

NORTH CAROLINA REGISTER

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September 2, 2025

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PUBLISHED BY

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

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

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
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	03/26/2026	04/01/26	09/11/26

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 Human Resources 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 but not later than 60 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.

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

JOSH STEIN
GOVERNOR

August 5, 2025

EXECUTIVE ORDER NO. 19

DISASTER DECLARATION FOR INDIVIDUAL ASSISTANCE FOR DURHAM, ORANGE, AND SURROUNDING COUNTIES

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the Governor to issue a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I, Type II or Type III disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

WHEREAS, on July 6, 2025, Tropical Depression Chantal (“Chantal”) entered North Carolina and caused several EF-1 tornadoes as well as both flash and riverine flooding; and

WHEREAS, Chantal inflicted significant damage to Durham and Orange Counties and the surrounding areas, resulting in major flash and riverine flooding that led to six confirmed storm-related deaths and extensive destruction to numerous homes and businesses; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.20, the Governor declared a state of emergency for Alamance, Caswell, Chatham, Davidson, Durham, Forsyth, Guilford, Lee, Moore, Orange, Person, Randolph, and Wake on July 16, 2025; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22, Alamance, Moore, Person, and Orange counties declared local states of emergency on or about July 6, 2025; and

WHEREAS, due to the impacts from the severe weather, local, state, and federal emergency management officials conducted a joint preliminary damage assessment on July 15 and 16, 2025 in Durham and Orange Counties; and

WHEREAS, the President of the United States has not declared a disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter “Stafford Act”), as amended (42 U.S.C. §§ 5121-5206) for individual assistance; and

WHEREAS, based on the preliminary damage assessment, Orange and Durham Counties would not qualify for a Stafford Act declaration for Federal Individual Assistance according to the requirements of 44 C.F.R. § 206.48; and

WHEREAS, on July 25, 2025, the United States Small Business Administration (“SBA”) issued a disaster declaration for Durham and Orange Counties, as well as the contiguous counties of Alamance, Caswell, Chatham, Granville, Person, and Wake; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) a local state of emergency pursuant to N.C. Gen. Stat. § 166A-19.22 has been declared; (3) the preliminary damage

assessment has met or exceeded the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R. Part 123; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been issued; and

WHEREAS, the Governor has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina, specifically Orange County, Durham County, and the surrounding counties of Alamance, Caswell, Chatham, Granville, Person, and Wake; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the Governor may make state funds available for emergency assistance in the form of individual assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

NOW, THEREFORE, pursuant to 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-19.21(b)(1), a Type I disaster is hereby declared for Orange County, Durham County, and the surrounding counties of Alamance, Caswell, Chatham, Granville, Person, and Wake (“the Disaster Area”).

Section 2.

I authorize the use of state emergency assistance funds in the form of grants to individuals and families located within the Disaster Area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(1).

Section 3.

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

Section 4.


Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly.

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 5th day of August in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Timothy L. Crowley
Chief of Staff, Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: W. C. MANUFACTURING & SPECIALTY CO., INC.

Applicant's Address: 1059 Colite Dr
West Columbia, SC 29170

Application Date: 8/11/2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Michael Swedak, Vice President

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Veit North America Inc

Applicant's Address: 10575 US 74 W
Peachland, NC 28133

Application Date: August 5, 2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Clifford O Lee, President

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Clays Trailer Sales, LLC

Applicants' Address: 1179 Canoochee Bypass Twin City Ga. 30471

Application Date: 08/04/2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: Steven Clayton Johnson-Owner/Manager

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

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rules cited as 10A NCAC 46 .0213 and 15A NCAC 18A .2661, .2901.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://cph.dph.ncdhhs.gov/>

Proposed Effective Date: *Subject to Legislative Review*

Public Hearing:

Date: *September 25, 2025*

Time: *2:00 p.m.*

Location: *This public hearing will be held by teleconference at (919) 715-0769 (no access code required).*

Reason for Proposed Action: *The Commission for Public Health proposes to amend three rules governing environmental health services and regulation of food establishments to align with Session Law 2023-137 (15A NCAC 18A .2661, .2901 and 10A NCAC 46 .0213). These rule amendments are subject to legislative review.*

10A NCAC 46 .0213 FOOD, LODGING/INST SANITATION/PUBLIC SWIMMING POOLS/SPAS

(a) A local health department shall provide food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include:

- (1) The frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas with the following being the minimum:

Type of Establishment	Frequency Per Fiscal Year (July 1 – June 30)
Adult Day Service Facilities	1/year
Bed and breakfast homes	1/year
Bed and breakfast inns	1/6 months
Child day-care facilities	1/6 months
Food Service Establishments	
Risk Category I	1/year
Risk Category II	1/6 months
Risk Category III	1/4 months
Risk Category IV	1/3 1/4 months
Institutions	1/6 months
Local confinement facilities	1/year
Lodging	1/year
Migrant housing water and sewage evaluation	1/year
Primitive Experience Camps	
Operating 6 months or less per year	1/year
Operating more than 6 months per year	1/6 months
Private boarding schools and colleges	1/year
Public swimming pools and spas which operate only between	1/operational

Comments may be submitted to: *Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email: cphcomment@ml.nc.gov*

Comment period ends: *November 3, 2025*

Rule(s) is automatically subject to legislative review: *S.L. 2023-137, Section 29.1, .29.2, and 29.3*

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 46 - LOCAL STANDARDS

SECTION .0200 – STANDARDS FOR LOCAL HEALTH DEPARTMENTS

April 1 and October 31 each year	season
Public swimming pools and spas which operate at times other than between April 1 and October 31 each year	2/year
Residential care facilities	1/year
Schools	1/year
Summer camps	1/year
Tattoo Artists	1/year

Risk Category I applies to food service establishments that prepare only non-potentially hazardous foods.

Risk Category II applies to food service establishments that cook and cool no more than two potentially hazardous foods. Potentially hazardous raw ingredients shall be received in a ready-to-cook form.

Risk Category III applies to food service establishments that cook and cool no more than three potentially hazardous foods.

Risk Category IV applies to food service establishments that cook and cool an unlimited number of potentially hazardous foods. This category also includes those facilities using specialized processes or serving a highly susceptible population.

(2) An educational visit for Risk Category IV food establishments once per fiscal year. The educational visit shall not result in the issuance of a new grade or grade card. During an educational visit, the local health department shall review all of the following with the permit holder for the establishment:

(A) Violation of any priority item or priority foundation item, as defined by Part 1-201.10 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651, that occurred during the three previous inspections;

(B) The five major risk factors contributing to foodborne illness as set out in the Preface of the Food Code incorporated by reference at 15A NCAC 18A .2650 and identified on the inspection form furnished by the regulatory authority as described in 15A NCAC 18A .2661(b); and

(C) If applicable, any Hazard Analysis and Critical Control Point Plan or HACCP Plan, as defined by Part 1-201.10(B) of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2651.

~~(2)~~(3) Provisions for investigating complaints and suspected outbreaks of illness associated with food, lodging, and institutional facilities, and public swimming pools. Corrective actions shall be taken in cases of valid complaints and confirmed outbreaks of illness.

~~(3)~~(4) Provisions for keeping records of activities described in Subparagraphs (1), (2), and ~~(3)~~(4) and (2) of this Paragraph.

(b) A local health department shall establish, implement, and maintain written policies for the provision of sanitation education for food service personnel and orientation and in-service training for Environmental Health Specialists. The policies shall include the following requirements for Environmental Health Specialists providing food, lodging, and institutional sanitation services:

- (1) Completion of the centralized training course provided by the Division for newly employed Environmental Health Specialists;
- (2) Compliance with Delegation of Authority as stated in 15A NCAC 01O .0100; and
- (3) Compliance with the Board of Sanitarian Examiners' requirements.

Authority G.S. 130A-4(b); 130A-9; S.L. 2023-137.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2600 – THE SANITATION OF FOOD SERVICE ESTABLISHMENTS

15A NCAC 18A .2661 INSPECTIONS AND REINSPECTIONS

(a) Upon entry into a food establishment for an inspection or reinspection, the regulatory authority shall provide identification and the purpose in visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the person in charge, the regulatory authority shall invite an employee to accompany the regulatory authority on the inspection. Following the inspection, the regulatory authority shall offer to

review the results of the inspection with the person in charge or employee, as applicable.

(b) The grading of food establishments shall be conducted using an inspection form furnished by the regulatory authority. The form shall provide for the following information:

- (1) the name and mailing address of the food establishment;
- (2) the name of the permit holder;
- (3) the permit status and score given;
- (4) standards of construction and operation as listed in .2651 through .2677 of this Section;
- (5) an explanation for all points deducted;
- (6) the signature of the regulatory authority; and
- (7) the date.

(c) The grading of food establishments shall be based on the standards of operation and construction as set forth in Rules .2650 through .2676 of this Section.

(d) The Food Establishment Inspection form shall be used to document points assessed for violation of the rules of this Section as follows:

- (1) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to person in charge present, demonstration of knowledge, or performance of duties shall equal no more than 1 point.
- (2) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to the person in charge being a certified food protection manager by having certification from an accredited program shall equal no more than 1 point.
- (3) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to management awareness, policy present, and allergy awareness shall equal no more than 2 points.
- (4) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to proper use of reporting, restriction, and exclusion shall equal no more than 3 points.
- (5) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to procedures responding to vomiting and diarrheal events shall equal no more than 1 point.
- (6) Violation of Chapters 2 and 3 of the Food Code as amended by Rules .2652 and .2653 of this Section related to proper employee eating, tasting, drinking, or tobacco use shall equal no more than 1 point.
- (7) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to no discharge from eyes, nose, and mouth shall equal no more than 1 point.
- (8) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to hands clean and properly washed shall equal no more than 4 points.
- (9) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than 4 points.
- (10) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to handwashing facilities supplied and accessible shall equal no more than 2 points.
- (11) Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to food obtained from an approved source shall equal no more than 2 points.
- (12) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related

to food received at proper temperature shall equal no more than 2 points.

- (13) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food in good condition, safe, and unadulterated shall equal no more than 2 points.
- (14) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to required records available, shellstock tags, and parasite destruction shall equal no more than 2 points.
- (15) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food separated and protected shall equal no more than 3 points.
- (16) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to food-contact surfaces cleaned and sanitized shall equal no more than 3 points.
- (17) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than 2 points.
- (18) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooking time and temperatures shall equal no more than 3 points.
- (19) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to reheating for hot holding shall equal no more than 3 points.
- (20) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cooling time and temperatures shall equal no more than 3 points.
- (21) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to hot holding temperatures shall equal no more than 3 points.
- (22) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to cold holding temperatures shall equal no more than 3 points.
- (23) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to date marking and disposition shall equal no more than 3 points.
- (24) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to time as a public health control procedures and records shall equal no more than 3 points.
- (25) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to consumer advisory provided for raw or undercooked foods shall equal no more than 1 point.
- (26) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related

- to pasteurized foods used and prohibited foods not offered shall equal no more than 3 points.
- (27) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food additives approved and properly used shall equal no more than 1 point.
- (28) Violation of Chapter 7 of the Food Code as amended by Rule .2657 of this Section related to toxic substances properly identified, stored, and used shall equal no more than 2 points.
- (29) Violation of Chapters 3, 4 and 8 of the Food Code as amended by Rules .2653, .2654, and .2658 of this Section related to compliance with variance, specialized process, and HACCP plan shall equal no more than 2 points.
- (30) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to pasteurized eggs used where required shall equal no more than 1 point.
- (31) Violation of Chapters 3 and 5 of the Food Code as amended by Rules .2653 and .2655 of this Section related to water from an approved source shall equal no more than 2 points.
- (32) Violation of Chapter 8 of the Food Code as amended by Rule .2658 of this Section related to variance obtained for specialized processing methods shall equal no more than 2 points.
- (33) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to proper cooling methods used or adequate equipment for temperature control shall equal no more than 1 point.
- (34) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to plant food properly cooked for hot holding shall equal no more than 1 point.
- (35) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to approved thawing methods used shall equal no more than 1 point.
- (36) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to thermometers provided and accurate shall equal no more than 1 point.
- (37) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to food properly labeled or original container shall equal no more than 2 points.
- (38) Violation of Chapters 2 and 6 of the Food Code as amended by Rules .2652 and .2656 of this Section related to insects and rodents not present or no unauthorized animals or persons shall equal no more than 2 points.
- (39) Violation of Chapters 3 and 6 of the Food Code as amended by Rules .2653 and .2656 of this Section related to contamination prevented during food preparation, storage, and display shall equal no more than 2 points.
- (40) Violation of Chapter 2 of the Food Code as amended by Rule .2652 of this Section related to personal cleanliness shall equal no more than 1 point.
- (41) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to wiping cloths properly used and stored shall equal no more than 1 point.
- (42) Violation of Chapters 3 and 7 of the Food Code as amended by Rules .2653 and .2657 of this Section related to washing fruits and vegetables shall equal no more than 1 point.
- (43) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to in-use utensils properly stored shall equal no more than 1 point.
- (44) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to utensils, equipment, and linens properly stored, dried and handled shall equal no more than 1 point.
- (45) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to single-use and single-service articles properly stored and used shall equal no more than 1 point.
- (46) Violation of Chapter 3 of the Food Code as amended by Rule .2653 of this Section related to gloves used properly shall equal no more than 1 point.
- (47) Violation of Chapters 3 and 4 of the Food Code as amended by Rules .2653 and .2654 of this Section related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- (48) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to warewashing facilities installed, maintained, used, and test strips shall equal no more than 1 point.
- (49) Violation of Chapter 4 of the Food Code as amended by Rule .2654 of this Section related to non-food contact surfaces clean shall equal no more than 1 point.
- (50) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to hot and cold water available and adequate pressure shall equal no more than 1 point.
- (51) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to plumbing installed and proper backflow devices shall equal no more than 2 points.
- (52) Violation of Chapter 5 of the Food Code as amended by Rule .2655 of this Section related to sewage and wastewater properly disposed shall equal no more than 2 points.
- (53) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this

Section related to toilet facilities properly constructed, supplied, and cleaned shall equal no more than 1 point.

