in G.S. 150B-20(b).

(c) If the Board denies a petition, a copy of the decision shall be served upon the petitioner by one of the methods for service of process under G.S. 1A-1, Rule 5(b). If service is by registered, certified, or first-class mail, by signature confirmation as provided by the United States Postal Service, or by designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) with delivery receipt, the copy shall be addressed to the petitioner at the latest address given by the petitioner to the Board. Service by one of the additional methods provided in G.S. 1A-1, Rule 5(b), is effective as provided therein and shall be accompanied by a certificate of service as provided in G.S. 1A-1, Rule 5(b)(1).

Authority G.S. 150B-20.

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 October 18, 2018 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****ELECTIONS AND ETHICS ENFORCEMENT, BOARD OF**

<u>Modified Full-Time Offices</u>	08 NCAC 05 .0111*	31:23 NCR
<u>Multipartisan Assistance Teams</u>	08 NCAC 16 .0101*	31:23 NCR
<u>Team Members</u>	08 NCAC 16 .0102*	31:23 NCR
<u>Visits by Multipartisan Assistance Teams</u>	08 NCAC 16 .0104*	31:23 NCR
<u>In-Person Return of Absentee Ballots</u>	08 NCAC 18 .0102*	31:23 NCR

LABOR, DEPARTMENT OF

<u>Safety Standards for Wind Turbine Tower Elevators</u>	13 NCAC 15 .0208*	33:02 NCR
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PUBLIC SAFETY, DEPARTMENT OF

<u>Safety of Operation and Equipment</u>	14B NCAC 07C .0101*	33:01 NCR
<u>Hazardous Materials</u>	14B NCAC 07C .0102*	33:01 NCR

WILDLIFE RESOURCES COMMISSION

<u>Application for Certificate of Vessel Number</u>	15A NCAC 10F .0102*	32:23 NCR
<u>Transfer of Ownership</u>	15A NCAC 10F .0103*	32:23 NCR
<u>Certificate of Number</u>	15A NCAC 10F .0104*	32:23 NCR
<u>Numbering Pattern</u>	15A NCAC 10F .0105*	32:23 NCR
<u>Display of Vessel Numbers</u>	15A NCAC 10F .0106*	32:23 NCR
<u>Validation Decal</u>	15A NCAC 10F .0107	32:23 NCR
<u>Temporary Certificate of Number</u>	15A NCAC 10F .0109*	32:23 NCR
<u>Abandoned Vessels</u>	15A NCAC 10F .0110	32:23 NCR
<u>Safety Equipment</u>	15A NCAC 10F .0201*	32:23 NCR
<u>Accident Reports</u>	15A NCAC 10F .0202*	32:23 NCR
<u>General Provisions</u>	15A NCAC 10F .0301*	32:23 NCR
<u>Chowan County</u>	15A NCAC 10F .0325*	32:23 NCR

PUBLIC HEALTH, COMMISSION FOR

<u>Scope</u>	15A NCAC 18A .1934*	32:21 NCR
<u>Definitions</u>	15A NCAC 18A .1935*	32:21 NCR
<u>Permits</u>	15A NCAC 18A .1937*	32:21 NCR
<u>Responsibilities</u>	15A NCAC 18A .1938*	32:21 NCR
<u>Site Evaluation</u>	15A NCAC 18A .1939*	32:21 NCR
<u>Topography and Landscape Position</u>	15A NCAC 18A .1940*	32:21 NCR
<u>Soil Characteristics (Morphology)</u>	15A NCAC 18A .1941*	32:21 NCR
<u>Soil Wetness Conditions</u>	15A NCAC 18A .1942*	32:21 NCR
<u>Soil Depth</u>	15A NCAC 18A .1943*	32:21 NCR
<u>Restrictive Horizons</u>	15A NCAC 18A .1944*	32:21 NCR
<u>Available Space</u>	15A NCAC 18A .1945*	32:21 NCR

<u>Other Applicable Factors</u>	15A NCAC 18A .1946*	32:21 NCR
<u>Determination of Overall Site Suitability</u>	15A NCAC 18A .1947*	32:21 NCR
<u>Site Classification</u>	15A NCAC 18A .1948*	32:21 NCR
<u>Sewage Flow Rates for Design Units</u>	15A NCAC 18A .1949*	32:21 NCR
<u>Location of Sanitary Sewage Systems</u>	15A NCAC 18A .1950*	32:21 NCR
<u>Applicability of Rules</u>	15A NCAC 18A .1951*	32:21 NCR
<u>Septic Tank, Effluent Filter, Dosing Tank and Lift Statio...</u>	15A NCAC 18A .1952*	32:21 NCR
<u>Prefabricated Septic Tanks and Pump Tanks</u>	15A NCAC 18A .1953*	32:21 NCR
<u>Minimum Standards for Precast Reinforced Concrete Tanks</u>	15A NCAC 18A .1954*	32:21 NCR
<u>Design Installation Criteria for Conventional Sewage Systems</u>	15A NCAC 18A .1955*	32:21 NCR
<u>Modifications to Septic Tank Systems</u>	15A NCAC 18A .1956*	32:21 NCR
<u>Criteria for Design of Alternative Sewage</u>	15A NCAC 18A .1957*	32:21 NCR
<u>Non-Ground Absorption Sewage Treatment Systems</u>	15A NCAC 18A .1958*	32:21 NCR
<u>Privy Construction</u>	15A NCAC 18A .1959*	32:21 NCR
<u>Maintenance of Privies</u>	15A NCAC 18A .1960*	32:21 NCR
<u>Maintenance of Sewage Systems</u>	15A NCAC 18A .1961*	32:21 NCR
<u>Applicability</u>	15A NCAC 18A .1962*	32:21 NCR
<u>Interpretation and Technical Assistance</u>	15A NCAC 18A .1964*	32:21 NCR
<u>Appeals Procedure</u>	15A NCAC 18A .1965*	32:21 NCR
<u>Severability</u>	15A NCAC 18A .1966*	32:21 NCR
<u>Injunctions</u>	15A NCAC 18A .1967*	32:21 NCR
<u>Penalties</u>	15A NCAC 18A .1968*	32:21 NCR
<u>Approval and Permitting of On-Site Subsurface Wastewater ...</u>	15A NCAC 18A .1969*	32:21 NCR
<u>Advanced Wastewater Pretreatment System</u>	15A NCAC 18A .1970*	32:21 NCR
<u>Engineered Option Permit</u>	15A NCAC 18A .1971*	32:21 NCR
<u>Scope</u>	15A NCAC 18E .0101*	32:21 NCR
<u>Applicability</u>	15A NCAC 18E .0102*	32:21 NCR
<u>Abbreviations</u>	15A NCAC 18E .0104*	32:21 NCR
<u>General</u>	15A NCAC 18E .0201*	32:21 NCR
<u>Application</u>	15A NCAC 18E .0202*	32:21 NCR
<u>Improvement Permit</u>	15A NCAC 18E .0203*	32:21 NCR
<u>Construction Authorization</u>	15A NCAC 18E .0204*	32:21 NCR
<u>Operation Permit</u>	15A NCAC 18E .0205*	32:21 NCR
<u>Existing System Approvals for Reconnections and Property</u>	15A NCAC 18E .0206*	32:21 NCR
<u>Engineer Option Permit</u>	15A NCAC 18E .0207*	32:21 NCR
<u>Owners</u>	15A NCAC 18E .0301*	32:21 NCR
<u>Local Health Department of State</u>	15A NCAC 18E .0302*	32:21 NCR
<u>Submittal Requirements for Plans, Specifications, and Rep...</u>	15A NCAC 18E .0304*	32:21 NCR
<u>Submittal Requirements for Plans, Specifications, and Rep...</u>	15A NCAC 18E .0305*	32:21 NCR
<u>Design Daily Flow</u>	15A NCAC 18E .0401*	32:21 NCR
<u>Septic Tank Effluent Characteristics</u>	15A NCAC 18E .0402*	32:21 NCR
<u>Adjustments to Design Daily Flow</u>	15A NCAC 18E .0403*	32:21 NCR
<u>Site Evaluation</u>	15A NCAC 18E .0501*	32:21 NCR
<u>Topography and Landscape Position</u>	15A NCAC 18E .0502*	32:21 NCR
<u>Soil Morphology</u>	15A NCAC 18E .0503*	32:21 NCR
<u>Soil Wetness Conditions</u>	15A NCAC 18E .0504*	32:21 NCR
<u>Saprolite</u>	15A NCAC 18E .0506*	32:21 NCR

<u>Restrictive Horizons</u>	15A NCAC 18E .0507*	32:21 NCR
<u>Site Suitability and Classification</u>	15A NCAC 18E .0509*	32:21 NCR
<u>Special Site Evaluations</u>	15A NCAC 18E .0510*	32:21 NCR
<u>Septic Tank Capacity Requirements</u>	15A NCAC 18E .0801*	32:21 NCR
<u>Pump Tank Capacity Requirements</u>	15A NCAC 18E .0802*	32:21 NCR
<u>Grease Tank Capacity Requirements</u>	15A NCAC 18E .0803*	32:21 NCR
<u>Siphon Tank Capacity Requirements</u>	15A NCAC 18E .0804*	32:21 NCR
<u>Tank Material Requirements</u>	15A NCAC 18E .1403*	32:21 NCR
<u>Risers, Effluent Filters, Pipe Penetration Approval Renewal</u>	15A NCAC 18E .1405*	32:21 NCR
<u>Modification, Suspension, and Revocation of Approvals</u>	15A NCAC 18E .1406*	32:21 NCR
<u>General</u>	15A NCAC 18E .1501*	32:21 NCR
<u>Application</u>	15A NCAC 18E .1502*	32:21 NCR
<u>Design and Construction Standards</u>	15A NCAC 18E .1503*	32:21 NCR
<u>Sampling Requirements for Residential Wastewater Treatment</u>	15A NCAC 18E .1504*	32:21 NCR
<u>Residential Wastewater Treatment System Approval Renewal</u>	15A NCAC 18E .1505*	32:21 NCR
<u>General</u>	15A NCAC 18E .1601*	32:21 NCR
<u>Design and Construction Standards</u>	15A NCAC 18E .1602*	32:21 NCR
<u>Drip Dispersal System Testing</u>	15A NCAC 18E .1603*	32:21 NCR

DENTAL EXAMINERS, BOARD OF

<u>Continuing Education Required</u>	21 NCAC 16R .0201*	G.S. 150B-21.5(a)(5)
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LOCKSMITH LICENSING BOARD

<u>Fees</u>	21 NCAC 29 .0404*	33:02 NCR
<u>Fair Business Practices</u>	21 NCAC 29 .0502*	33:02 NCR
<u>Application Form</u>	21 NCAC 29 .0701*	33:02 NCR
<u>Requirements</u>	21 NCAC 29 .0802	33:02 NCR

MIDWIFERY JOINT COMMITTEE

<u>Administrative Body and Definitions</u>	21 NCAC 33 .0101*	33:01 NCR
<u>Fees</u>	21 NCAC 33 .0102	33:01 NCR
<u>Application</u>	21 NCAC 33 .0103*	33:01 NCR
<u>Physician Supervision</u>	21 NCAC 33 .0104*	33:01 NCR
<u>Due Process</u>	21 NCAC 33 .0105*	33:01 NCR
<u>Reporting Criteria</u>	21 NCAC 33 .0110	33:01 NCR
<u>Continuing Education (CE)</u>	21 NCAC 33 .0111*	33:01 NCR

PHYSICAL THERAPY EXAMINERS, BOARD OF

<u>Foreign-Trained Physical Therapist Applicant by Examination</u>	21 NCAC 48E .0110*	G.S. 150B-21.5(4) and (5)
<u>Foreign-Trained Physical Therapist by Endorsement</u>	21 NCAC 48E .0111*	G.S. 150B-21.5(4)
<u>Foreign-Trained Physical Therapist Assistant Applicant</u>	21 NCAC 48E .0112*	G.S. 150B-21.5(4)

The following Rules are subject to Legislative Review.

PUBLIC HEALTH, COMMISSION FOR

<u>Incorporation by Reference</u>	15A NCAC 18E .0103*	32:21 NCR
<u>Definitions</u>	15A NCAC 18E .0105*	32:21 NCR
<u>Licensed or Certified Professionals</u>	15A NCAC 18E .0303*	32:21 NCR
<u>Soil Depth</u>	15A NCAC 18E .0505*	32:21 NCR

<u>Tank Leak Testing and Installation Requirements</u>	15A NCAC 18E .0805*	32:21 NCR
<u>Plans for Prefabricated Tanks</u>	15A NCAC 18E .1401*	32:21 NCR
<u>Tank Design and Construction</u>	15A NCAC 18E .1402*	32:21 NCR
<u>Plans and Specifications for Risers, Effluent Filters, an...</u>	15A NCAC 18E .1404*	32:21 NCR

MESSAGE AND BODYWORK THERAPY, BOARD OF

<u>Change of Ownership</u>	21 NCAC 30 .1009*	32:18 NCR
<u>Informing Board of Violations</u>	21 NCAC 30 .1010*	32:18 NCR

**TITLE 08 - BOARD OF ELECTIONS AND ETHICS
ENFORCEMENT**

**08 NCAC 05 .0111 MODIFIED FULL-TIME
OFFICES**

County board of elections offices in counties with fewer than 6,501 registered voters may operate office hours on Mondays, Wednesdays, and Fridays upon approval of the county board of elections. For the purposes of this Rule, office hours means hours consistent with the hours observed by county government of that county.

*History: Authority G.S. 163A-776;
Eff. December 1, 2018.*

**08 NCAC 16 .0101 MULTIPARTISAN ASSISTANCE
TEAMS**

(a) Each county board of elections shall assemble and provide training to a Multipartisan Assistance Team ("Team") to respond to requests for voter assistance for any primary, general election, referendum, or special election.

(b) For every primary or election listed in Paragraph (a) of this Rule, the Team shall be made available in each county to assist patients and residents in every covered facility in that county in requesting or casting absentee ballots as provided by Article 21 of Subchapter III of Chapter 163A of the General Statutes. For the purposes of this Chapter, a "covered facility" is any facility that provides residential or in-patient healthcare in the State that is licensed or operated pursuant to Chapter 122C, Chapter 131D, or Chapter 131E of the General Statutes, including, for example, a hospital, clinic, nursing home, or adult care home; or by the federal government or an Indian tribe.

(c) The Team may assist voters in requesting mail-in absentee ballots, serve as witnesses to mail-in absentee voting, and otherwise assist in the process of mail-in absentee voting as provided by Article 21 of Subchapter III of Chapter 163A of the General Statutes. Upon the voter's request, the Team shall assist voters who have affirmatively communicated, either verbally or nonverbally, a request for assistance.

*History Note: Authority G.S. 163A-1298(a)(4); S.L. 2013-381, s. 4.6(b);
Temporary Adoption Eff. January 1, 2014;
Eff. October 1, 2014;
Amended Eff. December 1, 2018.*

08 NCAC 16 .0102 TEAM MEMBERS

(a) For purposes of this Chapter, the county board of elections shall compose the Team as follows:

- (1) At least two registered voters shall be on each Team. The two political parties having the highest number of affiliated voters in the State, as reflected by the registration statistics published by the State Board on January 1 of the current year, shall each be represented by at least one Team member of the party's affiliation. If the Team consists of more than two members, voters who are unaffiliated or affiliated with other political parties recognized by the State of North Carolina may be Team members.
- (2) If a county board of elections finds an insufficient number of voters available to comply with Subparagraph (a)(1) of this Rule, the county board, upon a unanimous vote of all of its sworn members, may appoint an unaffiliated Team member to serve instead of the Team member representing one of the two political parties as set out in Subparagraph (a)(1) of this Rule.

(b) Team members shall not be paid or provided travel reimbursement by any political party or candidate for work as Team members.

*History Note: Authority G.S. 163A-1298(a)(4); S.L. 2013-381, s. 4.6(b);
Temporary Adoption Eff. January 1, 2014;
Eff. October 1, 2014;
Amended Eff. December 1, 2018.*

**08 NCAC 16 .0104 VISITS BY MULTIPARTISAN
ASSISTANCE TEAMS**

(a) The State Board shall provide annual notice regarding availability of Teams in each county. The notice shall provide information for covered facilities, or patients or residents of the facilities, to contact the county board of elections to arrange a Team visit.

(b) If a facility, or a patient or resident of a facility, requests a visit by the Team, the county board of elections shall notify the Team and schedule the visit(s) within seven calendar days if it is able to do so. If the county board of elections is unable to schedule the visit within seven calendar days, the voter may obtain such assistance from any person other than:

- (1) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident;
- (2) an individual who holds any elective office under the United States, this State, or any political subdivision of this State;
- (3) an individual who is a candidate for nomination or election to such office; or
- (4) an individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office.

None of the persons listed in Subparagraphs (1) through (4) of this Paragraph may sign the application or certificate as a witness for the patient.

(c) On a facility visit, the composition of the visiting Team members shall comply with the requirements of Rule .0102(a)(1) or (a)(2) of this Section.

(d) All Team members shall remain within the presence of each other while visiting or assisting patients or residents.

(e) At each facility visit, the Team shall provide the following assistance to patients or residents who request it:

- (1) Assistance in requesting a mail-in absentee ballot: The Team shall collect any request forms submitted by voters and deliver those request forms to the county board of elections office upon leaving the facility. Upon the voter's request, the Team may also:
 - (A) Assist the voter in completing the request form, provided that the voter signs or, if unable to sign, makes his or her mark or directs that his or her mark to be placed on the form; and
 - (B) Coordinate a return visit to assist the voter in completing the absentee ballot.
- (2) Assistance in casting a mail-in absentee ballot: Before providing assistance in voting by mail-in absentee ballot, a Team member shall be in the presence of another Team member whose registration is not affiliated with the same political party. Team members shall sign the return envelope as witnesses to the marking of the mail-in absentee ballot. If the Team members provide assistance in marking the mail-in absentee ballot, the Team members shall also sign the voter's return envelope to indicate that they provided assistance in marking the ballot.

(f) The Team shall make and keep a record containing the names of all voters who received assistance or cast an absentee ballot during a visit as directed by the county board of elections, and submit that record to the county board of elections.

(g) The Team shall assist patients or residents physically located in the Team's county, regardless of the voter's county of registration. If a patient or resident is registered to vote in another

county, the county board of elections in the county where the voter is registered shall communicate any request for assistance to the county board of elections in the county where the voter is physically located.

History Note: Authority G.S. 163A-1298(a)(4); S.L. 2013-381, s. 4.6(b);

Temporary Adoption Eff. January 1, 2014;

Eff. October 1, 2014;

Amended Eff. December 1, 2018.

08 NCAC 18 .0102 IN-PERSON RETURN OF ABSENTEE BALLOTS

Any person who returns an absentee ballot in person to a county board of elections office shall, upon delivery, provide the following information in writing:

- (1) Name of voter;
- (2) Name of person delivering ballot;
- (3) Relationship to voter;
- (4) Phone number (if available) and current address of person delivering ballot;
- (5) Date and time of delivery of ballot; and
- (6) Signature or mark of person delivering ballot certifying that the information provided is true and correct and that the person is the voter or the voter's near relative as defined in G.S. 163A-1308(h) or verifiable legal guardian as defined in G.S. 163A-1295(e).

At the absentee meeting held pursuant to G.S. 163A-1308(e) and G.S. 163A-1315, the county board of elections may consider the delivery of a ballot in accordance with this Rule in conjunction with other evidence in determining whether the container-return envelope has been properly executed according to the requirements in G.S. 163A-1310. Failure to comply with this Rule shall not constitute evidence sufficient in and of itself to establish that the voter did not lawfully vote his or her ballot.

History Note: Authority G.S. 163A-741; 163A-1298(a)(5); 163A-1308(g); 163A-1310;

Eff. December 1, 2018.

TITLE 13 - DEPARTMENT OF LABOR

13 NCAC 15 .0208 SAFETY STANDARDS FOR WIND TURBINE TOWER ELEVATORS

(a) The design, construction, installation, alteration, repair, replacement, inspection, maintenance, and operation of all installations of wind turbine tower elevators shall conform to the rules in this Section and Standard A17.8-2016 of the American Society of Mechanical Engineers, incorporated by reference with subsequent amendments and editions.

(b) The rules of this Chapter shall control if any conflict exists between these Rules and Standard A17.8-2016 of the American Society of Mechanical Engineers.

(c) Copies of Standard A17.8-2016 of the American Society of Mechanical Engineers are available for inspection at the offices

of the Division and may be obtained from the American Society of Mechanical Engineers (ASME) via U.S. Mail at ASME Headquarters, Two Park Avenue, New York, New York 10017; via telephone at (800) 843-2763; or via the internet at www.asme.org. The publication is available in print or digitally at a cost of fifty-eight dollars (\$58.00) per copy.

*History Note: Authority G.S. 95-110.5;
Eff. November 1, 2018.*

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 07C .0101 SAFETY OF OPERATION AND EQUIPMENT

(a) The regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390 through 397) apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in interstate commerce over the highways of the State if such vehicles are commercial motor vehicle(s) as defined in 49 CFR Part 390.5.

(b) The regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390 through 397) apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State if such vehicle(s):

- (1) have a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR), gross vehicle weight (GVW), gross combination weight (GCW) of 26,001 pounds or more, whichever is greater;
- (2) is designed or used to transport 16 or more passengers, including the driver; or
- (3) is used in transporting a hazardous material in a quantity requiring placarding pursuant to 49 C.F.R. Parts 170 through 185.

(c) The following exceptions also apply to all intrastate motor carriers:

- (1) An intrastate motor carrier driver shall not drive more than 12 hours following eight consecutive hours off duty; for any period after having been on duty 16 hours following eight consecutive hours off duty; after having been on duty 70 hours in seven consecutive days; or more than 80 hours in eight consecutive days. An intrastate driver shall be determined by his or her previous seven days of operation.
- (2) Persons who qualify medically to operate a commercial motor vehicle within the State are exempt from the provisions of Part 391.11(b)(1) and may be exempt from provisions of Part 391.41(b)(1) through (11) where applicable and therefore are authorized for intrastate operation if approved by an Exemption Review Officer appointed by the Commissioner of Motor Vehicles. These drivers shall continue to be exempt upon

completion of a medical examination indicating the condition has not worsened or no new disqualifying conditions have been diagnosed and upon continued approval of an Exemption Review Officer. After a medical review by the Exemption Review Officer, a driver may be granted a waiver not to exceed a period of two years based on the type and severity of the condition. The Exemption Review Officer shall follow the guidelines established for variances from the Federal Motor Carrier Safety Regulations for intrastate commerce found in 49 CFR 350.341.

(d) The regulations adopted by the U. S. Department of Transportation relating to inspection, repair, and maintenance of motor vehicles (49 CFR Part 396.17 through 396.23 and including Appendix G) apply to all for-hire motor carrier vehicles, and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State if such vehicles have a GVWR of greater than 10,000 pounds.

(e) Every motor vehicle registered or required to be registered in North Carolina and subject to the inspection requirements of the Federal Motor Carrier Safety Regulations (49 CFR Part 396), shall display a current federal inspection certificate when operated on the streets and highways of this State. On self-propelled vehicles, the federal inspection certificate shall be displayed on the driver's side of the vehicle, exclusive of the window or rear view mirror. On trailers and semitrailers, the federal inspection certificate shall be located on the left side as near as possible to the outside lower front of the vehicle. The inspection certificate shall contain at least the following information, legible for review by the public:

- (1) The date of inspection;
- (2) The name and address of the motor carrier or other entity where the inspection report required by 49 CFR 396.21(a) is maintained;
- (3) Information uniquely identifying the vehicle inspected, such as the VIN; and
- (4) A certification that the vehicle has passed an inspection in accordance with 49 CFR 396.17.

(f) The Secretary shall fine violators for out-of-service criteria as allowed by G.S. 20-17.7. The out-of-service maximum civil fine schedule does not apply to violations discovered during educational contacts. An "educational contact" for the purpose of this Subchapter means a pre-planned, public safety inspection activity, focusing on commercial motor vehicle safety awareness and compliance.

(g) Any fines assessed for a violation listed in the Commercial Vehicle Safety Alliance (CVSA) North American Standard out-of-service criteria shall be assessed against the motor carrier of the commercial motor vehicle. These standards are incorporated by reference and may be purchased at a range of prices beginning at forty-five dollars (\$45.00) from the CVSA at <https://cvsa.org/inspections/inspections/out-of-service-criteria/>.

(h) Whenever a motor carrier of a vehicle has a defense to the enforcement of a fine or fines for violation(s) of the out-of-service criteria by the Department of Public Safety, it shall pay the penalty within 30 calendar days after the date the penalty was assessed or make a written request within this time limit to the Department

for a Departmental review of the penalty. A person who does not submit a request for review within the required time waives the right to a review and hearing on the penalty.

(i) All Code of Federal Regulations (CFR) Parts cited in this Rule are incorporated herein by reference including any subsequent amendments. A copy of the CFR is available online without cost at <http://www.fmcsa.dot.gov/> or from the Office of Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost set by that office.

History Note: Authority G.S. 20-17.7; 20-381; Eff. December 1, 1983;
Amended Eff. November 1, 1991; October 1, 1991;
Temporary Amendment Eff. February 1, 1992 for a Period of 180 Days to Expire on July 30, 1992;
Temporary Amendment Eff. March 30, 1992 for a Period of 180 Days to Expire on September 26, 1992;
Amended Eff. August 3, 1992; July 1, 1992;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. August 6, 2002;
Amended Eff. August 1, 2004;
Transferred and recodified from 19A NCAC 03D .0801 Eff. March 23, 2009;
Amended Eff. June 1, 2011;
Transferred from 14A NCAC 09J .0101 Eff. June 1, 2013;
Readopted Eff. November 1, 2018.

14B NCAC 07C .0102 HAZARDOUS MATERIALS

(a) The regulations adopted by the U.S. Department of Transportation relating to hazardous materials, including the transportation of hazardous materials (49 CFR Parts 170-185) shall apply to all for-hire and all private motor carrier vehicles engaged in interstate commerce or intrastate commerce over the highways of the State of North Carolina.

(b) All Code of Federal Regulations (CFR) Parts cited in this Rule are incorporated herein by reference including any subsequent amendments. A copy of the CFR is available online without cost at <http://www.fmcsa.dot.gov/> or from the Office of Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost set by that office.

History Note: Authority G.S. 20-2; 20-381; Eff. December 1, 1983;
Amended Eff. April 1, 2001; January 1, 1994;
Transferred and recodified from 19A NCAC 03D .0802 Eff. March 23, 2009;
Transferred from 14A NCAC 09J .0102 Eff. June 1, 2013;
Readopted Eff. November 1, 2018.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER

(a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all forms prescribed pursuant

to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

- (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its equipment and resulting in:
 - (A) damage by or to the vessel, its equipment, or other property;
 - (B) injury or loss of life to any person; or
 - (C) the disappearance of any person from a vessel under circumstances that indicate the possibility of death or injury.

A "boating accident" includes capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.
- (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.
- (3) "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location.
- (4) "Government Agency Vessel" means a vessel owned and operated by the United States or a federal agency, a state, or a subdivision of a state.
- (5) "Livery Vessel" means a vessel that is rented or leased by the owners to an individual for a defined period of time.
- (6) "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of sale after manufacture.
- (7) "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad exclusively for rescue purposes, including rescue training.
- (8) "Proof of Ownership Document" means a document that provides evidence of ownership, including a Certificate of Number or a Certificate of Title issued by the Commission or any similar document issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin, or any other document that establishes ownership.
- (9) "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel transactions.

(b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including livery vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain subject to the certificate of numbering requirements of

G.S. 75A-4 and G.S. 75A-7. Every owner applying for a certificate of number and certificate of title of a vessel, if applicable, shall apply to the Commission or to one of its vessel agents using an application available on the Commission website at www.ncwildlife.org. The application shall include the following information:

- (1) the name of the owners;
- (2) the address, telephone number, date of birth, and North Carolina driver license number of the owners;
- (3) the current or previous certificate of number, if applicable;
- (4) the desired period of certificate of number, either one or three years;
- (5) the primary use of the vessel:
 - (A) pleasure;
 - (B) livery;
 - (C) demonstration;
 - (D) commercial fishing;
 - (E) commercial passenger;
 - (F) other commercial; or
 - (G) other;
- (6) the model of the vessel, if known;
- (7) the manufacturer, if known;
- (8) the year of manufacture or model year, if known;
- (9) the manufacturer's hull identification number, if any;
- (10) the length of the vessel in feet and inches;
- (11) the type of vessel:
 - (A) open;
 - (B) cabin;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; or
 - (F) other;
- (12) the hull material:
 - (A) wood;
 - (B) metal;
 - (C) fiberglass;
 - (D) plastic;
 - (E) inflatable; or
 - (F) other;
- (13) the type of propulsion:
 - (A) inboard;
 - (B) outboard;
 - (C) inboard outdrive;
 - (D) sail;
 - (E) auxiliary sail with inboard;
 - (F) auxiliary sail with outboard; or
 - (G) jet Drive;
- (14) the type of fuel:
 - (A) gasoline;
 - (B) diesel;
 - (C) electric; or
 - (D) other;
- (15) a proof of ownership document;
- (16) the signature of the owners;

- (17) the make of motor if over 25 horsepower, including serial number and purchase price of motor;
- (18) the lien holder name, address, and telephone number;
- (19) the effective lien date;
- (20) the county where vessel is taxed; and
- (21) proof of United States Coast Guard documentation, if applicable.

(c) Application for certificate of number and certificate of title. The owners shall complete and submit an application for a certificate of number, proof of ownership documents, and applicable fees to the Commission or one of its vessel agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new or never-before registered vessels. For a period of 60 days following the date of sale, the new owners may use a copy of the proof of ownership document as a temporary certificate of number pending receipt of the original certificate, provided it contains the date of sale. If required, a certificate of title shall be issued and all reported liens shall be recorded.

(d) Livery Vessel Owners. Upon receipt of a completed application and a copy of the lease or rental agreement form and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

(e) Dealers and Manufacturers of Vessels. Upon receipt of a completed application and fee, the Commission shall issue to the applicant a certificate of number that may be used in connection with the operation of any vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer certificates of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be individually registered in the name of the dealer or manufacturer in accordance with the certificate of number requirements of Paragraph (b) of this Rule. Additional dealer or manufacturer certificates of number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of a fee for each additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a) of this Section.

(f) Government Agency and Nonprofit Rescue Squad Vessels. Upon receipt of a completed application and proof of ownership documents from a government agency or non-profit rescue squad, the Commission shall issue to the applicant a permanent certificate of number. There shall be no fee for a permanent government agency or non-profit rescue squad certificate of number and the certificate shall be valid until the vessel is transferred to another government agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall not be titled.

(g) Commercial Fishing Vessel. The standard application for a certificate of number shall be used for commercial fishing vessels with the term "commercial fishing" marked in the section designated for "primary use." Upon receipt of a completed application, proof of ownership document, and fee, the

Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

(h) Commercial Passenger Vessel. Upon receipt of a completed application, proof of ownership document, and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17;

Eff. February 1, 1976;

Amended Eff. August 31, 1980;

Legislative Objection Lodged Eff. December 16, 1980;

Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection;

Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; November 1, 1993; August 1, 1988; July 1, 1988;

Readopted Eff. November 1, 2018.

15A NCAC 10F .0103 TRANSFER OF OWNERSHIP

(a) Transfer of previously registered and titled vessels.

(1) Transfer of previously registered and titled vessels from one individual owners to another.

(A) When the ownership of a titled vessel is transferred, the owners listed on the face of the certificate of title shall complete the Assignment of Title section on the reverse side of the certificate of title and surrender the title to the new owners. All outstanding liens shall be satisfied before the title is surrendered. If the ownership of a titled vessel is transferred by court order, will, settlement agreement, separation agreement, judgment, or other document and the original title is not available, the previous owners or estate representative shall provide the new owners with documents establishing ownership.

(B) The new owners shall submit an application for a certificate of number and certificate of title, along with the properly assigned certificate of title and applicable fees, within 15 days of the date of sale to the Commission or one of its vessel agents for processing. The new owners shall indicate on the application whether or not any liens exist on the vessel. If applicable, a new certificate of title shall be issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel that was previously registered in North Carolina is transferred to a new owner. A new certificate of number shall be issued to a vessel that was previously

registered in another state or never before registered.

(C) For 60 days following the transfer of ownership of a previously titled vessel, the new owner may use a copy of the properly assigned certificate of title as a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.

(2) Transfer of previously registered and titled vessels through a dealer.

(A) When the ownership of a titled vessel is transferred to a dealer, the owners listed on the face of the certificate of title shall complete the Assignment of Title section on the reverse side of the certificate of title and surrender the title to the dealer. All outstanding liens shall be satisfied before the certificate of title is surrendered to the dealer.

(B) When the vessel is subsequently sold, the dealer shall, on the day of the sale, provide the new owners the original certificate of title completed by the previous owners and a dealer bill of sale. The dealer bill of sale shall include the dealer's name; the name of the new owners; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The dealer bill of sale shall be signed by both the dealer and the new owners.

(C) The new owners shall complete and submit an application for a certificate of number and certificate of title, along with the properly assigned certificate of title, dealer bill of Sale, and applicable fees, within 15 days of the date of sale to the Commission or one of its vessel agents for processing. If applicable, a new certificate of title shall be issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel that was previously registered in North Carolina is transferred to a new owners. A new certificate of number shall be issued to a vessel that was previously registered in another state or never before registered.

(D) For a period of 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the dealer bill of sale as

a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.

(b) Transfer of previously registered, non-titled vessels.

(1) Transfer of a previously registered, non-titled vessel from one individual owner to another.