- (54) Violation of Chapters 5 and 6 of the Food Code as amended by Rules .2655 and .2656 of this Section related to garbage and refuse properly disposed and facilities maintained shall equal no more than 1 point.
- (55) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to physical facilities installed, maintained, and clean shall equal no more than 1 point.
- (56) Violation of Chapters 4 and 6 of the Food Code as amended by Rules .2654 and .2656 of this Section related to meets ventilation and lighting requirements and designated areas used shall equal no more than 1 point.

(e) In filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food establishment. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The regulatory authority shall take zero, one-half, or a full deduction of points depending upon the severity or the recurring nature of the core item violations. Priority items or priority foundation items may be corrected during the inspection and no more than one-half of the total point value shall be deducted when the violation meets the following criteria:

- (1) the priority item or priority foundation item violation was not documented on the previous inspection; and
- (2) correction of the item is documented on the inspection form.

(f) At the time of inspection, if a priority item or priority foundation item violation is observed and not corrected, the regulatory authority shall take one-half or a full deduction of points depending upon the severity or the recurring nature of the violation.

(g) In determining whether items or areas of a food establishment are clean for purposes of enforcing the rules set forth in this Section and grading a food establishment, the regulatory authority shall consider, among other things:

- (1) the age of the accumulated material;
- (2) the cleaning practices of the food establishment; and
- (3) the health risk posed by the circumstances.

(h) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of a food establishment that requests an inspection for the purpose of raising the alphabetical grade, and that holds an unrevoked permit, the regulatory authority shall make an unannounced inspection within 10 business ~~15 calendar~~ days from the date of the request.

(i) In the case of food establishments that have been closed for failure to comply with the rules of this Section, a reinspection to consider the issuance or reissuance of a permit shall be scheduled by the regulatory authority.

(j) In Section 8-304.11 of the Food Code delete (K).

SECTION .2900 - RESTAURANT AND LODGING FEE COLLECTION AND INVENTORY PROGRAM

15A NCAC 18A .2901 DISBURSEMENT OF FUNDS

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

- (1) "Department" means the North Carolina Department of Health and Human Services.
- (2) "Disaster" means when a declaration has been made by the President of the United States under 44 C.F.R. Part 206, Subpart B, which is hereby incorporated by reference, including any subsequent editions or amendments, or by the Governor of North Carolina under G.S. 166A-19.3(3).
- (3) "Emergency" means when a state of emergency declaration has been issued under G.S. 166A-19.3(19).
- (4) "Event" means a National Special Security Event designated by the President of the United States under 18 U.S.C. 3056(e)(1), which is hereby incorporated by reference, including any subsequent editions or amendments.
- (5) "Rate of compliance" means the number of inspections and educational visits for food and lodging establishments conducted by the local health department during the previous state fiscal year divided by the number of inspections and educational visits mandated to be conducted by the local health department per state fiscal year pursuant to G.S. 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1.

(b) Fees collected pursuant to G.S. 130A-248(d), minus state expenses budgeted for the collection and inventory program, shall be distributed to local health departments for the support of local public health programs and activities as follows:

- (1) seven hundred and fifty dollars (\$750.00) to each county; and
- (2) the balance of funds that remain after the distribution described in Subparagraph (b)(1) of this Rule shall be distributed to each county in accordance with the formula provided in Subparagraph (b)(2)(A) of this Rule. After the distribution of funds pursuant to Part (b)(2)(A) of this Rule, the balance of any funds that remain shall be distributed in accordance with the formula provided in Part (b)(2)(B) of this Rule to the counties that have one hundred percent compliance with the inspection requirements for food and lodging establishments as set out in G.S. 130A-249 and 10A NCAC 46 .0213 in the immediately preceding state fiscal year:
 - (A) [the remaining balance of funds after distribution in Subparagraph (b)(1) of this Rule] multiplied by (the number of facilities in the county divided by the number of facilities in the state)

multiplied by (the county's rate of compliance) equals the allocation to the county; and

- (B) [total amount of remaining funds after distribution in Part (b)(2)(A)] multiplied by (the number of facilities in the county divided by the number of facilities in all counties with 100 percent compliance with mandatory inspection requirements for food and lodging establishments as set forth in G.S. 130A-249 and 10A NCAC 46 .0213 during the previous fiscal year) equals the additional allocation to the county.

(c) Notwithstanding the definition of rate of compliance in Paragraph (a) of this Rule, the total amount of funds distributed to a local health department shall be calculated in accordance with Paragraph (b) of this Rule, but using the local health department's rate of compliance from the last state fiscal year that was completed immediately prior to a disaster, emergency, or event, when:

- (1) one or more counties served by the local health department is named in a disaster or emergency declaration or in an event designation;
- (2) the local health director or the local health director's designee submits a written attestation to the State Environmental Health Director that includes the following:
 - (A) an explanation of how disruption caused by the disaster, emergency, or event is such that inspections that are required pursuant to G.S. 130A-249 and 10A NCAC 46 .0213 for food and lodging establishments cannot be carried out as planned because of the local health department's involvement in the response to the disaster, emergency, or event; and
 - (B) a statement that the loss of funds as a result of the local health department's decreased rate of compliance is expected to result in a financial hardship to the local health department's environmental health program; and
- (3) the Department determines that sufficient funds are available to make a disbursement to the local health department in accordance with this Paragraph.

(d) Attestations written pursuant to Paragraph (c) of this Rule shall be submitted to the State Environmental Health Director by mail at 5605 Six Forks Road, 1632 Mail Service Center, Raleigh, NC 27699-1632.

Authority G.S. 130A-9; 130A-248; 130A-249; S.L. 2023-137.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alcoholic Beverage Control Commission intends to amend the rules cited as 14B NCAC 15B .1007, and .1008.

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

Proposed Effective Date: January 1, 2026

Public Hearing:

Date: October 8, 2025

Time: 10:00 AM

Location: NC ABC Commission, Hearing Room, 400 East Tryon Road, Raleigh, NC 27610

Reason for Proposed Action: Original request by one local ABC board for changes to 14B NCAC 15B .1008 and additional communications with the NC ABC Board Association. ABC Commission determined it was more efficient to add spirituous liquor industry members to 14B NCAC 15B .1007 with malt beverage and wine industry members and to make 14B NCAC 15B .1008 exclusive to ABC boards.

Comments may be submitted to: Renee C. Metz, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 948-7919; email rules@abc.nc.gov

Comment period ends: November 3, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15B - RETAIL BEER: WINE: MIXED BEVERAGES: BROWNBAGGING: ADVERTISING: SPECIAL PERMITS

SECTION .1000 - ADVERTISING

14B NCAC 15B .1007 ~~ADVERTISING OF MALT BEVERAGES AND WINE~~ ALCOHOLIC BEVERAGES BY INDUSTRY MEMBERS

(a) ~~Billboards; Media. Industry members may advertise malt beverages or wine~~ alcoholic beverages on outdoor billboards, by radio, television, newspaper or magazine, and by other similar means. ~~newspaper, magazine, the internet, and social media. Outdoor~~ Industry members shall not display billboards or signs shall not be displayed on the premises of any a retail permittee's establishment nor or in areas where sale of that product is unlawful.

(b) ~~Aerial Display. Industry members may advertise by Malt beverages and wine may be advertised by industry members by means of aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes, if:~~

- (1) ~~One~~ The industry member submits one or more photographs or drawings of the displays have been submitted to the Commission at legal@abc.nc.gov and the permittee has received receives prior written approval;
- (2) ~~The advertising on the aerial display is in conformity conforms~~ with all other rules in this Section; and
- (3) ~~No~~ The aerial display or inflatable is not placed on or over the premises of a retail permittee's establishment. permittee.

(c) ~~Delivery Trucks and Uniforms. Trucks owned by or leased exclusively to or leased by an industry member may be used for advertising purposes purposes, limited to the permittee's name or trade name of the permittee, and the brand names, slogans, house marks marks, or trademarks of the alcoholic beverages manufactured or sold by the permittee. Wholesale permittees and spirituous liquor industry members may display on the uniforms of their employees their employee uniforms the names name of their company and the brand names of the products handled by them. they are authorized to represent.~~

(d) ~~Other Signs. Industry members may maintain any signs required by the laws of the United States to be displayed on their premises as well as signs on the premises and signs indicating the brand names of malt beverages and wine alcoholic beverages sold by them, including the word "beer," or words describing other malt beverages and wine. "wine," "spirituous liquor," or words describing malt beverages, wine, or spirituous liquor.~~

(e) ~~Price. Industry members shall not advertise the price of malt beverages or wine. prices of their alcoholic beverages. A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of his the wholesaler's products to retail permittees. products.~~

(f) ~~College Campuses. All print advertising, including posters, flyers, display ads, or point-of-sale materials that are published~~

~~primarily for distribution to college students or for dissemination on college campuses shall first be submitted to the Commission for approval prior to any publication or distribution. Industry members shall submit print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and approval before use. Industry members are encouraged to submit such advertising at least two months prior to one month before distribution deadlines in order to allow adequate review by the Commission. deadlines.~~

(g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

- (1) The list includes all retail permittees and ABC stores selling an industry member's products in the State by a searchable electronic database available to the public; and
- (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month intervals.

(h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a retailer's website or social media but shall not copy and repost the retailer's message.

Authority G.S. 18B-100; 18B-105; 18B-207.

14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS

(a) ~~ABC Stores. An ABC store may have one or more outside exterior signs located on the premises for the purpose of identifying on the store's property, as stated on the store's lease or deed, to identify the outlet store's presence if the sign is not prohibited by local ordinance and it has been approved by the Commission. During the approval process the The Commission shall consider the following factors:~~

- (1) ~~the proximity of the ABC store to schools and churches;~~
- (2) ~~the number and size of the signs requested;~~
- (3) ~~the text and graphics on the sign;~~
- (4) ~~the materials that make up the sign; and~~
- (5) ~~the public concern in matters of the public's welfare.~~

~~(b) Aerial Displays. No distiller, importer, or rectifier of spirituous liquor, or representative thereof, nor any retail permittee, shall advertise by means of an aerial display or inflatable the brand name or availability of spirituous liquor.~~

~~(c) Billboards; Media. Industry members may advertise spirituous liquor on outdoor billboards, by radio, television, newspaper, magazine or internet, and by other similar means. Outdoor billboards or signs shall not be displayed on the premises of any retail permittee's establishment nor in areas where sale of that product is unlawful.~~

(b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- (1) advertising the location, contact information, and hours of operation of an ABC store;

- (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed to the State and local government; and
- (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or public service announcements.

Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified wine.