(A) If the ownership of a previously registered vessel is transferred by sale or gift, the previous owners shall complete a notarized bill of sale. The bill of sale shall be given to the new owners and shall include the previous owners' names; the new owners' names; the date of sale or gift; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The previous owner's signature shall be notarized. If the ownership of a previously registered vessel is transferred by a court order, will, settlement agreement, separation agreement, judgment, or other document, the previous owners or representative of the estate shall provide the new owners with documents establishing ownership.

(B) The new owner shall complete and submit an application for a certificate of number and certificate of title, along with the proof of ownership document and applicable fees, within 15 days of the date of sale to the Commission or one of its vessel agents for processing. If applicable, a new certificate of title shall be issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel previously registered in North Carolina is transferred to a new owner. A new certificate of number shall be issued to vessels previously registered in another State or never before registered.

(C) For 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the proof of ownership document as a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.

(2) Transfer of a previously registered, non-titled vessel through a dealer.

(A) The owners selling or transferring a previously registered vessel to a dealer shall complete a notarized bill of sale naming the dealer as the new owner. The bill of sale shall be given to the dealer and shall include the previous owners' names; the dealers name; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The signature of the previous owners shall be notarized.

(B) When the vessel is sold, the dealer shall provide the new owners a dealer bill of sale on the day of the sale. The dealer bill of sale shall include the dealer's name; the new owners' names; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The dealer bill of sale shall be signed by both the dealer and the new owners.

(C) The new owners shall complete and submit an application for a certificate of number and Certificate of Title, along with the proof of ownership document and applicable fees, within 15 days of the date of sale to the Commission or one of its vessel agents for processing. If applicable, a new certificate of title shall be issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel, previously registered in North Carolina, is transferred to a new owners. A new certificate of number shall be issued to vessels previously registered in another state or vessels never before registered.

(D) For a period of 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the dealer bill of sale as a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.

(3) Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been individually numbered by dealers or manufacturers shall upon transfer of ownership be governed by the provisions of Subparagraph (b)(1) of this Rule.

History Note: Authority G.S. 75A-3; 75A-5; 75A-19; 75A-37; 33 C.F.R. 174.21;

Eff. February 1, 1976;

Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; February 1, 1995; November 1, 1993; July 1, 1988; April 19, 1981;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2018.

15A NCAC 10F .0104 CERTIFICATE OF NUMBER

(a) General. Upon receipt of a completed application, a proof of ownership document, and the applicable fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), the Commission shall issue to the applicant a certificate of number authorizing the operation of the vessel. The certificate of number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer upon request. The certificate of number shall include the following information:

- (1) the name of the owners, dealer, or manufacturer;
- (2) the address, including zip code, of the primary owners, dealer, or manufacturers;
- (3) the title indicator;
- (4) the certificate of number awarded to vessel;
- (5) the expiration date of the certificate of number;
- (6) vessel use type:
 - (A) pleasure;
 - (B) livery;
 - (C) demonstration;
 - (D) commercial fishing;
 - (E) commercial passenger;
 - (F) other commercial; or
 - (G) other;
- (7) the model of vessel, if known;
- (8) the manufacturer, if known;
- (9) the year of manufacture or model year, if known;
- (10) the manufacturer's hull identification number, if any;
- (11) the overall length of vessel;
- (12) the type of vessel:
 - (A) open;
 - (B) cabin;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; or
 - (F) other;
- (13) the hull material:
 - (A) wood;
 - (B) metal;
 - (C) fiberglass;
 - (D) plastic;
 - (E) inflatable; or
 - (F) other;
- (14) the type of Propulsion:
 - (A) inboard;
 - (B) outboard;
 - (C) inboard outdrive;
 - (D) sail;
 - (E) auxiliary sail with inboard;

- (F) auxiliary sail with outboard;
- (G) jet drive;
- (15) the type of fuel:
 - (A) gasoline;
 - (B) diesel;
 - (C) electric;
 - (D) other;
- (16) a notice to owner that he shall report within 30 days changes of address or ownership, and destruction or abandonment of vessel;
- (17) the signature of the owners; and
- (18) a notice to the owner that the operator shall:
 - (A) always carry this certificate on vessel when in use;
 - (B) report any accident involving injury or death to persons or property damage in excess of two thousand dollars (\$2,000.00); and
 - (C) stop and render assistance if involved in boating accident.

(b) Dealers and Manufacturers. A dealer or manufacturer demonstrating or testing a vessel may use a set of dealer numbers and the corresponding dealer certificate of number to operate a vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

(c) Government agency. There shall be no title indicator or expiration date listed for permanent certificate of numbers.

(d) Vessel Agents. Vessel dealers, manufacturers, and other businesses that operate from locations within North Carolina may be appointed as vessel agents of the Commission and be authorized to issue temporary certificates of number for new registrations, transfers of ownership, renewals, and duplicate transactions. All official certificates of number shall be processed and mailed from the Commission headquarters. Rules governing the appointment and operations of vessel agents are contained in 15A NCAC 10G .0400 WILDLIFE SERVICE AGENTS.

History Note: Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 C.F.R. 174.19;

Legislative Objection Lodged Eff. December 16, 1980;

Eff. February 1, 1976;

Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; July 1, 1988; August 31, 1980; January 1, 1980;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2018.

15A NCAC 10F .0105 NUMBERING PATTERN

(a) General. A certificate of number assigned by the Commission shall consist of the abbreviation "NC" followed by a number consisting of not more than four Arabic numerals and a space or hyphen followed by not more than two capital letters, in accordance with the serials, numerically and alphabetically.

(b) Prohibited Letters. The Letters "I", "O", and "Q" shall not be used in any certificate of number letter sequence. Letters or letters and numbers forming words or combinations shall not be used.

(c) Government Agency. The single letter "P" shall be used following the numerals of vessels owned by governmental entities.

(d) Dealers and Manufacturers. The single letter "X" shall be used following the numerals of vessels numbered for demonstration purposes by dealers and manufacturers.

History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.23;

Eff. February 1, 1976;

Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; September 1, 1996; August 31, 1980;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2018.

15A NCAC 10F .0106 DISPLAY OF VESSEL NUMBERS

(a) The vessel numbers shall be painted on or attached to each side of the forward half of the vessel for which the number was issued in a position that is visible and legible. The numbers shall read from left to right and shall be in block characters not less than three inches in height. The numbers shall be of a solid color that contrasts with the color of the background and maintained to be visible and legible.

(b) No other number, except the year date of the validation decal described in Rule .0107 of this Section, shall be carried on the bow of a numbered vessel.

(c) Manufacturers or dealers may have the vessel number printed upon or attached to a removable sign or signs to be temporarily attached to a vessel being demonstrated, so long as the display meets the requirements of Paragraph (a) of this Rule. If a currently or previously-numbered vessel is being demonstrated with dealer numbers, all permanent numbers painted on or attached to the bow shall be covered.

(d) A vessel registered to a governmental entity and bearing the letter "P" shall continue to display the assigned numbers for so long as the vessel belongs to a governmental entity. Upon transfer of ownership of a vessel registered to a government entity to a private individual or business, the new owner shall apply to the Commission for a new certificate of number as provided in 15A NCAC 10F .0104.

(e) A United States Coast Guard documented vessel registered in North Carolina shall not display the State vessel numbers.

History Note: Authority G.S. 75A-3; 75A-5; 75A-19;

Eff. February 1, 1976;

Amended Eff. August 1, 2014; May 1, 2007; April 1, 1997;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2018.

15A NCAC 10F .0107 VALIDATION DECAL

(a) In addition to the certificate of number, the Commission shall supply to the owner of a numbered vessel two validation decals indicating the certificate's year of expiration. The owner shall

affix one validation decal in a position that is visible and legible on each side of the bow following and within six inches of the vessel number.

(b) A United States Coast Guard documented vessel shall affix one validation decal in a position that is visible and legible on the forward half of the starboard bow and one validation decal on the forward half of the port side bow.

(c) A validation decal issued for a numbered vessel owned by a governmental entity shall contain no expiration date, shall bear the letter "P", and shall not be subject to renewal so long as the vessel remains the property of a governmental entity. When a vessel is transferred to private ownership, the decals shall be removed or destroyed by the transferring agency.

History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.15;

Eff. February 1, 1976;

Amended Eff. January 1, 2015; May 1, 2007; April 1, 1997; August 31, 1980; January 1, 1980;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2018.

15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER

(a) When a vessel agent processes the final transaction to issue, renew, or transfer a certificate of number or to issue a duplicate certificate of number, the new owner shall be issued a temporary certificate of number. For a period not exceeding 60 days following the date of the transaction, the vessel may be operated with the temporary certificate of number.

(b) The temporary certificate of number shall contain the following:

- (1) the name of issuing wildlife service agent;
- (2) the name and address of the owners, dealer, or manufacturer;
- (3) the title indicator;
- (4) the certificate of number;
- (5) the vessel use type:
 - (A) pleasure;
 - (B) livery;
 - (C) dealer or manufacturer;
 - (D) permanent;
 - (E) commercial fishing;
 - (F) commercial passenger;
 - (G) other commercial; or
 - (F) other;
- (6) the model of vessel;
- (7) the manufacturer;
- (8) the year of manufacture or model year;
- (9) the manufacturer's hull identification number;
- (10) the length of vessel;
- (11) the type of vessel:
 - (A) open;
 - (B) cabin;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; or
 - (F) other;

- (12) the hull material:
 - (A) wood;
 - (B) metal;
 - (C) fiberglass;
 - (D) plastic;
 - (E) inflatable; or
 - (F) other;
- (13) the type of propulsion:
 - (A) inboard;
 - (B) outboard;
 - (C) inboard outdrive;
 - (D) sail;
 - (E) auxiliary sail with inboard;
 - (F) auxiliary sail with outboard; or
 - (G) jet drive;
- (14) the type of fuel:
 - (A) gasoline;
 - (B) diesel;
 - (C) electric; or
 - (D) other;
- (15) the date the temporary certificate of number is issued;
- (16) the date the temporary certificate of number expires;
- (17) the type of transaction pending; and
- (18) the signature of the owners.

History Note: Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21; Eff. April 1, 1997;
Amended Eff. May 1, 2007; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2018.

15A NCAC 10F .0110 ABANDONED VESSELS

(a) Any person may apply to the Commission to become the registered and titled owner of an abandoned vessel. The applicant shall:

- (1) send a certified letter with return receipt requested to the last registered owners. The applicant shall provide proof to the Commission that this letter was not deliverable or that the last registered owners failed to acknowledge or respond;
- (2) provide a written police report to the Commission stating that the abandoned vessel has not been reported missing or stolen in the area where it is listed as being moored; and
- (3) complete and submit to the Commission an application for a certificate of number and certificate of title and shall submit:
 - (A) a notarized statement summarizing when and where the vessel was found;
 - (B) documentation of all attempts to locate the owners;
 - (C) all available evidence that the vessel is abandoned;

- (D) statements from any other persons knowledgeable about the history of the vessel; and
 - (E) all applicable fees.
- (b) The Commission shall consider the evidence and documentation presented when determining if a vessel has been abandoned. If the Commission determines that the vessel has been abandoned, the Commission shall issue a certificate of number and certificate of title to the applicant.

History Note: Authority G.S. 75A-5(i2); Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2018.

15A NCAC 10F .0201 SAFETY EQUIPMENT

(a) All vessels subject to the rules of this Section shall meet the vessel equipment requirements set forth in G.S. 75A-6(n), 46 CFR 25, and 33 CFR 175. 46 CFR 25 and 33 CFR 175 are incorporated by reference, including subsequent amendments and editions, and can be found free of charge online at www.ecfr.gov. Notwithstanding the federal regulations incorporated in this Paragraph, Paragraphs (b) through (g) shall apply to vessels operating in State waters. To the extent these vessel equipment requirements conflict with the incorporated federal regulations, federal regulations shall supersede any and all State laws or regulations.

(b) Personal flotation devices (PFDs) shall be required as follows:

- (1) No person may operate a vessel unless, for each person on the vessel, at least one Type I, II, or III PFD is on board and readily accessible.
- (2) No person shall operate a vessel 16 feet or more in length unless one type IV PFD is on board and immediately available for use, in addition to the total number of PFDs required in Subparagraph (1) of this Paragraph.
- (3) No person shall operate a vessel while the vessel is underway with any child under 13 years old aboard unless each child is:
 - (A) wearing an appropriate PFD approved by the Coast Guard;
 - (B) below decks; or
 - (C) in an enclosed cabin.

This Subparagraph shall not apply to a vessel that is registered as a commercial vessel.

- (4) A Type V PFD may be carried in lieu of any PFD required under Subparagraph (1) of this Paragraph provided:
 - (A) the approval label for the Type V PFD indicates that the device is approved for the activity for which the vessel is being used; or
 - (B) the Type V PFD is used in accordance with the requirements on the approval label and with the requirements in its owner's manual.
- (5) No person shall operate a vessel unless each required PFD is:

- (A) in serviceable condition;
 - (B) of appropriate size and fit for the intended wearer;
 - (C) United States Coast Guard approved; and
 - (D) legibly marked with its approval number, as specified in 46 CFR 25 Uninspected Vessels, Requirements and 33 CFR 175 Personal Flotation Devices.
- (6) Exemptions shall apply as follows:
- (A) Canoes and kayaks 16 feet in length and over shall be exempted from the requirements for carriage of the additional Type IV PFD as specified in Subparagraph (b)(2) of this Rule.
 - (B) Sailboards, surfboards, tubes, swimming rafts, inflatable toys, and similar devices used as water toys or swimming aids shall be exempted from the requirements for carriage of any PFD required under this Paragraph.
 - (C) Manually propelled vessels such as racing shells, rowing sculls, racing canoes, and racing kayaks that are recognized by national and international racing associations for use in competitive racing, that are not designed to carry any equipment not solely for competitive racing, and in which all occupants with the exception of a coxswain, if one is present, row, scull, or paddle, shall be exempted from the requirements for carriage of any type PFD required under this Paragraph.
- (c) Fire Extinguishers shall be required as follows:
- (1) All motorboats shall carry at least the minimum number of USCG-approved hand portable fire extinguishers specified in this Rule if:
 - (A) the motorboat has closed compartments under thwarts and seats in which portable fuel tanks may be stored;
 - (B) the motorboat has double bottoms that are not sealed to the hull or that are not completely filled with flotation material;
 - (C) the motorboat has closed living spaces;
 - (D) the motorboat has closed stowage compartments in which combustible or flammable materials are stowed;
 - (E) the motorboat has permanently installed fuel tanks; or
 - (F) the motorboat is Class 2 or longer.
 - (2) Class A and Class 1 Motorboats less than 26 feet in length shall carry one Type B-I extinguisher.
 - (3) Class 2 Motorboats shall carry two Type B-I extinguishers.
 - (4) Class 3 Motorboats shall carry three Type B-I extinguishers.
 - (5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire extinguishers. A fixed fire extinguishing system installed in the engine compartment shall be deemed equal to one Type B-I hand portable fire extinguisher.
- Open Vessels. Vessels less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, shall not be required to carry portable fire extinguishers if the construction of the vessels will not permit the entrapment of explosive or flammable gases or vapors.
- (d) Every engine, except outboard motors, using gasoline as fuel and installed in a vessel shall be equipped with an acceptable means of backfire flame control that meets the requirements of 46 CFR 25 and 33 CFR 175.
- (e) Every vessel, except open vessels using liquid of a volatile nature as fuel, shall be equipped with an operable ventilation system as required by 33 CFR 175.201 and 46 CFR 25.40-1, to remove any explosive or flammable gases from the bilges of the engine and fuel tank compartments that meets the requirements of 46 CFR 25 and 33 CFR 175.
- (f) Sound devices shall be required as follows:
- (1) Vessels less than 12 meters or 39.4 feet in length shall be equipped with some means of making an efficient sound signal; and
 - (2) Vessels equal to or greater than 12 meters or 39.4 feet in length shall be equipped with a whistle and a bell that comply with 33 USC 2033.
- (g) Lights. The lights prescribed by this Paragraph shall be exhibited from sunset to sunrise and in fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar circumstances of restricted visibility. They may be exhibited in all other circumstances when deemed necessary. During such times no other lights shall be exhibited, except those that cannot be mistaken for the lights specified in these Rules, do not impair their visibility or distinctive character, or do not interfere with keeping a proper lookout. Lights shall be required as follows:
- (1) Vessels, other than those vessels described in Subparagraphs (g)(3)-(7) of this Rule, equal to or greater than 12 meters or 39.4 feet but less than 20 meters or 65.6 feet in length shall exhibit:
 - (A) A masthead light forward visible for three miles;
 - (B) Sidelights, green to starboard and red to port, visible for two miles; and
 - (C) A stern light visible for two miles.
 - (2) Vessels, other than those vessels described in Subparagraphs (g)(3)-(7) of this Rule, less than 12 meters or 39.4 feet in length shall exhibit:

- (A) An all-round white light visible for two miles; and
- (B) Sidelights, green to starboard and red to port, visible for 1 mile.
- (3) Sailing vessels underway that are seven meters or 23 feet in length or greater shall exhibit:
 - (A) A stern light visible for two miles; and
 - (B) Sidelights, green to starboard and red to port, visible for two miles.
- (4) In a sailing vessel less than 20 meters or 65.6 feet in length, the lights prescribed in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of the mast where it can be best seen.
- (5) A sailing vessel of less than seven meters or 23 feet in length shall, if practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not practicable the vessel shall have ready at hand an electric torch or lighted lantern showing a white light that shall be exhibited in sufficient time to prevent a collision.
- (6) A vessel under oars shall either:
 - (A) exhibit the lights prescribed in Subparagraph (g)(5) of this Rule for sailing vessels; or
 - (B) have ready at hand an electric torch or lighted lantern showing a white light that shall be exhibited in sufficient time to prevent a collision.
- (7) On public waters not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. The Subparagraph shall not apply to vessels in waters of this State that are subject to the jurisdiction of the United States.

History Note: Authority G.S. 75A-3; 75A-6; 113-307; Eff. February 1, 1976; Amended Eff. November 1, 2013; April 1, 2009; March 1, 2008; April 1, 1999; August 1, 1988; May 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. November 1, 2018.

15A NCAC 10F .0202 ACCIDENT REPORTS

(a) Federal Regulations Incorporated. Reporting boating accidents and notification of death or disappearance of persons from vessels operating on the waters of this State shall be governed by 33 CFR 173 Subpart C, which is incorporated by reference including subsequent amendments and editions. These federal regulations can be found free of charge online at www.ecfr.gov.

(b) Use of Report. The accident reports required by Paragraph (a) of this Rule shall be used in developing statistical data as to the causes and frequency of boating accidents and in transmittal of information as required by G.S. 75A-12.

History Note: Authority G.S. 75A-3; 75A-11; 113-307; 33 C.F.R. 174.101 et seq.; Eff. February 1, 1976; Amended Eff. November 1, 1999; August 1, 1988; May 1, 1976; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. November 1, 2018.

15A NCAC 10F .0301 GENERAL PROVISIONS

(a) Definitions. The definitions used in G.S. 75A shall apply in this Subchapter. In addition, the following definitions shall apply:

- (1) "Commission" means the North Carolina Wildlife Resources Commission;
- (2) "Executive Director" means the Executive Director of the Commission;
- (3) "No wake speed" means idle speed or slow speed creating no appreciable wake;
- (4) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States, and is hereby incorporated by reference including all subsequent amendments and editions and can be found free of charge online at www.ecfr.gov;
- (5) "Designated agency" means a subdivision of the State that the Commission designates for placement of markers that conform to USATONS standards;
- (6) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape against a white background, used to alert a mariner to warnings or regulatory matters, as defined in 33 CFR 62.33;
- (7) "Swimming area" means an enclosed area on the water for swimming that is marked against entry by vessels;
- (8) "Mooring area" means an area on the water delineated by speed zone markers where vessels may be tied to objects anchored on the seabed;
- (9) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed; and
- (10) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access is limited to authorized persons and vessels, as defined in 33 CFR 165.20.

(b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to the Commission for rules on waters within the subdivision's territorial limits on an application provided by the Commission at www.ncwildlife.org. The completed application and supporting documents shall be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail

Service Center, Raleigh, North Carolina 27699-1701 or submitted via email to nowakezonecoordinator@ncwildlife.org. The application shall contain the following information:

- (1) the name of the subdivision of the State applying for water safety rulemaking;
- (2) the date of the application;
- (3) the contact person's name, telephone number, and mailing address;
- (4) descriptive information for the body of water;
- (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
- (6) a statement that the subdivision of the State has given public notice of its intention to apply for rulemaking on waters within its territorial limits;
- (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
- (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and placement of markers that conform to USATONS standards.

(c) **Marking Regulated Areas.** The Commission may designate agencies for the placement of markers in areas established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and placement of markers conforming to USATONS required to implement a water safety rule.

(d) **Placement of Markers.** Except where done by supervening federal authority, it shall be unlawful for anyone to place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place information markers without permission from the Executive Director or his or her designee.

(e) **Mooring Areas.** The boundaries of mooring areas shall be defined by the placement of speed zone markers.

(f) **Swimming Areas.** No vessel entry shall be permitted in the waters of marked swimming areas. Marked swimming areas shall meet the following requirements:

- (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;
- (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an enclosed area;
- (3) the swimming area shall not extend into a navigational channel or interfere with navigation of vessels;
- (2) float lines shall have white, international orange, or alternating white and international orange floats along their length at intervals of not less than one every 10 feet;
- (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line, and no float shall exceed a size of 18 inches in length or diameter;
- (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines to give warning to vessels approaching the swimming area from all directions; and

- (5) float lines and warning markers shall be anchored.

(g) **Safety Zones.** Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed in the water no greater than 50 yards from the protected facility. Markers shall be sufficient in number and size to give warning of the restriction to vessels approaching from all directions.

(h) **Enforcement.** If an agent of the Commission discovers markers and navigational aids that do not conform to USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated area, written notice shall be served upon the individuals responsible for the improper placement of the markers or navigational aids. Failure to take action to correct the deficiency within 10 days, in accordance with the written notice, shall be a violation of this Rule.

(i) **Miscellaneous Restrictions.** Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05. It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or tamper with any marker lawfully placed in the waters of North Carolina in conformity with these rules or USATONS standards.

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

Eff. February 1, 1976;

Amended Eff. November 1, 1993; March 25, 1978;

Temporary Amendment Eff. July 1, 1998;

Amended Eff. April 1, 1999;

Readopted Eff. November 1, 2018.

15A NCAC 10F .0325 CHOWAN COUNTY

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

- (1) the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke Marina;
- (2) Pembroke Creek in Edenton, from a line 50 yards north of the W. Queen Street bridge on SR 1204 shore to shore, from a point on the east shore at 36.05861 N, 76.62584 W, to a point on the west shore at 36.051813 N, 76.62735 W, to a line 200 yards southeast of the bridge, shore to shore from a point on the east shore at 36.05739 N, 76.62382 W to a point on the west shore at 36.05626 N, 76.62569 W;
- (3) the boat basin and all canals within Cape Colony Subdivision in Edenton; and
- (4) the swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation Area.

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

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

(d) Placement of Markers. The Board of Commissioners of Chowan County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1977;
Amended Eff. May 1, 2013; June 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2018.

15A NCAC 18A .1934 SCOPE
15A NCAC 18A .1935 DEFINITIONS

History Note: Authority G.S. 130A-335(e) and (f);
Eff. July 1, 1982;
Amended Eff. July 1, 1995; December 1, 1990; January 1, 1990;
 August 1, 1988; April 1, 1985;
Temporary Amendment Eff. June 24, 2003;
Amended Eff. June 1, 2006; May 1, 2004;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18A .1937 PERMITS
15A NCAC 18A .1938 RESPONSIBILITIES
15A NCAC 18A .1939 SITE EVALUATION
15A NCAC 18A .1940 TOPOGRAPHY AND LANDSCAPE POSITION
15A NCAC 18A .1941 SOIL CHARACTERISTICS (MORPHOLOGY)
15A NCAC 18A .1942 SOIL WETNESS CONDITIONS
15A NCAC 18A .1943 SOIL DEPTH
15A NCAC 18A .1944 RESTRICTIVE HORIZONS
15A NCAC 18A .1945 AVAILABLE SPACE
15A NCAC 18A .1946 OTHER APPLICABLE FACTORS
15A NCAC 18A .1947 DETERMINATION OF OVERALL SITE SUITABILITY
15A NCAC 18A .1948 SITE CLASSIFICATION
15A NCAC 18A .1949 SEWAGE FLOW RATES FOR DESIGN UNITS
15A NCAC 18A .1950 LOCATION OF SANITARY SEWAGE SYSTEMS
15A NCAC 18A .1951 APPLICABILITY OF RULES
15A NCAC 18A .1952 SEPTIC TANK, EFFLUENT FILTER, DOSING TANK AND LIFT STATION DESIGN
15A NCAC 18A .1953 PREFABRICATED SEPTIC TANKS AND PUMP TANKS
15A NCAC 18A .1954 MINIMUM STANDARDS FOR PRECAST REINFORCED CONCRETE TANKS
15A NCAC 18A .1955 DESIGN INSTALLATION CRITERIA FOR CONVENTIONAL SEWAGE SYSTEMS
15A NCAC 18A .1956 MODIFICATIONS TO SEPTIC TANK SYSTEMS

15A NCAC 18A .1957 CRITERIA FOR DESIGN OF ALTERNATIVE SEWAGE SYSTEMS
15A NCAC 18A .1958 NON-GROUND ABSORPTION SEWAGE TREATMENT SYSTEMS
15A NCAC 18A .1959 PRIVY CONSTRUCTION
15A NCAC 18A .1960 MAINTENANCE OF PRIVIES
15A NCAC 18A .1961 MAINTENANCE OF SEWAGE SYSTEMS
15A NCAC 18A .1962 APPLICABILITY

History Note: Authority 89C; 89E; 89F; 90A; 130A-335(e),(f),(f1); 130A-342;
Eff. July 1, 1982;
Amended Eff. January 1, 1990; August 1, 1988; February 1, 1987;
 April 1, 1985; January 1, 1984; October 1, 1983; July 1, 1983,
 January 1, 1983; October 1, 1982;
Temporary Amendment Eff. June 30, 1990, for a period of 180 days to expire on December 27, 1990;
Amended Eff. May 1, 1991; December 1, 1990; October 1, 1990;
Temporary Amendment Eff. July 3, 1991, for a period of 180 days to expire on December 30, 1991;
Amended Eff. July 1, 1995; April 1, 1993; February 1, 1992;
 August 1, 1991;
Temporary Amendment Eff. January 20, 1997;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. August 1, 2000; November 1, 1999;
Temporary Amendment Eff. June 24, 2003; April 17, 2002;
Amended Eff. August 1, 2007; June 1, 2006; May 1, 2004;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18A .1964 INTERPRETATION AND TECHNICAL ASSISTANCE
15A NCAC 18A .1965 APPEALS PROCEDURE
15A NCAC 18A .1966 SEVERABILITY
15A NCAC 18A .1967 INJUNCTIONS
15A NCAC 18A .1968 PENALTIES

History Note: Authority G.S. 130A-335(e);
Eff. July 1, 1982;
Amended Eff. January 1, 1990; February 1, 1987; January 1, 1985;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18A .1969 APPROVAL AND PERMITTING OF ON-SITE SUBSURFACE WASTEWATER SYSTEMS, TECHNOLOGIES, COMPONENTS, OR DEVICES

History Note: Authority G.S. 130A-335(e),(f); 130A-343;
Eff. April 1, 1993;
Temporary Amendment Eff. June 24, 2003; February 1, 2003;
Amended Eff. June 1, 2006; February 1, 2005; May 1, 2004;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18A .1970 ADVANCED WASTEWATER PRETREATMENT SYSTEM

History Note: Authority G.S. 130A-334; 130A-335; 130A-336; 130A-337; 130A-340; 130A-342; 130A-343;

Eff. June 1, 2006;
Amended Eff. October 1, 2011;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18A .1971 ENGINEERED OPTION PERMIT

History Note: Authority G.S. 130A-335; 130A-336.1;
Temporary Adoption Eff. July 1, 2016;
Eff. April 1, 2017;
Repealed Eff. Pending Delayed Effective Date.

15A NCAC 18E .0101 SCOPE

The rules contained in this Subchapter shall govern wastewater treatment and dispersal from wastewater systems, as defined in G.S. 130A-334(15), serving single or multiple-family residences, places of business, or places of public assembly. The wastewater system shall be designed to prevent the discharge of effluent to the land surface, surface waters, or into groundwater, except as

allowed when used in conjunction with an RCW system as set forth in Rule .1002 of this Subchapter.

History Note: Authority G.S. 130A-333; 130A-334(15); 130A-335(a),(b), and (e);
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0102 APPLICABILITY

- (a) The rules of this Subchapter shall not apply to wastewater systems in use prior to July 1, 1977, unless the DDF or wastewater strength increases.
- (b) Prior to any increase in DDF or wastewater strength for an existing facility, the owner shall submit an application in accordance with Rule .0202 of this Subchapter.
- (c) Notwithstanding Paragraph (a) of this Rule, all wastewater systems shall comply with Section .1300 of this Subchapter.

History Note: Authority G.S. 130A-335(e);
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0103 INCORPORATION BY REFERENCE

For this Subchapter, the following rules, standards, and other materials are hereby incorporated by reference, including any subsequent amendments and editions. Table I lists the agency, document title, contact information, and terms for access to referenced documents.

Table I: Rules, standards, and other materials incorporated by reference

United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS)	
Soil Survey Laboratory Information Manual, Soil Survey Investigations Report No. 45	Available at no charge at: http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/ref/
Kellogg Soil Survey Laboratory Methods Manual, Soil Survey Investigation Report No. 42	Available at no charge at: http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/ref/
Field Book for Describing and Sampling Soils	Available at no charge at: http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/ref/copy or U. S. Government Publishing Office, P. O. Box 979050, St. Louis, MO, 63197-9000
Guide to Soil Texture by Feel, Journal of Agronomic Education	Available at no charge at: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/edu/?cid=nrcs142p2_054311
National Engineering Handbook, Part 624 (Drainage), Chapter 10 (Water Table Control); Part 630 (Hydrology), Chapter 18; Part 650 (Engineering Field Handbook), Chapter 14 (Water Management, Drainage)	Available at no charge at: http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mi/technical/engineering
National Electrical Manufacturers Association 1300 North 17 th Street, Suite 900, Arlington, VA 22209 www.nema.org	
Standard 250 – Enclosures for Electrical Equipment	One hundred twenty four dollars (\$124.00)
U. S. Environmental Protection Agency (EPA) U. S. EPA/NSCEP P. O. Box 42419, Cincinnati, OH 45242-0419	
Method 9080 – Cation Exchange Capacity of Soils	Available at no charge at: https://www.epa.gov/hw-sw846/sw-846-test-method-9080-cation-exchange-capacity-soils-ammonium-acetate
ASTM International 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19438-2959	

	http://www.astm.org
C564 – Standard Specifications for Rubber Gaskets for Cast Iron Soil Pipe and Fittings	Forty one dollars (\$41.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
C890 – Standard Practice for Minimum Structural Design Loading for Monolithic or Sectional Precast Concrete Water and Wastewater Structures	Forty five dollars (\$45.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
C923 – Standard Specifications for Resilient Connectors Between Reinforced Concrete Manhole Structures, Pipes, and Laterals	Forty one dollars (\$41.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
C990 – Standard Specifications for Joints for Concrete Pipe, Manholes, and Precast Box Sections Using Preformed Flexible Joint Sealants	Forty dollars (\$40.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
C1644 – Standard Specification for Resilient Connectors Between Reinforced Concrete On-Site Wastewater Tanks and Pipes	Forty five dollars (\$45.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D448 – Standard Classification for Sizes of Aggregate for Road and Bridge Construction	Thirty nine dollars (\$39.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D1784 – Standard Specification for Rigid Poly (Vinyl Chloride) (PVC) Compounds and Chlorinated Poly (Vinyl Chloride) (CPVC) Compounds	Thirty nine (\$39.00) dollars each plus six dollars and seventy five cents (\$6.75) shipping and handling
D1785 – Standard Specifications for Poly (Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120	Fifty dollars (\$50.00) plus six dollars and seventy five cents (\$6.75) shipping and handling
D2241 – Standard Specification for Poly (Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series)	Forty four dollars (\$44.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D2466 – Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40	Forty four (\$44.00) dollars each plus six dollars and seventy five cents (\$6.75) shipping and handling
D2564 – Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems	Forty four dollars (\$44.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D2729 – Standard Specification for Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Forty five dollars (\$45.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D2774 – Standard Practice for Underground Installation of Thermoplastic Pressure Piping	Forty four dollars (\$44.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
D3034 – Standard Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Fifty dollars (\$50.00) each plus six dollars and seventyfive cents (\$6.75) shipping and handling
D6913 – Standard Test Methods for Particle-Size Distribution (Gradation) of Soils Using Sieve Analysis	Sixty five dollars (\$65.00) each plus thirteen dollars and thirty five cents (\$13.35) shipping and handling
D7928 – Standard Test Method for Particle-Size Distribution (Gradation) of Fine-Grained Soils Using the Sedimentation (Hydrometer) Analysis	Sixty five dollars (\$65.00) each plus thirteen dollars and thirty five cents (\$13.35) shipping and handling
F667 – Standard Specification for 3 through 24 in. Corrugated Polyethylene Pipe and Fittings	Forty five dollars (\$45.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling

F810 – Standard Specification for Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields	Forty one dollars (\$41.00) each plus six dollars and seventy five cents (\$6.75) shipping and handling
North Carolina Administrative Code	
15A NCAC 01O – Environmental Health	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2001%20-%20departmental%20rules/subchapter%20o/subchapter%20o%20rules.html
15A NCAC 02C – Well Construction Standards	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20c/subchapter%20c%20rules.pdf
15A NCAC 02H – Procedures for Permits: Approvals	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20h/15a%20ncac%2002h%20.0101.pdf
15A NCAC 02L – Groundwater Classification and Standards	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20l/subchapter%20l%20rules.pdf
15A NCAC 02T – Waste Not Discharged to Surface Waters	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20t/subchapter%20t%20rules.pdf
15A NCAC 02U – Reclaimed Water	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20u/subchapter%20u%20rules.pdf
15A NCAC 08G – Authority: Organization: Structure: Definitions	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2008%20-%20water%20pollution%20control%20system%20operators%20certification%20commission/subchapter%20g/subchapter%20g%20rules.pdf
15A NCAC 13B – Solid Waste Management	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2013%20-%20solid%20waste%20management/subchapter%20b/subchapter%20b%20rules.pdf
15A NCAC 18A – Water Supplies	Available at no charge at: http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2018%20-%20environmental%20health/subchapter%20c/subchapter%20c%20rules.pdf
NSF International PO Box 130140, Ann Arbor, MI 48105 http://www.nsf.org/	
Standard 40 – Residential Wastewater Systems	One hundred five dollars (\$105.00) each plus shipping and handling
Standard 41 – Non-Liquid Saturated Treatment Systems	One hundred five dollars (\$105.00) each plus shipping and handling

Standard 46 – Evaluation of Components and Devised Used in Wastewater Treatment Systems	One hundred five dollars (\$105.00) each plus shipping and handling
Standard 245 – Wastewater Treatment Systems – Nitrogen Reduction	One hundred five dollars (\$105.00) each plus shipping and handling
Standard 350 – Onsite Residential and Commercial Water Reuse Treatment	One hundred five dollars (\$105.00) each plus shipping and handling
International Association of Plumbing and Mechanical Officials 4755 E Philadelphia St, Ontario, CA 91761 http://www.iapmo.org/Pages/IAPMOgroup.aspx	
IAPMO/ANSI Z1000 – Prefabricated Septic Tanks	One hundred dollars (\$100.00) each
Canadian Standards Association 178 Rexdale Blvd, Toronto, ON Canada M9W 1R3 http://www.csagroup.org/	
B66 – Design, material, and manufacturing requirements for prefabricated septic tanks and sewage holding tanks	One hundred eighty dollars (\$180.00) each plus eighteen dollars (\$18.00) shipping and handling
2012 North Carolina Plumbing Code	
	Available at no charge at: https://codes.iccsafe.org/public/collections/nc
2015 North Carolina Building Code	
	Available at no charge at: https://codes.iccsafe.org/public/collections/nc
North Carolina Food Code Manual	
	Available at no charge at: http://ehs.ncpublichealth.com/faf/docs/foodprot/NC-FoodCodeManual-2009-FINAL.pdf
U.S. Government Publishing Office 732 North Capitol St, NW, Washington, DC 20401-0001 https://bookstore.gpo.gov/	
40 CFR 136	Sixty seven dollars (\$67.00) each
Forestry Suppliers, Inc PO Box 8397 Jackson, MS 39284-8397 https://www.forestry-suppliers.com/	
Munsell® Soil Color Book	One hundred ninety five dollars (\$195.00) each plus shipping and handling
National Technical Information Service 5301 Shawnee Rd Alexandria, VA 22312 https://www.ntis.gov/	
DRAINMOD User's Guide	Available at no charge at: https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB96112438.xhtml

History Note: Authority G.S. 130A-335(e);
Eff. Pending Legislative Review.

15A NCAC 18E .0104 ABBREVIATIONS

As used in this Subchapter, the following abbreviations refer to:

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| (1) ABS: Acrylonitrile-Butadiene-Styrene; | (6) BOD ₅ : Five Day Biochemical Oxygen Demand; |
| (2) ACEC: Apparent Cation Exchange Capacity; | (7) CA: Construction Authorization; |
| (3) ANSI: American National Standards Institute; | (8) CBOD: Carbonaceous Biochemical Oxygen Demand; |
| (4) ASTM: American Society for Testing and Materials; | (9) CFR: Code of Federal Regulations; |
| (5) ATO: Authorization to Operate; | (10) CSA: Canadian Standards Association; |
| | (11) DDF: Design Daily Flow; |
| | (12) DEQ: Department of Environmental Quality; |

- (13) DIP: Ductile Iron Pipe;
- (14) DO: Dissolved Oxygen;
- (15) DOT: Department of Transportation;
- (16) DSE: Domestic Strength Effluent;
- (17) EOP: Engineered Option Permit;
- (18) FOG: Fats, Oil, and Grease;
- (19) gpd: Gallons per Day;
- (20) HSE: High Strength Effluent;
- (21) IAPMO: International Association of Plumbing and Mechanical Officials
- (22) IP: Improvement Permit;
- (23) IPWW: Industrial Process Wastewater;
- (24) LC: Limiting Condition;
- (25) LDP: Large Diameter Pipe;
- (26) LG: Licensed Geologist;
- (27) LHD: Local Health Department;
- (28) LPP: Low Pressure Pipe;
- (29) LSS: Licensed Soil Scientist;
- (30) LTAR: Long Term Acceptance Rate;
- (31) mg/L: Milligrams/Liter;
- (32) NEMA: National Electrical Manufacturers Association;
- (33) NH₃: Total Ammonia Nitrogen;
- (34) NOI: Notice of Intent to Construct;
- (35) NOV: Notice of Violation;
- (36) NSF: NSF International;
- (37) OP: Operation Permit;
- (38) PE: Professional Engineer;
- (39) PIA: Provisional, Innovative, and Accepted;
- (40) PPBPS: Prefabricated Permeable Block Panel System;
- (41) psi: Pounds per Square Inch;
- (42) PVC: Polyvinyl Chloride;
- (43) RCW: Reclaimed Water;
- (44) RV: Recreational Vehicle;
- (45) RWTS: Residential Wastewater Treatment Systems;
- (46) SDR: Standard Dimension Ratio;
- (47) SPI: Standard Precipitation Index;
- (48) STEP: Septic Tank Effluent Pump;
- (49) SWC: Soil Wetness Condition;
- (50) TKN: Total Kjeldahl Nitrogen;
- (51) TL: Trench Length;
- (52) TN: Total Nitrogen;
- (53) TSS: Total Suspended Solids;
- (54) TW: Trench Width;
- (55) USDA-NRCS: United States Department of Agriculture – Natural Resources Conservation Service;
- (56) VIP: Visual Inspection Protocol; and
- (57) WS: Water Supply Class.

- (1) "Aggregate" means naturally occurring inorganic material of a specific size or grade. An example of aggregate is clean, washed gravel or crushed stone which is graded or sized in accordance with size numbers 4, 5, or 6 of ASTM D446.
- (2) "Apparent Cation Exchange Capacity" means the sum of exchangeable bases plus total soil acidity at a pH of 7.0. ACEC is expressed in milliequivalents per 100 grams of soil (meq/100g of soil) or centimoles per kilogram of soil (cmols/kg of soil). The soil ACEC is calculated by determining the ACEC using the neutral normal ammonium acetate method, pH of 7.0 neutral normal, and then dividing by the percent clay as determined by particle size distribution (pipette method) and then multiplying by 100, as described in USDA-NRCS Soil Survey Laboratory Information Manual, Soil Survey Investigations Report No. 45 and Kellogg Soil Survey Laboratory Methods Manual, Soil Survey Investigation Report No. 42, page 229, or EPA Method 9080.
- (3) "Approved" means that which the State or LHD has determined is in accordance with this Subchapter and G.S. 130A, Article 11.
- (4) "Artificial drainage" means any man-made structure or device designed to overcome a SWC or intercept lateral flowing ground or surface water. Artificial drainage systems include groundwater lowering systems, interceptor drains, and surface water diversions.
- (5) "Authorized agent" means a person who has been authorized by the State in accordance with G.S. 130A-4 and 15A NCAC 01O .0100 to permit wastewater systems.
- (6) "Authorized designer" means a service provider authorized by the manufacturer who creates plans for the installation, expansion, or repair of a proprietary wastewater system.
- (7) "Bed" means an excavation with a width greater than three feet containing dispersal media and one or more laterals.
- (8) "Bedroom" means any room defined as a sleeping room in the North Carolina Building Code.
- (9) "Building drain" means the lowest piping of a drainage system that receives the discharge from waste pipes inside the design unit and extends to 10 ft beyond the walls of the building or five feet for a building with a foundation and conveys the sewage to a building sewer.
- (10) "Building sewer" means the part of a drainage system that extends from the end of the building drain and conveys the discharge to a wastewater system.
- (11) "Certified Inspector" means a person authorized to inspect a wastewater system in accordance with G.S. 90A, Article 5, and

History Note: Authority G.S. 130A-335(e); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0105 DEFINITIONS

In addition to the definitions set forth in G.S. 130A-334, the following shall apply to the rules in this Subchapter:

- applicable rules of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.
- (12) "Collection sewer" means gravity flow pipelines, force mains, effluent supply lines, manholes, lift stations and all appurtenances used for conveying wastes from the building drain or building sewer to and within a wastewater system. A collection system is a collection sewer.
 - (13) "Complete data set" means analytical results for all required influent and effluent constituents as specified in the effluent standard for a specific site on a specific date. A data set may include other constituents specified in an RWTS or PIA Approval, permit, or other document.
 - (14) "Component" means a part of a wastewater system. The component may be any part of the wastewater system, such as a collection sewer, pretreatment, dispersal field, etc.
 - (15) "Composite sample" means commingled individual samples collected from the same point at different times. Samples may be of equal volume or may be proportional to the flow at time of sampling.
 - (16) "Demand dosing" means a configuration in which a specific volume of effluent is delivered to a component based upon patterns of wastewater generation from the source and liquid level detection device settings.
 - (17) "Design daily flow" means the unadjusted quantity of wastewater a facility is projected to produce in a 24-hour period upon which wastewater system sizing and design are based as determined in Section .0400 of this Subchapter.
 - (18) "Design unit" means a discrete connection such as an individual dwelling unit, place of business, or place of public assembly on which wastewater DDF is based. Multiple design units may comprise a facility.
 - (19) "Dispersal field" means physical location where final treatment and dispersal of effluent occurs in the soil.
 - (20) "Dispersal media" means the media used to provide void space through which effluent flows and may be stored prior to infiltration (e.g., washed gravel or crushed stone, products referenced in Section .0900 of this Subchapter, products approved pursuant to Section .1700 of this Subchapter, etc.).
 - (21) "Dispersal system" means the dispersal field and associated components that distribute effluent to and within the dispersal field. This includes a pump, pump tank, pressure manifold, distribution box, drip box, lateral, dispersal media, etc.
 - (22) "Dose volume" means an amount of effluent delivered during a dosing event as determined by the liquid level detection device settings in a demand dosing system or by a timer in a time dosing system.
 - (23) "Dwelling unit" means any room or group of rooms located within a structure and forming a single, habitable unit with facilities which are used or intended to be used for living, sleeping, bathing, toilet usage, cooking, and eating.
 - (24) "Effluent" means the liquid discharge from a pretreatment process, component, or system.
 - (25) "Facility" means one or more design units located on a single or multiple lot(s) or tract(s) of land and served by a wastewater system comprised of one or more wastewater systems.
 - (26) "Finished grade" means the final elevation of the land over the wastewater system after installation.
 - (27) "Flood pool elevation" means the maximum water surface elevation of a reservoir, equal to the elevation of the spillway.
 - (28) "Flow equalization" means a system configuration that includes sufficient storage capacity to allow for uniform flow to a subsequent component despite variable flow from the source.
 - (29) "Full kitchen" means the appliances meet the requirements of North Carolina Food Code, Chapters 4-1 and 4-2.
 - (30) "Grab sample" means a discrete sample collected at a specific time and location.
 - (31) "Grease tank" means the tank located outside the facility that is used to reduce the amount of grease discharged to a wastewater system.
 - (32) "Grease trap" means a device used inside the facility to reduce the amount of grease discharged to a wastewater system.
 - (33) "Gravity distribution" means gravity flow of effluent to and within each lateral.
 - (34) "Groundwater lowering system" means a type of artificial drainage system designed to lower the water table by gravity or, in conjunction with a pump, to maintain the vertical separation beneath a dispersal field.
 - (35) "Horizon" means a layer of soil, parallel to the surface that has distinct physical, chemical, and biological properties or characteristics such as color, structure, texture, consistence, kinds and number of organisms present, degree of acidity or alkalinity, etc., resulting from soil forming processes.
 - (36) "Infiltrative surface" means the designated interface where effluent moves from dispersal media or a distribution device into treatment media, naturally occurring soil, or fill.
 - (37) "Influent" means the sewage discharged to a pretreatment component.
 - (38) "Installer" means a person authorized to construct, install, or repair a wastewater system in accordance with G.S. 90A, Article 5 and

- applicable rules of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.
- (39) "Interceptor drain" means a type of artificial drainage designed to intercept and divert lateral moving groundwater or perched water away from the dispersal field or other system component to an effective outlet.
- (40) "Invert" means the lowest elevation of the internal cross-section of a pipe, fitting, or component.
- (41) "Jurisdictional wetland" means an area subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers or DEQ.
- (42) "Ksat" or saturated hydraulic conductivity, means the rate of water flow through a unit cross sectional area of soil under saturated conditions. In-situ Ksat is measured in the field using clean water. Results of in-situ Ksat are used to simulate movement of effluent through the soil and may be used to field verify LTAR.
- (43) "Lateral water movement" means the movement of subsurface water downslope often associated with a less permeable horizon. Lateral water movement can be observed in a bore hole, excavation, or monitoring well on sloping sites.
- (44) "Lateral" means any pipe, tubing, or other device used to convey and distribute effluent in a dispersal field.
- (45) "Limiting condition" means soil conditions (morphology, depth, restrictive horizon, soil wetness, or organic matter content) or site features (topography, slope, landscape position, or available space) that determine wastewater system design options.
- (46) "Lithochromic feature" means soil mottle or matrix associated with variations of color due to weathering of parent materials.
- (47) "Long Term Acceptance Rate" means the rate of effluent absorption by the soil, existing fill, or saprolite in a wastewater system after long-term use. The LTAR, in units of gallons per day per square foot (gpd/ft²), is assigned based upon soil textural class, structure, consistence, depth, percent coarse rock, landscape position, topography, and system type, and is used to determine the dispersal field sizing requirements, in accordance with applicable rules of this Subchapter.
- (48) "Local health department" means any county, district, or other health department authorized to be organized under the General Statutes of North Carolina.
- (49) "Management Entity" means the person, entity, company, or firm designated by the owner of the wastewater system who has primary responsibility for the operation of a wastewater system in accordance with this Subchapter, G.S. 90A, Article 3, and applicable rules of the Water Pollution Control System Operators Certification Commission. The Management Entity may be the owner, a public Management Entity, a certified operator, a management company, or an entity that employs certified operators. The Management Entity is or employs the operator in responsible charge for the wastewater system.
- (50) "Mass loading" means the total mass of one or more organic or inorganic effluent constituents delivered to the wastewater system over a specified period. It is computed by multiplying the total volume of flow during the specified period by the flow-weighted average constituent concentration in the same period. Units of measurement are pounds per day.
- (51) "Matrix" means a volume of soil equivalent to 50 percent or greater of the total volume of a horizon.
- (52) "Mean high-water mark" or normal high-water mark, means, for coastal waters having six inches or more lunar tidal influence, the average height of the high-water over a 19-year period as may be ascertained from National Ocean Survey, U.S. Army Corps of Engineers tide stations data, or as otherwise determined under the provisions of the Coastal Area Management Act. The highest high-water mark as reported by the three agencies shall be applied.
- (53) "Media" means a solid material that can be described by shape, dimensions, surface area, void space, and application.
- (54) "Media filter" means a device that uses materials designed to treat effluent by reducing BOD₅ and removing TSS in an unsaturated environment. Biological treatment is facilitated via microbial growth on the surface of the treatment media.
- (55) "Mottle" means subordinate color of a differing Munsell color system notation in a soil horizon.
- (56) "Naturally occurring soil" means soil formed in place due to natural formation processes that is unaltered by filling, removal, or other artificial modification other than tillage.
- (57) "NEMA 4X" means an enclosure for an electrical control panel or junction box that meets standards for protection of equipment due to the ingress of water (including rain and hose-directed water) and an additional level of protection against corrosion, as set forth in NEMA Standard 250.
- (58) "NSF-40 systems" means individual RWTS that are approved and listed in accordance with the standards adopted by NSF International for Class I residential wastewater treatment systems under NSF-ANSI Standard 40 and approved for use in accordance with G.S. 130A-342 and the rules of this Subchapter.

- (59) "Non-ground absorption system" means a system for waste treatment designed not to discharge to the soil, land surface, or surface waters, including approved vault privies, incinerating toilets, mechanical toilets, composting toilets, chemical toilets, and recycling systems.
- (60) "Off-site system" means a wastewater system where any system component is located on property other than the lot where the facility is located.
- (61) "Organic soils" means those organic mucks and peats consisting of more than 20 percent organic matter, by dry weight, and greater than or equal to 18 inches in thickness.
- (62) "Owner" means a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf.
- (63) "Parallel distribution" means the distribution of effluent that proportionally loads multiple sections of a dispersal field at one time.
- (64) "Parent material" means the mineral and organic matter that is in its present position through deposition by water, wind, gravity or by decomposition of rock.
- (65) "Ped" means a unit of soil structure, such as blocky, granular, prismatic, or platy formed by natural processes, in contrast to a clod, which is a compact, coherent, mass of soil produced by digging, plowing, or other human land manipulation.
- (66) "Perched water table" means a zone of saturation held above the main groundwater body by a less permeable layer, impermeable rock, or sediment, which may or may not exhibit redoximorphic features.
- (67) "Person" means any individual, firm, association, organization, partnership, business trust, corporation, company, or unit of local government.
- (68) "Pressure dispersal" means a system utilizing an effluent pump or siphon to distribute effluent uniformly to the infiltrative surface in the dispersal field through a pressurized pipe network.
- (69) "Pressure dosed gravity distribution" means pressure delivery of effluent to a manifold, distribution box, or other splitter with subsequent gravity distribution within one or more laterals to the infiltrative surface.
- (70) "Public management entity" means a city (G.S. 160A, Article 16), county (G.S. 153A, Article 15), interlocal contract (G.S. 153A, Article 16), joint management agency (G.S. 160A, Articles 461 and 462), county service district (G.S. 153A, Article 16), county water and sewer district (G.S. 162A, Article 6), sanitary district (G.S. 130A, Article 2), water and sewer authority (G.S. 162A, Article 1), metropolitan water district (G.S. 162A, Article 4), metropolitan sewerage district (G.S. 162A, Article 5), public utility [G.S. 62-3(23)], county or district health department (G.S. 130A, Article 2), or other public entity legally authorized to operate and maintain wastewater systems.
- (71) "Raw sewage lift stations" means a dosing system that is designed to move untreated sewage from a lower elevation to a higher elevation. Raw sewage lift stations are installed prior to any wastewater treatment.
- (72) "RCW systems" means advanced pretreatment systems approved by the State in accordance with Section .1700 of this Subchapter to meet RCW effluent standards in Rule .1002 of this Subchapter.
- (73) "Redoximorphic features" means a color pattern of a horizon due to a loss (depletion) or gain (concentration) of pigment compared to the matrix color, formed by oxidation and reduction of iron (Fe) coupled with its removal, translocation, or accrual, or a soil matrix color controlled by the presence of Fe⁺². Redox depletions are a type of redoximorphic feature.
- (74) "Repair area" means an area that has been classified suitable consistent with the rules in this Subchapter that is reserved for the extension, alteration, wastewater system relocation, or replacement of part or all of the initial wastewater system. The repair area shall be available to be used in the event of a malfunction or if a wastewater system is partially or totally destroyed.
- (75) "Residential Wastewater Treatment Systems" means approved individual advanced pretreatment systems that are covered under standards of NSF International, in accordance with G.S. 130A-342 and applicable rules in this Subchapter.
- (76) "Restrictive horizon" means a soil horizon that is capable of perching groundwater or effluent and that is brittle and strongly compacted or strongly cemented with iron, aluminum, silica, organic matter, or other compounds. Restrictive horizons may occur as fragipans, iron pans, or organic pans, and are recognized by their resistance in excavation or in using a soil auger.
- (77) "Rock" means the body of consolidated or partially consolidated material composed of minerals at or below the land surface. Rock includes bedrock and partially weathered rock that is hard and cannot be dug with hand tools. The upper boundary of rock is saprolite, soil, or the land surface.

- (78) "Saprolite" means the body of porous material formed in place by weathering of rock that has a massive, rock-controlled structure and retains the fabric (arrangement of minerals) of its parent rock in a minimum of 50 percent of its volume. Saprolite can be dug with hand tools. The lower limit of saprolite is rock and its upper limit is soil or the land surface.
- (79) "Septic tank" means a structurally sound, water-tight, covered receptacle designed for primary treatment of wastewater that is constructed to:
- (a) receive the discharge of wastewater from a building;
 - (b) separate settleable and floating solids from the liquid;
 - (c) digest organic matter by anaerobic bacterial action;
 - (d) store digested solids through a period of detention; and
 - (e) allow effluent to discharge for additional treatment and final dispersal.
- (80) "Septic tank effluent pump" means a collection system that uses a septic tank to separate solids and incorporates a pump vault, pump, and associated devices to convey effluent under pressure to a subsequent component.
- (81) "Sequential distribution" means the distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a drop box or relief device to the succeeding trench at a lower elevation. All trenches are fed from the same side.
- (82) "Setback" means the minimum horizontal separation distance between the wastewater system and features listed in Section .0600 of this Subchapter.
- (83) "Settling tank" means a septic tank designed to be used in conjunction with a RWTS. A settling tank is not required to meet the design requirements of a septic tank.
- (84) "Serial distribution" means the distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a pipe to the succeeding trench at a lower elevation.
- (85) "Site" means the area in which the wastewater system is to be located, including the repair area.
- (86) "Soil" means the naturally occurring body of unconsolidated mineral and organic materials on the land surface. Soil is composed of sand-, silt-, and clay-sized particles that are mixed with varying amounts of larger fragments and some organic material. Soil contains less than 50 percent of its volume as rock, saprolite, or coarse-earth fraction (mineral particles greater than 2.0 millimeters). The upper limit of the soil is the land surface, and its lower limit is rock, saprolite, or other parent materials.
- (87) "Soil consistence" means the degree and kind of cohesion and adhesion that a soil exhibits.
- (88) "Soil series" means an official series name established by USDA-NRCS.
- (89) "Soil structure" means the arrangement of primary soil particles into compound particles, peds, or clusters that are separated by natural planes of weakness from adjoining units.
- (90) "Soil textural classes" means soil classification based upon size distribution of mineral particles in the fine-earth fraction less than two millimeters in diameter. The fine-earth fraction includes sand (2.0 - 0.05 mm in size), silt (less than 0.05 mm or greater than 0.002 mm in size), and clay (less than 0.002 mm in size) particles.
- (91) "State" means the Department of Health and Human Services, Division of Public Health, Environmental Health Section, On-Site Water Protection Branch. The mailing address for the State is as follows: 1642 Mail Service Center, Raleigh, NC 27699-1642.
- (92) "Stream" means a body of concentrated flowing water in a natural low area or natural or manmade channel on the land surface. This includes ephemeral, intermittent, and perennial streams as defined by DEQ, as well as streams which have been modified by channeling, culvert installation, or relocation.
- (93) "Structurally sound" means a tank that is able to withstand a uniform live loading of 150 pounds per square foot in addition to all loads to which an underground tank is normally subjected, such as dead weight of the material and soil cover, active soil pressure on tank walls, and the uplifting force of groundwater.
- (94) "Surface water diversion" means a natural or constructed drainage feature used to divert surface water, collect runoff, and direct it to an effective outlet. Surface water diversions include waterways, berms, swales, and ditches. Surface water diversions are a type of artificial drainage.
- (95) "TS-I systems" means advanced pretreatment systems approved by the State in accordance with Section .1700 of this Subchapter that meet TS-I effluent standards in Table XXIV of Rule .1201(a) of this Subchapter.
- (96) "TS-II systems" means advanced pretreatment systems approved by the State in accordance with Section .1700 of this Subchapter that meet TS-II effluent standards in Table XXIV of Rule .1201(a) of this Subchapter.
- (97) "Telemetry" means the ability to contact by phone, email, or another electronic medium. The telemetry unit shall continue alarm notifications to the designated party until the

- alarm condition is remedied or the telemetry unit is physically turned off.
- (98) "Third-party" means a person or entity engaged in testing or evaluation that may be compensated for their work product that is independent of the parties for whom testing or evaluation is performed and does not otherwise benefit regardless of the outcome. The third-party person or entity has knowledge of the subject area based upon relevant training and experience.
- (99) "Timed dosing" means a configuration in which a specific volume of effluent is delivered to a component based upon a prescribed interval, regardless of facility water use variation over time.
- (100) "Treatment media" means the media used for physical, chemical, and biological treatment in a wastewater treatment component.
- (101) "Trench" means an excavation with a width less than or equal to three feet containing dispersal media and one or more laterals.
- (102) "Unstable slopes" means areas showing indications of mass downslope movement such as debris flows, landslides, and rock falls.
- (103) "Vertical separation" means the depth beneath the dispersal field infiltrative surface to a LC.
- (104) "Warming kitchen" means a kitchen that does not meet the requirements of North Carolina Food Code, Chapters 4-1 and 4-2.
- (105) "Water main standards" means design criteria for pipe and pipe joints and associated installation procedures used in potable water systems and that have been approved by North Carolina DEQ Public Water Supply Section in accordance with 15A NCAC 18C.

*History Note: Authority G.S. 130A-335(e) and (f);
Eff. Pending Legislative Review.*

15A NCAC 18E .0201 GENERAL

- (a) All wastewater in any facility containing water-using fixtures connected to a water supply source shall be discharged to a wastewater system approved by the Department in accordance with the rules of this Subchapter.
- (b) In order for a wastewater system to be approved:
- (1) the owner shall submit an application in accordance with Rule .0202 of this Section;
 - (2) an IP shall be issued in accordance with Rule .0203 of this Section;
 - (3) a CA shall be issued in accordance with Rule .0204 of this Section; and
 - (4) the authorized agent shall inspect the installation and issue an OP in accordance with Rule .0205 of this Section.
- (c) Upon issuance of the CA, the owner may obtain a permit for electrical, plumbing, heating, air conditioning, or other construction in accordance with G.S. 130A-338.

(d) Notwithstanding Paragraph (b) of this Rule, an owner may choose to have a wastewater system approved under the EOP provisions of G.S. 130A-336.1 and in accordance with Rule .0207 of this Section.

(e) All documentation related to a wastewater system shall be maintained by the LHD in the county where the permit is issued, and the property taxes are paid.

History Note: Authority G.S. 130A-335; 130A-336; 130A-337; 130A-338;

Eff. Pending Delayed Effective Date.

15A NCAC 18E .0202 APPLICATION

(a) An application for an IP, CA, and existing system authorization shall be submitted to the LHD, and approved in accordance with these Rules, for each site prior to the construction, location, or relocation of a residence, place of business, or place of public assembly.

(b) Prior to the repair of a wastewater system, an application for a CA shall be submitted to the LHD.

(c) A pending application for an IP, CA, or existing system authorization for which the LHD is waiting for action by the owner shall expire 12 months from the date of application.

(d) When an IP, CA, or existing system authorization expires or is revoked, or an application for an IP or CA expires, a new application shall be required.

(e) The application for an IP shall contain the following information:

- (1) owner's name, mailing address, and phone number;
- (2) type of permit requested:
 - (A) new;
 - (B) change of use;
 - (C) expansion or increase in DDF; or
 - (D) wastewater system relocation;
- (3) site plan or plat indicating the locations of the following:
 - (A) existing and proposed facilities, structures, appurtenances, and wastewater systems;
 - (B) proposed wastewater system showing setbacks to property line(s) or other fixed reference point(s);
 - (C) existing and proposed vehicular traffic areas;
 - (D) existing and proposed water supplies, wells, springs, and water lines; and
 - (E) surface water, drainage features, and all existing and proposed artificial drainage, as applicable;
- (4) location, parcel identification number, other property identification, 911 address (if known), acreage, and general directions to the property;
- (5) description of existing and proposed facilities and wastewater systems;
- (6) information needed to determine DDF and effluent strength of the facility(s) served, including number and function of individual design units, number of bedrooms and

- occupants per bedroom, or number of occupants;
- (7) whether wastewater other than DSE will be generated;
- (8) notification if the property includes, or is subject to, any of the following:
- (A) previously identified jurisdictional wetlands;
 - (B) existing or proposed easements, rights-of-way, encroachments, or other areas subject to legal restrictions; or
 - (C) approval by other public agencies, such as the Coastal Area Management Act, U.S. Army Corp of Engineers, etc.; and
- (9) signature of owner.
- (f) The application for a CA shall contain:
- (1) the information required in Paragraph (e) of this Rule. A site plan or plat shall not be required with the application to repair a permitted wastewater system when the repairs will be accomplished on property owned and controlled by the owner and for which property lines are identifiable in the field;
 - (2) identification of the proposed use of a grinder pump or sewage pump; and
 - (3) the location and type of the proposed wastewater system specified by the owner.
- (g) The application for an existing system authorization shall contain:
- (1) the owner's name, mailing address, and phone number;
 - (2) a site plan or plat indicating the locations of the existing and proposed facilities, existing wastewater systems and repair areas, existing and proposed water supplies, easements, rights-of-way, encroachments, artificial drainage, and all appurtenances;
 - (3) location, parcel identification number, other property identification, 911 address (if known), acreage, and directions to the property;
 - (4) for reconnections, information needed to determine DDF of the facility served, including number and function of individual design units, number of bedrooms and occupants per bedroom, or number of occupants; and
 - (5) signature of owner.
- (h) Submittal of a signed application shall constitute right of entry to the property by an authorized agent.

History Note: Authority G.S. 130A-335; 130A-336; 130A-337; 130A-338;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0203 IMPROVEMENT PERMIT

(a) Upon receipt of a complete application for an IP, an authorized agent shall evaluate the site to determine whether the site is suitable or unsuitable for the installation of a wastewater

system in accordance with Section .0500 of this Subchapter. If the site is classified suitable, an IP shall be issued in accordance with this Subchapter. The authorized agent shall prepare dated, written documentation of the soil and site conditions required to be evaluated in Section .0500 of this Subchapter.

(b) When the site is classified suitable an authorized agent shall issue an IP for the site that includes the items contained in G.S. 130A-336(a)(1) through (6) and the following information:

- (1) DDF, number of bedrooms, maximum number of occupants or people served, and wastewater strength in accordance with Section .0400 of this Subchapter;
- (2) required effluent standard - DSE, HSE, NSF-40, TS-I, TS-II, or RCW in accordance with Table III of Rule .0402(a), Rule .1002, or Table XXIV of Rule .1201(a) of this Subchapter;
- (3) all applicable setbacks and requirements in accordance with Section .0600 of this Subchapter;
- (4) location and description of the facility, structures, vehicular traffic areas, and other proposed improvements;
- (5) location(s) of existing and proposed public or private water supplies, including private drinking water wells and springs and associated water lines;
- (6) a site plan or plat as defined in G.S. 130A-334 showing the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the proposed wastewater system and repair area, and the location of water supplies and surface water;
- (7) the proposed initial wastewater system and repair system types, including LTARs for each system;
- (8) easements, rights-of-way, or encroachments agreements, as applicable; and
- (9) permit conditions, such as site-specific site modifications, installation requirements, maintenance of the groundwater lowering system, etc.

(c) When the site is classified unsuitable, a signed, written report shall be provided to the owner describing the unsuitable site characteristics and citing the applicable rule(s). If modifications or alternatives are available to support site reclassification to suitable this information shall be included in the report.

(d) The period of validity for the permit in accordance with G.S. 130A-335(f) shall be stated on the IP.

(e) The IP shall be transferable subject to the conditions set forth in G.S. 130A-336(a).

(f) An IP shall be suspended or revoked if:

- (1) the information submitted in the application is found to be incomplete, false, or incorrect;
- (2) the site is altered and the permitted system cannot be installed or operated as permitted;
- (3) conditions of the IP or the rules of this Subchapter cannot be met;

- (4) a new IP is issued for the same design unit on the same property; or
- (5) an NOI is issued for the same design unit on the same property.

(g) An IP shall be applicable to both initial and repair dispersal field areas identified and approved on the IP and only a CA shall be issued if wastewater system repairs are necessary.

*History Note: Authority G.S. 130A-335; 130A-336;
Eff. Pending Delayed Effective Date.*

**15A NCAC 18E .0204 CONSTRUCTION
AUTHORIZATION**

(a) The owner shall obtain a CA after an IP has been issued and prior to the construction, location, or relocation of a facility, or the construction or repair of a wastewater system.

(b) Conditions of an IP shall be completed prior to the issuance of a CA. A CA shall be issued by an authorized agent for wastewater system installation when it is found that the IP conditions and rules of this Subchapter are met.

(c) A CA may be issued at the same time as the IP if no conditions on the IP are required to be completed prior to CA issuance.

(d) The CA shall specify the following:

- (1) all information required in Rule .0203(b) of this Section;
- (2) the initial wastewater system type and layout, location of all initial wastewater system components, and design details and specifications for the following, as applicable;
 - (A) tanks;
 - (B) collection sewers;
 - (C) pump requirements;
 - (D) advanced pretreatment;
 - (E) distribution devices; and
 - (F) trench widths, lengths, and depth on the downslope side of the trench;
- (3) the nature of the Management Entity required and the minimum operation and maintenance requirements in accordance with Section .1300 of this Subchapter; and
- (4) permit conditions, such as site-specific installation requirements, maintenance of the groundwater lowering system, etc.

(e) A CA shall be issued for each wastewater system serving a facility. Separate CAs may be issued for individual components. A building permit shall not be issued for a design unit until CAs for all components of the wastewater system serving that design unit have been issued.