~~(4)(c)~~ Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores. Advertising used in ABC stores shall conform to the provisions of Rule 14B NCAC 15B .1005. ~~.1005 of this Section, and in addition shall not:~~

- ~~(1) incorporate the use of any present or former athlete or athletic team; or~~
- ~~(2) refer to the availability of or offer any alcoholic beverages by mail.~~

~~All point of sale advertising material, advertising specialties, and recipes, booklets or brochures intended for use and display in ABC stores shall first be submitted to the Commission prior to their display in an ABC store. Industry members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use and display in ABC stores to the Commission at legal@abc.nc.gov before displaying these items in an ABC store.~~

~~(e)(d)~~ Local ABC Boards. Local ABC boards may advertise on their web site or social networking page page, and inside ABC stores, the following information:

- (1) general information ~~such as~~ including the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) liquor products and ~~prices, as long as: prices, subject to the following conditions:~~
 - ~~(A) no logos are shown;~~
 - ~~(B)(A) when a product is listed, the list includes all products that are offered are listed; of the same category or type advertised;~~
 - ~~(C)(B) when if a product's regular price is listed, the list includes all products' regular prices of all products of the same category or type offered by the board are listed; and local ABC board;~~
 - ~~(D)(C) when if a special price reduced for 30 days is listed for a product, product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with special temporary reduced prices offered by the board are listed. local ABC board; and~~
 - (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list

includes all products offered by the local ABC board with prices below the uniform price.

- (3) Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.
- (4) New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after one year of unavailability for purchase.
- (5) Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).
- (6) Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.
- (7) Products available for online order pursuant to G.S. 18B-800(c3).
- (8) Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).

(e) Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:

- (1) when a customer inquires about the availability or the price of a specific product; or
- (2) when a customer requests or consents to receive marketing emails or texts.

A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.

(f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information which that includes store locations and hours to be distributed made available through the website or other electronic means of the chambers of eommercees' or visitor's bureaus' media information. commerce or visitor's bureaus.

(g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

(h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC board store.

Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0324, and .0338.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: September 30, 2025

Time: 2:00PM

Location: Virtual public hearing via Zoom, pre-registration is required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_tWOSkdzJTCKKgkJrhiUAAA or join by telephone toll free: (833) 568-8864, Webinar ID: 160 590 1624

Reason for Proposed Action: 10F .0338 CALDWELL COUNTY: The Wildlife Resources Commission received a request from the City of Hickory to expand the no-wake zone on Lake Hickory, southwest of the U.S. Highway 321 bridge, northward past River Walk on the east shore and Lake Hickory Pub and Marina on the west shore. Hazards exist around the U.S. Highway 321 bridge, including visual obstructions and boat wakes that have a negative effect on maneuverability under the bridge and around the bridge supports. The new River Walk on the east shore and the Lake Hickory Marina on the west shore create additional congestion and hazards. Extending this no-wake zone will mitigate multiple hazards to boaters and other water recreationists.

10F .0324 DAVIDSON COUNTY: The no-wake zone at Skip Jack Marina on High Rock Lake is proposed for expansion, encompassing the waters south of the marina within 50 yards south of the Raven Point Boy Scout dock. Several hazards exist at the marina, where there are 75-plus docks and a fuel dock in the narrow cove. Expanding the no-wake zone to include the dock at Raven Point Boy Scout Camp will protect the safety of swimmers and boaters who use the dock. The no-wake zone on High Rock Lake at High Rock Shores Drive was designated over 40 years ago. There have been no incidents or complaints reported within the cove and there is currently very little vessel traffic. Vague and non-specific language pertaining to regulation of public docks, marinas, boat service areas, boating access areas, swim areas, bridges and trestles on lakes, is replaced by a list indicating specific locations and addresses.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov

Comment period ends: November 3, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0324 DAVIDSON COUNTY

(a) Regulated Areas. This Rule shall apply to those portions of High Rock Lake, Tuckertown Lake, and Badin Lake that lie within the boundaries of Davidson County.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed:

- (1) within 50 yards of any marked public boat launching ramp, bridge, dock, marina, boat storage structure, boat service area or pier while on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson County;
- (2) High Rock Shores Drive Cove on High Rock Lake in Hi Roe Shores Subdivision in Silver Hill Township, shore to shore northeast of a line from a point on the east shore at 35.67720 N, 80.24526 W to a point on the west shore at 35.67663 N, 80.24437 W;
- (3) Flat Swamp Creek on High Rock Lake shore to shore, from a point 50 yards north of the docks at Camp Walter Johnson at 35.67130 N, 80.16592 W to a point 100 yards south of the docks at 35.66993 N, 80.16582 W;
- (4) the cove in Oakwood Acres on Abbotts Creek Cove on High Rock Lake shore to shore, west of a line from a point on the south shore at 35.64704 N, 80.24787 W to a point on the north shore at 35.64809 N, 80.24870 W; and
- (5) Beaverdam Creek Cove on Badin Lake, shore to shore north of a line from a point on the east shore at 35.50714 N, 80.09994 W to a point on the west shore at 35.50715 N, 80.10086 W.

~~(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no wake speed while within a marked mooring area on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson County.~~

~~(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson County.~~

~~(e) Placement of Markers. The Board of Commissioners of Davidson County shall be the designated agency for placement of the markers implementing this Rule.~~

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

(1) High Rock Lake:

- (A) the waters of the cove shore to shore in Abbots Creek between North Shore Drive and South Shore Drive, east of a point at 35.64752 N, 80.24875 W;
- (B) the waters shore to shore from a point 50 yards north of the docks at Camp Walter Johnson at 35.67130 N, 80.16592 W to a point 100 yards south of the docks at 35.66993 N, 80.16582 W, on Flat Swamp Creek on High Rock Lake;
- (C) the waters within 50 yards of the High Rock Boat Dock Marina pier north of Abbots Creek Cove on High Rock Lake in Lexington, at 35.64992 N, 80.24802 W;
- (D) the waters shore to shore in the cove at Skip Jack Harbor Marina and the Raven Point Boy Scout Camp dock, from a line at a point 50 yards south of the Raven Point Boy Scout Camp dock on the east shore of the cove at 35.63722 N, 80.27054 W, to a point on the west shore of the cove at 35.63788 N, 80.27212 W, northward ending 50 yards north of the Skipjack Harbor Marina dock at a line from a point on the east shore at 35.64070 N, 80.26864 W to a point on the west shore at 35.64064 N, 80.27050 W;
- (E) the waters within 50 yards of the High Rock Marina and Campground and fuel dock in Abbots Creek on High Rock Lake, from a point on the southwest shore at 35.68274 N, 80.25228 W, around the peninsula to a point on the north shore at 35.68439 N, 80.25052 W;
- (F) the waters 50 yards northeast and 50 yards southwest of the N.C. Highway 8 Bridge on Flat Swamp Creek on High Rock Lake, from a point northeast of the bridge at 35.64564 N, 80.18493 W to a point southwest of

- (G) the bridge at 35.64488 N, 80.18559 W;
- the waters 50 yards east and 50 yards west of the railroad trestle over Flat Swamp Creek on High Rock Lake, from a point east of the trestle at 35.61161 N, 80.23434 W, to a point west of the trestle at 35.61151 N, 80.23535 W;
- (H) the waters shore to shore 50 yards northeast and 50 yards southwest of the SR 1396 bridge, otherwise known as the Linwood-Southmont Road Bridge on Swearing Creek on High Rock Lake, from a point northeast of the bridge at 35.69185 N, 80.30139 W to a point southwest of the bridge at 35.69135 N, 80.30218 W.
- (I) the waters within 50 yards northwest and 50 yards southeast of SR 2294 bridge otherwise known as the Holloway Church Road Bridge on Abbots Creek on High Rock Lake, from a point east of the bridge at 35.67612 N, 80.25005 W, to a point west of the bridge at 35.67663 N, 80.25097 W;
- (J) the waters within 50 yards northeast and 50 yards southwest of the N.C. Highway 8 bridge and railroad trestle on Abbots Creek on High Rock Lake, from a point southeast of the railroad trestle at 35.64235 N, 80.25508 W, to a point northeast of the bridge at 35.64292 N, 80.25396 W;
- (K) the waters 50 yards north and 50 yards south of the N.C. Highway 47 bridge on Abbots Creek on High Rock Lake, from a point north of the bridge at 35.74835 N, 80.24164 W, to a point south of the bridge at 35.74759 N, 80.24163 W;
- (L) the waters within 50 yards of the dock and ramp at the Southmont Boat Ramp on Abbots Creek on High Rock Lake at Wildlife Recreation Area Access Road, at 35.64694 N, 80.25990 W;
- (M) the waters within 50 yards of the dock and ramp at Buddle Creek Swim Area Boat Ramp on Abbots Creek on High Rock Lake, on Holloway Church Road, at 35.68212 N, 80.22924 W;
- (N) the waters within 50 yards of the dock and ramp at the Pebble Beach Boat Ramp on Flat Swamp Creek on High Rock Lake off N.C. Highway 8, south of the N.C. Highway 8 Bridge, at 35.64356 N, 80.18570 W;

(2) Badin Lake:

(A) the waters of Beaverdam Creek Cove on Badin Lake shore to shore, north of a point at 35.50710 N, 80.10036 W in New London; and

(B) the waters within 50 yards of the Circle Drive Boating Access Area on Badin Lake, at 724 Shoreline Drive, New London.

(3) Tuckertown Reservoir. The waters 50 yards east and 50 yards west of the railroad trestle at Ellis Creek on Tuckertown Reservoir, from a point east of the trestle at 35.52983 N, 80.18650 W, to a point west of the trestle at 35.52966 N, 80.18749 W; and

(4) Yadkin River:

(A) the waters 50 yards north and 50 yards south of the N.C. Highway 29/70 bridge, otherwise known as the Wil-Cox Bridge, and the railroad trestle near Yadkin River Park on the Yadkin River in Linwood, from a point north of the bridge at 35.72328 N, 80.391137 W, to a point south of the railroad trestle at 35.72263 N, 80.39137 W; and

(B) the waters within 50 yards of the York Hill Yadkin River (YRST) boat ramp on the Yadkin River at 35.72398 N, 80.39116 W, west of SR 1147 in Linwood.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Swimming Areas:

(1) Buddle Creek Swimming Area. No person operating a vessel shall permit it to enter the Swimming Area at the Buddle Creek Swim Area at Abbotts Creek on High Rock Lake in Lexington, east of the ropes from a point at 35.68124 N, 80.22895 W; and

(2) Pebble Beach Swimming Area. No person operating a vessel shall permit it to enter the Swimming Area at the Pebble Beach Swim Area at Flat Swamp Creek on High Rock Lake in Denton, west of the ropes from a point at 35.64403 N, 80.18557 W to the shore at the N.C. Highway 8 bridge.

(d) Placement of Markers.

(1) the Board of Commissioners of Davidson County shall be the designated agency implementing Parts (a)(1)(A) through (E), (a)(2)(A), and (a)(4)(A) and (B) of this Rule;

(2) Cube Hydro Carolinas shall be the designated agency implementing Parts (a)(1)(L) through (N); and Subparagraph (c)(1) and (2) of this Rule; and

(3) the North Carolina Wildlife Resources Commission shall be the designated agency

implementing Parts (a)(1)(F) through (K), (a)(2)(B); and (a)(3) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0338 CALDWELL COUNTY

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

~~(1) Catawba River;~~

~~(2)(1) Lake Rhodiss;~~

(A) within 50 yards of the marina facilities at Castle Bridge Marina, 6131 Castle Bridge Drive in Granite Falls;

(B) within 50 yards of the Castle Bridge Boating Access Area, 6131 Connelly Springs Road in Granite Falls; and

(C) within 50 yards of the Conley Creek Boating Access Area, 5475 Waterworks Road in Granite Falls Falls; and

~~(3) Little Gunpowder Lake; and~~

~~(4)(2) Lake Hickory;~~

~~(A) within 30 yards of the docks at the Lake Hickory Marina and Boat Rentals, on Limbaugh Lane in the City of Hickory;~~

(A) the waters shore to shore beginning 50 yards southwest of the U.S. Highway 321 Bridge, from a line at a point on the east shore of Lake Hickory at 35.75636 N, 81.37646 W to a point on the west shore at 35.75820 N, 81.37843 W, northeast past River Walk on the east shore and Lake Hickory Pub and Marina on the west shore, ending at a line from a point on the east shore at 35.76041 N, 81.37425 W to a point on the west shore at 35.76054 N, 81.37713 W in the City of Hickory;

(B) within 50 yards of the Gunpowder Boating Access Area, at 5450 Hurricane Hill Road in Granite Falls; and

(C) within 50 yards of the Lovelady Boating Access Area, at 5682 Rocky Mount Road in Granite Falls Falls; and

(D) the waters of Gunpowder Creek shore to shore, within 50 yards northeast and 50 yards southwest of the Adam W. Klutz Bridge on Grace Chapel Road in Granite Falls.