(f) Prior to the issuance of a CA for a system where all or part of the system will be under common or joint control, a draft multi-party agreement between the developer and an incorporated owners' association shall be submitted to and its conditions approved by the LHD. The draft multi-party agreement shall include and address the following, as applicable:

- (1) ownership;
- (2) transfer of ownership;
- (3) maintenance;
- (4) operation;
- (5) wastewater system repairs; and

- (6) designation of fiscal responsibility for the continued satisfactory performance of the wastewater system and repair or replacement of collection, treatment, dispersal, and other components.

(g) Systems or components under common or joint control include the following:

- (1) wastewater system serving a condominium or other multiple-ownership development; or
- (2) off-site systems serving two or more facilities where any components are under common or joint ownership or control.

(h) The CA shall be valid for a period equal to the period of validity of the IP and stated on the permit.

(i) The CA shall be transferable subject to the conditions set forth in G.S. 130A-336(a).

(j) A CA shall be suspended or revoked if:

- (1) the information submitted in the application is found to be incomplete, false, or incorrect;
- (2) the site is altered and the permitted system cannot be installed or operated as permitted;
- (3) conditions of the CA or the rules of this Subchapter cannot be met;
- (4) a new CA is issued for the same design unit on the same property; or
- (5) a NOI is issued for the same design unit on the same property.

*History Note: Authority G.S. 130A-335; 130A-336; 130A-338;
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0205 OPERATION PERMIT

(a) The owner shall obtain an OP after the wastewater system has been installed or repaired and the authorized agent has inspected the system. The inspection shall occur prior to the system being covered. The authorized agent shall determine that the system has been installed in accordance with this Subchapter and any conditions of the IP and CA.

(b) During the wastewater system inspection, the authorized agent shall notify the installer of items that do not meet the rules of this Subchapter and conditions described in the IP and CA. Corrections shall be made to bring the system into compliance with this Subchapter by the installer. If corrections cannot be made, an authorized agent shall not issue an OP and the system shall not be placed into use. The authorized agent making the determination shall prepare a written report referencing deficiencies in the system installation, citing the applicable rule(s) and IP and CA conditions, and include a letter of Intent to Suspend or Revoke the IP and CA or the CA. A copy of the report shall be provided to the owner and the installer.

(c) The OP shall include:

- (1) the initial system and designated repair system type in accordance with Table XXXI of Rule .1301(b) of this Subchapter and the unique code assigned under Rule.1713(10) of this Subchapter;
- (2) facility description including number of bedrooms and maximum occupancy, maximum

number of occupants or people served, DDF, and wastewater strength;

- (3) a site plan or plat as defined in G.S. 130A-334 showing the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the wastewater system and repair area including location and dimensions, and the location of water supplies and surface water;
- (4) dispersal field design including trench or bed length, width, depth, and location;
- (5) the tank(s) location, capacity, and ID numbers;
- (6) groundwater monitoring well locations, sampling frequency, and characteristics sampled, as applicable;
- (7) conditions for system performance, operation, monitoring, influent and effluent sampling requirements, and reporting, including the requirement for a contract with a Management Entity, as applicable; and
- (8) approved engineered plans, specifications, and record drawings if required in Rule .0303(g) of this Subchapter.

(d) Prior to the issuance of an OP for a system requiring a multi-party agreement, the multi-party agreement shall be executed between the developer and an incorporated owners' association and filed with the local register of deeds.

(e) When a wastewater system is required to be designed by an authorized designer or PE, the PE or authorized designer shall provide a written statement to the owner and authorized agent specifying that construction is complete and in accordance with approved plans, specifications, and modifications. The written statement shall be provided prior to issuance of the OP.

(f) An OP shall be valid and remain in effect for a system provided:

- (1) wastewater strength and DDF remain unchanged;
- (2) the system is operated and maintained in accordance with this Subchapter;
- (3) no malfunction is found as defined in Rule .1303(a)(1) and (2) of this Subchapter;
- (4) the system has not been abandoned in accordance with Rule .1307 of this Subchapter;
- (5) the system complies with the condition(s) of the OP; and
- (6) OP has not expired or been revoked.

(g) For a Type V or VI system as specified in Table XXXI of Rule .1301(b) of this Subchapter, the OP shall expire five years after being issued.

(h) An authorized agent may modify, suspend, or revoke the OP or seek other remedies under G.S. 130A, Article 2, if it is determined that the system is not being operated and maintained in accordance with this Subchapter and all conditions imposed by the OP.

(i) When an OP expires in accordance with Paragraph (g) of this Rule a new application shall be required prior to issuance of a new OP to confirm that the previously approved facility has not changed and that the system remains in compliance with permit conditions.

(j) When an OP is revoked due to facility non-compliance, such as additional wastewater flow or increased wastewater strength, a new application shall be required prior to evaluation for a new IP, CA, and OP.

(k) An OP shall be revoked prior to an ATO being issued for the same design unit on the same property.

History Note: Authority G.S. 130A-335; 130A-337; 130A-338;

Eff. Pending Delayed Effective Date.

15A NCAC 18E .0206 EXISTING SYSTEM APPROVALS FOR RECONNECTIONS AND PROPERTY ADDITIONS

(a) Approval by an authorized agent shall be issued prior to any of the following:

- (1) a facility being reconnected to an existing system; or
- (2) other site modifications as described in Paragraph (c) of this Rule.

(b) Approvals for reconnecting a facility shall be issued upon determination of the following:

- (1) the site complies with its OP or the wastewater system was in use prior to July 1, 1977;
- (2) there is no evidence or documentation of a current or past uncorrected malfunction of the system as described in Rule .1303(a)(1) and (2) of this Subchapter;
- (3) the DDF and wastewater strength for the proposed facility do not exceed that of the existing system;
- (4) the facility meets the setbacks in Section .0600 of this Subchapter; and
- (5) the existing system is being operated and maintained as specified in G.S. 130A, Article 11, this Subchapter, and permit conditions.

(c) Prior to construction, relocation of a structure, the expansion of an existing facility's footprint, or other site modifications that require the issuance of a building permit, but that do not increase DDF or wastewater strength, an authorization shall be issued upon determination of the compliance of the proposed structure with setback requirements in Section .0600 of this Subchapter.

(d) For authorizations issued in accordance with this Rule the authorized agent shall provide written documentation to the owner that describes the site modification, system use, DDF, wastewater strength, number of bedrooms, number of occupants, and includes a site plan showing the location, dimensions, and setbacks of existing and proposed structures to the existing system and repair area.

History Note: Authority G.S. 130A-335; 130A-337(c) and (d); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0207 ENGINEER OPTION PERMIT

(a) An owner choosing to use an EOP for wastewater systems in accordance with G.S. 130A-336.1 shall employ the services of a PE to prepare signed and sealed drawings, specifications, plans, and reports for the design, construction, operation, and maintenance of the wastewater system.

(b) Prior to the submittal of an NOI for an EOP system as required by G.S. 130A-336.1(b), an LSS shall conduct soil and site evaluations and, as applicable, an LG shall evaluate geologic and hydrogeologic conditions. These evaluations shall be in accordance with the rules of this Subchapter.

(c) The NOI for an EOP System shall be submitted by the owner or a PE, authorized as the legal representative of the owner, to the LHD in the county where the facility is located. The NOI shall be submitted on the common form provided by the State. The common form is available by accessing the State's website at <http://ehs.ncpublichealth.com/rules.htm#oswprules>. It shall include all the information specified in G.S. 130A-336.1(b) and the following:

- (1) the LSS's, LG's, and installer's name, license number, address, e-mail address, and telephone number;
- (2) information required in Rule .0202 of this Section for IP and CA applications;
- (3) identification and location on the site plan of existing or proposed potable water supplies, geothermal heating and cooling wells, and groundwater monitoring wells for the proposed site. The PE shall reference any existing permit issued for a private drinking water well, public water system as defined in G.S. 130A-313(10), or a wastewater system on both the subject and adjoining properties to provide documentation of compliance with setback requirements in Section .0600 of this Subchapter; and
- (4) proof of insurance for the PE, LSS, LG, and installer, as applicable.

(d) The PE design shall incorporate findings and recommendations on soil and site conditions, limitations, site modifications, and geologic and hydrogeologic conditions specified by the LSS or LG, as applicable, and in accordance with G.S. 130A-336.1(b)(8). When the PE chooses to employ pretreatment technologies not approved in this State, the engineering report shall specify the proposed technology and the associated siting, installation, operation, maintenance, and monitoring requirements, including written manufacturer's endorsement of the proposed use. The PE shall allow for the use of Accepted Systems in accordance with G.S. 130A-336.1(e)(5).

(e) No building permit for construction, location, or relocation shall be issued until after a decision of completeness of the NOI is made by the LHD, or the LHD fails to act within 15 business days.

(f) If the owner chooses to increase the DDF or the wastewater strength discharging to the wastewater system prior to construction, a new NOI shall be submitted to the LHD. The owner shall request in writing that the PE invalidate the prior NOI with a signed and sealed letter sent to the owner and LHD.

(g) Construction of the wastewater system shall not commence until the system design plans and specifications have been provided to the installer and the signed and dated statement by the installer is provided to the owner. The owner shall be responsible for preventing modifications or alterations of the site for the wastewater system and the system repair area before, during, and after any construction activities for the facility. This includes

before and after construction of the wastewater system, unless approved by the PE, LSS, or LG, as applicable.

(h) Prior to providing written confirmation for the ATO, the PE shall submit the following to the LHD:

- (1) documentation that all reporting requirements identified in G.S. 130A-336.1(l) have been met;
- (2) information set forth in Rule .0301(d) of this Subchapter;
- (3) system start-up documentation, including applicable baseline operating parameters for all components;
- (4) documentation by the owner that all necessary legal agreements, including easements, encroachments, multi-party agreements, and other documents have been prepared, executed, and recorded in accordance with Rule .0301(b) and (c) of this Subchapter; and
- (5) record drawings.

The LHD shall use the common form for written confirmation.

(i) The owner of the wastewater system approved in accordance with the EOP shall be responsible for maintaining the wastewater system in accordance with the written operation and management program required in G.S. 130A-336.1(i)(1) and Section .1300 of this Subchapter.

(j) For repair of a malfunctioning EOP system, this Rule shall be followed in conjunction with Rule .1306 of this Subchapter. The Management Entity shall notify the LHD within 48 hours of the system malfunction.

(k) The owner of an EOP system who wishes to change the use of the facility shall contact the PE, LSS, LG, and installer, as applicable, to determine whether the current system would continue to meet the rules of this Subchapter for the proposed change of use. The PE, LSS, LG, or installer shall determine what, if any, modifications shall be necessary for the wastewater system to continue to meet the rules of this Subchapter following the proposed change of use. A NOI reflecting the change of use and any required modifications to the system shall be submitted to the LHD. The permitting process in accordance with this Rule shall be followed.

(l) With regard to the EOP system, the LHD shall:

- (1) file all EOP documentation consistent with current permit filing procedures at the LHD;
- (2) revoke an OP for a wastewater system prior to issuing written confirmation of an ATO for the same design unit on the same property, if applicable;
- (3) submit a copy to the State of the NOI common form and written confirmation of ATO;
- (4) participate in a post-construction conference in accordance with G.S. 130A-336.1(j);
- (5) review the performance and operation reports submitted and perform on-site compliance inspections of the wastewater system in accordance with Rule .1305(c) and Table XXXI of Rule .1301(b) of this Subchapter;
- (6) investigate complaints regarding EOP systems;
- (7) issue a NOV for systems determined to be malfunctioning in accordance with Rule .1303(a)(1) and (2) of this Subchapter. The

- LHD shall direct the owner to contact the PE, LSS, LG, and installer, as applicable, for determination of the reason of the malfunction and development of a NOI for repairs; and
- (8) require an owner receiving a NOV to pump and haul sewage in accordance with Rule .1306 of this Subchapter.

(m) The Owner may contract with different licensed professionals than those originally identified on the initial NOI to complete an EOP project. A revised NOI shall be submitted to the LHD.

(n) Nothing in this Rule shall be construed as allowing any licensed professional to provide services for which he or she has neither the educational background, expertise, or license to perform, or is beyond his or her scope of work as provided for in accordance with G.S. 130A-336.1 and the applicable statutes for their respective professions.

History Note: Authority G.S. 130A-335; 130A-336.1;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0301 OWNERS

(a) The owner of a wastewater system shall:

- (1) apply in accordance with Section .0200 of this Subchapter;
- (2) comply with the G.S. 130A, Article 11, the rules of this Subchapter, and permit conditions regarding wastewater system location, including repair area;
- (3) identify property lines and fixed reference points in the field prior to the LHD site evaluation;
- (4) make the site accessible for the site evaluation described in Rule .0501 of this Subchapter;
- (5) field stake or otherwise mark the proposed facility location and all associated appurtenances (such as vehicular traffic areas, garage, swimming pool, shed, entryways, decks, etc.);
- (6) provide for pits with excavated steps or a ramp in the pit that allow for ingress and egress when necessary for a soil and site evaluation at the site as determined by the LHD or the State in accordance with Rule .0501 of this Subchapter;
- (7) provide for system operation, maintenance, monitoring, and reporting, including access for system maintenance;
- (8) maintain artificial drainage systems, as applicable;
- (9) prevent encroachment on the initial wastewater system and repair area by utilities, structures, vehicular traffic areas, etc.;
- (10) provide documentation supporting an exemption from the minimum setback requirements in Rule .0601(a) of this Subchapter to the LHD;
- (11) establish and maintain site-specific vegetation over the dispersal field and repair area; and

- (12) repair a malfunctioning system as necessary in accordance with this Subchapter.

(b) The entire initial wastewater system and repair area shall be on property owned or controlled by the wastewater system owner. An easement or encroachment agreement shall be required for the permitting of any of the following installations:

- (1) the wastewater system is located in a common area with other wastewater systems;
- (2) the wastewater system is located in an area with multiple or third-party ownership or control;
- (3) the wastewater system is proposed to be in an off-site area; or
- (4) the wastewater system and the facility are located on different lots or tracts of land and cross a property line or right-of-way.

(c) Any necessary easements, rights-of-way, or encroachment agreements shall be obtained prior to the issuance of a CA. The easement, right-of-way, or encroachment agreement shall meet the following conditions:

- (1) be appurtenant to specifically described property and run with the land;
- (2) not be affected by change of ownership or control;
- (3) remain valid for as long as the wastewater system is required for the facility that it is designed to serve;
- (4) include a description of the uses being granted and shall include ingress, egress, and regress, system installation, operation, maintenance, monitoring, and repairs and any other activity required to remain in compliance with this Subchapter, including that the easement, right-of-way, or encroachment remain free of structures, landscaping, or any other activities that would interfere with the use of the easement or encroachment for its intended purpose;
- (5) specify in a deed by metes and bounds description the area or site required for the wastewater system and repair area, including collections sewers, tanks, raw sewage lift stations, distribution devices and dispersal fields; and
- (6) be recorded with the register of deeds in the county where the system and facility are located.

(d) Prior to OP issuance for a system required to be designed by an authorized designer or PE, the owner shall submit to the LHD a statement signed by the authorized designer or PE specifying that the system has been installed in accordance with the permitted design. For systems designed by a PE, the statement shall be affixed with the PE seal.

History Note: Authority G.S. 130A-335;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0302 LOCAL HEALTH

DEPARTMENT AND STATE

(a) The permitting of a wastewater system shall be the responsibility of agents authorized by the State in accordance with G.S. 130A, Article 4 and 15A NCAC 01O .0100, and registered with the North Carolina State Board of Environmental Health Specialist Examiners, as required in G.S. 90A, Article 4, unless the permit is issued in accordance with G.S. 130A-336.1 and Rule .0207 of this Subchapter.

(b) When the wastewater system crosses county lines or the facility is in one county and the wastewater system is in another county, the LHD in the county that assesses property taxes on the facility shall implement the requirements of this Subchapter.

(c) The State shall review and approve the wastewater system, including design, layout, plans, and specifications for all wastewater systems that serve a facility with a cumulative DDF greater than 3,000 gpd, as determined in Section .0400 of this Subchapter. The State shall also review and approve plans and specifications for the following:

- (1) IPWW systems required by this Section to be designed by a PE unless the wastewater has been determined to not be IPWW in accordance with Rule .0303(b)(17) of this Section;
- (2) advanced pretreatment or drip dispersal systems not previously approved by the State; and
- (3) any other system so specified by the authorized agent.

(d) State review shall not be required when the cumulative DDF for the facility is greater than 3,000 gpd as determined in Section .0400 of this Subchapter and:

- (1) the wastewater system is made up of an individual wastewater system that serves an individual dwelling unit or several individual wastewater systems, each serving an individual dwelling unit; or
- (2) the wastewater system meets the following criteria:
 - (A) the individual wastewater system(s) serves individual design units with a DDF less than or equal to 1,500 gpd;
 - (B) the initial and repair dispersal fields for each individual wastewater system(s) is, at a minimum, 20 feet from any other individual wastewater system;
 - (C) the total DDF for all dispersal fields is less than or equal to 1,500 gpd per acre based on the portion of the land containing the dispersal fields; and
 - (D) the wastewater is not HSE as identified in Section .0400 of this Subchapter.

(e) State review shall not be required when a PE calculates the proposed DDF to be less than or equal to 3,000 gpd based on engineering design utilizing low-flow fixtures and low-flow technologies in accordance with Rule .0403(e) of this Subchapter. Pursuant to S.L. 2013-413, s. 34, as revised by S.L. 2014-120, s.

53, neither the State nor any LHD shall be liable for a system approved or permitted in accordance with this Paragraph.

(f) For systems that require State review and approval, an IP shall not be issued by the LHD until the site plan or plat and system layout, including details for any proposed site modifications, are approved by the State. A CA shall not be issued by the LHD until plans and specifications, submitted in accordance with Rule .0304 of this Section, are approved by the State in accordance with these Rules and engineering practices.

(g) The State shall provide technical assistance to the LHD as needed for interpretation of this Subchapter, in accordance with the recognized principles and practices of soil science, geology, engineering, and public health.

History Note: Authority G.S. 130A-335;

Eff. Pending Delayed Effective Date.

15A NCAC 18E .0303 LICENSED OR CERTIFIED PROFESSIONALS

(a) A PE, in accordance with G.S. 89C, may propose an alternative design that shall include documentation that shows that the proposed system design will meet DSE in Table III of Rule .0402(a) of this Subchapter. The alternative design shall be reviewed by the State.

(b) Any wastewater system that meets one or more of the following conditions shall be designed by a PE if required in G.S. 89C:

- (1) the system has a DDF greater than 3,000 gpd, as determined in Section .0400 of this Subchapter, except where the system is limited to an individual wastewater system serving an individual dwelling unit or multiple individual wastewater systems, each serving an individual dwelling unit;
- (2) the system requires advanced pretreatment or drip dispersal and is not a system approved under Sections .1500, .1600, or .1700 of this Subchapter;
- (3) pressure dispersal systems that require pumping more than 500 feet horizontally or more than 50 feet of net elevation head;
- (4) pressure dosed gravity distribution systems that require pumping more than 1,000 feet horizontally or more than 100 feet of net elevation head;
- (5) dosing systems or force mains that have one or more intermediate high points greater than five feet;
- (6) the system requires pumping downhill to a pressure dosed gravity or pressure dispersal field where the volume of the supply line that could drain to the dispersal field between doses exceeds 25 percent of the required dose volume;
- (7) pressure dispersal systems with a DDF greater than 600 gpd serving a single design unit;
- (8) pressure dispersal systems where there is more than 15 percent variation in line length. The 15 percent variation shall be measured by

- comparing the longest line length to the shortest line length in any dispersal field;
 - (9) two or more septic tanks or advanced pretreatment units, each serving a separate design unit, and served by a common dosing tank;
 - (10) a STEP system with a pressure sewer or other pressure sewer system receiving effluent from two or more pump tanks;
 - (11) an adjusted DDF is proposed based on the use of low-flow fixtures or low-flow technologies in accordance with Rule .0403(e) of this Subchapter;
 - (12) the system requires use of sewage pumps prior to the septic tank or other pretreatment system, except for systems governed by the North Carolina Plumbing Code or which consist of grinder pumps and associated pump basins that are approved and listed in accordance with standards adopted by NSF International;
 - (13) an individual system is required to use more than one pump or siphon in a single pump tank. Examples include dual pumps as set for in Rule .1101(b) of this Subchapter;
 - (14) the system includes a collection sewer prior to the septic tank or other pretreatment system serving two or more design units, except for systems governed by the North Carolina Plumbing Code;
 - (15) the wastewater system includes structures that have not been pre-engineered;
 - (16) the proposed pump model is not listed by a third party electrical testing and listing agency, such as Underwriter Laboratories;
 - (17) the system is designed for the collection, treatment, and dispersal of IPWW, except under the following circumstances:
 - (A) the State has determined that the wastewater generated by the proposed facility has a pollutant strength that is lower than or equal to DSE and does not require specialized treatment or management. This determination shall be made based on a review of the wastewater generating process, wastewater characteristic data, and material safety data sheets, as compared to DSE; or
 - (B) the State has approved a treatment system or process and management method proposed by the facility owner that generates effluent with a pollutant strength which is lower than or equal to DSE. This approval shall be based on a review of documentation provided in conjunction with prior project specific review or a PIA approval. This approval shall be based on data from other facilities, management practices, and other information provided by the owner;
 - (18) the wastewater system is designed for RCW;
 - (19) any wastewater system designed by a licensed professional that has been determined to be within the practice of engineering in accordance with G.S. 89C-3(6) by the North Carolina Board of Examiners for Engineers and Surveyors;
 - (20) any wastewater system approved in accordance with Sections .1500, .1600, and .1700 of this Subchapter that requires in the RWTS or PIA Approval that the system be designed by a PE;
 - (21) any system or system component where the rules of this Subchapter provide for an engineer to propose alternative materials, capacity determination, or performance requirements; and
 - (22) any other system so specified by the LHD, based on wastewater system complexity and LHD's experience with the proposed system type.
- (c) Plans and specifications for the use of a groundwater lowering system to meet the vertical separation to a SWC shall be prepared by a licensed professional if required in G.S. 89C, 89E, or 89F. Prior to the issuance of an IP or CA, the plans and specifications shall be reviewed and approved by the authorized agent if the plans and specifications meet the requirements of Rules .0504 and .0910 of this Subchapter and accepted engineering practices.
- (d) An installer shall construct, install, or repair wastewater systems as required by G.S. 90A, Article 5. The installer shall be responsible for the following:
- (1) certification at the required level according to the system design specifications as required by G.S. 90A-72;
 - (2) notification to the LHD upon completion of the system installation and each stage requiring inspection as conditioned on a CA;
 - (3) participation in a preconstruction conference when specified in the CA or by the RWTS or PIA Approval;
 - (4) participation during the inspection of the wastewater system by the authorized agent;
 - (5) participation during the post-construction conference and all other requirements when the wastewater system is permitted in accordance with Rule .0207 of this Subchapter; and
 - (6) final cover of the system after LHD approval. The wastewater system shall be in the same condition when covered as when approved.
- (e) The Management Entity, or its employees, shall hold a valid and current certificate or certifications as required for the system from the Water Pollution Control Systems Operators Certification Commission. Nothing in this Subchapter shall preclude any requirements for system Management Entities in accordance with G.S. 90A, Article 3.
- (f) Nothing in this Rule shall be construed as allowing any licensed professional to provide services for which he or she has neither the educational background, expertise, or license to

perform, or is beyond his or her scope of work and the applicable statutes for their respective professions.

(g) The PE or authorized designer shall provide a written statement to the owner specifying that construction is complete and in accordance with approved plans, specifications, and modifications. This statement shall be based on periodic observations of construction and a final inspection for design compliance. Record drawings shall be provided to the owner and LHD when any change has been made to the wastewater system installation from the approved plans.

History Note: Authority G.S. 89C; 89E; 89F; 90A; 130A-335; Eff. Pending Legislative Review.

15A NCAC 18E .0304 SUBMITTAL REQUIREMENTS FOR PLANS, SPECIFICATIONS, AND REPORTS PREPARED BY LICENSED PROFESSIONALS FOR SYSTEMS OVER 3,000 GALLONS/DAY

All wastewater systems with a DDF greater than 3,000 gpd shall be designed by a PE, with site evaluation by an LSS, and LG, as applicable, in accordance with G.S. 89C, 89E, and 89F. The wastewater system plans, specifications, and reports shall contain the information necessary for construction of the wastewater system. Plans, specifications, and reports shall include the following information:

- (1) Applicant information and DDF determination:
 - (a) the seal, signature, and the date on all plans, specifications, and reports prepared by the PE, LSS, and any other licensed or registered professionals who contributed to the plans, specifications, or reports;
 - (b) name, address, and phone number for the owner and all licensed professionals who have prepared plans, specifications, and reports for the wastewater system; and
 - (c) DDF and projected wastewater strength based on the application submitted to the LHD that includes calculations and the basis for the proposed DDF and wastewater strength.
- (2) Special Site Evaluation in accordance with Rule .0510 of this Subchapter, including soil and site evaluation, hydraulic and hydrologic assessment reports, and site plans:
 - (a) soil and site evaluation report, written by the LSS, on the field evaluation of the soil conditions and site features within the proposed initial and repair dispersal field areas including the following:
 - (i) vertical soil profile descriptions for pits and soil borings in accordance with Section .0500 of this Subchapter;

- (ii) recommended LTAR, system type, trench width, length, depth on downslope side of trench for proposed initial and repair dispersal field areas with justification;
- (iii) soil and site-based criteria for dispersal field design and site modifications;
- (iv) for sites originally classified unsuitable, written documentation indicating that the proposed system can be expected to function in accordance with Rule .0509(c) of this Subchapter; and
- (v) recommended effluent standard for proposed initial and repair dispersal field areas with justification; and

(b) hydraulic assessment reports on site-specific field information that shall include:

- (i) in-situ Ksat measurements at the proposed infiltrative surface elevation where possible and at each distinct horizon within and beneath the treatment zone to a depth of 48 inches below the ground surface or to a depth referenced in an associated hydraulic assessment, such as groundwater mounding analysis or lateral flow analysis;
- (ii) logs from deep borings identifying restrictive layers, changes in texture and density, and aquifer boundaries;
- (iii) groundwater mounding for level sites or lateral flow analysis for sloping sites in accordance with Rule .0510(e) of this Subchapter, as applicable; and
- (iv) contaminant transport analysis showing projected compliance with groundwater standards at property lines or at the required setback from water supply sources within the property, as applicable;

(3) Site plan prepared by the PE based on a boundary survey prepared by a registered land surveyor with the following information:

- (a) site topography, proposed site modifications, location of existing and proposed site features listed in Rule .0601 of this Subchapter, proposed facility location, location of proposed initial and repair dispersal field areas and types, and location of LSS soil pits, hand auger borings, deep borings, and in-situ Kats tests, as applicable;
 - (b) existing and proposed public wells or water supply sources on the property or within 500 feet of any proposed initial and repair dispersal field areas;
 - (c) existing and proposed private wells or water supply sources within 200 feet of existing or proposed system component locations;
 - (d) other existing and proposed wells, existing and proposed water lines (including fire protection, irrigation, etc.) within the property boundaries and within 10 feet of any projected system component;
 - (e) surface waters with water quality classification, jurisdictional wetlands, and existing and proposed stormwater management drainage features and groundwater drainage systems;
 - (f) topographic map with two-foot contour intervals (or spot elevations when there is less than a two-foot elevation difference across the site) identifying areas evaluated for initial and repair dispersal field areas, proposed location of trenches, and pits and soil borings labeled to facilitate field identification;
 - (g) location of tanks and advanced pretreatment components, including means of access for pumping and maintenance; and
 - (h) any site modifications and site and slope stabilization plans.
- (4) System components design, installation, operation, and maintenance information:
- (a) collection systems and sewers:
 - (i) plan and profile drawings, including location, pipe diameter, invert and ground surface elevations of manholes and cleanouts;
 - (ii) proximity to utilities and site features listed in Rule .0601 of this Subchapter;
 - (iii) drawings of service connections, manholes, cleanouts, valves and other appurtenances, aerial crossings, road crossings,
 - water lines, stormwater management drainage features, streams, or ditches; and
 - (iv) installation and testing procedures and pass or fail criteria;
 - (b) tank information:
 - (i) plan and profile drawings of all tanks, including tank dimensions and all elevations;
 - (ii) access riser, manhole, chamber interconnection, effluent filter, and inlet and outlet details;
 - (iii) construction details for built-in-place tanks, including dimensions, reinforcement details and calculations, and construction methods;
 - (iv) identification number for State approved tanks;
 - (v) installation criteria and water tightness testing procedures with pass or fail criteria; and
 - (vi) anti-buoyancy calculations and provisions;
 - (c) pump stations, including raw sewage lift stations and pump tanks:
 - (i) information required in Sub-item (4)(b) of this Rule;
 - (ii) specifications for pumps, discharge piping, pump removal system, and all related appurtenances;
 - (iii) dosing system total dynamic head calculations, pump specifications, pump curves and expected operating conditions (dosing, flushing, etc.);
 - (iv) control panel, floats and settings, high-water alarm components, location, and operational description under normal and high-water conditions;
 - (v) emergency storage capacity calculations, timer control settings, and provisions for stand-by power; and
 - (vi) lighting, ventilation, if applicable, wash-down water supply with back siphon protection and protective fencing;
 - (d) advanced pretreatment systems:

- (i) information required in Sub-items (4)(b) and (c) of this Rule;
 - (ii) drawings and details showing all advanced pretreatment units and appurtenances (pumps, valves, vents, removal systems, floats, etc.), piping (size and type), disinfection unit, blowers if needed, location of control panels, height of control panels, etc.; and
 - (iii) documentation from the manufacturer supporting the proposed design and use of the advanced pretreatment system to achieve specified effluent standards if not otherwise approved by the State in accordance with Section .1700 of this Subchapter;
- (e) dispersal field plans and specifications with design and construction details:
- (i) final field layout, including ground elevations based on field measurements at a maximum of two-foot intervals (or spot elevations when there is less than a two-foot elevation difference across the site);
 - (ii) trench plan and profile drawings, including cross sectional details, length, spacing, connection details, cleanouts, etc., and invert elevations for each lateral;
 - (iii) manifolds, supply lines, pipe sizes, cleanouts and interconnection details and invert elevations;
 - (iv) flow distribution device design;
 - (v) artificial drainage system locations, elevations, discharge points, and design details, as applicable;
 - (vi) site preparation procedures;
 - (vii) construction phasing and wastewater system testing; and
 - (viii) final landscaping and compliance with erosion control requirements, such as site stabilization procedures and drainage;
 - (f) materials specification for all materials to be used, methods of construction, means for assuring the quality and integrity of the finished product; and
 - (g) operation and maintenance procedures for the Management Entity, inspection schedules, and maintenance specifications for mechanical components and dispersal field vegetative cover; and
- (5) any other information determined to be applicable by the LHD or the State, such as the impact of projected wastewater constituents on the trench and receiving soil.

*History Note: Authority G.S. 130A-335;
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0305 SUBMITTAL REQUIREMENTS FOR PLANS, SPECIFICATIONS, AND REPORTS PREPARED BY LICENSED PROFESSIONALS FOR SYSTEMS LESS THAN OR EQUAL TO 3,000 GALLONS/DAY

Plans, specifications, and reports for wastewater systems with a DDF less than or equal to 3,000 gpd that are required to be prepared by an LSS or PE, if required in G.S. 89C or 89E, shall include the information required by the following:

- (1) Rule .0304(1) of this Section;
- (2) Rule .0304(2) of this Section for Special Site Evaluations and submittals prepared under Rule .0510 of this Subchapter; and
- (3) Rule .0304(4)(d) of this Section for advanced pretreatment and IPWW.

*History Note: Authority G.S. 130A-335;
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0401 DESIGN DAILY FLOW

(a) The minimum DDF for dwelling units shall be based on:

- (1) 175 gpd for a one bedroom dwelling unit with no more than two occupants and 400 square feet of living space or less; or
- (2) 120 gpd per bedroom with a minimum of 240 gpd per dwelling unit or 60 gpd per person when occupancy exceeds two persons per bedroom, whichever is greater.

(b) DDF for facilities other than dwelling units shall be in accordance with Table II as follows:

TABLE II. Design daily flow for Facilities

Facility type	Design daily flow
Commercial	
Airport, railroad stations, bus, and ferry terminals, etc.	5 gal/traveler, food preparation not included
Barber shops	50 gal/chair
Bars, cocktail lounges [∞]	20 gal/seat, food preparation not included
Beauty shops, style shops, hair salons	125 gal/chair
Bed and breakfast homes and inns	Dwelling unit DDF based on Paragraph (a) of this Rule plus 120 gal/rented room which includes the following: Meals served to overnight guests Laundry for linens 150 gal/room with cooking facilities in individual rooms
Event Center [∞]	5 gal/person with toilets and hand sinks up to 4 hours; 10 gal/person with toilets and hand sinks up to 8 hours; 15 gal/person with toilets and hand sinks greater than 8 hours; Add 5 gal/person with full kitchen
Markets open less than four days/week, such as a flea market or farmers market	30 gal/stall or vendor, food preparation not included
Marinas with no holding tank discharge included	30 gal/boat slip, with bathhouse 10 gal/boat slip, wet slips (slips on dock) 5 gal/boat slip, dry storage (warehouse)
Motels/hotels	120 gal/room includes the following: No cooking facilities in individual rooms other than a microwave or other similar devices No food service or limited food service establishment Laundry for linens 150 gal/room with cooking facilities in individual rooms
Offices and factories with no IPWW included	12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hour for more than 8 hr shift Add 10 gal/employee for showers
Stores, shopping centers, and malls	100 gal/1,000 ft ² of retail sales area, food preparation not included
Warehouse (not retails sales warehouses)	100 gal/loading bay, or 12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift
Storage warehouse including self-storage facilities and does not include caretaker residence	12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift
Alcoholic beverage tasting areas with no process wastewater included	200 gal/1,000 ft ² of tasting area floor space, food preparation not included
Camps/Campgrounds	
Summer camps (overnight stay)*	60 gal/person, applied as follows: 15 gal/person/food preparation 20 gal/person/toilet facilities 10 gal/person/bathing facilities 15 gal/person/laundry facilities
Day camps (not inclusive of swimming area bathhouse)*	20 gal/person; and 5 gal/meal served with multi use service; or 3 gal/meal served with single-service articles
Temporary Labor Camp or Migrant Housing Camp (overnight stay)*	60 gal/person, applied as follows: 15 gal/person/food preparation 20 gal/person/toilet facilities 10 gal/person/bathing facilities 15 gal/person/laundry facilities
Travel trailer/RV in an RV park*	100 gal/space
Recreational Park Trailer (Park Model 400 ft ² or less) in an RV park*	150 gal/space

Bathhouse for campsites and RV park sites with no water and sewer hook ups (maximum of four people per campsite)	70 gal/campsite
Food preparation facilities	
Food Establishments with multiuse articles*	25 gal/seat or 25 gal/15 ft ² of floor space open 6 hrs/day or less 40 gal/seat or 40 gal/15 ft ² of floor space open 6 to 16 hrs/day Add 4 gpd/seat for every additional hour open beyond 16 hours
Food Establishments with single service articles*	20 gal/seat or 20 gal/15 ft ² of floor space open 6 hrs/day or less 30 gal/seat or 30 gal/15 ft ² of floor space open 6 to 16 hrs/day Add 3 gpd/seat for every additional hour open beyond 16 hours
Food stand with up to eight seats, mobile food units, and commissary kitchens*	50 gal/100 ft ² of food stand, food unit, or food prep floor space; and 12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift
Other food service facilities*	5 gal/meal served with multiuse articles 3 gal/meal served with single service articles
Meat markets/fish markets with no process wastewater included*	50 gal/100 ft ² of floor space and 12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift
Health care and other care institutions	
Hospitals*	300 gal/bed
Rest homes, assisted living homes, and nursing homes*	150 gal/bed with laundry 75 gal/bed without laundry Add 60 gal/resident employee with laundry
Day care facilities	15 gal/person open ≤ 12 hr shift without laundry Add 1 gal/person/hr open for more than 12 hrs per day Add 5 gal/person with full kitchen
Group homes, drug rehabilitation, mental health, and other care institutions	75 gal/person with laundry
Orphanages	60 gal/student or resident employee with laundry
Public access restrooms	
Convenience store, service station, truck stop*	250 gal/toilet or urinal meeting the following: Open less than 16 hours/day Food preparation not included Retail space not included
	325 gal/toilet or urinal meeting the following: Open 16 to 24 hours/day Food preparation not included Retail space not included
Highway rest areas and visitor centers*	325 gal/toilet or urinal; or 10 gal/parking space, whichever is greater
Recreational facilities	
Bowling center	50 gal/lane, food preparation not included
Community center, gym [∞]	5 gal/person plus 12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift; or 50 gal/100 ft ² , whichever is larger
Country club/golf course	10 gal/person 12 gal/employee/≤ 8 hr shift Add 2 gal/employee/hr for more than 8 hr shift 3 gal/person for convenience stations Food preparation not included
Fairground	250 gal/toilet or urinal
Fitness center, spas, karate, dance, exercise [∞]	50 gal/100 ft ² of floor space used by clientele, food preparation not included

Recreational park, State park, county park, and other similar facilities with no sports facilities	10 gal/parking space
Outdoor sports facilities, mini golf, batting cages, driving ranges, motocross, athletic park, ball fields, stadium, and other similar facilities	250 gal/toilet or urinal; 5 gal/seat; or 10 gal/parking space, whichever is greater food preparation not included
Auditorium, theater, amphitheater, drive-in theater	2 gal/seat; or 10 gal/parking space, whichever is greater Food preparation not included
Swimming pools and bathhouses	5 gal/person domestic waste only, bathing load of pool as alternative method of sizing
Sports facilities courts or other similar facilities	250 gal/toilet or urinal; or 50 gal/court, whichever is greater
Institutions	
Church or other religious institution*	2 gal/seat sanctuary only 3 gal/seat with warming kitchen in same structure as sanctuary 5 gal/seat with full kitchen in same structure as sanctuary
Public or private assembly halls used for recreation, regularly scheduled meetings, events, or amusement∞* (for churches, flow shall be in addition to sanctuary structure flow)	2 gal/person with toilets and hand sinks; 3 gal/person with addition of a warming kitchen; 5 gal/person with full kitchen
Schools	
Day schools*	6 gal/student with no cafeteria or gymnasium 9 gal/student with cafeteria only 12 gal/student with cafeteria and gymnasium
After school program	5 gal/student in addition to flow for regular school day
Boarding schools	60 gal/student and resident employee with laundry

*Facility has potential to generate HSE.

∞Designer shall use the maximum building occupancy assigned by the local fire marshal in determining DDF unless another method for determining DDF is proposed, including the justification for not using the maximum building occupancy.

(c) The minimum DDF from any facility other than a dwelling unit shall be 100 gpd. For facilities with multiple design units, the minimum DDF shall be 100 gpd per design unit. The DDF of the facility shall be the sum of all design unit flows.

(d) DDF determination for wastewater systems with facilities not identified in this Rule shall be determined using available water use data, capacity of water-using fixtures, occupancy or operation patterns, and other measured data from the facility itself or a comparable facility.

(e) Where laundry is not specified for a facility in Table II, but is proposed to be provided, the DDF shall be adjusted to account for the proposed usage and machine water capacity. The owner shall provide cut-sheets for laundry machines proposed for use in facilities.

(f) HVAC unit or ice machine condensate, gutter or sump pump discharge, water treatment system back flush lines, or similar incidental flows shall not discharge to the wastewater system, unless a PE designs the wastewater system for these flows.

(g) Unless otherwise noted in Table II, the DDF per unit includes employees.

(h) Food service facilities and other facilities that are projected to generate wastewater with constituent levels greater than DSE, as defined in Rule .0402 of this Section, are identified in Table II with a single asterisk (*) as HSE. Any facility that has a food service component that contributes 50 percent or more of the DDF shall be considered to generate HSE. Determination of wastewater

strength shall be based on projected or measured levels of one or more of the following: BOD, TSS, FOG, or TN. Table III of Rule .0402(a) of this Section identifies the constituent limits for DSE.

(i) Wastewater with constituents other than those listed in Table III of Rule .0402(a) of this Section may be classified as IPWW as defined in G.S. 130A-334(2a) of a site specific basis.

(j) A request for an adjusted DDF shall be made in accordance with Rule .0403 of this Section.

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0402 SEPTIC TANK EFFLUENT CHARACTERISTICS

(a) Septic tank effluent standards for DSE shall be as set forth in Table III of this Paragraph. Effluent that exceeds these standards for any constituent shall be considered HSE. When measured, effluent characteristics shall be based on at least two effluent samples collected during normal or above-normal operating periods. A normal period is when the occupancy, operation, or use of the facility is average when compared to the occupancy, operation, or use over a time frame of a minimum of one year. The samples shall be taken from the existing or a comparable facility on non-consecutive days of operation. A comparable facility is based on documentation showing that the hours of operation, floor plan, water use practices, water-using fixtures,

etc., are similar to the facility listed in the application. The samples should be analyzed for a minimum of BOD₅, TSS, TN, and FOG.

Table III. Septic tank effluent standards for DSE

Constituent	DSE (maximum) mg/L
BOD	≤ 350
TSS	≤ 100
TN*	≤ 100
FOG	≤ 30

*TN is the sum of TKN, nitrate nitrogen, and nitrite nitrogen

(b) Designs for facilities that generate HSE or propose an adjusted DDF in accordance with Rule .0403 shall address the issue of wastewater strength in accordance with one of the following:

- (1) Wastewater systems that meet one of the following criteria shall utilize advanced pretreatment, designed in accordance with Rule

$$\text{MLAF} = 300/(\text{BOD}_5 + \text{TSS}) \text{ or one, whichever is smaller}$$

$$\text{ALTAR} = \text{MLAF} \times \text{LTAR}$$

Where

MLAF = mass loading LTAR adjustment factor
 BOD₅ = measured or projected
 TSS = measured or projected
 LTAR = LTAR assigned by the authorized agent for DSE in accordance with this Subchapter
 ALTAR = adjusted LTAR

- (B) site-specific nitrogen migration analysis when projected or measured effluent total nitrogen levels are greater than 100 mg/L. Analysis shall demonstrate that the nitrate-nitrogen concentration at the property line will not exceed 10 mg/L; and
- (C) additional pretreatment to reduce FOG to less than or equal to 30 mg/L, including justification for the proposed pretreatment method.

(c) The requirements of Paragraph (b) shall not apply if the effluent for a specific facility identified in Rule .0401 of this Section as having HSE has been measured in accordance with Paragraph (a) of this Rule and shown to be DSE.

*History Note: Authority G.S. 130A-335(e);
 Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0403 ADJUSTMENTS TO DESIGN DAILY FLOW

(a) The authorized agent or the State shall approve an adjusted DDF relative to the values in Table II of Rule .0401(a) of this Section for new or existing facilities in accordance with this Rule. The water use information provided to support the proposed adjusted DDF shall meet the requirements of Paragraphs (b) or (c)

.1201(b) of this Subchapter, to produce DSE or better prior to dispersal:

- (A) DDF greater than 1,500 gpd and HSE;
 - (B) any proposed flow reduction in accordance with Rule .0403 of this Section where the DDF is greater than 1,500 gpd; or
 - (C) any proposed flow reduction in accordance with Rule .0403 of this Section with projected or measured effluent characteristics that exceed DSE as set forth in Table III of this Rule; or
- (2) A licensed professional, in accordance with G.S. 89C, 89E, or 89F, may justify not using advanced pretreatment by providing the following, as applicable:
- (A) the system design is determined based upon a mass loading adjusted LTAR calculated using site-specific projected or measured BOD₅ and TSS values. The adjusted LTAR calculations shall be done as follows:
- of this Rule and may be provided by the owner, designer, or PE. All adjustments to DDF shall meet the requirements of Paragraph (d) of this Rule.
- (b) Adjustments to DDF based on documented data from the facility or a comparable facility, as described in Rule .0402(a) of this Section, shall meet the following criteria:
- (1) the submitted data shall consist of a minimum of 12 consecutive monthly total water consumption readings, and 30 consecutive daily water consumption readings taken during a projected normal or above normal wastewater flow month. A normal or above normal month is when the average flow equals or exceeds the mean of the 12 consecutive monthly total water consumption readings. The following calculations shall be done with the submitted data:
 - (A) a hydraulic peaking factor shall be calculated by dividing the highest monthly flow of the 12 monthly readings by the sum of the 30 consecutive daily water consumption readings. The hydraulic peaking factor shall not be less than one; and
 - (B) the adjusted DDF shall be calculated by multiplying the numerical average

of the greatest 10 percent of the daily readings by the hydraulic peaking factor; or

- (2) the adjusted DDF shall be calculated by multiplying the highest of the 12 monthly readings by 1.5 and then dividing by the number of days in the month.

(c) Adjustments to DDF based on the proposed use of extreme water-conserving fixtures, which use less water than the fixtures required by the North Carolina Plumbing Code, shall be based upon the capacity of fixtures and documentation of the amount of flow reduction to be expected from their use in the proposed facility. Cut sheets of the proposed fixtures shall be provided to the LHD and the State, as applicable.

(d) The proposed adjusted DDF shall account for projected increased constituent concentrations due to the reduction in water use. Calculations shall be provided to verify that the criteria in Rules .0402 and .1201 of this Subchapter are met.

(e) Pursuant to S.L. 2013-413, s. 34, as revised by S.L. 2014-120, s. 53, a PE may propose an adjusted DDF for new or existing dwelling units or facilities identified in Table II of Rule .0402(a) of this Section in accordance with the following:

- (1) DDF less than those listed in Rule .0401 of this Section that are achieved through engineering design that utilizes low-flow fixtures and low-flow technologies;
- (2) comparison of flow from proposed fixtures and technologies to flow from conventional fixtures and technologies;
- (3) the signed and sealed proposal shall account for the site-specific impact on the wastewater system based on projected increased constituent concentrations resulting from reduction in water use in accordance with Rule .0402(b) of this Section;
- (4) inspection of the existing wastewater system and verification that the system meets the rules of this Subchapter and can accept the increase in constituent loading, as applicable;
- (5) proposed adjusted DDF for wastewater systems determined to be less than 3,000 gpd shall not require State review in accordance with Rule .0302(e) of this Subchapter unless requested by the LHD; and
- (6) neither the State nor any LHD shall be liable for any damages caused by a system approved or permitted in accordance with this Paragraph.

(f) A PE may propose, and the State shall approve an adjusted DDF for a facility made up of individual dwelling units in accordance with this Rule when the following criteria are met:

- (1) DDF calculated in accordance with this Section is greater than 3,000 gpd;
- (2) adjusted DDF is based on information in Paragraphs (b) or (c) of this Rule; and
- (3) increase in wastewater strength is accounted for in accordance with Paragraph (d) of this Rule.

(g) Adjusted DDF based upon use of water-conserving fixtures shall apply only to design capacity requirements of the dosing system and dispersal fields. The DDF set forth in Rule .0401 of

this Section shall be used to determine minimum tank and advanced pretreatment component capacities.

History Note: Authority G.S. 130A-335(e); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0501 SITE EVALUATION

(a) Upon receipt of an application, an authorized agent shall investigate each proposed site in accordance with this Section to determine whether the site is suitable or unsuitable for the installation of a wastewater system. The field investigation shall include the evaluation of the following soil and site features with written field descriptions including:

- (1) topography, slope, and landscape position;
- (2) soil morphology:
 - (A) depth of horizons;
 - (B) texture;
 - (C) structure;
 - (D) consistence;
 - (E) color; and
 - (F) organic soils, as applicable;
- (3) SWC;
- (4) soil depth;
- (5) restrictive horizons;
- (6) the suitability for each profile description;
- (7) LTAR; and
- (8) available space.

(b) Soil profiles shall be evaluated at the site by borings, pits, or other means of excavation, and described to reflect variations in soil and site characteristics across both initial and repair areas.

(c) Soil profiles shall be evaluated and described to the following minimum depths:

- (1) 48 inches from the ground surface; or
- (2) to an unsuitable soil condition determined in accordance with this Section.

(d) Owners may be required to provide pits when necessary for evaluation of the site as determined by the authorized agent, such as for evaluation of saprolite or soil structure.

(e) Based on the evaluation of the soil conditions and site features listed in Paragraph (a) of this Rule, each soil profile shall be classified suitable or unsuitable. The authorized agent shall specify the overall site classification and suitability in accordance with Rule .0509 of this Section.

(f) The authorized agent shall specify the LTAR in accordance with Section .0900 of this Subchapter for sites classified suitable in accordance with Rule .0509 of this Section.

(g) A LC initially classified unsuitable may be reclassified suitable if the requirements of Rule .0509(b) or (c) of this Section are met.

History Note: Authority G.S. 130A-335(e); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0502 TOPOGRAPHY AND LANDSCAPE POSITION

(a) Uniform stable slopes less than or equal to 65 percent shall be suitable with respect to topography.

(b) The following shall be unsuitable with respect to topography:

- (1) slopes greater than 65 percent; and

- (2) areas subject to surface water convergence. The site shall be considered suitable when the surface water can be diverted from the site with berms or other surface water diversion devices;
- (c) The following shall be unsuitable with respect to landscape position:
- (1) depressions, except when with site modifications in accordance with Rule .0910 of this Subchapter, the site complies with the requirements of this Section;

- (2) a jurisdictional wetland as determined by the U.S. Army Corps of Engineers or DEQ, unless the proposed use is approved in writing by the U.S. Army Corps of Engineers or DEQ; and
- (3) complex slope patterns, such as areas affected by erosion which have rills or evidence of drainage, and slopes dissected by gullies that prohibit the design, installation, maintenance, monitoring, or repair of the wastewater system.

(d) For all sites, except where a drip dispersal system is proposed, additional required soil depth (slope correction) shall be calculated using the following formula to determine site suitability for soil depth in accordance with Rule .0505 of this Section:

$$SD = MSD + (TW \times S)$$

Where

SD = soil depth required with slope correction (inches)

MSD = minimum soil depth (inches)

TW = proposed trench width (inches)

S = percent slope (in decimal form)

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Delated Effective Date.*

15A NCAC 18E .0503 SOIL MORPHOLOGY

The soil morphology shall be evaluated in accordance with the following:

- (1) Texture – The texture of each soil horizon in a profile shall be classified into 12 soil textural classes based upon the relative proportions of sand, silt, and clay sized mineral particles. The soil textural class shall be determined in the field by hand texturing samples of each soil horizon in the soil profile in accordance with the criteria in Guide to Soil Texture by Feel, Journal of Agronomic Education, USDA, NRCS. Table IV identifies the Soil Groups that shall be suitable with respect to texture.

Table IV. Soil Groups that are suitable with respect to texture

USDA Soil Textural Class		
I	Sands	Sand
		Loamy Sand
II	Coarse Loams	Sandy Loam
		Loam
III	Fine Loams	Silt
		Silt Loam
		Sandy Clay Loam
		Clay Loam
		Silty Clay Loam
IV	Clays	Sandy Clay
		Silty Clay
		Clay

Laboratory testing of the soil textural class may be substituted for field testing when the laboratory testing is conducted in accordance with ASTM D6913 and D7928. When laboratory testing of soil texture is proposed, the LHD shall be notified a minimum of 48 hours before samples are to be taken by the licensed professional if required by G.S. 89C, 89E, or 89F. The authorized agent and the licensed professional shall be present when the samples are collected. Samples shall be representative of the soil horizon being evaluated for texture. Split samples shall be made available

to the LHD when requested. The licensed professional shall document chain of custody and seal, sign, and date the first page of the report.

- (2) **Structure – Soil structure** shall be determined in the field for each soil horizon in the soil profile and shall be classified and suitability determined in accordance with Table V. If an authorized agent determines that the soil structure cannot be determined from auger borings, pits shall be required.

Table V. Soil structure and associated suitability classification

Structure	Size (diameter)	Classification
Granular	N/A	suitable
Blocky	≤ 1 inches (2.5 cm)	suitable
	> 1 inches (2.5 cm)	unsuitable
Platy	N/A	unsuitable
Prismatic	≤ 2 inches (5 cm)	suitable
	> 2 inches (5 cm)	unsuitable
Absence of structure: Single Grain	N/A	suitable
Absence of Structure: Massive (no structural peds)	N/A	unsuitable

- (3) **Clay Mineralogy – Clay mineralogy** shall be determined in the field by evaluation of moist and wet soil consistence in accordance with the USDA-NRCS Field Book for Describing and Sampling Soils. The clay mineralogy shall be classified and suitability determined in accordance with Table VI.

Table VI. Clay mineralogy (consistence) field method results, associated mineralogy, and suitability classification

Consistence	Mineralogy	Classification
Moist		
Loose, very friable	Slightly expansive	suitable
Friable, firm	Slightly expansive	suitable
Very firm or extremely firm	Expansive	unsuitable*
Wet		
Nonsticky, slightly sticky Nonplastic, slightly plastic	Slightly expansive	suitable
Moderately sticky Moderately plastic	Slightly expansive	suitable
Very sticky or very plastic	Expansive	unsuitable*

*If either the moist consistence or wet consistence is unsuitable then clay mineralogy is classified unsuitable.

- (a) Laboratory testing of ACEC may be substituted for field testing to determine clay mineralogy. The laboratory testing shall be conducted in accordance with USDA-NRCS Soil Survey Laboratory Information Manual, Soil Survey Investigations Report No. 45, and Kellogg Soil Survey Laboratory Methods Manual, Soil Survey Investigation Report No. 42, page 229, or EPA Method 9080. Table VII shall be used to determine the clay mineralogy suitability when laboratory testing is used. When using laboratory testing to determine clay mineralogy, the clay content of the soil must be greater than 35 percent and the organic matter component must be less than 0.5 percent.

Table VII. Clay mineralogy laboratory method results, mineralogy, and associated suitability classification

ACEC (cmol/kg)	Mineralogy	Classification
≤ 16.3	Slightly expansive	suitable
> 16.3	Expansive	unsuitable

- (b) When laboratory testing of clay mineralogy is proposed, the LHD shall be notified a minimum of 48 hours before samples are to be taken by the licensed professional, if required by G.S. 89C, 89E, or 89F. The authorized agent and the licensed professional shall be present when the samples are collected. Samples shall be representative of the soil horizon being evaluated for clay mineralogy. Split samples shall be made available to the LHD when requested. The licensed professional shall document chain of custody and seal, sign, and date the first page of the report.
- (4) **Organic Soils - Organic soils** shall be considered unsuitable.

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0504 SOIL WETNESS CONDITIONS

(a) SWC, such as those caused by a seasonal high-water table, a perched water table, tidal water, seasonally saturated soil, or by lateral water movement, shall be determined by field observations of soil wetness indicators as follows:

- (1) the presence of colors with a value 4 or more and a chroma 2 or less using the Munsell Soil Color Book at greater than or equal to two percent of soil volume as redox depletions or as the matrix of a horizon. Colors of chroma 2 or less that are lithochromic features shall not be considered indicative of a SWC; or
- (2) the observation or indication of saturated soils, a perched water table, or lateral water movement flowing into a bore hole, monitoring well, or open excavation above a less permeable horizon, that may occur without the presence of colors with a value 4 or more or chroma 2 or less at greater than or equal to two percent of soil volume as redox depletions or as the matrix of a horizon.
- (3) The shallowest depth to SWC determined in this Paragraph shall be used.

(b) Initial site suitability as to SWC shall be determined by field observations of soil wetness indicators in accordance with Paragraph (a) of this Rule. Sites where the SWC is less than 12 inches below the naturally occurring soil surface, or less than 18 inches if more than six inches of Group I soils are present, shall be considered unsuitable with respect to SWC.

(c) Monitoring or modeling procedures as set forth in this Rule may be used to reclassify the site as suitable with respect to SWC.

(d) Monitoring or modeling procedures as set forth in this Rule shall be required when the owner proposes to use a wastewater system requiring a greater depth to a SWC than the depth observed by soil wetness indicators in accordance with Paragraph (a) of this Rule.

(e) Modeling procedures as set forth in this Rule shall be required when the owner proposes to use sites with Group III or IV soils within 36 inches of the naturally occurring soil surface with artificial drainage, or on sites when fill is proposed to be used in conjunction with an artificial drainage system.

(f) Monitoring or modeling procedures may include the following:

- (1) direct monitoring procedure as set forth in Paragraph (g) of this Rule;
- (2) modeling procedure as set forth in Paragraph (h) of this Rule;
- (3) monitoring and modeling procedure as set forth in Paragraph (i) of this Rule; or
- (4) other modeling procedures as set forth in Paragraph (j) of this Rule.

(g) The direct monitoring procedure involves determining the SWC by observation of water surface elevations in wells during periods of high-water in accordance with the following:

- (1) no later than 30 days prior to the start of the monitoring period, the owner shall notify the LHD of the intent to monitor water surface elevations by submitting a proposal prepared by a licensed professional, if required in G.S. 89C, 89E, or 89F, that includes a site plan, well and soil profile at each monitoring site, and a monitoring plan as follows:
 - (A) the site plan shall include the proposed sites for wastewater systems, the longitude and latitude of the site, the location of monitoring wells, and all drainage features that may influence the SWC. The site plan shall also specify any proposed fill and drainage modifications; and
 - (B) the monitoring plan shall include the proposed number, installation depth, screening depth, soil and well profile, materials, and installation procedures for each monitoring well. A minimum of three water level monitoring wells shall be installed for water surface observation at each site. Sites handling systems with a DDF greater than 600 gpd shall have one additional well per 600 gpd increment. Well locations shall include portions of the initial and repair dispersal field areas containing the most limiting soil and site conditions;
- (2) prior to installation of the monitoring wells, the authorized agent shall approve the plan. Plan approval shall be based upon a site visit and compliance with this Rule. If the plan is denied, a signed, written report shall be provided to the owner that describes the reasons for denial and the changes necessary for approval of the plan;
- (3) wells shall extend a minimum of five feet below the naturally occurring soil surface, or existing ground surface for existing fill determined in accordance with Rule .0909(d) of this Subchapter, except that wells that extend down only 40 inches from the ground surface may be used if a continuous record of the water table is provided for a minimum of half of the monitoring period. One or more shallower wells may be required on sites where shallow lateral water movement or a perched SWC is anticipated based on the site investigation;
- (4) the water elevation in the monitoring wells shall be recorded daily from January 1 to April 30, taken at the same time during the day, plus or minus three hours. Rain gauges shall be located within two miles of the site; and
- (5) the owner's licensed professional shall determine the 120-day SPI for April 15 from the State Climate Office's website: <http://climate.ncsu.edu/drought/map> by

clicking on the map pixel that most closely corresponds with the monitored site's location. This shall be done when the 120-day cumulative rainfall for the monitoring period ending on April 15 equals or exceeds the site's historic rainfall for the same period with a 30 percent recurrence frequency, based on data obtained from the State Climate Office of North Carolina at <http://climate.ncsu.edu/drought/map> for the

monitored site. The licensed professional shall adjust the URL coordinates to ascertain results that are specific to the site's latitude and longitude. The State will provide assistance in obtaining this information.

- (6) The SWC shall be determined at the shallowest level that is continuously saturated for the number of consecutive days during the January through April well monitoring period shown in Table VII as follows:

TABLE VIII. Rainfall SPI and exceedance probability during monitoring season related to number of consecutive days of continuous saturation

SPI and recurrence frequency range 120-day cumulative on April 15 rainfall	Number of consecutive days of continuous saturation for SWC
SPI -0.543 to 0 (30% to 49.9% duration)	3 days or 72 hours
SPI 0 to 0.545 (50% to 69.9% duration)	6 days or 144 hours
SPI 0.546 to 0.864 (70% to 79.9% duration)	9 days or 216 hours
SPI \geq 0.865 (80% to 100% duration)	14 days or 336 hours

- (7) If monitoring well data is collected during monitoring periods that span multiple years, the year that yields the shallowest SWC shall apply.
- (h) The modeling procedure may be used to determine SWC by using DRAINMOD, a groundwater simulation model, to predict daily water levels over a minimum 30-year period using site-specific input parameters as outlined in the DRAINMOD User's Guide. The SWC shall be determined as the shallowest level predicted by DRAINMOD to be saturated for a 14-day continuous period between January 1 and April 30 with a recurrence frequency of 30 percent, an average of a minimum of nine years in 30, and in accordance with the following:

- (1) weather input files shall consist of hourly rainfall and daily temperature data collected over the entire period of record but for a minimum of a 30-year period from a measuring station site, such as the National Weather Service or State Climate Office of North Carolina. The measuring station used shall be the station located closest to the owner's site;
- (2) soil and site inputs for DRAINMOD shall include the following:
 - (A) soil input file with the soil moisture characteristic curve and data for the soil profile that is closest to the described soil profile that is present on the site;
 - (B) soil horizon depths determined on site;
 - (C) site measured or proposed drain depth and spacing, and drain outlet elevation;
 - (D) in-situ Ksat measurements for a minimum of three representative locations on the site and at each location for the three most representative soil horizons within five feet of the surface. In-situ Ksat measurements shall be for one representative soil horizon at or above

redoximorphic depletion features and two representative soil horizons at and below redoximorphic concentration features at each location on the site;

- (E) all other model parameters based upon the DRAINMOD User's Guide; and
- (F) a sensitivity analysis shall be conducted for the following model parameters: soil input files for a minimum of two other most closely related soil profiles; in-situ Ksat of each horizon; drain depth and spacing; and surface storage and depth of surface flow inputs.

The sensitivity analysis shall be used to evaluate the range of soil and site characteristics for choosing input parameters related to the soil profiles, Ksat input values based upon the range of in-situ Ksat values measured on the site, and inputs for surface and subsurface drainage features based upon the range of possible elevations and distances that occur or may occur after installation of improvements. The sensitivity analysis shall establish which parameters are most critical for determination of the depth to SWC. Conservative values for the most critical parameters shall be used in applying the model to the site;

- (3) for sites designed to receive over 600 gpd, the SWC determination using DRAINMOD shall take into consideration the impact of wastewater application on the projected water table surface; and
- (4) The groundwater simulation analysis shall be prepared and submitted to the LHD by licensed professionals, if required in G.S. 89C, 89E, or 89F, qualified to use DRAINMOD by training and experience. The LHD shall submit the

groundwater simulation analysis to the State for technical review prior to approval of the SWC determination.

(i) The monitoring and modeling procedure is a combination of the direct monitoring procedure and the modeling procedure. The SWC shall be determined as the shallowest level predicted by DRAINMOD to be saturated for a 14-day continuous period between January 1 and April 30 with a recurrence frequency of 30 percent, an average of a minimum of nine years in 30, and in accordance with the following:

(1) the procedures set forth in Paragraph (g) of this Rule shall be used to monitor water surface elevation and precipitation. The rain gauge required by Subparagraph (g)(4) of this Rule shall use a recording device and a data file that is DRAINMOD compatible. The rain gauge shall record rainfall hourly or daily and well water levels daily. The data file shall be submitted with the report to the LHD;

(2) DRAINMOD shall be used to predict daily water levels. The DRAINMOD modeling shall be in accordance with the following:

(A) weather input files shall be developed from daily temperature and hourly or daily rainfall data collected over a minimum 30-year period from a measuring station, such as the National Weather Service or State Climate Office of North Carolina. The measuring station used shall be the station located closest to the site. Daily maximum and minimum temperature data for the December 1 through April 30 monitoring period shall be obtained from the closest available weather station;

(B) soil and site inputs for DRAINMOD, including a soils data file closest to the soil series identified, depths of soil horizons, in-situ Ksat of each horizon, depth and spacing of drainage features, and depression storage shall be selected in accordance with procedures outlined in the DRAINMOD User's Guide;

(C) inputs shall be based upon site-specific soil profile descriptions. Soil and site input factors shall be adjusted during the model calibration process to achieve the best possible fit as indicated by the least squares analysis of the daily observations over the whole monitoring period and to achieve the best possible match between the shallowest water table depth during the monitoring period, measured vs. predicted. The mean absolute deviation between measured

and predicted values shall be no greater than six inches;

(D) for sites intended to receive greater than 1,500 gpd, the SWC determination using DRAINMOD shall take into consideration the impact of wastewater application on the projected water table surface; and

(E) the DRAINMOD analysis shall be prepared and submitted to the LHD by licensed professionals, if required in G.S. 89C, 89E, or 89F, qualified to use DRAINMOD by training and experience. The LHD or owner may request a technical review by the State prior to approval of the SWC determination.

The monitoring and modeling procedure may also be used to re-evaluate a SWC that was previously evaluated by the direct monitoring procedure.

(j) Modeling procedures other than those set forth in this Rule may be used to determine SWC upon approval by the State. Other modeling procedures shall be approved if the following requirements are met:

(1) the modeling procedures use daily water levels or weather records over a 30-year period to predict future daily water levels;

(2) the proposed model and prediction are shown to be as accurate as the prediction from DRAINMOD, calculated in accordance with Paragraph (h) of this Rule; and

(3) documentation is provided in accordance with Rule .0509(c) of this Section.

(k) A report of the investigations made for the direct monitoring procedure, modeling procedure, or monitoring and modeling procedure in accordance with Paragraphs (g), (h), or (i) of this Rule shall be prepared prior to approval of the SWC determination. A request for technical review of the report by the State shall include digital copies of monitoring data, model inputs, output data, and graphic results, as applicable.

History Note: Authority G.S. 130A-335(e); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0505 SOIL DEPTH

(a) The soil depth shall be measured from the naturally occurring soil surface to rock, saprolite, or parent material.

(b) Soil depth to saprolite, rock, or parent material greater than or equal to 18 inches shall be suitable.

(b) Soil depth to unsuitable saprolite, rock, or parent material less than 18 inches shall be unsuitable.

History Note: Authority G.S. 130A-335(e); Eff. Pending Legislative Review.

15A NCAC 18E .0506 SAPROLITE

(a) Sites classified unsuitable due to depth to saprolite or other LC may be reclassified suitable in accordance with this Rule.

(b) Sites with saprolite shall be classified as suitable if an investigation of the site using pits at locations approved by the authorized agent confirms that the following conditions are met:

- (1) a 24-inch minimum vertical separation shall be maintained in saprolite from the infiltrative surface to an unsuitable LC, unless any of the vertical separation consists of suitable soils horizons, in which case, the 24-inch separation may be calculated based on one-inch of suitable soils being equivalent to two inches of saprolite; and
- (2) the following physical properties and characteristics shall be present in the saprolite below the proposed infiltrative surface:
 - (A) the saprolite texture as determined in the field by hand texturing samples of each horizon, shall be sand, loamy sand, sandy loam, loam, or silt loam;
 - (B) the clay mineralogy shall be suitable in accordance with Rule .0503(3) of this Section;
 - (C) greater than 2/3 of the saprolite by volume shall have a moist consistence of loose, very friable, friable, or firm;
 - (D) the saprolite wet consistence shall be nonsticky or slightly sticky and nonplastic or slightly plastic;
 - (E) the saprolite shall be in an undisturbed, naturally occurring state;
 - (F) the saprolite shall have no open and continuous joints, quartz veins, or fractures relic of parent rock; and
 - (G) laboratory determinations may be used to supplement field determinations. Split samples shall be made available to the LHD.

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0507 RESTRICTIVE HORIZONS

- (a) Soils in which restrictive horizons are three inches or more in thickness and at depths greater than or equal to 18 inches below the naturally occurring soil surface shall be suitable.
- (b) Soils in which restrictive horizons are three inches or more in thickness located at depths less than 18 inches below the naturally occurring soil surface shall be unsuitable.