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

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked

mooring area on the regulated areas described in Paragraph (a) of this Rule.

~~(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.~~

~~(e)(d) Placement of Markers. The following agencies shall place or place and maintain the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers:~~

- ~~(1) the Board of Commissioners of Caldwell County shall place the markers implementing Subparagraphs (a)(1) and (a)(3), and Part (a)(2)(A) of this Rule;~~
- ~~(2) the City of Hickory shall place the markers implementing Part (a)(4)(A) of this Rule; and~~
- ~~(3) the North Carolina Wildlife Resources Commission shall place and maintain the markers implementing Parts (a)(2)(B), (C), and (a)(4)(B), (C) of this Rule.~~
- (1) the Board of Commissioners of Caldwell County shall be the designated agency implementing Subparagraph (a)(1)(A) of this Rule;
- (2) the City of Hickory shall be the designated agency implementing Part (a)(2)(A) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Parts (a)(1)(B) and (C) and (a)(2)(B) through (D) of this Rule.

Authority G.S. 75A-3; 75A-15.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10H .1101, .1104, and .1107.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: October 2, 2025

Time: 2:00PM

Location: Virtual public hearing via Zoom, pre-registration is required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_NsVN7J2OQ52hxybTRk-w2dw or join by telephone toll free: (833) 568-8864, Webinar ID: 160 103 6763

Reason for Proposed Action: The proposed amendments to Rules within 15A NCAC 10H .1100 provide updates to the program framework for Furbearer Propagation in North Carolina. Changes include updates to language throughout for

improved clarity, updates to caging standards for mink and fox based on Fur Commission USA and U.S. Fox Shipper’s Council recommendations, updates to biosecurity and human safety standards, clarity on reporting requirements, and additional requirements for license holders working with rabies species that are consistent with requirements for wildlife captivity license holders.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov

Comment period ends: November 3, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .1100 - FURBEARER PROPAGATION

15A NCAC 10H .1101 FURBEARER PROPAGATION LICENSE

(a) The furbearer propagation license shall authorize the propagation of furbearing animals and red foxes, including all color phases, for use as fur.

~~(b) Furbearer propagation license holders shall be authorized to do the following:~~ may conduct the following activities with species designated on their license:

- (1) ~~Breed-breed the species of animal designated on the license;~~ species for the production of marketable fur;

- (2) ~~Raise~~ raise live specimens for the production of marketable fur;
- (3) ~~Sell~~ sell domestically produced fur to a licensed fur dealer; and
- (4) ~~Buy~~ acquire, buy, and sell live specimens from or to a another furbearer propagation license holder, a captivity license holder, or a licensed non-resident producer of ranch-raised breeding stock. Live specimens shall not be sourced from the wild.

~~(b)(c)~~ Application for a furbearer propagation license shall be made on a form available ~~from the Commission at www.newwildlife.org or~~ at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

- (1) ~~The applicant's name;~~
- (2) ~~The applicant's residence or mailing address;~~
- (3) ~~The physical address of the propagation facility;~~
- (4) ~~The applicant's telephone number; and~~
- (5) date of birth;
- ~~(5)(6)~~ The species of furbearing animal or fox to be propagated; propagated; and
- (7) certification of up-to-date rabies pre-exposure prophylaxis, if applicable.

~~(e)(d)~~ The furbearer propagation license shall be posted and displayed at the propagation facility and be provided, upon request, to a representative of the Commission, ~~so that it is visible to visitors or patrons at all times.~~

Authority G.S. 113-134; 113-273.

15A NCAC 10H .1104 MINIMUM STANDARDS FOR CAGING AND CARE

(a) General Cage Requirements.

- (1) cages shall be constructed of non-toxic, corrosion-resistant materials sufficient to retain animals without tethers or chains;
- (2) cages shall contain a den area large enough for all the animals in that cage to turn around and lie down;
- (3) cages shall be housed in an area that provides protection from direct sunlight, precipitation, wind, and other weather conditions;
- (4) cages shall minimize heat build-up and provide sufficient light to maintain the animal's circadian rhythms;
- (5) cages shall be ventilated to sufficiently provide fresh air circulation;
- (6) cages shall be securely anchored and elevated two feet above ground or floor level to facilitate cleaning;
- (7) cages shall be arranged in rows to allow for visual and physical inspection and to allow space for cleaning; and
- (8) cages shall be surrounded by a four foot perimeter fence with a one foot below ground dig barrier designed to prevent ingress and egress by domestic and wild animals. The fence

shall have a top electrified wire three feet above the ground and a bottom electrified wire one foot above the ground. The fence shall be free from structures or vegetation.

~~(b)(a)~~ Breeder cages shall be used to hold a pair of animals held for breeding and to hold the or a female and her litter from the time the litter is born until weaning. weaning shall be held in a breeder cage.

~~(c)(b)~~ Pelter cages shall only be used to hold a single animal. animal or two mink may be held in a pelter cage.

(d) Mink.

- (1) cages shall have a height of 12 inches.
- (2) breeder cages shall be 4,300 cubic inches.
- (3) pelter cages shall be 2,500 cubic inches for one mink, and 3,800 cubic inches for two mink.
- (4) shall be acquired from a furbearer propagation license holder, a captivity license holder, or a licensed non-resident producer of ranch-raised breeding stock that is free from Aleutian Disease, and shall be tested and vaccinated for Aleutian Disease.

(e) Fox.

- (1) cages shall have a height of 24 inches.
- (2) breeder cages shall be 13 cubic feet.
- (3) pelter cages shall be 16 cubic feet.

~~(f)(e)~~ The minimum dimensions of cages in The following cage dimension requirements in depth (d), width (w), and height (h)(h), measured in feet, shall be as follows depending on the species of animals being held: apply:

SPECIES	BREEDER CAGE (d x w x h)	PELTER CAGE (d x w x h)
Beaver	3 x 6 x 2.5	3 x 4 x 2.5
Bobcat	3 x 6 x 2.5	3 x 4 x 2.5
Fox	5.0 x 3.0 x 3.0	2.5 x 3.0 x 3.0
Mink	2.0 x 0.8 x 1.0	2.0 x 0.5 x 1.0
Nutria	3 x 3 x 2.0	3 x 2 x 2.0
Opossum	3 x 3 x 2.0	3 x 2 x 2.0
Otter	3 x 5 x 1.5	3 x 3 x 1.5
Raccoon	3 x 4 x 2.0	3 x 2 x 2.0
Skunk	3 x 3 x 1.5	3 x 2 x 1.5
Weasel	2 x 2 x 1.5	1 x 2 x 1.5

~~(d)~~ Each license holder shall comply with the following general cage requirements:

- (1) ~~eages shall be constructed of non-toxic, corrosion resistant materials sufficient to retain animals without tethers or chains;~~
- (2) ~~eages shall have a den area large enough for all the animals in that cage to turn around and lie down;~~
- (3) ~~eages shall be housed in an area that provides protection from direct sunlight, precipitation, wind, and other weather conditions;~~
- (4) ~~eages shall be designed to minimize heat build-up and provide sufficient light to maintain the animal's circadian rhythms;~~
- (5) ~~eaging shall be ventilated;~~

- (6) ~~eages shall be solidly based at least two feet above ground or floor level to facilitate cleaning;~~
- (7) ~~eages shall be arranged in rows to allow visual and physical inspection of all areas and all species and to allow space for operations and cleaning; and~~
- (8) ~~a perimeter fence shall be maintained around the housing area and shall include a dig barrier designed to prevent escape and access by domestic and wild animals.~~

~~(g)(e) Each license holder shall comply with the following general care requirements: General Sanitation and Food Requirements.~~

- (1) ~~water: clean drinking water shall be provided. Clean drinking water shall be provided daily. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff;~~
- (2) ~~sanitation: water disposal and waste disposal~~ Water and waste shall be disposed of in accordance with all applicable local, State, and federal laws;
- (3) ~~food: food~~ Food shall be of a type and quantity that is appropriate for the particular species and shall be provided in an unspoiled and uncontaminated condition. Food shall be stored to prevent vermin infestation and spoilage;
- (4) ~~waste: fecal~~ Fecal and food waste shall be removed daily from inside, under, and around enclosures and disposed of in a manner that prevents seepage into groundwater, noxious odors, odors or pests;
- (5) ~~ectoparasites: a program for the control of ectoparasites and vermin shall be established and maintained. Effective measures shall be implemented to control ectoparasites, insects, and vermin. These measures shall be documented and provided, upon request, by a representative of the Commission. Methods to control insects shall be employed and only EPA-approved insecticides shall be used. Biological pest control methods may be used; used where appropriate.~~
- (6) Acquired or purchased animals shall be quarantined for 30 days. The quarantine area shall have dedicated coveralls, boots, gloves, and footbath; and
- (7) Carcasses shall be disposed of in an incinerator, landfill, or buried 3 feet below ground and 300 feet from a waterbody. Carcasses shall be temporarily stored in a sealed container prior to final disposal.

(h) License holders who are authorized to propagate furbearing animals that are rabies species, as defined in Rule .1401(d)(19) of this Subchapter and red foxes, shall:

- (1) certify 12 hours of rabies or rabies species-specific training, or a combination thereof, for their initial application;
- (2) certify up-to-date rabies pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for themselves and staff members who may contact rabies species;
- (3) provide the name and contact information of a North Carolina licensed veterinarian with whom the licensee has consulted and who agrees to provide necessary medical treatment to the rabies species;
- (4) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location, and to coordinate future rabies testing activities;
- (5) post the following information at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:
 - (A) proof of immunization or titer checks for individuals who have contact with rabies species;
 - (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
 - (C) contact information for the local animal control authority and local health department; and
 - (D) a written protocol for euthanasia and rabies testing.
- (6) consider rabies species to be potentially infected with the rabies virus. If a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain or spinal cord material from a rabies species, the license holder shall contact the local health department immediately to report the incident. License holders shall abide by requests from public health department personnel, animal control, and Commission personnel regarding disposition of the animal. Rabies species that have scratched or bitten a human or domestic animal or die in captivity shall not be released or disposed of until the local health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.
- (i) Biosecurity Standards. Prior to entering the perimeter fence, all individuals shall:

- (1) wear coveralls and boots;
- (2) wash their hands with a disinfecting soap or use a waterless hand disinfectant; and
- (3) use a footbath of phenolic, chlorhexidine, or quaternary ammonium disinfectants.

Except for license holders, all individuals shall sign an entrance log prior to entering the perimeter fence.

Authority G.S. 113-134; 113-273.

15A NCAC 10H .1107 RECORDS AND INSPECTIONS

(a) Furbearer propagation license holders shall ~~maintain records containing record~~ the following information:

- (1) the numbers and species of furbearing animals or foxes acquired;
- (2) the dates and sources of acquisition;
- (3) the numbers of animals produced by breeding
- (4) ~~and~~ the numbers of animals raised for market; and
- (5)(4) the numbers of animals ~~or pelts sold or otherwise disposed of, sold, transferred, died, or euthanized,~~ the dates of disposition, and the identities license numbers of the recipients, ~~if the animals were sold alive applicable.~~

(b) The records required by this Rule shall be submitted to the Commission within 15 days of license expiration and shall be retained for 12 months following license expiration, one year following the end of the calendar year to which they pertain. ~~The records required pursuant to this Rule~~ Records shall be available for inspection upon at the request by a representative of the Commission.

(c) Representatives of the Commission shall be permitted to enter the premises of a license holder's ~~furbearer propagation~~ facility upon request or during the facility's business hours for inspection, enforcement, or scientific purposes.

Authority G.S. 113-134; 113-273.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 61 - RESPIRATORY CARE BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Respiratory Care Board intends to adopt the rule cited as 21 NCAC 61 .0206.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncrcb.org/>

Proposed Effective Date: January 1, 2026

Public Hearing:

Date: September 17, 2025

Time: 9:00 - 11:00 AM

Location: 125 Edinburgh South Drive, Suite 100, Cary, NC 27511

Reason for Proposed Action: *G.S. § 90 659, Suspension, revocation, and refusal to renew a license, states: (b) Denial, refusal to renew, suspension, or revocation of a license, or imposition of probationary conditions upon a licensee may be ordered by the Board after a hearing held in accordance with Article 3A of Chapter 150B of the General Statutes and rules adopted pursuant to this Article. An application may be made to the Board for reinstatement of a revoked license if the revocation has been in effect for at least one year. (2000 162, s. 1.)*

Comments may be submitted to: *Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC, North Carolina Respiratory Care Board, 125 Edinburgh South Drive, Suite 100, Cary, NC 27511, phone 919-878-5595, email bcroft@ncrcb.org*

Comment period ends: November 3, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

SECTION .0200 – APPLICATION FOR LICENSE

21 NCAC 61 .0206 REINSTATEMENT OF A RESPIRATORY CARE LICENSE

(a) This Rule establishes the requirements and procedures for reinstatement of a license that was held by respiratory care practitioner and which was revoked or summarily suspended as a result of disciplinary action taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner prior to charges being filed by the Board under circumstances which indicated that there had been a violation of the Respiratory Care Practice Act, of the Board's Rules or its Code of Ethics, or other alleged misconduct by the respiratory care practitioner.