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Effective Date.*

15A NCAC 18E .0509 SITE SUITABILITY AND CLASSIFICATION

- (a) A determination that any parameter evaluated in accordance with Rules .0502 through .0508 of this Section is unsuitable shall result in an overall classification of unsuitable.
- (b) Sites classified as unsuitable may be reclassified as suitable as follows:

- (1) when site modifications are made that meet the requirements in Sections .0900 or .1200 of this Subchapter for the minimum vertical separation to the SWC;
 - (2) if installation of an interceptor drain will intercept and divert lateral water to prevent saturation of the wastewater system;
 - (3) with the use of advanced pretreatment based on the modified siting and sizing criteria in Section .1200 of this Subchapter; or
 - (4) with the use of a wastewater system identified or approved in Sections .0900 or .1700 of this Subchapter
- (c) For sites that are classified as unsuitable in accordance with this Rule, a Special Site Evaluation in accordance with Rule .0510 of this Section may be provided that demonstrates that the proposed wastewater system can be expected to overcome the unsuitable site conditions and function in accordance with this Subchapter.
- (d) An IP shall not be issued for a site which is classified unsuitable.

*History Note: Authority G.S. 130A-335(e);
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .0510 SPECIAL SITE EVALUATIONS

- (a) A Special Site Evaluation shall demonstrate that the proposed use of the site with a specific wastewater system design and configuration will not result in effluent discharge to the ground surface or contravention of groundwater and surface water standards. Special Site Evaluations shall be performed by a licensed professional if required in G.S. 89C, 89E, or 89F.
- (b) The owner may submit a Special Site Evaluation for a site classified as unsuitable as set forth in Rule .0509(c) of this Section to an authorized agent. The Special Site Evaluation shall demonstrate that the proposed wastewater system can be expected to overcome the unsuitable site conditions and function in accordance with this Subchapter.
- (c) Any site that is proposed with one or more of the following shall require a Special Site Evaluation:
 - (1) proposal submitted in accordance with Rule .0504(e) of this Section;
 - (2) proposal submitted in accordance with Rule .0509(c) of this Section;
 - (3) sand lined trench systems when the texture of the receiving permeable horizon is sandy loam or loam and the DDF is greater than 600 gpd, or when the texture of the receiving permeable horizon is silt loam;
 - (4) DSE drip dispersal systems meeting the following soil and site conditions:
 - (A) depth from the naturally occurring soil surface to any LC is greater than or equal to 18 inches and the LTAR is proposed to exceed 0.5 gpd/ft² for Group I, 0.35 gpd/ft² for Group II, or 0.2 gpd/ft² for Group III soils;
 - (B) depth from the naturally occurring soil surface to any SWC is less than 18

- inches and the LTAR is proposed to exceed 0.5 gpd/ft² for Group I, 0.3 gpd/ft² for Group II, or 0.15 gpd/ft² for Group III soils;
- (C) Group IV soils are encountered within 18 inches of the naturally occurring soil surface or within 12 inches of the infiltrative surface, whichever is deeper, and the LTAR is proposed to exceed 0.05 gpd/ft²;
- (D) Group IV soils are encountered within 18 inches of the naturally occurring soil surface and depth from the naturally occurring soil surface to any LC is less than 24 inches;
- (E) Group IV soils are encountered within 18 inches of the naturally occurring soil surface and driplines are installed in new fill material;
- (F) groundwater lowering system is used to meet soil depth and vertical separation requirements to a SWC;
- (G) proposed LTAR exceeds that assigned by the LHD; or
- (H) DDF is greater than 1,500 gpd;
- (5) advanced pretreatment systems meeting the following soil and site conditions:
- (A) vertical separation to a LC is proposed to be reduced. The vertical separation to rock or tidal water shall not be reduced to less than 12 inches;
- (B) less than 18 inches of naturally occurring soil to a LC, excluding SWC;
- (C) increased LTAR is proposed for a site with Group III or IV soils within three feet of the infiltrative surface;
- (D) increased LTAR is proposed for a site with Group II or III soils that requires a groundwater lowering system;
- (E) proposed use of a groundwater lowering system to meet vertical separation requirements to a SWC;
- (F) bed systems located beneath the advanced pretreatment unit on a site with uniform slope exceeding two percent except in Group I soils with a SWC greater than 36 inches;
- (G) bed systems with a DDF greater than 1,500 gpd; or
- (H) increased LTAR is proposed on a site with a DDF greater than 1,500 gpd;
- (6) drip dispersal systems and Group IV soils are within 18 inches of the naturally occurring soil surface or within 12 inches of the infiltrative surface, whichever is deeper, and the LTAR is proposed to exceed 0.1 gpd/ft² for NSF-40, 0.12 gpd/ft² for TS-I, or 0.15 gpd/ft² for TS-II;
- (7) NSF-40 and drip dispersal systems when the LTAR is proposed to exceed 0.8 gpd/ft² for Group I soils, 0.5 gpd/ft² for Group II soils, 0.25 gpd/ft² for Group III soils, or 0.1 gpd/ft² for Group IV soils;
- (8) TS-I and drip dispersal systems which meet the following criteria:
- (A) site has less than 18 inches of naturally occurring soil to any unsuitable LC;
- (B) Group III soils are present and a groundwater lowering system is used to meet the vertical separation requirements to a SWC;
- (C) Group IV soils are encountered within 18 inches of the naturally occurring soil surface, the LTAR is proposed to exceed 0.05 gpd/ft², and the system is proposed to be installed in new fill; or
- (D) LTAR is proposed to exceed 1.0 gpd/ft² for Group I soils, 0.6 gpd/ft² for Group II soils, 0.3 gpd/ft² for Group III soils, or 0.12 gpd/ft² for Group IV soils;
- (9) TS-II and drip dispersal systems which meet the following criteria:
- (A) Subparagraphs (8)(A), (B), or (C) of this Rule; or
- (B) LTAR is proposed to exceed 1.2 gpd/ft² for Group I soils, 0.7 gpd/ft² for Group II soils, 0.4 gpd/ft² for Group III soils, or 0.15 gpd/ft² for Group IV soils;
- (10) site-specific nitrogen migration analysis is required to verify that the nitrate-nitrogen concentration at the property line will not exceed groundwater standards;
- (11) LHD or State determines that the combination of soil conditions, site topography and landscape position, DDF, system layout and/or proposed stormwater appurtenances will potentially result in hydraulic overload; or
- (12) DDF greater than 3,000 gpd, unless the requirements of Rule .0302(d) of this Subchapter are met.
- (d) The Special Site Evaluation shall include hydrologic or hydraulic testing, as applicable, and analysis, in accordance with Rule .0304(2)(b) of this Subchapter.
- (e) For wastewater systems with a DDF greater than 3,000 gpd, the Special Site Evaluation shall include sufficient site-specific data to predict the height of the water table mound that will develop beneath the field (level sites) and the rate of lateral and vertical flow away from the trenches (sloping sites), unless the conditions in Paragraph (f) of this Rule are met. The data submitted may include deep soil borings to an impermeable layer or to a depth to support the hydrologic testing and modeling, permeability, in-situ Ksat measurements, water level readings, and other information determined to be necessary by the LHD or the State, such as the impact of projected wastewater constituents

on the trench and receiving soil. The site shall be considered unsuitable if the data indicate any of the following:

- (1) the groundwater mound that will develop beneath the site cannot be maintained two feet or more below the bottom of the trenches;
- (2) effluent is likely to become exposed on the ground surface; or
- (3) contaminant transport analysis indicates that groundwater standards established in accordance with 15A NCAC 02L are determined or projected to be violated at the property line.

(f) For wastewater systems with a DDF greater than 3,000 gpd and dispersal fields designed for less than or equal to 1,500 gpd, in-situ Ksat measurements and groundwater mounding or lateral flow analysis shall not be required if a Special Site Evaluation demonstrates that the dispersal fields are in separate lateral flow windows or are shown to not be hydraulically connected.

(g) The State shall review the Special Site Evaluation if requested by the LHD or if required in accordance with Rule .0302(c) of this Subchapter.

History Note: Authority G.S. 89E; 89F; 130A-335(a1),(e) and (f);
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0801 SEPTIC TANK CAPACITY REQUIREMENTS

(a) Minimum liquid capacities for septic tanks shall be in accordance with the following:

- (1) The minimum capacity of any septic tank shall be 1,000 gallons unless otherwise provided for in this Rule.
- (2) The minimum capacity of any septic tank serving an individual dwelling unit with five bedrooms or less shall be sized as set forth in Table XIII.

TABLE XIII. Minimum septic tank liquid capacity for dwelling units

Number of bedrooms	Minimum liquid capacity (gallons)
4 or less	1,000
5	1,250

- (3) Septic tanks for dwelling units greater than five bedrooms, multiple dwelling units, places of business, or places of public assembly shall be sized in accordance with Table XIV.
- (4) The minimum septic tank capacity serving two or more dwelling units shall be 1,500 gallons.

TABLE XIV. Septic tank capacity for facilities not listed in Table XIII

Design daily flow (gpd)(Q)	Minimum septic tank liquid capacity (V) calculation (gallons)
$Q \leq 600$	$V = 2Q$

$600 < Q < 1,500$	$V = 1.17Q + 500$
$1,500 \leq Q \leq 4,500$	$V = 0.75Q + 1,125$
$Q > 4,500$	$V = Q$

- (5) Septic tanks for RWTS and PIA Systems shall be sized in accordance with the RWTS or PIA Approval, pursuant to Sections .1500 and .1700 of this Subchapter.

(b) The minimum liquid capacity requirements of Paragraph (a) of this Rule shall be met by use of a single two compartment tank or by two tanks installed in series. The tanks in series may be constructed with or without a baffle wall. Each tank shall have a minimum liquid capacity of 1,000 gallons.

(c) When a grinder pump or sewage lift pump is installed prior to the septic tank, the required septic tank liquid capacity as set forth in this Rule shall be doubled. The minimum liquid capacity may be met by installing two or more septic tanks in series, each tank containing two compartments. The minimum liquid capacity of each tank shall be 1,000 gallons.

(d) The State shall review other septic tanks designed to receive wastewater from grinder pumps or sewage lift pumps if designed by a PE to ensure that effluent discharged from the septic tank meets DSE as set forth in Table III of Rule .0402(a) of this Subchapter.

(e) An effluent filter approved in accordance with Rule .1404 of this Subchapter shall be in the outlet of the final compartment of the septic tank.

(f) When two or more tanks are used in series in accordance with Paragraphs (b) or (c) of this Rule, the following conditions shall be met:

- (1) approved effluent filter shall be in the outlet of the final compartment; and
- (2) the outlet of the initial tank shall consist of an outlet sanitary tee extending down 25 to 50 percent of the liquid depth.

History Note: Authority G.S. 130A-334; 130A-335(e),(f), and (f1);
Eff. Pending Delayed Effective Date.

15A NCAC 18E .0802 PUMP TANK CAPACITY REQUIREMENTS

(a) The minimum pump tank liquid capacity shall be greater than or equal to the required septic tank liquid capacity as set forth in Rule .0801 of this Section.

(b) For a flow equalization system, the minimum pump tank capacity shall be based upon the sum of the volumes of the parameters below:

- (1) volume is sufficient to ensure pump submergence or as recommended by the pump manufacturer;
- (2) minimum dose volume in accordance with Rule .1101(d) of this Subchapter;
- (3) flow equalization storage; and
- (4) emergency storage capacity in accordance with Paragraph (e) of this Rule.

(c) An alternate minimum pump tank liquid capacity may be proposed by the authorized designer or PE to the LHD based upon the sum of the volumes of the parameters below:

- (1) volume is sufficient to ensure pump submergence or as recommended by the pump manufacturer;
- (2) minimum dose volume in accordance with Rule .1101(d) of this Subchapter;
- (3) flow equalization storage, if applicable; and
- (4) emergency storage capacity in accordance with Paragraph (e) of this Rule.

(d) A PE may propose an alternative design to the LHD to calculate the minimum pump tank liquid capacity required. The alternative method shall provide documentation of pump

submergence, dose volume capacity, emergency storage capacity, and flow equalization storage, as applicable. The LHD shall approve the alternative design upon a showing that all required storage capacity is accounted for in the wastewater system without reducing the required septic tank or grease tank capacities specified in Rules .0801 and .0803 of this Section.

(e) The pump tank emergency storage capacity requirement shall be determined based on the following criteria and Table XV:

- (1) type of facility served;
- (2) classification of surface waters that would be impacted by a pump tank failure; and
- (3) availability of standby power devices and emergency maintenance personnel.

TABLE XV. Pump tank emergency storage capacity requirements

Facility Type	Surface Water Classification of Watershed	Standby Power and Emergency Maintenance Personnel Provisions	Emergency Storage Capacity Period Requirement
Residential systems and other systems in full time use	WS-I, WS-II, WS-III, SA, SB, and B waters	No standby power	24 hours
		Manually activated standby power and telemetry contacting a 24-hour maintenance service	12 hours
		Automatically activated standby power and telemetry contacting a 24-hour maintenance service	4 hours
	All other surface waters or no surface waters	No standby power	12 hours
		Manually activated standby power and telemetry contacting a 24-hour maintenance service	8 hours
		Automatically activated standby power and telemetry contacting a 24-hour maintenance service	4 hours
Non-residential systems not in full-time use and all other systems	All surface waters	No standby power	12 hours
		Manually activated standby power and telemetry contacting a 24-hour maintenance service	8 hours
		Automatically activated standby power and telemetry contacting a 24-hour maintenance service	4 hours

(f) Telemetry shall be demonstrated to be operational to the authorized agent and the Management Entity prior to issuance of the OP.

History Note: Authority G.S. 130A-335(e),(f), and (f1); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0803 GREASE TANK CAPACITY REQUIREMENTS

(a) Grease tanks or grease tanks used with grease traps shall be required for food preparation facilities, food processing facilities, and meat markets; churches institutions, and places of public assembly that include a full kitchen; or other facilities expected to

generate FOG levels that are higher than DSE as defined in Table III of Rule .0402(a) of this Subchapter. The grease tank shall be plumbed to receive all wastes associated with food handling, preparation, and cleanup. No toilet wastes shall be discharged to a grease tank.

(b) The minimum grease tank liquid capacity shall be 1,000 gallons or as calculated by one of the following, whichever is greater:

- (1) five gallons per meal served per day;
- (2) equal to the required septic tank liquid capacity calculated in accordance with Rule .0801 of this Section; or
- (3) equal to the capacity as determined in accordance with the following:

$$GLC = D \times GL \times ST \times HR/2 \times LF$$

Where	GLC	=	grease tank liquid capacity (gallons)
	D	=	number of seats in dining area
	GL	=	gallons of wastewater per meal (1.5 single-use; 2.5 multi-use)
	ST	=	storage capacity factor (2.5)
	HR	=	number of hours open
	LF	=	loading factor (1.25 if along an interstate highway; 1.0 if along US Highway or recreational areas; 0.8 if along other roads)

(c) When the required minimum grease tank capacity for a facility is less than or equal to 1,500 gallons, the grease tank may be a single tank with two compartments and a minimum 2:1 length to width ratio.

(d) When the required minimum grease tank capacity for a facility is greater than 1,500 gallons, the grease tank shall have a minimum 4:1 length to width ratio and four compartments. This requirement can be met by two or more tanks in series. Each tank shall have a minimum liquid capacity of 1,000 gallons and a minimum 2:1 length to width ratio.

(e) A grease rated effluent filter approved in accordance with Rule .1404 of this Subchapter shall be in the final compartment of the grease tank.

(f) When two or more grease tanks are used in series in accordance with Paragraph (d) of this Rule, the following conditions shall be met:

- (1) approved grease rated effluent filter shall be in the final compartment; and
- (2) the outlet of the initial tank shall consist of a sanitary tee extending down 40 to 60 percent of the liquid depth.

(g) The grease tank liquid capacity requirements set forth in this Rule may be reduced by up to 50 percent when used in conjunction with a grease trap located inside the facility. The system shall be designed by a PE, if required by G.S. 89C, and approved by the State when review of documentation provided by the PE and manufacturer demonstrate that the grease trap is projected to reduce FOG concentration by at least 50 percent.

(h) Grease traps and grease tanks shall be maintained by a septage management firm permitted in accordance with G.S. 130A-291.1 and the contents disposed of in accordance with 15A NCAC 13B .0800.

History Note: Authority G.S. 130A-335(e),(f), and (f1); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0804 SIPHON TANK CAPACITY REQUIREMENTS

Siphon tanks shall be sized to provide the minimum dose requirements of Rule .1101(d) of this Subchapter, plus three inches of freeboard above the siphon trip level.

History Note: Authority G.S. 130A-335(e),(f), and (f1); Eff. Pending Delayed Effective Date.

15A NCAC 18E .0805 TANK LEAK TESTING AND INSTALLATION REQUIREMENTS

(a) All tanks installed under the following conditions shall be leak tested at the site:

- (1) when a SWC is present within five feet of the elevation of the top of a mid-seam pump tank;
- (2) with advanced pretreatment when required in the RWTS or PIA Approval;
- (3) when required in the approved plans and specifications for a wastewater system designed by a PE;
- (4) when the tank is constructed in place; or
- (5) as required by the authorized agent based upon site or system specific conditions, such as misaligned seams, exposed reinforcement, or damage observed that may have occurred during transport or installation.

(b) Tanks unable to pass a leak test or be repaired to pass a leak test shall be removed from the site and the imprint described in Rule .1402(d)(15) or (e)(8) of this Subchapter marked over.

(c) The tank outlet pipe shall be inserted through the outlet pipe penetration boot, creating a watertight joint, and extending a minimum of two feet beyond the tank outlet.

(d) The tank outlet pipe shall be placed on undisturbed soil or bedded in accordance with Rule .0703(b) of this Subchapter to prevent differential settling of the pipe. The pipe shall be level for a minimum of two feet after exiting the tank.

(e) The bottom of the tank shall be installed level in undisturbed or compacted soil, or bedded using sand, gravel, stone, or other aggregate. When rock or other protruding obstructions are encountered, the bottom of the tank excavation shall be backfilled with sand, gravel, stone, or other approved equivalent material to three inches above the rock or obstruction.

(f) The tank excavation shall be separated from the dispersal system by at least two feet of undisturbed soil. Piping from the tank to the next component shall be placed on undisturbed soil, compacted soil, or bedded using sand, gravel, stone, or other aggregate.

(g) Effluent filters and risers shall be installed in accordance with the design and construction criteria of Rule .1402(b) and (c) of this Subchapter.

(h) Any system serving a facility with a DDF greater than 3,000 gpd shall have access manholes installed on the tank and extending at a minimum to finished grade. The access manholes shall be designed and maintained to prevent surface water inflow and sized to allow access for routine inspections, operation, and maintenance.

History Note: Authority G.S. 130A-335(e),(f), and (f1);
Eff. Pending Legislative Review.

15A NCAC 18E .1401 PLANS FOR PREFABRICATED TANKS

(a) All tanks proposed for use in a wastewater system shall be approved by the State when the tank design, construction, and materials meet the criteria set forth in Rules .1402 and .1403 of this Section.

(b) The tank manufacturer shall submit three separate sets of plans and specifications for the initial design of each tank to the State for approval.

(c) Plans and specifications for tanks with a total liquid capacity less than or equal to 4,000 gallons shall include the following:

- (1) all tank dimensions in inches, including:
 - (A) top, bottom, and sidewall thickness and variations;
 - (B) minimum and maximum dimensions on tanks with tapered or ribbed walls;
 - (C) baffle wall minimum and maximum thickness and variations;
 - (D) location and dimension of all openings in baffle wall for gas and liquid movement; and
 - (E) dimensions of all compartments;
- (2) material type and strength, including reinforcement material and location, as applicable, specified by the manufacturer;
- (3) liquid depth and operating capacity in gallons;
- (4) pipe penetration boot locations and pipe penetration boots approved in accordance with Rule .1404 of this Section;
- (5) methods and material for sealing sections and forming water tight joints in tanks with multiple sections;
- (6) drawings showing access openings, tank lids, access manhole risers, and other proposed appurtenances to the tank; and
- (7) tank manufacturer and PE requirements for installation, including bedding, additional sealing methods, and leak testing procedures.

(d) Plans and specifications for tanks with a total liquid capacity greater than 4,000 gallons and all tanks designed for traffic loads shall be designed by a PE in accordance with ASTM C890. Plans shall show the design, including all the information listed in Paragraph (c) of this Rule and engineering calculations showing the minimum and maximum soil cover, water table, and traffic load the tank is designed to support.

(e) Plans for prefabricated tanks other than those approved for general use and issued an identification number under this Section shall be considered for tank approval on a case-by-case basis based on the information provided by the tank manufacturer or designer to the State. The information shall indicate the tank shall perform in accordance with Rules .1402 and .1403 of this Section.

(f) The State or LHD may inspect approved tanks at the place of manufacture, the inventoried sites of the distributors, or at the installation of the tank in a wastewater system for compliance with the approved plans and specifications.

(g) Tanks found to be out of compliance shall be brought back into compliance by the tank manufacturer or the installer as directed by the State or LHD. Tanks that are not or cannot brought into compliance shall not be used in a wastewater system. The imprints identified in Rule .1402(d)(15) or (e)(8) of this Section shall be permanently marked over by the authorized agent.

(h) All tanks approved by the State shall maintain the materials, design, and construction specified in the approved plans and shall comply with all rules of this Section. Any subsequent changes or modifications shall be approved by the State in accordance with this Rule.

History Note: Authority G.S. 130A-335(e),(f), and (f1);
Eff. Pending Legislative Review.

15A NCAC 18E .1402 TANK DESIGN AND CONSTRUCTION

(a) Tanks shall be watertight, structurally sound, and not subject to corrosion or decay.

(b) Septic tanks and grease tanks shall have effluent filters and access devices approved in accordance with Rule .1404 of this Section. An effluent filter and support case shall be installed level in the outlet end of the septic tank or grease tank and shall meet the following criteria:

- (1) solvent welded to a minimum of three-inch PVC Schedule 40 outlet pipe;
- (2) installed in accordance with filter manufacturer's specifications and effluent filter approval; and
- (3) accessible and removable without entering the septic tank or grease tank.

(c) Septic tanks installed where the access openings on the top of the tank are deeper than six inches below finished grade shall have an access riser over each compartment with cover, extending to within six inches of the finished grade. The opening shall be adequate to accommodate the removal of the septic tank lid. When the top of the septic tank or access riser is below the finished grade, the location of the tank shall be visible at finished grade. Risers shall be installed in accordance with the rules of this Subchapter, the manufacturer's specifications, and a product specific approval.

(d) Septic tanks shall meet the following minimum design standards:

- (1) a minimum liquid depth of 36 inches;
- (2) a minimum of nine inches freeboard, measured as the air space between the top of the liquid and the bottom of the tank top. Venting of the tank shall be provided to prevent the buildup of gases;
- (3) the approved septic tank capacity shall be determined as the liquid volume below the outlet invert to the bottom of the tank;
- (4) the length of the tank shall be a minimum of twice as long as the width, as measured by the longest axis and widest axis based on the internal tank dimensions;
- (5) there shall be three inlet openings in the tank, one on the tank end and one on each sidewall of the inlet end of the tank;

- (6) outlet openings shall have a cast or manufactured penetration point and include a watertight, sealed, non-corrodible, and flexible connective sleeve. A flexible connective sleeve shall be able to bend without breaking. The connective sleeve shall meet ASTM C1644 for precast concrete tanks or ASTM C1644, C923, or C564 for thermoplastic or glass-fiber-reinforced polyester tanks and be approved by the State if it meets the requirements of this Subparagraph and Rule .1404 of this Section;
- (7) inlet penetrations shall be greater than or equal to four inches in diameter and outlet penetrations shall be greater than or equal to three inches in diameter;
- (8) there shall be no openings below the septic tank operating liquid level;
- (9) the outlet shall be through an effluent filter approved in accordance with Rule .1404 of this Section, and secured in place in an effluent filter support case. The effluent filter case inlet shall extend down to between 25 and 50 percent of the liquid depth measured from the top of the liquid level. Other methods of supporting the effluent filter case and for making pipe penetrations shall be approved by the State on a case-by-case basis upon a showing that the performance is identical to those designed in accordance with this Rule;
- (10) the invert of the outlet shall be a minimum of two inches lower in elevation than the invert of the inlet;
- (11) all septic tanks shall be designed with a partition so that the tank contains two compartments. The following conditions shall be met:
 - (A) the partition shall be located at a point not less than two-thirds or more than three-fourths the length of the tank from the inlet end;
 - (B) the partition shall be designed, manufactured, installed, and maintained to remain in position when subjected to a liquid capacity in one compartment that corresponds with the lowermost elevation of the water passage slot or holes;
 - (C) the partition shall be designed to create a gas passage, not less than the area of the inlet pipe, and the passage shall not extend lower than seven inches from the bottom side of the tank top;
 - (D) the top and bottom sections of the partition shall be designed to create a water passage slot four inches high for the full interior width of the tank;
 - (E) a minimum of two four or five-inch openings, or one four or five-inch opening per 30 horizontal linear inches of baffle wall, whichever is greater, may be designed into the partition instead of the four-inch slot;
- (F) the entire liquid passage in the partition wall shall be located between 25 and 50 percent of the liquid depth of the tank, as measured from the top of the liquid level; and
- (G) other methods for designing partition shall be approved by the State on a case-by-case basis upon a showing that the performance is identical to those designed in accordance with this Rule;
- (12) access openings shall be provided in the top of the tank, located over each compartment, and have a minimum opening of 15 inches by 15 inches or 17 inches in diameter. The opening shall allow for maintenance and removal of internal devices of the septic tank;
- (13) access risers and covers shall be designed and maintained to prevent surface water infiltration;
- (14) tank lids and riser covers shall be locked, secured with fasteners, or weigh a minimum of 40 pounds, but no more than 80 pounds; and
- (15) all septic tanks shall bear an imprint identifying the manufacturer, the septic tank serial number assigned to the manufacturer's plans and specifications approved by the State, and the liquid or working capacity of the tanks. The imprint shall be located to the right of the blackout made for the outlet pipe on the top or end of outlet end of the tank.
- (e) Pump tanks shall meet the design requirements of Paragraph (d) of this Rule with the following modifications:
 - (1) a watertight access riser with removable cover shall be located over the pump. The access riser shall extend to a minimum of six inches above finished grade, and be designed and maintained to prevent surface water infiltration;
 - (2) the access opening over the pump shall have a minimum opening of 24 inches in diameter or other equidimensional opening;
 - (3) when two or more pumps are required in accordance with Rule .1101(b) of this Subchapter the access openings shall be sized to allow for pump removal, operation, and maintenance;
 - (4) tanks may be designed with a single compartment. If a partition is provided, the partition shall be designed to contain a minimum of two four-inch diameter circular openings, or equivalent, located no more than 12 inches above the tank bottom;
 - (5) there shall be no requirement as to tank length, width, or shape, provided the tank satisfies all other requirements of this Section;

- (6) the invert of the inlet openings shall be located within 12 inches of the tank top. No freeboard shall be required in the pump tank;
- (7) tanks shall be vented if located more than 50 feet from the facility, and accessible for routine maintenance;
- (8) all pump tanks shall bear an imprint identifying the manufacturer, the pump tank serial number assigned to the manufacturer's plans and specifications by the State, and the liquid or working capacity of the tank. The imprint shall be located to the left of the blockout made for the outlet pipe on the top or end of outlet end of the tank; and
- (9) the pump tank working capacity shall be the entire internal tank volume.

(f) Grease tanks shall be septic tanks approved in accordance with Paragraph (d) of this Rule with the following modifications:

- (1) the liquid passage between chambers shall be located between 40 and 60 percent of the operating liquid depth measured from the top of the liquid level. The liquid passage between chambers may be made using a sanitary tee extending down between 40 and 60 percent of the liquid depth measured from the top of the liquid level;
- (2) when sanitary tees are used as the liquid passage through an interior compartment partition, an access opening and riser to grade over the tees shall be provided for servicing and routine maintenance;
- (3) when two or more tanks are used in series a sanitary tee shall be provided in the outlet end of each interconnected tank extending down between 40 and 60 percent of the liquid depth;
- (4) the final chamber shall contain an effluent filter and case extending down between 40 and 60 percent of the liquid depth. The effluent filter shall be approved by the State for use in grease tanks. The grease rated effluent filter shall be sized for the DDF and have openings of 1/32-inch or less; and
- (5) access risers shall extend to finished grade and be capped with cast iron manhole rings and covers. Lockable aluminum hatches may be substituted for cast iron manhole rings and covers in non-traffic areas. Aluminum hatches or manhole rings and covers shall be designed and maintained to prevent surface water infiltration. Locks shall be the responsibility of the person owning or controlling the system.

(g) Siphon tanks shall meet the design requirements of Paragraph (e) of this Rule and shall:

- (1) be designed in accordance with the construction requirements of this Rule and Rule .0804 of this Section;
- (2) provide three inches of freeboard;
- (3) locate the inlet pipe three inches above the siphon trip level; and

- (4) tanks shall have a watertight access opening over each siphon with an opening of 24 inches, extending to finished grade, and designed to prevent surface water inflow.

History Note: Authority G.S. 130A-335(e),(f), and (f1); 130A-335.1;

Eff. Pending Legislative Review.

15A NCAC 18E .1403 TANK MATERIAL REQUIREMENTS

(a) Tanks designed to hold sewage shall be structurally sound and constructed with materials capable of resisting corrosion from sewage and sewage gases, and the active and passive loads on tank walls, such as concrete, thermoplastic, and glass-fiber-reinforced polyester.

(b) Reinforced precast concrete tanks shall meet the following minimum material and construction requirements:

- (1) the ends and sides of the tank shall have a minimum thickness of two and one-half inches. The top and bottom of the tanks shall be a minimum of three inches thick;
- (2) the top, bottom, end and sides of the concrete tank and tank lid shall be reinforced by using a minimum reinforcing of six-inch by six-inch No. 10 gage welded steel reinforcing wire. Reinforcement shall be placed to maximize the structural integrity of the tank;
- (3) alternative reinforcement designs may be used when shown to be equal to or greater than the reinforcement design in Subparagraph (2) of this Paragraph;
- (4) when the concrete tank, tank lid, riser, or riser cover are subjected to vehicular traffic, the tank shall be designed by a PE to handle the traffic load in accordance with ASTM C890;
- (5) any tank installed deeper than three feet shall be designed by a PE for the proposed tank burial depth. The tank design shall be submitted to the State for review. The design shall be approved when documentation is provided to show that the proposed tank design can withstand all active and passive loads on the tank, including the additional soil weight from a deeper burial depth.
- (6) the concrete shall achieve a minimum 28-day compressive strength of 3,500 psi. The concrete shall meet the compressive strength of 3,500 psi prior to removal of the tank from the place of manufacture. It shall be the responsibility of the manufacturer to certify that this condition has been met prior to shipment. A tank shall be subject to testing to ascertain the strength of the concrete prior to its being approved for installation. Testing shall be performed using a calibrated Schmidt Rebound Hammer or approved equal;
- (7) tanks manufactured in multiple sections shall be joined and sealed at the joint by using butyl

rubber or other pliable sealant meeting ASTM C990 or other material that has been approved by the State when documentation has been provided to show that the material meets all performance requirements of ASTM C990. Documentation shall also be provided to show that the material is waterproof and corrosion resistant; and

- (8) tank lids and riser covers shall have a durable handle made of corrosion-resistant materials and capable of pull capacity sufficient for the weight of the lid or cover.

(c) Thermoplastic tanks shall either be IAPMO/ANSI Z1000 or CSA B66 certified and enrolled in a third-party quality assurance and quality control program, which includes material testing and unannounced annual audits.

(d) Glass-fiber-reinforced polyester tanks shall meet the following requirements:

- (1) top, bottom, ends, and sides of the tank shall have a minimum thickness of 1/5-inches. The baffle wall shall be a minimum of 3/16-inch thick;
- (2) material and laminate requirements specified in IAPMO/ANSI Z1000 for glass-fiber-reinforced polyester tanks; and
- (3) enrolled in a third-party quality assurance and quality control program, which include material testing and unannounced annual audits.

(e) Cast or manufactured in place tanks shall be designed by a PE, if required by G.S. 89C, and approved by the State when the tank design, construction, and materials meet the criteria set forth in this Rule and Rule .1402 of this Section.

History Note: Authority G.S. 130A-335(e),(f), and (f1); Eff. Pending Delayed Effective Date.

15A NCAC 18E .1404 PLANS AND SPECIFICATIONS FOR RISERS, EFFLUENT FILTERS, AND PIPE PENETRATION BOOTS

(a) All risers, effluent filters, and pipe penetration boots proposed for use in a wastewater system shall be approved by the State prior to being offered for sale or use in North Carolina. All risers, effluent filters, and pipe penetration boots approved by the State shall maintain the materials, design, and construction specified in the approved plans and shall comply with all rules of this Section.

(b) Three separate sets of plans and specifications for the initial design of each riser, effluent filter, or pipe penetration boot shall be submitted to the State. Plans for risers, effluent filters, and pipe penetration boots shall be approved by the State and an approval letter issued when the design is found to comply with this Section. All changes or modifications to risers, effluent filters, or pipe penetration boots shall be approved by the State pursuant to this Rule.

(c) Risers and riser lids shall be able to withstand a uniform live loading of 150 pounds per square foot in addition to all loads to which a riser is normally subjected, such as dead weight of the material and soil cover and active soil pressure on riser walls.

(d) Riser plans and specifications submitted for review and approval shall show the design of the riser and include the following information:

- (1) manufacturer's name, address, phone, and fax numbers;
- (2) physical dimensions of the riser and riser cover, such as wall thickness, internal diameter, proposed casting or installation details and methods, and pipe penetrations;
- (3) material type and strength including reinforcement material and location as required;
- (4) documentation from a third party showing that the riser meets the load requirements specified in Paragraph (c) of this Rule;
- (5) plans for septic tank risers of a secondary lid, concrete plug, or other safety device that shall be provided inside the riser for security and to prevent accidental entry;
- (6) plans for pump tank risers of primary and secondary safety mechanisms that shall be provided with the riser. The primary safety mechanism shall be a locking riser lid, ring and lock, or other riser lid locking mechanism. The secondary safety mechanism shall be a secondary lid, concrete plug, or other safety device to be provided inside the pump tank riser; and
- (7) specifications for application, installation, operation, and maintenance for both new and retrofit applications for single and multiple riser sections.