(b) For purposes of this Rule, a "petitioner" is a person seeking reinstatement of a license that was previously revoked, suspended, or surrendered under circumstances involving alleged

or proven misconduct. The Board will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was revoked, summarily suspended, or surrendered. The Board will take no action on any untimely petition for reinstatement and will not begin processing an application until the petitioner seeking reinstatement of a license has met all of the requirements stated in Paragraphs (d) and (e) of this Rule.

(c) Each petitioner for reinstatement shall:

- (1) submit a complete notarized petition on a form provided by the Board, attesting under oath or affirmation that information on the petition is true and complete, and authorizing the release to the Board of all information pertaining to the petition;
- (2) submit a digital copy of an unexpired state issued driver's license, state identification card, military identification card, or US passport;
- (3) submit documentation of any legal name change, if applicable;
- (4) submit a credential verification letter from the NBRC meeting the requirement of 21 NCAC 61 .0201(5);
- (5) submit documentation of continuing education activities completed since the license was revoked, summarily suspended, or surrendered, in accordance with 21 NCAC 61 .0401;
- (6) submit a fingerprint card or proof of Livescan fingerprints on a form approved by the Board;
- (7) submit a signed consent allowing a search of local, state, and national files to disclose any criminal record;
- (8) arrange for submission of three original references from persons with no family or marital relationship to the petitioner. Each of these references shall:
 - (A) be submitted from a respiratory care practitioner who has observed the petitioner's work in a clinical environment;
 - (B) be submitted on forms supplied by the Board, with all required and pertinent fields completed;
 - (C) be dated no more than three months prior to the date of submission of the petition for reinstatement; and
 - (D) be submitted directly to the Board from the source and bear an original notarized signature of the author;
- (9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b) and 21 NCAC 61 .0204 (1) and (2), and pay the cost of a criminal background check pursuant to 90-652(1); and
- (10) upon request, provide any additional information the Board deems necessary to evaluate the petitioner's qualifications.

(d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's competence and character in person.

(e) Upon the petitioner's completion of all the requirements stated in Paragraphs (d) and (e) of this Rule, the Board will reinstate a license only after finding that reinstatement of the license is appropriate under the Respiratory Care Practice Act, the Board's Rules, and the Board's Code of Ethics. In deciding on whether to reinstate a license, and in deciding whether any conditions or limitations should be imposed on a reinstated license, the Board will consider the following factors:

- (1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded the surrender of the license, including any related criminal history, consistent with the principles set forth in G.S. 93B-8.1;
- (2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued by the Board, and the petitioner's compliance with professional standards adopted by other regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the summary suspension, revocation, or surrender of the license;
- (3) the petitioner's current ability to practice respiratory care with reasonable skill, competence, and safety to the public, based upon the petitioner's conduct, work experience, and recent continuing education;
- (4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or surrender of the license, including any criminal history, consistent with principles set forth in G.S. 93B-8.1.

(f) If the Board determines to reinstate a license under this Rule, it also may determine:

- (1) to require the petitioner to complete additional continuing education before the reinstatement is effective, and to complete additional continuing education within a defined time period after reinstatement as a condition of maintaining the reinstated license;
- (2) to attach scope of practice limitations, or supervisory requirements to the reinstated license; and
- (3) to attach other probationary conditions to the reinstated license, including substance abuse testing.

(g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in accordance with 21 NCAC 61 .0201.

(h) If the petitioner fails to submit a completed application pursuant to G.S. 90-653 and 21 NCAC 61 .0201 within one year of submission, the petitioner also shall be charged for the cost of an additional criminal background check.

Authority G.S. 90-652 (1), G.S. 90-652 (2) and G.S. 90-652 (13); 90-653(a); 90-659(a) 90-659 (b).

1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Rules Review Commission intends to amend the rule cited as 26 NCAC 05 .0209.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.oah.nc.gov/rules-division/rules-division-official-notice-and-postings>

Proposed Effective Date: January 1, 2026

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): a public hearing on the proposed rule will be held if the agency receives a written request for said hearing within 15 days after the notice of text is published. Requests for a hearing can be emailed to travis.wiggs@oah.nc.gov.

Reason for Proposed Action: The proposed Rule removes the requirements for the Rules Review Commission (RRC) to “provide notice of a public hearing” and to “conduct a public hearing” when the Commission receives periodic review exemption requests from agencies. The amendments would make this Rule consistent with how the RRC currently operates and would not change how the RRC handles periodic review exemption requests from agencies. G.S. 150B-21.3A(d)(1) governs the periodic review process and that statute doesn’t require notice from the RRC or a public hearing when addressing exemption requests. The Rule would not change the ability of the public to be heard regarding periodic review exemption requests at an RRC meeting.

Comments may be submitted to: Travis Wiggs, 1711 New Hope Church Road, Raleigh, NC 27609; email travis.wiggs@oah.nc.gov

Comment period ends: November 3, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 05 - RULES REVIEW COMMISSION

SECTION .0200 – PERIODIC REVIEW OF EXISTING RULES

26 NCAC 05 .0209 EXEMPTION FROM THE PERIODIC REVIEW OF EXISTING RULES

(a) An agency requesting an exemption from the review pursuant to G.S. 150B-21.3A(d) ~~may~~ shall make an exemption request for an entire Section, Subchapter, Chapter, or Title of rules if the entire Section, Subchapter, Chapter, or Title of rules were adopted or amended within the previous 10 years prior to the review.

(b) The Commission shall not grant an exemption for individual rules.

(c) The agency head ~~must~~ shall make the ~~written~~ request to the Commission in writing.

(d) If an agency head submits a request for exemption, the agency shall post notice on its website and notify its interested persons mailing list maintained pursuant to G.S. 150B-21.2(d).

(e) The Commission shall post notice of the agency's request on its website ~~and provide notice of a public hearing.~~

(f) The Commission shall ~~conduct a public hearing to~~ determine whether it should grant the waiver. The Commission shall consider the following:

- (1) the arguments of the agency;
- (2) public input;
- (3) impact on the regulated public affected by the rule; and
- (4) whether granting the waiver is within the public interest.

(g) If the Commission grants the waiver request, the Section, Subchapter, Chapter, or Title shall be removed from the ~~current~~ schedule set pursuant to G.S. 150B-21.3A(d) and shall not be reviewed under this Section until the new review schedule is set.

Authority G.S. 143B-30.1; G.S. 150B-21.3A.

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 July 30, 2025 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

GASOLINE AND OIL INSPECTION BOARD

Standard Specifications 02 NCAC 42 .0201* 39:13 NCR

ELECTIONS, STATE BOARD OF

Actions of County Board as to Election Protests 08 NCAC 02 .0110* 39:16 NCR

First Recount 08 NCAC 09 .0107 39:16 NCR

Secondary Recounts 08 NCAC 09 .0110* 39:16 NCR

Challenge to Appointment of an Observer 08 NCAC 20 .0101* 39:16 NCR

Appeal of Removal of an Observer from a Voting Site 08 NCAC 20 .0102* 39:16 NCR

Identification of Observers 08 NCAC 20 .0103* 39:16 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

Tar-Pamlico Nutrient Strategy: Wastewater Discharge Requirements... 15A NCAC 02B .0733* 39:13 NCR

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

Schedule of Penalties 21 NCAC 25 .0701* 39:20 NCR

ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

Surveying Procedures 21 NCAC 56 .1602* 39:17 NCR

Global Positioning Systems Surveys 21 NCAC 56 .1607* 39:17 NCR

The following rules are subject to Legislative Review.

MEDICAL CARE COMMISSION

Rating Calculation 10A NCAC 13F .1604 39:20 NCR

Rating Calculation 10A NCAC 13G .1604 39:20 NCR

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

02 NCAC 42 .0201 STANDARD SPECIFICATIONS

(a) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM International (formally the American Society for Testing and Materials) D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following modifications:

- (1) applications for temporary exceptions to vapor pressure and vapor-liquid ratio specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain

- (2) the minimum lead content for gasoline registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;

evidence that outlets marketing gasoline in North Carolina cannot be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;

- (3) vapor pressure and vapor-liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.

(b) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for alcohol blends with the following modifications:

- (1) a vapor pressure tolerance not exceeding one pound per square inch (1 psi) for ethanol blends of 9 percent to 15 percent by volume;
- (2) vapor pressure seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification;
- (3) applications for temporary exceptions to vapor pressure specifications as provided in this Subparagraph shall be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;
- (4) the minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;
- (5) octane rating shall not be less than the octane index certified on the brand name registration as required by 02 NCAC 42 .0500;
- (6) all blends, both leaded and unleaded, shall be blended according to the EPA "Substantially Similar" rule found in the Clean Air Act, CAA Section 211(f)(1)(B), or an EPA waiver for unleaded fuel;
- (7) water tolerance shall be such that no phase separation occurs when subjected to a temperature equal to the temperatures specified in the table for "Maximum Temperature for Phase Separation, C," ASTM D 4814;
- (8) the vapor-liquid ratio specification shall be waived for ethanol blends of up to 10 percent.

(c) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 975, "Standard Specification

for Diesel Fuel Oils" as standard specification for diesel motor fuels and renewable diesel fuels with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D 56 shall be 115 degrees F (46 degrees C).

(d) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 396, "Standard Specification for Fuel Oils" as standard specification for fuel oils and blends of biodiesel and fuel oil.

(e) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 3699, "Standard Specification for Kerosene" as standard specification for kerosenes with the following modification: For grade 2-K, the presence or absence of coloring matter shall in no way be determinative of whether a substance meets the requirements of this grade of kerosene.

(f) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 6751, "Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels" as standard specification for biodiesel (B100) and for B99 (a blend of 99 percent biodiesel and one percent petroleum diesel).

(g) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 5798, "Standard Specification for Ethanol Fuel Blends for Flexible Fuel Automotive Spark-Ignition Engines" as standard specification for Ethanol Flex Fuel.

(h) The Board hereby adopts by reference, including subsequent amendments and editions, NIST Handbook 130, "Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation," section 2.2.1 "Premium Diesel Fuel" as the standard specification of premium diesel fuels in addition to ASTM D 975. Copies of this document may be obtained at no cost from the NIST Web site - <https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2-1>

(i) In addition to meeting all specification requirements as set forth in this Rule, each fuel must be suitable for the intended use. Motor fuels shall not contain concentrations of methyl tertiary butyl ether (MTBE) in violation of G.S. 119-26.3.

(j) ASTM documents adopted by reference herein are available for inspection in the office of the Director of the Standards Division and may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959 or their Web site - www.astm.org, at the following cost for each document: D 396, fifty-eight dollars (\$58.00); D 975, seventy-five dollars (\$75.00); D 3699, fifty-two dollars (\$52.00); D 4814, seventy-five dollars (\$75.00); D 5798, fifty-two dollars (\$52.00); and D 6751 fifty-eight dollars (\$58.00).

History Note: Authority G.S. 119-26; 119-26.1;

Eff. December 1, 1981;

Amended Eff. September 1, 1992; May 1, 1990; March 1, 1989; June 1, 1987;

Temporary Amendment Eff. March 14, 2008;

Amended Eff. July 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;

Amended Eff. August 1, 2025; March 1, 2021.

TITLE 08 - BOARD OF ELECTIONS

**08 NCAC 02 .0110 ACTIONS OF COUNTY BOARD
AS TO ELECTION PROTESTS**

(a) The county board shall transmit by email a copy of any filed election protest, including any attachments, to the State Board, affected candidates, and county party chairs as follows:

- (1) if hand delivered or mailed, within 24 hours after the election protest is filed;
- (2) if faxed, the same day the election protest is filed; or
- (3) if emailed, the same day the election protest is filed.

(b) The county board shall not consider election protests not timely filed, but shall refer, in the same manner and within the time period provided in Paragraph (a) of this Rule, all such untimely protests, along with copies of the protest and attachments, to the State Board office for consideration under G.S. 163-182.12. For the purposes of this Rule, timely means within the time specified in G.S. 163-182.9.

(c) Upon receipt of a timely filed election protest, the county board of elections shall hold a preliminary consideration meeting in accordance with G.S. 163-182.10 within two business days of when the protest is filed. If the protest is filed before election day and is stayed pursuant to G.S. 163-182.9(b)(4)d., the preliminary consideration meeting shall be held within two business days of election day. If the county board dismisses the protest upon preliminary consideration, the county board shall file its written decision at the board office within two business days of the preliminary consideration meeting and shall serve the written decision in the manner provided under Subparagraph (e)(2) of this Rule. If the county board determines that a hearing is necessary, the board shall set the hearing no later than seven business days from the date of the preliminary consideration meeting and shall start no earlier than 8:00 a.m. and no later than 8:00 p.m. at any location set by the county board of elections. The county board may continue hearings for good cause as determined by the county board. Only for good cause and upon informing the State Board office, may a hearing be set on or continued to a weekend day or holiday. Examples of good cause include, but are not limited to, procuring documentary evidence or securing witness testimony necessary to conclude the hearing.

(d) Notice of hearing as required by G.S. 163-182.10(b)(2) shall be given at least five business days prior to the day of the hearing, and the notice shall be provided by any of the following means: in-person oral notice, written notice to an email address supplied by any person required to receive notice, or, only if the county board lacks an email address, by U.S. mail to an address supplied by any person required to receive notice followed immediately by a phone call, if the person has supplied a phone number to the board. Any oral notice of the hearing shall be followed with a written notice sent prior to the hearing date. The oral notice shall constitute valid notice meeting the five-day notice requirement.

(e) The county board shall follow these procedures when considering an election protest:

- (1) Upon request by a protester or interested person, the chair or any two members of the county board shall issue subpoenas for

witnesses or documents, when the chair or two members of the county board conclude that the witnesses or documents are likely to provide information that is both relevant and material to the questions the county board must adjudicate in the protest, the information sought is not unnecessarily duplicative of other available evidence, and the subpoena is not likely to subject the recipient to undue burden or expense. Such subpoenas shall be served in the same manner as allowed in the North Carolina Rules of Civil Procedure.

- (2) The county board shall notify the person protesting, any affected candidate, and any affected officeholder of its decision in a protest hearing no later than 5:00 p.m. the next day after the conclusion of the hearing, in the manner provided in Paragraph (d) of this Rule. No separate notice is required if any person requiring notice was present at the hearing when the decision was announced. The board shall file at the board office a written decision within the mandates of G.S. 163-182.10(d) by 5:00 p.m. three business days after the conclusion of the protest hearing. Such written decision shall be served at the same time it is filed at the board office by email to an email address supplied by any person required to receive notice under G.S. 163-182.10(b). If the county board has no email address for any person required to receive notice under G.S. 163-182.10(b), the board shall serve that person by U.S. mail and immediately call that person, if the person has supplied a phone number to the board, to notify them that the decision has been filed. Nothing herein shall discourage more prompt decisions and written orders.

- (3) All election protest hearings before county boards shall be recorded by a court reporter or by mechanical means. The hearing need not be transcribed unless the board's decision is appealed. Upon notice of appeal to the State Board of an election protest, the county board shall cause the record of the hearing to be transcribed and delivered to the State Board, at the county board's expense, within seven business days of the notice of appeal. Transcripts of hearings shall be kept for two years after their creation.

(f) A county board of elections shall hear and decide all timely filed protests, unless:

- (1) the protest is administratively dismissed pursuant to 08 NCAC 02 .0114; or
- (2) the county board of elections receives alternative instructions from the State Board issued under G.S. 163-182.12.

If a protest does not concern the manner in which votes were counted or results tabulated, a county board of elections shall not delay canvass in order to hear the protest. A protest that alleges

the occurrence of an election law violation regarding an insufficient number of votes to change the outcome of a contest within the jurisdiction of a county board of elections under G.S. 163-182.4 shall not delay canvass by a county board of elections.

History Note: Authority G.S. 163-22; 163-182.10; Temporary Adoption Eff. April 15, 2002; Eff. August 1, 2004; Readopted Eff. September 1, 2018; Amended Eff. November 1, 2020; Temporary Amendment Eff. August 8, 2024; Temporary Amendment Exp. May 31, 2025; Amended Eff. August 1, 2025.

08 NCAC 09 .0107 FIRST RECOUNT

In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that were originally counted shall be recounted by machine, notwithstanding the method by which the ballots were originally counted. All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand by a bi-partisan team of four in accordance with 08 NCAC 09 .0106(d). Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is marked, contains overvotes, or is blank. The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three business days of the demand for a mandatory recount or the decision to conduct a discretionary recount under G.S. 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting pursuant to G.S. 163-182.5.

History Note: Authority G.S. 163-22; 163-182.7; Temporary Adoption Eff. April 15, 2002; Eff. August 1, 2004; Readopted Eff. June 1, 2019; Amended Eff. September 1, 2021; Temporary Amendment Eff. August 8, 2024; Temporary Amendment Exp. May 31, 2025; Amended Eff. August 1, 2025.

08 NCAC 09 .0110 SECONDARY RECOUNTS

For any hand-to-eye recount conducted under G.S. 163-182.7A, each county board of elections involved in the recount shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list under G.S. 143-318.12(b)(2), county party chairs, and the candidates in the contest subject to the recount. No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount. The board of elections having jurisdiction over the ballot item under G.S. 163-182.7 shall schedule any hand-to-eye recount to begin within two business days of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount.

History Note: Authority G.S. 163-22; 163-182.7; 163-182.7A; Temporary Adoption Eff. August 8, 2024; Temporary Adoption Exp. May 31, 2025; Adoption Eff. August 1, 2025.

08 NCAC 20 .0101 CHALLENGE TO THE APPOINTMENT OF AN OBSERVER

(a) Filing of Challenges. A county board of elections, by a majority vote and documented through a written statement made by any board member, may challenge the appointment of any observer appointed to serve in that county, and a chief judge of a voting place may challenge the appointment of any observer appointed to serve in that voting place. The challenge shall be submitted electronically or in writing to the county board of elections office before the observer is scheduled to serve. The challenge shall contain the following information:

- (1) the name of the observer;
- (2) the party or unaffiliated candidate that appointed the observer; and
- (3) the basis for the challenge pursuant to G.S. 163-45.1(f).

The county board of elections office shall immediately provide a copy of the challenge to the chair of the political party or candidate that appointed the observer. A notification sent within three business hours of receipt of the challenge to an email address provided by the chair of the political party or by the candidate appointing the observer is a method of providing immediate notice. For the purposes of this Rule, business hours are defined as the State Board's regular business hours identified in 08 NCAC 01 .0101.

(b) Hearing of Challenges. Upon receiving a challenge pursuant to Paragraph (a) of this Rule, the county board of elections shall hold a hearing and decide the challenge as expeditiously as possible but no later than two business days after the challenge is filed. For the purposes of this Paragraph, a business day includes regular business days of the county board of elections and any weekend days that the county board of elections has an early voting site open in the county during the period provided in G.S. 163-166.40. The chair of the county board of elections shall set the time of the hearing. The hearing may be held remotely, including by telephone. The county board shall provide notice of the hearing by electronic mail or telephone to the chair of the political party or the unaffiliated candidate that appointed the observer, in addition to providing the meeting notice required by G.S. 143-318.12. If notice is by telephone, the county board shall also provide the notice by electronic mail or text message. The notice shall inform the chair of the political party or the candidate that they may waive the hearing or decline to contest the challenge, in which case no hearing shall be held, and the county board may decide the challenge, as submitted, at a meeting held at the same time as the noticed hearing. At the hearing, the county board shall accept written or oral submissions from elections officials, observers, witnesses, and other individuals with pertinent information. The decision on the challenge shall be rendered at the meeting for which the challenge was noticed. The decision shall be reduced to writing and served within 24 calendar

hours of the meeting, either electronically or in person, to the chair of the political party or on the candidate appointing the observer.

(c) Appeals on Challenges. The decision by a county board of elections on a challenge to the appointment of an observer pursuant to Paragraph (b) of this Rule may be appealed only by the political party or candidate that appointed the observer. The county board's decision shall not be stayed pending appeal. The appeal shall be filed with the State Board of Elections via email to legal@ncsbe.gov no later than two business hours after the county board's decision is served pursuant to Paragraph (b) of this Rule. The appeal shall contain an argument explaining why the county board's decision should be reversed on account of one or more of the grounds listed in G.S. 150B-51(b) and shall be signed by the person filing the appeal. A copy of the county board decision shall be filed with the appeal. Upon receiving an appeal, the State Board shall decide the appeal on the basis of the record and may permit oral argument on the appeal if the chair of the Board concludes that the written record alone is not legally sufficient to make a decision on the appeal. The appeal shall be decided as expeditiously as possible. The decision of the State Board shall be reduced to writing and served electronically on the chair of the political party or on the candidate appointing the observer within 24 calendar hours of the decision having been made.

(d) An observer who is successfully challenged pursuant to this Rule shall not be permitted to serve as an observer in the primary or election during which they were challenged.

History Note: Authority G.S. 163-22; 163-45.1; Eff. October 1, 2018; Amended Eff. September 1, 2021; Temporary Amendment Eff. February 8, 2024; Temporary Amendment Exp. November 26, 2024; Amended Eff. August 1, 2025.

08 NCAC 20 .0102 APPEAL OF REMOVAL OF AN OBSERVER FROM A VOTING SITE

(a) Filing of Appeal. The decision by a chief judge to remove an observer pursuant to G.S. 163-45.1(j) may be appealed only by the chair of the political party or the candidate that appointed the observer. The appeal shall be filed with the county board of elections in the county where the observer was removed. To file the appeal, the appeal shall be emailed to the county director of elections or physically delivered to the county board office during business hours as follows:

- (1) If the observer was removed from an early voting site, the appeal shall be filed within one business day of when the observer was removed. For the purposes of this Rule, a business day includes regular business days of the county board of elections and any weekend days that the county board of elections has an early voting site open in the county during the period provided in G.S. 163-166.40.
- (2) If the observer was removed from an Election Day voting site, the appeal shall be filed within two calendar hours of when the observer was removed.

The appeal shall contain an argument explaining why the chief judge's decision should be reversed on account of one or more of the grounds listed in G.S. 150B-51(b). It shall state whether a hearing is requested and shall be signed by the person filing the appeal. The decision to remove an observer shall not be stayed pending appeal.

(b) Hearing of Appeal. The county board shall consider appeals filed pursuant to Paragraph (a) of this Rule as follows:

- (1) If the observer was removed from an early voting site, the county board shall decide the appeal as expeditiously as possible but no later than two business days after the appeal was received.
- (2) If the observer was removed from an Election Day voting site, the county board shall decide the appeal as expeditiously as possible but no later than four calendar hours after the appeal was received.

The county board shall provide notice of the meeting at which the appeal will be decided by electronic mail or telephone to the chair of the political party or the unaffiliated candidate that appointed the observer, in addition to providing the meeting notice required by G.S. 143-318.12. If notice is by telephone, the county board shall also provide the notice by email or text message. The county board's meeting may be held remotely, including by telephone. The county board shall accept written or oral submissions from elections officials, observers, witnesses, and other individuals with pertinent information. If no hearing is requested, the county board shall decide the appeal, based on written submissions only, at a meeting held at the same time as the noticed hearing. The decision shall be reduced to writing and served within 24 calendar hours after the meeting for early voting, and 2 calendar hours after the meeting on Election Day, either electronically or in person, to the chair of the political party or on the candidate appointing the observer.

(c) An observer who is removed from serving as an observer pursuant to G.S. 163-45.1(j) or this Rule shall not be permitted to serve as an observer in the primary or election during which they were removed.

History Note: Authority G.S. 163-22; 163-45.1; Temporary Adoption Eff. February 8, 2024; Temporary Amendment Exp. November 26, 2024; Adoption Eff. August 1, 2025.

08 NCAC 20 .0103 IDENTIFICATION OF OBSERVERS

Every appointed observer serving at a voting site pursuant to G.S. 163-45.1 shall wear an identification tag to make voters and elections officials aware of the observer's role in the voting site. The tag shall read "Observer for [Name] Party" or "Observer for Candidate [Name]" with the "[Name]" being the name of the political party or the candidate, as applicable. The tag shall be provided by the county board of elections and shall be no greater in size than a square measuring four inches by four inches.