(e) Effluent filter plans and specifications submitted for review and approval shall show the design of the effluent filter and include the following information:

- (1) manufacturer's name, address, phone, and fax numbers;
- (2) documentation and a written certification that the effluent filter is designed, constructed, and performs in compliance with G.S. 130A-335.1(a);
- (3) capacity and wastewater strength for all models of proposed filters to be approved; and
- (4) specifications for application, installation, operation, and maintenance.

(f) Pipe penetration boot plans and specifications submitted for review and approval shall show the design of the pipe penetration boot and include the following information:

- (1) manufacturer's name, address, phone and fax numbers;
- (2) design specifications and materials used in the manufacture of pipe penetration boot components;
- (3) applicable testing results from third-party verification showing pull and flexibility testing;
- (4) testing for watertight seal around piping including any component or device included to ensure the seal, such as non-corrodible adjustable bands;

- (5) documentation that the pipe penetration boot meets the requirements of ASTM C1644 for precast concrete tanks or ASTM C1644, C923, or C564 for thermoplastic or glass-fiber-reinforced polyester tanks; and
- (6) specifications for application, installation, operation, and maintenance.

(g) Plans for prefabricated risers, effluent filters, and pipe penetration boots, other than those approved for general use and issued an approval letter under this Rule, shall be considered for approval on a case-by-case basis. The riser, effluent filter, or pipe penetration boot shall be approved if it is determined that it meets the requirements of this Rule, based on information provided by the manufacturer to the State.

History Note: Authority G.S. 130A-335(e),(f), and (f1); 130A-335.1;
Eff. Pending Legislative Review.

15A NCAC 18E .1405 RISERS, EFFLUENT FILTERS, AND PIPE PENETRATION BOOTS APPROVAL RENEWAL

(a) All riser, effluent filter, and pipe penetration boots approvals shall expire on December 31 of each year. Riser, effluent filter, and pipe penetration boot manufacturers who wish to continue product approval shall submit annually a proprietary product renewal form provided by the State no later than November 30 of each year.

(b) The renewal form shall include the following updated information:

- (1) company's name, address, contact information, and contact name;
- (2) model number(s) approved; and
- (3) a notarized statement that the product has not changed from the previous year without prior approval.

(c) The Department shall notify the manufacturer of the pending riser, effluent filter, and pipe penetration boot Approval expiration in writing no later than September 30 of each year. The notification shall include information on how to request riser, effluent filter, and pipe penetration boot renewal.

(d) The riser, effluent filter, and pipe penetration boot approval shall be deemed to be renewed upon receipt of a completed renewal form in accordance with this Rule.

History Note: Authority G.S. 130A-335(e) and (f); 130A-343;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1406 MODIFICATION, SUSPENSION, AND REVOCATION OF APPROVALS

The State shall modify, suspend, or revoke the approval for tanks, risers, effluent filters, or pipe penetration boots upon a finding that:

- (1) approval is determined to be based on false, incomplete, or misleading information;
- (2) the product has been altered;
- (3) the product fails to perform in compliance with performance standards established for the

product in accordance with Rule .1404 of this Section; or

- (4) the product fails to meet conditions of its approval or comply with G.S. 130A, Article 11, Rule .1405 of this Section, this Subchapter, or conditions of the approval.

History Note: Authority G.S. 130A-335(e),(f), and (f1);
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1501 GENERAL

(a) RWTS that comply with NSF International Standard 40 for Class I residential wastewater treatment systems shall be designed, constructed, and installed in accordance with this Section to serve facilities with a DDF less than or equal to 1,500 gpd.

(b) RWTS shall only be used with DSE.

(c) RWTS shall bear one of the following to certify that the product is in accordance with NSF Standard 40:

- (1) the NSF mark and the NSF listed model number; or
- (2) the certification mark and listed model number of a third-party certification program accredited by ANSI to certify RWTS in accordance with NSF Standard 40.

(d) For approval of an RWTS as a PIA System, a manufacturer shall apply in accordance with Section .1700 of this Subchapter.

History Note: Authority G.S. 130A-342;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1502 APPLICATION

An application shall be submitted for RWTS approval in writing to the State and shall include the following:

- (1) manufacturer's name, address, phone number, plant location(s), and contact information for distributors;
- (2) verification of NSF Standard 40 Class I system approval and listing by NSF International or other ANSI-accredited third-party certification program;
- (3) manufacturer's identifying name or logo, listed model number(s) and treatment capacity in gpd to be imprinted on unit;
- (4) three copies of plans and specifications, including information required to evaluate any tanks as required in accordance with Rule .1401 of this Subchapter; and
- (5) fee payment as required by G.S. 130A-343(k)(6), by corporate check, money order or cashier's check made payable to: North Carolina On-Site Water Protection Account or North Carolina OSWW System Account, and mailed to the State.

History Note: Authority G.S. 130A-342;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1503 DESIGN AND CONSTRUCTION STANDARDS

RWTS shall meet the following design and construction standards:

- (1) No blockouts or openings shall be permitted below the liquid level of the RWTS.
- (2) RWTS shall be watertight, corrosion resistant structures, with all components requiring maintenance accessible to the Management Entity. Access openings shall be provided in the RWTS top. Access shall be provided for:
 - (a) cleaning or rodding out the inlet pipe;
 - (b) cleaning or clearing the air or gas passage space above any partition;
 - (c) pumping of each compartment required to be pumped;
 - (d) sampling the effluent; and
 - (e) repairing and maintaining any system components.
- (3) Tanks used in RWTS designed to hold sewage or effluent shall comply with all tank requirements in accordance with Section .1400 of this Subchapter.
- (4) RWTS shall bear an imprint identifying the manufacturer, the RWTS serial number assigned to the manufacturer's model approved by the State, and the liquid or working capacity of the unit. The imprint shall be located on the outlet end of the tank within 24 inches of the top of the tank.
- (5) The design, construction, and operation of RWTS shall prevent bypass of wastewater.
- (6) The manufacturer shall ensure that the system can be sampled in compliance with 40 CFR 136 and shall specify the recommended method for effluent sampling.
- (7) Control panels provided by the manufacturer shall comply with the requirements for control panels in accordance with Rule .1103 of this Subchapter.
- (8) The RWTS shall have an alarm device or devices to warn the user or Management Entity of a unit malfunction or a high-water condition in accordance with Rule .1103 of this Subchapter.
- (9) The control panel shall include a method to automatically measure and record daily wastewater flow dispersed to the dispersal field in accordance with Rule .1702(a)(2)(I) of this Subchapter.
- (10) The blower location shall be shown on the plans and detail proposed corrosion-resistant blower enclosures, if applicable.
- (11) A settling tank shall be required prior to or as an integral part of the design of the RWTS. The liquid capacity of the settling tank shall be a minimum of half of the DDF of the RWTS, or as otherwise specified by the manufacturer, whichever is larger. The settling tank may

either be an integral chamber of the RWTS tank, a septic tank approved in accordance with Section .1400 of this Subchapter, or another tank designed for an individual system and approved by the State as a part of the plans for the RWTS.

History Note: Authority G.S. 130A-342;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1504 SAMPLING REQUIREMENTS FOR RESIDENTIAL WASTEWATER TREATMENT SYSTEMS

Effluent from an approved RWTS shall be grab or 24-hour composite sampled annually for all effluent standards listed in Table XXIV of Rule .1201(a) of this Subchapter for NSF-40 systems, unless adjusted sampling requirements have been requested and granted in accordance with Rules .1302 and .1709 of this Subchapter.

History Note: Authority G.S. 130A-342;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1505 RESIDENTIAL WASTEWATER TREATMENT SYSTEM APPROVAL RENEWAL

(a) All RWTS Approvals shall expire on December 31 of each year. RWTS manufacturers who wish to continue product approval shall submit annually a proprietary product renewal form provided by the State no later than November 30 of each year.

(b) The renewal form shall include the following updated information:

- (1) company's name, address, contact information, and contact name;
- (2) model number(s) approved;
- (3) a notarized statement that the product has not changed from the previous year without prior approval; and
- (4) verification of the manufacturer's continued certification and listing by a nationally recognized certification body, including compliance with NSF Standard 40.

(c) The Department shall notify the manufacturer of the pending RWTS Approval expiration in writing no later than September 30 of each year. The notification shall include information on how to request RWTS Approval renewal.

(d) The RWTS approval shall be deemed renewed upon receipt of the completed renewal form and verification of certification in accordance with this Rule.

(e) The State may suspend or revoke a system approval upon a finding that the system fails to perform in compliance with established effluent standards in Table XXIV of Rule .1201(a) of this Subchapter or as provided for in Rule .1708(b) of this Subchapter.

History Note: Authority G.S. 130A-342;
Eff. Pending Delayed Effective Date.

15A NCAC 18E .1601 GENERAL

(a) Drip dispersal systems for DDF less than or equal to 3,000 gpd shall be configured as a package and approved as a PIA System in accordance with Section .1700 of this Subchapter.

(b) The integrated system package shall be provided from a single source manufacturer or system integrator, comprised of catalogued standardized design components that have been coordinated and tested by the manufacturer or integrator. Components shall include:

- (1) dispersal field pump(s) and floats;
- (2) headworks assemblies;
- (3) dispersal field piping network, drip tubing, and appurtenances; and
- (4) system controls that provide for automatic filter cleaning, timed field dosing, field flushing, alarm notification, and recording of system operation.

(c) All components shall be integrated and designed to work together for the operation of the drip dispersal system. The system manufacturer or integrator shall provide system design information including:

- (1) head loss charts, tables, or formulas for various drip tubing lateral lengths during a dosing and flushing cycle;
- (2) minimum and maximum zone size and design;
- (3) design plans and specifications for all components;
- (4) installation specifications; and
- (5) operation and maintenance manuals.

(d) The system manufacturer shall provide support to train and authorize designers, installers, Management Entities, regulators, and users.

(e) Drip dispersal system performance, siting, sizing, installation, operation, monitoring, maintenance and reporting requirements shall comply with Rules .0908, .1204, and Section .1300 of this Subchapter, as applicable, and this Section.

(f) Drip dispersal systems that are not pre-engineered packages approved in accordance with Section .1700 of this Subchapter shall be designed on a project specific basis by a PE. The drip dispersal system design shall comply with Rules .0908, .1204, Section .1300 of this Subchapter, as applicable, and this Section.

(g) Drip dispersal systems for DDF greater than 3,000 gpd shall comply with the design and performance requirements of this Section and shall be designed on a project specific basis by a PE. The system design shall be reviewed and approved by the State in accordance with Rule .0302 of this Subchapter, unless the system is permitted in accordance with Rule .0207 of this Subchapter.

*History Note: Authority G.S. 130A-343;
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .1602 DESIGN AND CONSTRUCTION STANDARDS

(a) Drip dispersal systems shall be preceded by pretreatment designed to meet one of the following effluent standards: DSE, NSF-40, TS-I, TS-II, or RCW as specified in Table III of Rule .0402(a), Rule .1002, or Table XXIV of Rule .1201(a) of this Subchapter, as applicable.

(b) The drip dispersal system pump tank shall meet the following conditions:

- (1) have a separate pump tank sized in accordance with Rule .0802 of this Subchapter; or
- (2) have a pump tank or compartment that is part of an advanced pretreatment system approved in accordance with Section .1700 of this Subchapter. Pump tank operating levels shall not result in effluent backing up into a part of any pretreatment component designed for free gravity flow drainage. All pump submergence, dose volume, flow equalization, and emergency storage capacity requirements for the dosing system shall be met without interfering in the performance of the pretreatment components.

(c) Pumps shall meet the following conditions:

- (1) have sufficient capacity to accommodate projected flow and total dynamic head conditions;
- (2) deliver 15 to 60 psi of pressure during dosing events;
- (3) provide minimum flow and pressure as required to backwash or forward flush headworks filter;
- (4) manufacturer requirements shall be followed to protect the pump intake from solids materials that may accumulate in the pump tank and for pump cooling during operation;
- (5) maintain velocities of two feet per second at the distal end of each drip lateral line during automatic field flushing for DSE; and
- (6) maintain velocities of one-foot per second at the distal end of each drip lateral line during automatic field flushing for advanced pretreatment effluent. Valving shall be provided to achieve flushing velocities of two feet per second at the distal end of each dripline with manual flushing.

(d) Headworks assemblies shall contain filtration, totalizing flow meter, provisions for filter cleaning, and field flushing valves. Zone and isolation valves may be located in the headworks assembly or in the drip dispersal field. The headworks assemblies shall meet the following conditions:

- (1) filters shall remove particles greater than 115 microns at the peak operating flow rate, during network forward flushing. Filter number and size shall operate during both dosing and flushing conditions at a pump operating flow rate within the filter manufacturer's specified acceptable operating range;
- (2) filters for drip dispersal systems receiving DSE shall be configured with two independently backwashed disk filters;
- (3) for drip dispersal systems receiving advanced pretreatment effluent, single or multiple screens or disc filters may be used, designed to be cleaned by either backwashing or forward washing;
- (4) filter cleaning and field flushing residuals shall be returned to the head of the septic tank or

- settling tank prior to being returned to the pretreatment unit;
- (5) a totalizing flow meter shall be used to record total flow through the system. The meter shall also be used to monitor pump operating flow rates during dosing and flushing events; and
 - (6) the headworks and associated components shall be in a separate enclosure that is freeze protected, UV and corrosion resistant, and accessible for routine operation, maintenance, monitoring and servicing. Design shall facilitate access to all internal components.
- (e) The drip dispersal field shall consist of one or more separately dosed zones comprised of a supply and return manifold, manifold to lateral connections, laterals containing drip tubing with emitters, blank sections of tubing, and associated field appurtenances. Drip emitter and associated field appurtenances design shall meet the following:
- (1) drip emitters shall be designed and demonstrated to uniformly distribute wastewater effluent at a pre-determined rate when operated in accordance with manufacturer's specified pressure range for emitter operation. Emitter design coefficient of variation (Cv) shall be five percent or less. Emitters shall be designed to be self-cleaning and to resist root intrusion. Hydraulic design of a drip dispersal zone shall be based upon achieving no more than a 10 percent variation in flow from any emitter over the entire zone, regardless of emitter elevation or position along the lateral including any effluent redistribution due to drainback;
 - (2) drip emitters shall be pressure compensating unless the manufacturer and designer provide documentation and calculations that a maximum 10 percent flow variance allowance can otherwise be achieved with non-pressure compensating emitters in a PIA Approval or on a project-specific basis. Drip tubing shall be marked to identify the emitter type and flow rate;
 - (3) drip emitters shall be spaced at uniform intervals along the tubing on 24-inch centers or less, and drip tubing with emitters shall be spaced an average of 24 inches on centers or less, in accordance with the proposed system design. Spacing shall be chosen as needed to ensure a sufficient number and density of emitters are present to achieve uniform distribution and instantaneous emitter loading rates that do not exceed the hydraulic capacity of the receiving infiltrative surfaces;
 - (4) connections between supply and return manifolds, and between runs or drip lateral sections installed at varying elevations or locations shall be made with solvent welded solid Schedule 40 PVC or flexible PVC;
 - (5) blanking sections of tubing without drip emitters shall be used where unfavorable site conditions, such as rocks, trees, or roots, are encountered along a drip run. Blanking tubing shall be a different color from the drip tubing or marked tubing of the same material, specification, and diameter as the connecting dripline, or flexible PVC;
 - (6) the manufacturer shall specify methods for drainback prevention; and
 - (7) field appurtenances shall include the following:
 - (A) air or vacuum relief valve at the highest elevation of each zone;
 - (B) cleanout at both ends of the supply and return manifolds;
 - (C) pressure monitoring fittings at the zone inlet and outlet points;
 - (D) pressure regulating valve where needed;
 - (E) for two or more zones: solenoid valves for each zone in the headworks or at the field, with an isolation valve on the supply line side; and a check valve with an isolation valve for each zone between the return manifold and the common return line; and
 - (F) valves, vents, cleanouts, and pressure monitoring fittings shall be provided with protective vaults or boxes that are decay resistant, ultraviolet rated, and accessible to the Management Entity from the ground surface.
- (f) An integrated controller shall be provided to manage the multifunction processes of drip dispersal systems and meet the following conditions:
- (1) enable each drip dispersal field or zone to be time-dosed at equal intervals throughout the day, at a projected average flow and to accommodate the DDF. The controller shall allow for adjustable and variable dose volumes between or among zones;
 - (2) adjust pump dosing and resting cycles to meet system design and the projected range of operating conditions;
 - (3) provide a minimum dose volume per zone that is a minimum of five times the liquid capacity of the drip laterals or so that 80 percent of each dose is delivered when the minimum pressure in the field network is 10 psi;
 - (4) provide for automatic cleaning of headworks filter(s) at designer and manufacturer-specified frequency and duration;
 - (5) provide for routine automatic forward flushing of the drip laterals (field flushing) with filtered effluent, at designer and manufacturer-specified frequency and duration. Automatic forward flushing frequency and duration shall be adjustable;

- (6) provide for monitoring of pump cycles and run times;
- (7) include telemetry, in accordance with Rule .1103(c) of this Subchapter, shall be provided for systems with a DDF greater than 1,500 gpd or as required in conjunction with an advanced pretreatment system;
- (8) for systems with a DDF greater than 3,000 gpd the controller shall monitor flow volume to each zone and provide a flow variance indication when flow is plus or minus 20 percent of design. The telemetry system and alarm shall include an automatically rechargeable battery back-up power supply or be otherwise designed to be functional during power outages;
- (9) for multi-zone systems, the system controller shall provide for a zone to be rested or taken out of service manually. The controller shall have the capability to bypass the zones that have been taken out of service and dose the next available zone with the normal dosing sequence continuing; and
- (10) controls and floats in the pump tank are to be configured to ensure the minimum dose is available prior to initiating a dosing cycle to the dispersal field or zone and to ensure that a full dose is delivered.

(g) Alternatives to the design criteria in this Rule may be proposed by the manufacturer during the PIA approval process or by a PE on a project-specific basis. These alternatives shall be reviewed and approved by the State on a case-by-case basis when documentation is provided that the system will meet the performance standards of this Section.

*History Note: Authority G.S. 130A-343;
Eff. Pending Delayed Effective Date.*

15A NCAC 18E .1603 DRIP DISPERSAL SYSTEM TESTING

(a) The drip dispersal system field testing shall include the following items and any other requirements included by the system designer:

- (1) all leaks in the pipe network or from emitters exhibiting excessive emission rates, as evidenced by wet spots during dosing cycles comparable to normal operating conditions, shall be repaired; and
- (2) after the system is pressurized, dosing and flushing flow rates and pressures for each zone shall be measured and confirmed to be in accordance with the drip system design parameters as follows:
 - (A) dosing pressure shall be measured at the lowest point in the supply manifold and highest point in the return manifold;

- (B) minimum and maximum emitter pressure shall be verified to be within emitter design parameters;
- (C) flushing pressures shall be measured at the ends of each supply and return manifold within each zone;
- (D) dosing and flushing flow rates shall be measured with the flow meter after the system is pressurized; and
- (E) all dosing and flushing flow rates and pressures shall be recorded.

(b) All mechanical components, pumps, pump cycling, filters, valves, vents, flushing, high-water alarm, and telemetry systems shall be demonstrated to be operable and in accordance with their design during the inspection by the LHD.

*History Note: Authority G.S. 130A-343;
Eff. Pending Delayed Effective Date.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16R .0201 CONTINUING EDUCATION REQUIRED

(a) Except as permitted in Rule .0204 of this Section as a condition of license renewal, every dentist shall complete a minimum of 15 clock-hours of continuing education each calendar year.

(b) For licensees who prescribe controlled substances, one hour of the total required continuing education hours shall consist of a course designed to address prescribing practices, including instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management.

(c) Each applicant who receives an Instructor's license or a license to practice general dentistry after January 1, 2019, and who is actively engaged in the practice or teaching of dentistry in North Carolina shall take a six-hour course in professionalism and ethics in the first year that the applicant is required to meet the continuing education requirements of Paragraph (a) of this Rule.

- (1) The six-hour professionalism and ethics course shall be included in the 15 clock-hour requirement of Paragraph (a) of this Rule.
- (2) The professionalism and ethics Course shall include segments addressing coding and billing, record keeping, informed consent, patient and staff boundaries, office management, duties delegable to dental auxiliaries, the American Dental Association's Code of Ethics, and professionalism.
- (3) A dentist who receives a variance or exemption from continuing education requirements under 21 NCAC 16R .0204(a)(1),(3), or (4) shall be exempt from taking the professionalism and ethics course until such time as he or she resumes full practice. A dentist classified as a

semi-retired Class II dentist shall complete the professionalism and ethics course.

(d) Any or all of the hours may be acquired through self-study courses, provided that the self-study courses are related to clinical patient care and offered by a Board-approved sponsor listed in Rule .0202 of this Section. The dentist shall pass a test following every self-study course and obtain a certificate of completion.

(e) Courses taken to maintain CPR certification shall not count toward the mandatory continuing education hours set forth in this Rule.

History Note: Authority G.S. 90-31.1;

Eff. July 1, 2015;

Amended Eff. August 1, 2016;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. November 1, 2018; September 1, 2018.

CHAPTER 29 - LOCKSMITH LICENSING BOARD

21 NCAC 29 .0404 FEES

The license issuance fee shall be two hundred dollars (\$200.00). The license issuance fee shall accompany the application for licensure. In the event the applicant is denied licensure, the fee shall be refunded. Replacement licenses shall be available upon written request and the fee for issuance of a replacement license shall be ten dollars (\$10.00).

History Note: Authority G.S. 74F-6; 74F-7; 74F-9; 74F-10;

Temporary Adoption Eff. October 17, 2002;

Eff. August 1, 2004;

Readopted Eff. June 1, 2017;

Amended Eff. January 1, 2019.

21 NCAC 29 .0502 FAIR BUSINESS PRACTICES

(a) Locksmiths shall conduct all business in compliance with all applicable local, State, and federal laws.

(b) Locksmiths shall analyze security problems and advance the best practicable solution for the protection of the client.

(c) Locksmiths shall refrain from associating themselves with or allowing the use of their name (personal or professional) by any enterprise that in any way supports fraud or misrepresentation.

(d) Locksmiths shall not misrepresent the features of any product or service they offer. Examples include the following:

- (1) Representing to a client that non-restricted or widely available keys (whether stamped "Do Not Duplicate" or not) provide any measure of assurance against unauthorized duplication; or
- (2) Selling a used product as new.

(e) Locksmiths shall avoid using any improper means of soliciting business. Examples of prohibited practices include:

- (1) Affixing stickers to permanent fixtures such as doors or door frames or in any way defacing the property of any person without his or her express written consent.
- (2) Installing stickers or any other promotions in such fashion that they falsely represent that the

locksmith or company has previously serviced the hardware in that location.

(3) Installing or supplying hardware that curtails the customer's ability to choose a different company or technician for product support or service, unless the locksmith obtains the customer's express written consent.

(4) Modifying the customer's hardware in any fashion that will curtail the customer's ability to choose a different company or technician for later product support or service or cause him or her to incur additional expense by doing so, unless the locksmith obtains the customer's express written consent.

(5) Direct solicitation in violation of a non-compete agreement, such as an employee offering competing bids to customers of his or her employer.

(6) Using a name in advertising that is similar enough to a competitor's name to cause confusion among consumers.

(f) Locksmiths shall register with the Board the business name(s) that they utilize to engage in locksmith services. All advertising for locksmith services and documents related to locksmith services in North Carolina shall be in the registered name(s) of the licensed locksmith.

History Note: Authority G.S. 74F-6;

Temporary Adoption Eff. August 13, 2002;

Eff. August 1, 2004;

Readopted Eff. June 1, 2017;

Amended Eff. January 1, 2019.

21 NCAC 29 .0701 APPLICATION FORM

All applications for license renewal shall be submitted on the form provided by the Board for this purpose and shall be accompanied by the following items:

- (1) two frontal photos of the applicant's face, taken within the preceding three months of submission of the application, size one inch by one inch;
- (2) consent to the performance of a nationwide criminal history check to be performed by the Department of Public Safety;
- (3) truthful explanations of affirmative responses to questions on the application regarding employment history, criminal history, and military service, if applicable;
- (4) payment in full of all applicable fees, by credit card, check, or money order;
- (5) a copy of the applicant's military discharge document (DD-214 or equivalent) if the applicant has actively served in the military since applying for his or her previously granted license; and
- (6) a log, in a format specified by the Board, of continuing education hours earned during the previous license period, including the sponsor of the program or course, the name of the

instructor or lecturer, the date, the number of hours, and a description of the subject matter included in the course or program.

History Note: Authority G.S. 74F-6; 74F-10; Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;
Amended Eff. January 1, 2019.

21 NCAC 29 .0802 REQUIREMENTS

(a) Every licensee shall obtain 16 contact hours of continuing education during each 3-year renewal cycle, except:

- (1) Persons exempted from eight contact hours in Rule .0805 of this Section; and
- (2) Persons who:
 - (A) are at least 62 years of age;
 - (B) have at least 15 years of experience as locksmiths;
 - (C) have been North Carolina licensed locksmiths for at least nine years; and
 - (D) are not subject to an investigation by the Board.

(b) The contact hours of continuing education shall be in technical and professional subjects related to the practice of locksmithing.

(c) Licensees shall not carry forward any contact hours of continuing education into the subsequent renewal period.

(d) Licensees shall verify completion of the contact hours of continuing education for the previous license period on their application for license renewal.

History Note: Authority G.S. 74F-6; Eff. February 1, 2005;
Amended Eff. April 1, 2012;
Readopted Eff. June 1, 2017;
Amended Eff. January 1, 2019.

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

21 NCAC 30 .1009 TRANSFER OF OWNERSHIP

(a) When there is a transfer in the majority ownership interest of the business, the new majority owner shall submit a new application for licensure. The Board may issue temporary operating approval to the new majority owner for a period of 90 days, if the establishment held a valid license prior to the change and the Board finds that the new majority owner will qualify for licensure upon preliminary review of the application.

(b) When there is a transfer of ownership that does not involve a change in the majority ownership interest in the business, or a change in the ownership structure, the owner shall notify the Board of the changes within 30 days, and submit fingerprint cards as required by G.S. 90-632.11 for new persons with ownership interests.

History Note: Authority G.S. 90-632.13(6);

Eff. Pending Legislative Review.

21 NCAC 30 .1010 INFORMING BOARD OF VIOLATIONS

(a) Establishment licensees with knowledge of alleged violations of the rules of this Chapter or the Practice Act shall inform the Board within five business days, whether or not the alleged violations are also reported to a law enforcement agency. This shall include, but is not limited to, the following violations:

- (1) An LMBT or other employee or contractor of the establishment who has violated the prohibition on sexual activity, as defined in Rules .0508 and .0509 of this Chapter;
- (2) An LMBT who has engaged in behavior where there is a potential for malpractice as defined in Rule .0102(6) of this Chapter; or
- (3) Any person practicing massage and bodywork therapy without a license.

(b) Establishment licensees that have discharged an LMBT for cause, related to failure to uphold the Standards of Professional Conduct set forth in Section .0500 of this Chapter shall inform the Board within 10 business days of the action.

History Note: Authority G.S. 90-626(9); 90-626(9)b.2; 90-632.10; 90-632.15(a)(5); 90-632.17; 90-632.18; 90-633(a)(6); 90-634(b3);

Eff. Pending Legislative Review.

CHAPTER 33 - MIDWIFERY JOINT COMMITTEE

21 NCAC 33 .0101 ADMINISTRATIVE BODY AND DEFINITIONS

(a) The responsibility for administering the provisions of G.S. 90, Article 10A, shall be assumed by an administrative body, the Midwifery Joint Committee, hereinafter referred to as the "Committee." The certified nurse midwife shall hereinafter be referred to as "midwife."

(b) Definitions:

- (1) "Primary Supervising Physician" means the licensed physician who, by signing the certified nurse-midwife application, shall be held accountable for the on-going supervision, consultation, collaboration, and evaluation of the medical acts performed by the certified nurse-midwife, as defined in the site specific written clinical practice guidelines. A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician. A physician in a graduate medical education program who is also practicing in a non-training situation may supervise a certified nurse-midwife in the non-training situation if he or she is fully licensed.
- (2) "Back-up Primary Supervising Physician" means the licensed physician who, by signing an agreement with the certified nurse-midwife

and the primary supervising physician or physicians shall be held accountable for the supervision, consultation, collaboration and evaluation of medical acts by the certified-nurse midwife in accordance with the site specific written clinical practice guidelines when the Primary Supervising Physician is not available. The signed and dated agreements for each back-up primary supervising physician or physicians shall be maintained at each practice site. A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up primary supervising physician. A physician in a graduate medical education program who is also practicing in a non-training situation may be a back-up primary supervising physician to a certified nurse-midwife in the non-training situation if he or she is fully licensed and has signed an agreement with the certified nurse-midwife and the primary supervising physician.

- (3) "Obstetrics" means a branch of medical science that deals with birth and with its antecedents and sequels, including prenatal, intrapartum, postpartum, newborn, gynecology, and otherwise unspecified primary health services for women.

History Note: Authority G.S. 90-178.4; Eff. February 1, 1984; Amended Eff. July 1, 2000; October 1, 1988; Readopted Eff. November 1, 2018.

21 NCAC 33 .0102 FEES

- (a) The fee for a new application and initial approval shall be one hundred dollars (\$100.00).
- (b) The fee for annual renewal shall be fifty dollars (\$50.00).
- (c) The fee for reinstatement for a lapsed approval shall be five dollars (\$5.00).

History Note: Authority G.S. 90-178.4(b); Eff. February 1, 1984; Amended Eff. July 1, 2000; Readopted Eff. November 1, 2018.

21 NCAC 33 .0103 APPLICATION

- (a) The application to obtain approval to practice as a midwife is electronically available from the Committee on the North Carolina Board of Nursing website, www.ncbon.com.
- (b) The application shall require information on the applicant's education, evidence of the applicant's certification by the American College of Nurse Midwives, identification of the physician or physicians who will supervise the applicant, and the sites where the applicant intends to practice midwifery.

History Note: Authority G.S. 90-178.4(b); 90-178.5; Eff. February 1, 1984; Amended Eff. March 1, 2017; January 1, 1989;

Readopted Eff. November 1, 2018.

21 NCAC 33 .0104 PHYSICIAN SUPERVISION

The applicant shall furnish the committee evidence that the applicant will perform the acts authorized by the Midwifery Practice Act under the supervision of a physician who is actively engaged in the practice of obstetrics in North Carolina. Such evidence shall include a description of the nature and extent of such supervision and a delineation of the procedures to be adopted and followed by each applicant and the supervising physician responsible for the acts of said applicant for rendering health care services at the sites at which such services will be provided. Such evidence shall include:

- (1) mutually agreed upon written clinical practice guidelines that define the individual and shared responsibilities of the midwife and the supervising physician or physicians in the delivery of health care services;
- (2) mutually agreed upon written clinical practice guidelines for ongoing communication that provide for and define appropriate consultation between the supervising physician or physicians and the midwife;
- (3) periodic and joint evaluation of services rendered, such as chart review, case review, patient evaluation, and review of outcome statistics; and
- (4) periodic and joint review and updating of the written medical clinical practice guidelines.

History Note: Authority G.S. 90-178.4(b); Eff. February 1, 1984; Amended Eff. July 1, 2000; October 1, 1988; April 1, 1985; Readopted Eff. November 1, 2018.

21 NCAC 33 .0105 DUE PROCESS

- (a) Denial, revocation, or suspension of an approval to practice midwifery shall be governed by G.S. 90-178.6 and this Chapter. The applicant aggrieved by a decision of the Committee shall be entitled to a hearing pursuant to the provisions of G.S. 150B, Article 3A.

- (b) Complaints.

- (1) A complaint regarding a violation of the Midwifery Practice Act or Rules shall be submitted in writing and document:
 - (A) the name of the certified nurse-midwife or other person involved;
 - (B) a description of the alleged behavior or incident; and
 - (C) the name, mailing address, and phone number of the person filing the complaint.
- (2) The complaint shall be delivered to the Committee administrative office by mail, private carrier, facsimile, electronic mail, or in person.

- (c) Action on a Complaint. Action on a complaint shall consist of the following:

- (1) The Committee shall receive and acknowledge complaints, open a file, and initiate complaint tracking.
 - (2) Complaints shall be screened to determine jurisdiction and the type of response appropriate for the complaint.
 - (3) Investigation:
 - (A) If the facts clearly indicate a Midwifery Practice Act violation, the Committee shall commence an investigation.
 - (B) A report of each investigation shall be prepared for the Committee's review.
 - (4) Formal and Informal Hearings:
 - (A) The Committee, after review of an investigative file and upon request by a licensee, shall schedule an informal meeting.
 - (B) If the matter cannot be resolved informally, then a formal hearing shall be held.
 - (C) No Committee member shall participate in more than one of the following steps in the enforcement process:
 - (i) investigation;
 - (ii) informal hearing; or
 - (iii) formal hearing.
 - (D) Members of the Committee shall not make ex-parte communication with parties to a hearing.
 - (5) Final Orders: No later than 60 days after a hearing, the Committee shall issue its final decision, in writing, specifying the date on which it shall take effect. The Committee shall serve one copy of the decision on each party to the hearing.
 - (6) Compliance: The Committee Chair shall cause a follow-up inquiry to determine that the orders of the Committee are being obeyed.
- (d) Disciplinary Sanctions.
- (1) The following types of disciplinary sanctions may, among others, be used by the Committee when a violation of G.S. 90-178.6(a) is found:
 - (A) Letter of reprimand;
 - (B) probation;
 - (C) suspension of approval;
 - (D) nonrenewal of approval;
 - (E) revocation of approval; and
 - (F) injunction.
 - (2) The Committee may request information from professional associations, professional review organizations (PROs), hospitals, clinics, or other institutions in which a certified nurse-midwife performs professional services.
 - (3) The Committee shall provide notice of sanction taken by it to other public entities as necessary to ensure that other state Boards and enforcement authorities receive the names of

certified nurse midwives who have been disciplined.