History Note: Authority G.S. 163-22; 163-45.1; Temporary Adoption Eff. February 8, 2024; Temporary Adoption Exp. November 26, 2024;

Adoption Eff. August 1, 2025.

Note: The language in italics was approved by the Rules Review Commission at its January 30, 2025 meeting and was not in effect until August 1, 2025.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 13F .1604 RATING CALCULATION

(a) Ratings shall be based on:

- (1) Inspections completed pursuant to G.S. 131D-2.11(a) and (a1);
- (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
- (3) Type A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
- (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

(b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.

(c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

- (1) Merit Points
 - (A) If the facility corrects a *standard deficiency* of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive 1.25 merit points for each corrected deficiency;
 - (B) *If the facility corrects a citation for which a Type B violation was identified, the facility shall receive 1.75 merit points;*
 - (C) *If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;*
 - (D) *If the facility corrects the citation for which a Type A1 or Type A2 violation was identified, the facility shall receive 5 merit points;*
 - (E) *If the facility corrects a previously uncorrected Type A1 or Type A2 violation, the facility shall receive 5 merit points;*
 - (F) If the facility's admissions have been suspended pursuant to 131D-2.7, the facility shall receive 5 merit points if the suspension is removed;
 - (G) *If the facility's license is restored to a full license after being downgraded to*

- a provisional license, the facility shall receive 5 merit points;*
- (H) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;
- (I) *If the facility establishes an ongoing resident council which meets at least quarterly, the facility shall receive .5 merit point;*
- (J) *If the facility establishes an ongoing family council which meets at least quarterly, the facility shall receive .5 merit point;*
- (K) *If the facility's designated on-site staff member who directs the facility's infection control activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long Term Care Facilities" course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years, the facility shall receive .5 merit point.*
- (L) *If the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Rule, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours and include the fire alarm system, heating, lighting, refrigeration for medication storage, minimal cooking, elevators, medical equipment, computers, door alarms, special locking systems, sewage and well operation where applicable, sprinkler system, and telephones. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider;*
- (M) *If the facility installs automatic sprinklers in compliance with the North Carolina Building Code, and maintains the system in working order, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for*

maintaining the automatic sprinklers in working order; and

- (N) *If the facility engages the services of a third-party company to conduct resident and family satisfaction surveys at least annually for the purpose of improving resident care, the facility shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted by any employees of the facility, or a third-party company affiliated with the facility. The satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.*

(2) Demerit Points

- (A) For each *standard deficiency* of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
- (B) For each citation of a Type A1 or Type A2 violation, the facility shall receive a demerit of 10 points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;
- (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
- (D) If the facility's admissions are suspended pursuant G.S. 131D-2.7, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-2.7, G.S.131D-4.2, the facility shall not receive any demerit points;
- (E) *If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;*
- (F) If the facility receives a notice of revocation against its license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points; and
- (G) *If the facility's license is summarily suspended pursuant to G.S. 131D-2.7,*

the facility shall receive a demerit of 31 points.

(d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

- (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual or biennial inspections;
- (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual or biennial inspection;
- (3) Two stars shall be assigned for scores of 80 to 89.9 points;
- (4) One star shall be assigned for scores of 70 to 79.9 points; and
- (5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025; Amended Eff. Pending Legislative Review.

10A NCAC 13G .1604 RATING CALCULATION

(a) Ratings shall be based on:

- (1) Inspections completed pursuant to G.S. 131D-2.11(a) and (a1);
- (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
- (3) Type A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
- (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

(b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.

(c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

- (1) Merit Points
 - (A) If the facility corrects a *standard deficiency* of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive 1.25 merit points for each corrected deficiency;
 - (B) *If the facility corrects a citation for which a Type B violation was identified, the facility shall receive 1.75 merit points;*
 - (C) *If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;*

- (D) *If the facility corrects the citation for which a Type A1 or Type A2 violation was identified, the facility shall receive 5 merit points;*
 - (E) *If the facility corrects a previously uncorrected Type A1 or A2 violation, the facility shall receive 5 merit points;*
 - (F) *If the facility's admissions have been suspended pursuant to 131D-2.7, the facility shall receive 5 merit points if the suspension is removed;*
 - (G) *If the facility's license is restored to a full license after being downgraded to a provisional license, the facility shall receive 5 merit points;*
 - (H) *If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;*
 - (I) *If the facility establishes an ongoing resident council which meets at least quarterly, the facility shall receive .5 merit point;*
 - (J) *If the facility establishes an ongoing family council which meets at least quarterly, the facility shall receive .5 merit point;*
 - (K) *If the facility's designated on-site staff member who directs the facility's infection control activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long Term Care Facilities" course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years, the facility shall receive .5 merit point;*
 - (L) *If the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Rule, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours and include the fire alarm system, heating, lighting, refrigeration for medication storage, minimal cooking, elevators, medical equipment, computers, door alarms, special locking systems, sewage and well operation where applicable, sprinkler system, and telephones. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider;*
- (M) *If the facility installs automatic sprinklers in compliance with the North Carolina Building Code, and maintains the system in working order, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in working order; and*
 - (N) *If the facility engages the services of a third-party company to conduct resident and family satisfaction surveys at least annually for the purpose of improving resident care, the facility shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted by any employees of the facility, or a third-party company affiliated with the facility. The satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.*
- (2) Demerit Points
- (A) For each standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
 - (B) For each citation of a Type A1 or Type A2 violation, the facility shall receive a demerit of 10 points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;
 - (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
 - (D) If the facility's admissions are suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to

G.S. 131D-2.7, G.S. 131D-4.2, the facility shall not receive any demerit points;

(E) If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;

(F) If the facility receives a notice of revocation against its license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points; and

(G) If the facility's license is summarily suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points.

(d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

- (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual *or biennial* inspections;
- (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual *or biennial* inspection;
- (3) Two stars shall be assigned for scores of 80 to 89.9 points;
- (4) One star shall be assigned for scores of 70 to 79.9 points; and
- (5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025; Amended Eff. Pending Legislative Review.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02B .0733 TAR-PAMLICO NUTRIENT STRATEGY: WASTEWATER DISCHARGE REQUIREMENTS

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Tar-Pamlico River basin:

- (1) Purpose. The purpose of this Rule is to establish minimum nutrient control requirements for point source discharges in the Tar-Pamlico River Basin in order to maintain or restore water quality in the Pamlico Estuary and protect its designated uses.
- (2) Applicability. This Rule applies to all discharges from wastewater treatment facilities in the Tar-Pamlico River Basin that receive nitrogen- or phosphorus-bearing wastewater and are required to obtain individual NPDES permits.

(3) Definitions. The terms used in this Rule, in regard to point source dischargers, treatment facilities, wastewater flows or discharges, or like matters, shall be as defined in Rule .0701 of this Section and as follows; except that if the terms conflict, the terms in this Rule shall control:

- (a) "Tar-Pamlico Active Allocation" means that portion of an allocation that has been applied toward and is expressed as a nutrient Tar-Pamlico Limit in an individual NPDES permit for a discharger in the Tar-Pamlico River Basin;
- (b) "Association" means the Tar-Pamlico Basin Association, a not-for-profit corporation consisting of NPDES-permitted dischargers in the Tar-Pamlico River Basin; established voluntarily by its members to work cooperatively to meet the aggregate Total Nitrogen (TN) and Total Phosphorus (TP) allocations originally established in the Tar-Pamlico Nutrient TMDL and subsequently in the group permit.
- (c) "Commission" means the North Carolina Environmental Management Commission.
- (d) "Existing" means that which obtained an NPDES permit on or before December 8, 1994.
- (e) "Expanding" means that which increases beyond its permitted flow as defined in Sub-Item (4)(h) of this Rule.
- (f) "Tar-Pamlico Limit" means the mass quantity of nitrogen or phosphorus that a discharger or group of dischargers is authorized through an NPDES permit to release into surface waters of the Tar-Pamlico River Basin.
- (g) "New" means a facility which had not obtained an NPDES permit on or before December 8, 1994.
- (h) "Permitted flow" means the maximum monthly average flow authorized in a facility's NPDES permit as of December 8, 1994.
- (i) "Tar-Pamlico Reserve Allocation" means allocation that is held by a permittee or other person but that has not been applied toward and is not expressed as a nutrient Tar-Pamlico Limit in an individual NPDES permit of a discharger in the Tar-Pamlico River Basin.

- (4) This Item specifies the total combined end of pipe nitrogen and phosphorus discharge allocation for dischargers in accordance with the nutrient TMDL for the Pamlico River estuary approved in 1995 by the US Environmental Protection Agency.
- (a) Unless revised through permit modification as provided for in Items (7) through (9) of this Rule, the total Tar-Pamlico Active Allocations for nitrogen and phosphorus discharge shall be based on a 30 percent reduction in TN from 1991 baseline end-of-pipe loading and no increase in TP and shall be specified in the NPDES group permit No. NC000002, including subsequent amendments and editions. The permit is available for public inspection at no cost at the Division of Water Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604. The nutrient loads discharged annually by point sources covered by the NPDES group permit shall not collectively exceed these nitrogen and phosphorus discharge allocations plus any nutrient offset credits obtained in accordance with G.S. 143-214.26 and Rule .0703 of this Section. In the event the allocations are revised as provided for in Items (7) through (9) of this Rule, the NPDES group permit shall be modified to reflect those changes.
- (b) Tar-Pamlico Reserve Allocations of 59,798 pounds of nitrogen and 3,898 pounds of phosphorus shall be held in reserve except to the extent they are approved for use in accordance with Sub-Items (6)(c) or (7)(e) of this Rule.
- (c) The Commission shall revise the Nitrogen and Phosphorus TMDL and nitrogen and phosphorus discharge allocations whenever necessary to ensure that water quality in the estuary meets all applicable standards in 15A NCAC 02B .0200 or to conform with applicable State or federal requirements.
- (5) This Item specifies the individual nitrogen and phosphorus discharge allocations for existing point source dischargers in accordance with the 1995 TMDL.
- (a) Unless revised through permit modification as provided for in Items (7) through (9) of this Rule, the individual Tar-Pamlico Active Allocations for nitrogen and phosphorus discharge allocations for existing point source dischargers shall be based on a 30 percent reduction in TN from 1991 baseline end-of-pipe loading and no increase in TP and shall be specified in their individual NPDES permits, including subsequent amendments and editions. These permits are available for public inspection at no cost at the Division of Water Resources, 512 North Salisbury Street Raleigh, North Carolina 27604.
- (b) In the event that the nitrogen and phosphorus TMDL and their discharge allocations for point sources are revised, as provided in Sub-Item (4)(c) of this Rule, the Commission shall apportion the revised load among the existing facilities and shall revise discharge allocations. The Commission shall consider factors, including:
- (i) fate and transport of nitrogen and phosphorus in the river basin;
 - (ii) technical feasibility and economic reasonableness of source reduction and treatment methods;
 - (iii) economies of scale;
 - (iv) nitrogen and phosphorus control measures already implemented;
 - (v) probable need for growth and expansion; and
 - (vi) incentives for nutrient management planning, utilities management, resource protection, and cooperative efforts among dischargers.
- (6) This Item specifies nutrient controls for new facilities.
- (a) New facilities proposing to discharge wastewater shall evaluate all practical alternatives to surface water discharge pursuant to 15A NCAC 02H .0105(c)(2) prior to submitting an application to discharge.
- (b) New facilities shall document in their permit application that they have acquired some combination of the following allocations and offsets sufficient to meet the annual Tar-Pamlico Limits required elsewhere in this Item for the proposed discharge:
- (i) nitrogen and phosphorus allocations from existing dischargers;