History Note: Authority G.S. 90-178.6;
Eff. February 1, 1985;
Amended Eff. August 1, 2002; October 1, 1988;
Readopted Eff. November 1, 2018.

21 NCAC 33 .0110 REPORTING CRITERIA

(a) The Department of Health and Human Services ("Department") may report to the Committee information regarding the prescribing practices of those midwives ("prescribers") whose prescribing:

- (1) falls within the top two percent of those prescribing 100 morphine milligram equivalents ("MME") per patient per day; or
- (2) falls within the top two of those prescribing 100 MME's per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.

(b) In addition, the Department may report to the Committee information regarding midwives who have had two or more patient deaths in the preceding 12 months due to opioid poisoning where the prescribers authorized more than 30 tablets of an opioid to the decedent and the prescriptions were written within 60 days of the patient deaths.

(c) The Department may submit these reports to the Committee upon request and may include the information described in G.S. 90-113.73(b).

(d) The reports and communications between the Department and the Committee shall remain confidential pursuant to G.S. 90-113.74.

History Note: Authority G.S. 90-113.74; 90-178.4;
Eff. May 1, 2016;
Amended Eff. December 1, 2017;
Readopted Eff. November 1, 2018.

21 NCAC 33 .0111 CONTINUING EDUCATION (CE)

In order to maintain approval to practice midwifery, a midwife shall meet the requirements of the Certificate Maintenance Program of the American College of Nurse-Midwives, including continuing education requirements. Every midwife who prescribes controlled substances shall complete at least one hour of continuing education (CE) hours annually consisting of CE designated specifically to address controlled substances prescribing practices, signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management. Documentation of continuing education shall be maintained by the midwife for the previous five calendar years and made available upon request to the Committee.

History Note: Authority: G.S. 90-5.1; 90-14(a)(15); 90-178.5(2); S.L. 2015-241, s. 12F .16(b);
Eff. March 1, 2017;
Readopted Eff. November 1, 2018.

CHAPTER 48 – BOARD OF PHYSICAL THERAPY EXAMINERS

21 NCAC 48E .0110 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY EXAMINATION

(a) This Rule shall apply to a physical therapist who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. 90-279(2), and does not hold an active license in another state or territory of the United States.

(b) All application forms and supporting documents shall be in English or accompanied by an English translation.

(c) For the applicant's educational background to be determined substantially equivalent to that obtained by an applicant for licensure pursuant to G.S. 90-270.29(2), the applicant shall meet the standards of the Federation's most recent Coursework Tool (CWT) for Physical Therapists at [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) and for Physical Therapist Assistants at [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx). These coursework tools are incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. Copies of the coursework tools are on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and are available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapists referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

- (1) proof that the applicant has demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language (TOEFL) score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments and editions. Individuals wishing to register for the TOEFL shall contact Examination Testing Service (<http://www.ets.org/toefl/>). The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review;
- (2) proof that coursework was taught in the English language; or
- (3) documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy at no cost may call the United States Citizenship and

Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR 212.15 is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.30; 90-270.31; 150B-21.6(2);

Eff. December 30, 1985;

Amended Eff. November 1, 1991; August 1, 1991;

Temporary Amendment Eff. July 21, 1995, for a period of 180 days or until the permanent Rule becomes effective, whichever is sooner;

Amended Eff. February 1, 2015; December 1, 2006; November 1, 2004; August 1, 2002; August 1, 1998; February 1, 1996; October 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. November 1, 2018.

21 NCAC 48E .0111 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY ENDORSEMENT

(a) This Rule shall apply to a physical therapist who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. 90-279(2), and holds an active physical therapist license in another state or territory of the United States.

(b) All application forms and supporting documents shall be in English or accompanied by an English translation.

(c) For the applicant's educational background to be determined substantially equivalent to an educational program accredited pursuant to G.S. 90-270.29(2), the applicant shall meet the standards of the Federation's Coursework Tool (CWT) [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) for the applicant's year of graduation. This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of the coursework tool is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapists referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

- (1) for examinations administered prior to August 1, 1998, proof that a score of 210 on the TSE (Test of Spoken English) or the SPEAK (Speaking Proficiency English Assessment Kit)

- examination was obtained (www.ets.org/toefl/ibt/);
- (2) for examinations administered on or after August 1, 1998, and prior to January 1, 2007, the following proof shall be provided:
- (A) minimum score of 50 on the TSE examination or the SPEAK examination;
 - (B) minimum score on the Test of Written English (TWE) of 4.5; and
 - (C) minimum score of 560 on the Test of English as a Foreign Language (TOEFL);
- (3) for examinations administered on or after January 1, 2007, proof shall be provided that the applicant obtained the following minimum standard scale scores in each of the four scoring domains (Listening, Reading, Writing, and Speaking), and the total score of the iBT/Next Generation TOEFL:
- (A) Writing: 24;
 - (B) Speaking: 26;
 - (C) Reading Comprehension: 21;
 - (D) Listening Comprehension: 18; and
 - (E) Total Score: 89;
- (4) proof that coursework was taught in the English language; or
- (5) documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy at no cost may call the United States Citizenship and Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR 212.15 is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

(c) If the applicant does not meet the requirements of G.S. 90-270.29(3), the Board shall examine the applicant's educational background to determine if the general and professional education is substantially equivalent to an educational program accredited pursuant to G.S. 90-270.29(2) and meets the requirements of the Federation's most recent Coursework Tool (CWT) for Physical Therapist Assistants at [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx). This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of this instrument is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapist assistants referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

- (1) proof that the applicant has demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language TOEFL score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments and editions. Individuals wishing to register for the TOEFL shall contact Examination Testing Service (<http://www.ets.org/toefl/>). The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review;
- (2) proof that coursework was taught in the English language; or
- (3) documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy at no cost may call the United States Citizenship and Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR 212.15 is on file at the 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.29(2); 90-270.30; 90-270.31; 150B-21.6(2);

Eff. February 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. November 1, 2018.

21 NCAC 48E .0112 FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT APPLICANT

(a) This Rule shall apply to a physical therapist assistant who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. 90-279(2).

(b) All application forms and supporting documents shall be in English or accompanied by an English translation.

History Note: Authority G.S. 90-270.26; 90-270.26(2); 90-270.29; 90-270.30; 90-270.31; 150B-21.6(2);

Eff. February 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. November 1, 2018.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission December 13, 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
Jeffrey A. Poley
Brian P. LiVecchi

Appointed by House

Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran (2nd Vice Chair)

COMMISSION COUNSEL

Amber Cronk May (919)431-3074
Amanda Reeder (919)431-3079
Jason Thomas (919)431-3081

RULES REVIEW COMMISSION MEETING DATES

December 13, 2018 January 17, 2019
February 21, 2019 March 21, 2019

AGENDA

RULES REVIEW COMMISSION

THURSDAY, DECEMBER 13, 2018 9:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 163A-159(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Board of Elections and Ethics Enforcement - 08 NCAC 02 .0112, .0113; 03 .0101, .0102, .0103, .0104, .0105, .0106, .0201, .0202, .0301, .0302; 04 .0302, .0304, .0305, .0306, .0307; 06B .0103, .0104, .0105; 08 .0104; 09 .0106, .0107, .0108, .0109; 10B .0101, .0102, .0103, .0104, .0105, .0106, .0107 (May)
 - B. Commission for the Blind - 10A NCAC 63C .0203, .0204, .0403, .0601 (Thomas)
 - C. Criminal Justice Education and Training Standards Commission - 12 NCAC 09G .0103 (Reeder)
 - D. Department of Public Safety - 14B NCAC 01C .0401, .0402; 07A .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0114, .0115, .0116, .0118, .0119 (Reeder)
 - E. Board of Nursing – 21 NCAC 36 .0109, .0112, .0113, .0120, .0201, .0202, .0203, .0207, .0208, .0211, .0213, .0217, .0218, .0219, .0220, .0221, .0223, .0224, .0225, .0226, .0228, .0232, .0233, .0302, .0303, .0309, .0317, .0318, .0320, .0321, .0322, .0323, .0401, .0402, .0403, .0404, .0405, .0406, .0502, .0503, .0504, .0505, .0506, .0507, .0601, .0602, .0603, .0604, .0605, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0811, .0812, .0813, .0814, .0815 (Thomas)
- IV. Review of Log of Filings (Permanent Rules) for rules filed October 23, 2018 through November 20, 2018
 - Pre-Reviewed Rules
 - Medical Care Commission
 - Department of Public Safety
 - Alcoholic Beverage Control Commission
 - Environmental Management Commission 02K
 - Environmental Management Commission 13B
 - Commission for Public Health
 - Board of Dental Examiners
 - Non Pre-Reviewed Rules
 - North Carolina Housing Finance Agency
 - Child Care Commission

- Commission for Mental Health
 - Department of Insurance
 - Industrial Commission
 - Environmental Management Commission 02B
 - North Carolina Housing Finance Agency
- 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 41A - Department of Environmental Quality
 2. 01 NCAC 41C – Department of Environmental Quality
 3. 01 NCAC 41D – Department of Environmental Quality
 4. 01 NCAC 41E - Department of Environmental Quality
 5. 10A NCAC 13G - Medical Care Commission
 6. 10A NCAC 41C - Commission for Public Health
 7. 15A NCAC 01O - Department of Health and Human Services
 8. 15A NCAC 02G - Environmental Management Commission
 9. 15A NCAC 02I - Environmental Management Commission
 10. 15A NCAC 02J - Environmental Management Commission
 11. 15A NCAC 10A - Wildlife Resources Commission
 12. 15A NCAC 10D - Wildlife Resources Commission
 13. 15A NCAC 10E - Wildlife Resources Commission
 14. 15A NCAC 10G - Wildlife Resources Commission
 15. 15A NCAC 10I - Wildlife Resources Commission
 16. 15A NCAC 10J - Wildlife Resources Commission
 17. 15A NCAC 10K - Wildlife Resources Commission
- VII. Commission Business
- F. Periodic Review and Expiration of Existing Rules Readoption Schedule
- Next meeting: Thursday, January 17, 2019

Commission Review
Log of Permanent Rule Filings
October 23, 2018 through November 20, 2018

NORTH CAROLINA HOUSING FINANCE AGENCY

The rules in Chapter 19 concern rural economic development.

The rules in Chapter 19A concern home regulations including general provisions (.0100); eligible and prohibited activities (.0200); threshold for direct HUD participation (.0300); home program fund distribution (.0400); community housing development organization category (.0500); home consortia category (.0600); housing project category (.0700); compliance requirements (.1000); and grant administration (.1100).

<u>Overview and Purpose</u>	04	NCAC	19S	.0101
Repeal*				
<u>Definitions</u>	04	NCAC	19S	.0102
Repeal*				
<u>Waiver</u>	04	NCAC	19S	.0103
Repeal*				
<u>Eligible Applicants</u>	04	NCAC	19S	.0104
Repeal*				
<u>Amendments Adopted by Reference</u>	04	NCAC	19S	.0105
Repeal*				
<u>Acts and Regulations Adopted by Reference</u>	04	NCAC	19S	.0106
Repeal*				

<u>Eligible Activities and Costs</u> Repeal*	04	NCAC	19S	.0201
<u>Prohibited Costs</u> Repeal*	04	NCAC	19S	.0202
<u>Participation Threshold Amount</u> Repeal*	04	NCAC	19S	.0301
<u>Home Program Funding Distribution</u> Repeal*	04	NCAC	19S	.0401
<u>Size and Use of Home Awards Made to Recipients</u> Repeal*	04	NCAC	19S	.0402
<u>Program Category Allocation</u> Repeal*	04	NCAC	19S	.0403
<u>General Application Requirements</u> Repeal*	04	NCAC	19S	.0404
<u>Definitions</u> Repeal*	04	NCAC	19S	.0501
<u>Eligibility Requirements</u> Repeal*	04	NCAC	19S	.0502
<u>Selection Criteria</u> Repeal*	04	NCAC	19S	.0503
<u>Definition</u> Repeal*	04	NCAC	19S	.0601
<u>Eligibility Requirement</u> Repeal*	04	NCAC	19S	.0602
<u>Selection Criteria</u> Repeal*	04	NCAC	19S	.0603
<u>Definition</u> Repeal*	04	NCAC	19S	.0701
<u>Eligibility Requirements</u> Repeal*	04	NCAC	19S	.0702
<u>Selection Criteria</u> Repeal*	04	NCAC	19S	.0703
<u>Preliminary Awards</u> Repeal*	04	NCAC	19S	.0704
<u>Equal Opportunity and Fair Housing</u> Repeal*	04	NCAC	19S	.1001
<u>Affirmative Marketing</u> Repeal*	04	NCAC	19S	.1002
<u>Environmental Review</u> Repeal*	04	NCAC	19S	.1003
<u>Displacement, Relocation, and Acquisition</u> Repeal*	04	NCAC	19S	.1004
<u>Labor Standards</u> Repeal*	04	NCAC	19S	.1005
<u>Lead-Based Paint</u> Repeal*	04	NCAC	19S	.1006
<u>Conflict of Interest</u> Repeal*	04	NCAC	19S	.1007
<u>National Flood Insurance Program</u> Repeal*	04	NCAC	19S	.1008
<u>Clearinghouse Review</u> Repeal*	04	NCAC	19S	.1009

<u>Grant Agreement</u>	04	NCAC	19S	.1101
Repeal*				
<u>Method of Administration</u>	04	NCAC	19S	.1102
Repeal*				
<u>Audit</u>	04	NCAC	19S	.1103
Repeal*				
<u>Closeout</u>	04	NCAC	19S	.1104
Repeal*				
<u>Recordkeeping</u>	04	NCAC	19S	.1105
Repeal*				
<u>Performance Reports</u>	04	NCAC	19S	.1106
Repeal*				
<u>Performance Reviews</u>	04	NCAC	19S	.1107
Repeal*				
<u>Corrective and Remedial Actions</u>	04	NCAC	19S	.1108
Repeal*				
<u>Administrative Hearings and Sanctions</u>	04	NCAC	19S	.1109
Repeal*				
<u>Program Amendments</u>	04	NCAC	19S	.1110
Repeal*				

CHILD CARE COMMISSION

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); child care for children who are medically fragile (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); and NC pre-kindergarten services (.3000).

<u>Administrative Policies</u>	10A	NCAC	09	.0513
Readopt with Changes*				
<u>Operational and Personnel Policies</u>	10A	NCAC	09	.0514
Readopt with Changes*				
<u>Parent Participation</u>	10A	NCAC	09	.0515
Readopt with Changes*				
<u>Night Care</u>	10A	NCAC	09	.0516
Readopt without Changes*				
<u>New Staff Orientation</u>	10A	NCAC	09	.1101
Amend*				
<u>Operational Policies</u>	10A	NCAC	09	.1715
Adopt*				
<u>Additional Caregiver and Substitute Provider Qualifications</u>	10A	NCAC	09	.1729
Amend*				
<u>Scope</u>	10A	NCAC	09	.2701
Readopt without Changes*				
<u>Definitions</u>	10A	NCAC	09	.2702
Readopt without Changes*				
<u>Criminal History Record Check Requirements for Child Care...</u>	10A	NCAC	09	.2703

Readopt with Changes*				
<u>Criminal History Record Check Requirements for Nonlicense...</u>	10A	NCAC	09	.2704
Readopt without Changes*				
<u>Scope</u>	10A	NCAC	09	.2801
Readopt with Changes*				
<u>Application for a Two through Five Star Rated License</u>	10A	NCAC	09	.2802
Readopt with Changes*				
<u>Caregiving Activities for Preschool-Aged Children</u>	10A	NCAC	09	.2806
Readopt with Changes*				
<u>Enhanced Space Requirements</u>	10A	NCAC	09	.2809
Readopt with Changes*				
<u>Enhanced Program Standards for Child Care Centers</u>	10A	NCAC	09	.2817
Readopt with Changes*				
<u>Enhanced Staff/Child Ratios for a Rated License for Child...</u>	10A	NCAC	09	.2818
Readopt with Changes*				
<u>Enhanced Education Standards for On-site Administrators f...</u>	10A	NCAC	09	.2819
Readopt with Changes*				
<u>Enhanced Education Standards for Lead Teachers for a Rate...</u>	10A	NCAC	09	.2820
Readopt with Changes*				
<u>Enhanced Education Standards for Teachers for Rated Licen...</u>	10A	NCAC	09	.2821
Readopt with Changes*				
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A	NCAC	09	.2822
Readopt with Changes*				
<u>Enhanced Education Standards for Group Leaders and Assist...</u>	10A	NCAC	09	.2823
Readopt with Changes*				
<u>Enhanced Education Standards for a Rated License for Admi...</u>	10A	NCAC	09	.2824
Readopt with Changes*				
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A	NCAC	09	.2825
Readopt with Changes*				
<u>Education Standards for Group Leaders and Assistant Group...</u>	10A	NCAC	09	.2826
Readopt/Repeal*				
<u>Enhanced Education Standards for Operators for a Rated Li...</u>	10A	NCAC	09	.2827
Readopt with Changes*				
<u>Enhanced Program Standards for a Rated License for Family...</u>	10A	NCAC	09	.2828
Readopt with Changes*				
<u>Quality Points Options</u>	10A	NCAC	09	.2829
Readopt with Changes*				
<u>Maintaining the Star Rating</u>	10A	NCAC	09	.2830
Readopt with Changes*				
<u>How an Operator May Request or Appeal A Change in Rating</u>	10A	NCAC	09	.2831
Readopt without Changes*				

MEDICAL CARE COMMISSION

The rules in Subchapter 14A concern rulemaking (.0100); contested cases (.0200); and hearings, transfers and discharges (.0300).

<u>Definitions</u>	10A	NCAC	14A	.0301
Readopt with Changes*				
<u>General</u>	10A	NCAC	14A	.0302
Readopt with Changes*				
<u>Initiating a Hearing</u>	10A	NCAC	14A	.0303
Readopt with Changes*				

MENTAL HEALTH, COMMISSION FOR

The rules in Chapter 26 are from the Mental Health, Developmental Disabilities and Substance Abuse Services Commission. The rules in Subchapter 26F concern controlled substances including schedules of controlled substances (.0100).

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

INSURANCE, DEPARTMENT OF

The rules in Chapter 7 are from the state property fire insurance fund division including general provisions (.0100); plan approval for state buildings (.0200); the state property fire insurance fund (.0300); and aerial adventure park financial responsibility (.0400).

<u>Definitions</u>	11	NCAC	07	.0401
Adopt*				
<u>Proof of Insurance Coverage</u>	11	NCAC	07	.0402
Adopt*				

INDUSTRIAL COMMISSION

The rules in Subchapter 23A concern workers' compensation rules including administration (.0100); notice of act (.0200); insurance (.0300); disability, compensation, fees (.0400); agreements (.0500); claims administration and procedures (.0600); appeals (.0700); rules of the commission (.0800); report of earnings (.0900); and preauthorization for medical treatment (.1000).

<u>Contact Information</u>	11	NCAC	23A	.0109
Adopt*				
<u>Compromise Settlement Agreements</u>	11	NCAC	23A	.0502
Amend*				
<u>Appointment of Guardian Ad Litem</u>	11	NCAC	23A	.0604
Amend*				
<u>Motions Practice</u>	11	NCAC	23A	.0609
Amend*				
<u>Attorneys Retained for Proceedings</u>	11	NCAC	23A	.0617
Amend*				
<u>Foreign Language and Sign Language Interpreters</u>	11	NCAC	23A	.0619
Amend*				
<u>Written Communications with the Commission</u>	11	NCAC	23A	.0620
Adopt*				
<u>Review by the Full Commission</u>	11	NCAC	23A	.0701
Amend*				
<u>Review of Administrative Decisions</u>	11	NCAC	23A	.0702
Amend*				
<u>Waiver of Rules</u>	11	NCAC	23A	.0801
Amend*				

The rules in Subchapter 23B concern tort claims including administration (.0100); claims procedures (.0200); appeals to full commission (.0300); appeals to the court of appeals (.0400); and rules of the commission (.0500).

<u>Hearings</u>	11	NCAC	23B	.0206
Amend*				

<u>Hearings of Claims by Prison Inmates</u> Repeal*	11	NCAC	23B	.0207
<u>Sanctions</u> Amend*	11	NCAC	23B	.0503

The rules in Subchapter 23H are the rules of the Industrial Commission relating to the public safety of employees' death benefits act.

<u>Determination of Claims by the Commission</u> Amend*	11	NCAC	23H	.0201
<u>Hearings Before the Commission</u> Amend*	11	NCAC	23H	.0202

PUBLIC SAFETY, DEPARTMENT OF

The rules in Chapter 5 concern the governor's crime commission including the grant application process (.0200); grant application and administration (.0300); penalties (.0400); and appeal (.0500),

<u>Notice Of Availability Of Funds</u> Readopt/Repeal*	14B	NCAC	05	.0201
<u>Consistency with State or Federal Grant Programs</u> Readopt/Repeal*	14B	NCAC	05	.0202
<u>Request for Preapplication Forms</u> Readopt/Repeal*	14B	NCAC	05	.0203
<u>Grant Preapplication Form</u> Readopt/Repeal*	14B	NCAC	05	.0204
<u>Preapplication Submission Procedures</u> Readopt/Repeal*	14B	NCAC	05	.0205
<u>Incomplete Preapplications</u> Readopt/Repeal*	14B	NCAC	05	.0206
<u>Review of Preapplications</u> Readopt/Repeal*	14B	NCAC	05	.0207
<u>Notification to Preapplications</u> Readopt/Repeal*	14B	NCAC	05	.0208
<u>Application Form and Requirements</u> Readopt/Repeal*	14B	NCAC	05	.0301
<u>Application Submission Procedures</u> Readopt/Repeal*	14B	NCAC	05	.0302
<u>Application Due Date</u> Readopt/Repeal*	14B	NCAC	05	.0303
<u>Grant Application Process</u> Readopt/Repeal*	14B	NCAC	05	.0304
<u>Grant Period</u> Readopt/Repeal*	14B	NCAC	05	.0305
<u>Time Limitation on Federal Funding</u> Readopt/Repeal*	14B	NCAC	05	.0306
<u>Grant Award Contracts</u> Readopt/Repeal*	14B	NCAC	05	.0307
<u>Continuation Funds</u> Readopt/Repeal*	14B	NCAC	05	.0310
<u>Adjustments to Grants</u> Readopt/Repeal*	14B	NCAC	05	.0311
<u>Grant Termination or Suspension</u> Readopt/Repeal*	14B	NCAC	05	.0401

<u>Loss of Grantee Eligibility</u>	14B	NCAC	05	.0402
Readopt/Repeal*				
<u>Appeal</u>	14B	NCAC	05	.0501
Readopt/Repeal*				

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15A concern organization rules: policies and procedures including general provisions (.0100); structure (.0200); publications, records, copies (.0300); rule-making (.0400); emergency rules (.0500); declaratory rulings (.0600); personnel policies: commission (.0700); adjudication: contested cases (.0800); fiscal rules for local boards (.0900); local abc board: personnel policies (.1000); local abc boards: relationship with state commission (.1100); openings and discontinuance of stores (.1200); storage and distribution of spirituous liquors: commercial transportation (.1300); purchase of alcoholic beverages by local boards (.1400); pricing of spirituous liquor (.1500); warehouse storage of spirituous liquors (.1600); retail sales of alcoholic beverages (.1700); purchase transportation permits for individuals and mixed beverages permittees (.1800); sales of liquor to mixed beverages permittees (.1900); local board training (.2000); distillery permit holders' sale of spirituous liquor distilled on premises to visitors of the distillery for consumption off the premises (.2100); special one-time permits (.2200); and homemade wine and malt beverage events (.2300).

<u>Definitions</u>	14B	NCAC	15A	.2301
Adopt*				
<u>Competitions</u>	14B	NCAC	15A	.2302
Adopt*				
<u>Exhibitions</u>	14B	NCAC	15A	.2303
Adopt*				
<u>Organized Affairs</u>	14B	NCAC	15A	.2304
Adopt*				
<u>Home Product Production Education Meeting</u>	14B	NCAC	15A	.2305
Adopt*				
<u>Possession, Consumption, Transportation, and Disposition ...</u>	14B	NCAC	15A	.2306
Adopt*				
<u>Allowable Fees</u>	14B	NCAC	15A	.2307
Adopt*				

ENVIRONMENTAL MANAGEMENT COMMISSION

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

<u>French Broad River Basin</u>	15A	NCAC	02B	.0304
Amend*				

The rules in Subchapter 2K concern dam safety including general provisions (.0100); obtaining approval for dam construction: repair: or removal (.0200); inspections: dam safety orders (.0300); and minimum stream flows to maintain aquatic habitat (.0500).

<u>Additional Requirements for Dams that Impound Coal Combustion ...</u>	15A	NCAC	02K	.0224
Adopt*				

The rules in Chapter 13 concern Solid Waste Management. The rules in Subchapter 13B concern Solid Waste Management including general provisions (.0100); permits for solid waste management facilities (.0200); treatment and processing facilities (.0300); transfer facilities (.0400); disposal sites (.0500); monitoring requirements (.0600); administrative penalty procedures (.0700); septage management (.0800); yard waste facilities (.0900); solid waste management loan program (.1000); scrap tire management (.1100); medical waste management (.1200); disposition of

remains of terminated pregnancies (.1300); municipal solid waste compost facilities (.1400); standards for special tax treatment of recycling and resource recovery equipment and facilities (.1500); requirements for municipal solid waste landfill facilities (.1600); and requirements for beneficial use of coal combustion by-products (.1700).

<u>Incorporation by Reference</u>	15A	NCAC	13B	.0830
Amend*				
<u>Definitions</u>	15A	NCAC	13B	.0831
Readopt with Changes*				
<u>General Provisions</u>	15A	NCAC	13B	.0832
Readopt with Changes*				
<u>Septage Management Firm Permits</u>	15A	NCAC	13B	.0833
Readopt with Changes*				
<u>Permit Fees</u>	15A	NCAC	13B	.0834
Readopt without Changes*				
<u>Septage Land Application Site Permits</u>	15A	NCAC	13B	.0835
Readopt with Changes*				
<u>Septage Detention and Treatment Facility Permits</u>	15A	NCAC	13B	.0836
Readopt with Changes*				
<u>Location of Septage Land Application Sites</u>	15A	NCAC	13B	.0837
Readopt with Changes*				
<u>Management of Septage Land Application Sites</u>	15A	NCAC	13B	.0838
Readopt with Changes*				
<u>Record Keeping for Septage Management Firms</u>	15A	NCAC	13B	.0839
Readopt with Changes*				
<u>Sampling and Analysis</u>	15A	NCAC	13B	.0840
Readopt without Changes*				
<u>Standards for Septage Detention and Treatment Facilities</u>	15A	NCAC	13B	.0841
Readopt with Changes*				
<u>Innovative or Alternative Treatment or Storage Methods</u>	15A	NCAC	13B	.0842
Readopt with Changes*				
<u>Land Use and Site Closure</u>	15A	NCAC	13B	.0843
Readopt with Changes*				
<u>Transportation of Septage</u>	15A	NCAC	13B	.0844
Readopt with Changes*				
<u>Revocation of Permits</u>	15A	NCAC	13B	.0845
Readopt/Repeal*				
<u>Appeals</u>	15A	NCAC	13B	.0846
Readopt without Changes*				

PUBLIC HEALTH, COMMISSION FOR

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

The rules in Subchapter 18C are water supply rules including their protection and location (.0100-.0200), submission of plans, etc. (.0300), design criteria (.0400-.0500), raw surface water facilities (.0600), surface water treatment facilities (.0700), hydropneumatic storage tanks (.0800), distribution systems (.0900), disinfection (.1000), protection of unfiltered and filtered supplies (.1100-.1200), variances (.1300), fluoridation (.1400), water quality standards and variances (.1500-.1600), systems grants (.1700), local plan approval (.1800), administrative penalties (.1900), filtration and disinfection (.2000); operating permits (.2100); and ground water systems (.2200).q

<u>Source Water Protection Planning</u>	15A	NCAC	18C	.1305
Adopt*				

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16T concern patient records.

<u>Record Content</u>	21	NCAC	16T	.0101
Readopt with Changes*				
<u>Informed Consent</u>	21	NCAC	16T	.0103
Adopt*				

NORTH CAROLINA HOUSING FINANCE AGENCY

The rules in Subchapter 1N concern housing counseling including training for reverse mortgage counselors (.0200).

<u>Fees</u>	24	NCAC	01N	.0204
Readopt/Repeal*				

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
Tenisha Jacobs

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
17	ABC	06296	10/24/2018; 10/25/2018	NC Alcoholic Beverage Control Commission	v.	Bees Town Inc T/A Bees Town	Ward
17	DHR	04630	8/6/2018; 10/9/2018	Managed Health Resources, Inc(MHR), controlled by The Charlotte Mecklenburg Hospital Authority (CMHA) d/b/a Atrium Health	v.	Cardinal Innovations Healthcare Solutions	Malherbe
18	DHR	01530	10/22/2018	Juaneza Kay Gooch	v.	North Carolina Department of Health and Human Services DSS Program Integrity Food Stamps	Ward
18	DHR	02146	10/26/2018	Emma P Williams	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Sutton
18	DHR	02983	10/10/2018	Carla Denise Cook	v.	Department of Health and Human Services	Malherbe
18	DOJ	00592	10/10/2018	Jeffrey Laine Guyton	v.	NC Sheriffs Education and Training Standards Commission	Overby
18	DOJ	02968	10/30/2018	Robert O Laney Jr	v.	NC Sheriffs Education and Training Standards Commission	May
18	DOJ	02974	10/30/2018	Tyler Stockton	v.	NC Sheriffs Education and Training Standards Commission	May
18	DOL	01666	10/8/2018	Signature Payroll Services LLC D/B/A	v.	NC Department of Labor	Ward

CONTESTED CASE DECISIONS

				Signature Payroll Services			
				<u>UNPUBLISHED</u>			
18	ABC	03296	10/24/2018	NC Alcoholic Beverage Control Commission	v.	Diversified Corp T/A Mansion	Elkins
18	BOG	05185	10/23/2018	Donald Bruce Nothdurft	v.	North Carolina Board for Licensing of Geologists	Malherbe
18	CPS	04672	10/19/2018	Patricia Nevins	v.	NC Crime Victims Compensation Commission	Mann
18	CRA	04538	10/8/2018	Clinton Driggers Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Elkins
18	CSE	03326	10/3/2018	Derrick Nicholson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
18	CSE	03671	10/23/2018	William O Martin	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
18	DHR	03320	10/23/2018	Kezmit Howard	v.	The Division of Child Development and Early Education- Department of Health and Human Services	Malherbe
18	DHR	03448	10/24/2018	Joyce Sykes Fitch	v.	NC Department of Health and Human Services Division of Public Health Environmental Health Section	Overby
18	DHR	03872	10/11/2018	Jennifer R Lewis Executive Director Youth Focus Inc	v.	NC Department of Health and Human Services, Division of Health Service Regulation, Mental Health Licensure and Certification	May
18	DHR	04155	10/5/2018	Luis Reyes	v.	NC Office of EMS/Dept of Health & Human Services	Mann
18	DHR	04248	10/16/2018	Vanessa Diane Bradley	v.	DHHS Healthcare Registry	Jacobs
18	DHR	04614	10/11/2018	Sharpe and Williams Kesha Spaulding	v.	NC Department of Health and Human Services, Division of Health Service Regulation	May
18	DHR	04728	10/19/2018	Christopher D Quick	v.	Medicaid	Mann
18	DHR	04880	10/4/2018	Jesusito Rondon Guzman Tienda Mexicana La Posadita 2	v.	WIC Agency	Elkins
18	DHR	05125	10/24/2018	Paulette Powell	v.	Department of Health and Human Services, Division of Health Service Regulation	Jacobs
18	DHR	05140	10/3/2018	Dianne Clark	v.	Dept of Health and Human Services, Division of Health Service	Overby
18	DHR	05220	10/25/2018	Daniel J Hall	v.	Department of Health and Human Services, Division of Health Service Regulation	Jacobs

CONTESTED CASE DECISIONS

18	DHR	05228	10/24/2018	Paradigm Inc Jason T Barnett Jeannette Barnett	v.	NCDHHS/ Office of Admin Hearing	Jacobs
18	DOJ	04889	10/10/2018	John Edward Suttles Jr.	v.	NC Criminal Justice Education and Training Standards Commission	Sutton
18	DOJ	05016	10/10/2018	Derrick Demond Lee	v.	NC Sheriffs Education and Training Standards Commission	Jacobs
18	DOJ	05261	10/19/2018	Stephen D Watson	v.	NC Sheriffs Education and Training Standards Commission	Sutton
18	DOT	02605	10/5/2018	Jannett Stickland Smith	v.	NC Department of Transportation	Mann
18	INS	04329	10/26/2018	Jennifer Weider	v.	North Carolina State Health Plan for Teachers and State Employees	Overby
18	INS	05085	10/31/2018	Robert Michael Absher	v.	State Health Plan of NC	May
18	OSP	04572	10/19/2018	Sanita Jefferies	v.	Murdoch Developmental Center	Mann
18	SOS	04165	10/5/2018	Paul Edward Nichols	v.	State of North Carolina Department of the Secretary of State	Jacobs
18	UNC	03931	10/5/2018	Lisa M Seaton	v.	UNC Hospital Patient Account Services	Mann