- (ii) Tar-Pamlico Reserve Allocation pursuant to Sub-Item (c) of this Item; and
- (iii) nitrogen and phosphorus offset credits pursuant to Rule .0703 of this Section. Allocation and offset credits shall be sufficient for no less than 10 subsequent years of discharge at the proposed design flow rate in accordance with 15A NCAC 02H .0112(c).
- (c) New facilities proposing to use any portion of the Tar-Pamlico Reserve Allocation described in Sub-Item (4)(b) of this Rule shall submit a written request to the Division for approval of the proposed use. The request shall include concurrence for its use by the Association.
- (d) New facilities shall meet technology-based nitrogen and phosphorus discharge Tar-Pamlico Limits that shall not exceed the following:
 - (i) For facilities treating municipal or domestic wastewater, the mass load equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP at the monthly average flow limit in the facility's NPDES permit; and
 - (ii) For facilities treating industrial wastewater, the mass load equivalent to the best available technology economically achievable, calculated at the monthly average flow limit in the facility's NPDES permit.
- (e) Subsequent applications for permit renewal or, where an existing permit will contain tiered Tar-Pamlico Limits requests to discharge at an increased flow, shall demonstrate that the facility has sufficient nitrogen and phosphorus allocation or offset credits to meet its effluent nutrient Tar-Pamlico Limitations for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at an increased design flow rate in accordance with 15A NCAC 02H .0112(c).
- (f) The Director shall not issue a permit authorizing discharge from a new facility unless the applicant has satisfied the requirements of Sub-Items (a) through (d) of this Item. If a facility's permit contains tiered flow Tar-Pamlico Limits for expansion, the Director shall not authorize an increased discharge unless the applicant has satisfied the same requirements of this Item.
- (g) The Director shall establish more stringent Tar-Pamlico Limits for nitrogen or phosphorus upon finding that such Tar-Pamlico Limits are necessary to protect water quality standards in localized areas, in accordance with G.S. 143-215.1.
- (7) This Item specifies nutrient controls for expanding facilities.
 - (a) Expanding facilities shall evaluate all practical alternatives to surface water discharge pursuant to 15A NCAC 02H .0105(c)(2) prior to submitting an application to discharge.
 - (b) The nitrogen and phosphorus discharge Tar-Pamlico Limits for expanding non-Association facilities shall be assigned in accordance with the following:
 - (i) Expanding non-Association municipal or domestic wastewater facilities requesting permitted flows greater or equal to 0.1 MGD shall be assigned the mass equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP at the monthly average flow limit in the facility's NPDES permit; and
 - (ii) Expanding non-Association facilities treating industrial wastewater shall be assigned the mass load equivalent to the best available technology economically achievable, calculated at the monthly average flow limit in the facility's NPDES permit.
 - (c) An expanding facility that is a member of the Association, as defined in Sub-Item (3)(b) of this Rule, shall not exceed the nitrogen and phosphorus loads equivalent to its Tar-Pamlico Active Allocations unless they receive Division approval for an increase in their discharge as described in this Item.
 - (d) Facilities submitting application for increased discharge or, where an existing permit will contain tiered Tar-Pamlico Limits for authorization to

discharge at an increased flow, may acquire nitrogen and phosphorus allocations from existing dischargers or nitrogen and phosphorus offset credits pursuant to Rule .0703 of this Section, or may acquire Tar-Pamlico Reserve Allocation in compliance with Sub-Item (e) of this Item for the proposed discharge. The acquired allocations and offset credits, combined with any preexisting allocations, shall be sufficient to meet its effluent nutrient Tar-Pamlico Limits as established in this item for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at an increased design flow rate in accordance with 15A NCAC 02H .0112(c).

- (e) A facility that submits an application to increase its discharge may request approval from the Division to use a portion of the Tar-Pamlico Reserve Allocation described in Sub-Item (4)(b) of this Rule. Approval shall be based on the following criteria:
 - (i) The expanding facility demonstrates that upon expansion their nitrogen and phosphorus discharge would not exceed the mass load equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP, calculated at the monthly average flow limit in the facility's NPDES permit;
 - (ii) The expanding facility requesting use of Tar-Pamlico Reserve Allocation has received written approval from the Association.
 - (iii) Should the facility cease to discharge, the portion of the Tar-Pamlico Reserve Allocation that was activated shall revert back to Tar-Pamlico Reserve Allocation; and
- (f) The Director shall not issue an NPDES permit authorizing increased discharge from an existing facility unless the applicant has satisfied the requirements of Sub-Items (a) through (e) of this Item. If a facility's permit contains tiered flow limits for expansion, the Director shall not authorize discharge at an increased

flow unless the applicant has satisfied the same requirements of this Item.

- (g) The Director shall modify an expanding facility's permit to establish more stringent Tar-Pamlico Limits for nitrogen or phosphorus upon finding that such Tar-Pamlico Limits are necessary to protect water quality standards in localized areas.
- (8) This Item describes the option for dischargers to form a group compliance association or join an existing group compliance association, to collectively meet nitrogen and phosphorus load Tar-Pamlico Limits.
 - (a) Any or all facilities within the basin may form a group compliance association or join an existing group compliance association, to meet nitrogen and phosphorus Tar-Pamlico Limits collectively. Any new association formed shall apply for and shall be subject to an NPDES group permit that establishes the effective total nitrogen and phosphorus Tar-Pamlico Limits for the association and for its members. More than one group compliance association may be established. No facility may be a co-permittee member of more than one association formed pursuant to this Rule at any given time.
 - (b) The Tar-Pamlico Basin Association, voluntarily established in 1989, is an established group compliance association the operates under NPDES group permit No. NCC000002. The nitrogen and phosphorus discharge allocation for Association members shall be specified in this permit, as referenced in Sub-Item (4)(a) of this Rule.
 - (c) An association may modify its membership at any time upon notification to the Division. The Division shall adjust the nitrogen and phosphorus allocations and Tar-Pamlico Limits in the NPDES group permit to reflect the change in membership.
 - (d) No later than 180 days prior to coverage under a new NPDES group permit, or expiration of an existing group permit, the association and its members shall submit an application for an NPDES permit for the discharge of total nitrogen and total phosphorus to the surface waters of the Tar-Pamlico River Basin. The NPDES group permit shall be issued to the

association and its members as co-permittees.

- (e) An association's Tar-Pamlico Limit of total nitrogen and total phosphorus shall be the sum of its members' individual allocations and nutrient offset credits plus any other allocation and offset credits obtained by the association or its members pursuant to this Rule.
- (f) An association and its members may reapportion their individual allocations and nutrient offset credits on an annual basis. The NPDES group permit shall be modified to reflect the revised individual allocations and Tar-Pamlico Limits.
- (g) If an association does not meet its Tar-Pamlico Limits in any year, it shall obtain or use existing nutrient offset credits in accordance with G.S. 143-214.26 and Rule .0703 of this Section to offset its mass exceedance no later than July 1 of the following year.
- (h) An association's members shall be deemed compliant with the permit Tar-Pamlico Limits for total nitrogen and total phosphorus contained in their individually issued NPDES permits while they are members in an association. An association's members shall be deemed compliant with their individual Tar-Pamlico Limits in the NPDES group permit in any year in which the association is in compliance with its Tar-Pamlico Limits. If the association exceeds its group Tar-Pamlico Limit, the association and any members that exceed their individual Tar-Pamlico Limits in the NPDES group permit shall be deemed to be out of compliance with the group permit.
- (i) Upon the termination of a group compliance association, members of the association shall be subject to the Tar-Pamlico Limits and other nutrient requirements of their individual NPDES permits.
- (9) If an NPDES-permitted discharger or association of dischargers accepts wastewater from another NPDES-permitted treatment facility in the Tar-Pamlico River Basin and that acceptance results in the elimination of the discharge from that other treatment facility, the eliminated facility's total nitrogen and phosphorus allocations shall be transferred into the receiving facility's NPDES permit and added to its allocations.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); 143-215.8B; 143B-282; Eff. April 1, 1997; Recodified from 15A NCAC 02B .0229 Eff. April 1, 2020; Readopted April 1, 2020; Amended Eff. August 1, 2025.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR BOARD

21 NCAC 25 .0701 SCHEDULE OF PENALTIES AND PUBLICATION OF DISCIPLINE

- (a) The presumptive penalty for any violation of any provision of Chapter 90D of the North Carolina General Statutes or any rule adopted by the Board shall be:
 - (1) \$500 for the first violation; and
 - (2) \$1,000 for subsequent violations
- (b) After issuance of a final order determining any person violated Chapter 90D of the North Carolina General Statutes or any rule adopted by the Board, the Board shall publish to its website the person's name, violation type, date of violation, and the assessed penalty for each violation.

History Note: Authority G.S. 90D-14(c); Eff. August 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017; Amended Eff. August 1, 2025.

CHAPTER 56 - ENGINEERS AND SURVEYORS

21 NCAC 56 .1602 SURVEYING PROCEDURES

- (a) A Professional Land Surveyor shall spend the necessary time and effort to make investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed. Points may be placed on the line from closed or verified traverses and the necessary investigations made from these points. If these investigations are not made, then the surveyor shall not certify to an actual survey of that line and the plat shall contain the appropriate qualifications in accordance with the rules in this Section.
- (b) Any and all visible or determined encroachments or easements on the property being surveyed shall be accurately located and indicated.
- (c) With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat upon which the survey is being based (the survey reference deed or plat).
- (d) Except as provided in Paragraph (e) of the Rule, metal stakes or materials of comparable permanence shall be placed at all corners of the property.

(e) Where a corner falls in a right-of-way, tree, stream, or on a fence post, boulder, stone, or similar object, one or more monuments or metal stakes shall be placed in the boundary so that the inaccessible point may be located accurately on the ground and the map.

(f) The results of a survey shall be provided to the user of that survey as either a map or a report of survey. The results may be presented in written or graphic form. In either case, the survey shall be factual and understandable to the anticipated user of the map or report. All reference sources shall be identified. Artificial monuments called for in such reports shall be described as having been found in place or set by the surveyor. When no monument is found or set for points described in Paragraph (e) of this Rule, that fact shall be noted.

(g) Tie lines and grid control defined. Where the results of a survey are reported in the form of a plat or a written description, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey, where such monument is within 2000 feet of the subject property, right-of-way, easement or other surveyed entity (i.e., "grid control"). Where the North Carolina grid system coordinates of said monument are on file in the Department of Public Safety, Emergency Management, Geodetic Survey office, the coordinates of both the referenced corner or point and the monument(s) shall be shown in X (easting) and Y (northing) coordinates on the plat or in the written description or document. The coordinates shall be identified as based on "NAD 83," indicating North American Datum of 1983 or as "NAD 27," indicating North American Datum of 1927. The datums of the National Geodetic Survey (NGS) are incorporated by reference including subsequent amendments and editions, and may be accessed free of charge at www.ngs.noaa.gov. The tie lines to the monuments shall be sufficient to establish true north or grid north bearings for the plat or description if the monuments exist in pairs. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of bearing consistency with previously recorded plats, existing bearing control may be used where practical. In the absence of grid control, other natural or artificial monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(h) Whenever area is computed and included on a plat, the method of computation shall be stated on the plat. Area computations by estimation, by planimeter, by scale, or by copying from another source are not acceptable methods, except in the case of tracts containing inaccessible areas.

History Note: Authority G.S. 89C-10; 89C-20; Eff. July 1, 1989; Amended Eff. August 1, 2014; August 1, 2012 (see S.L. 2012-143, s.1.(f)); September 1, 2011; May 1, 2009; August 1, 2000; August 1, 1998; February 1, 1996; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. August 1, 2025.

21 NCAC 56 .1607 GLOBAL POSITIONING SYSTEMS SURVEYS

(a) General. Global Navigation Satellite Systems (GNSS) is the generic name of navigation and positioning systems with global coverage that is comprised of GPS (Global Positioning System, United States, originally Navstar), GLONASS (Global Navigation Satellite System, Russia), Galileo (Europe), BDS (BeiDou Navigation Satellite System, China, also known as COMPASS), and any other satellite-based navigation and positioning systems.

(b) The Professional Land Surveyor in responsible charge of the GPS survey shall certify all prepared documents pursuant to Rule .1103 of this Chapter and include a GPS certificate on the survey. When a map or document consists of more than one sheet, only one sheet must contain the certificate and all others must be certified. The certificate or metadata notes shall contain the following information:

- (1) Class of GPS survey as defined in the Standards of Practice (or list the sections);
- (2) Positional accuracy;
- (3) Type of GPS field procedure, such as Static, Kinematic, Pseudo-Kinematic, Real-time Kinematic, Real-time Kinematic networks, and Online Position User Service;
- (4) Dates of survey;
- (5) What datum and epoch coordinates or geographic positions are based on;
- (6) Designation of fixed-control stations and their positional data;
- (7) Geoid model used;
- (8) Combined grid factor(s); and
- (9) Units.

The certificate shall be substantially in the following form:
 "I, _____, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: _____
- (2) Positional accuracy: _____
- (3) Type of GPS field procedure: _____
- (4) Dates of survey: _____
- (5) Datum/Epoch: _____
- (6) Published/Fixed-control used: _____
- (7) Geoid model: _____
- (8) Combined grid factor(s): _____
- (9) Units: " _____

(c) GPS surveys to provide control networks shall be performed in such a manner that it meets a 95 percent confidence level of the positional accuracy of each point relative to the published positions of the control points used and shall meet the accuracy standards of a Class AA survey as set out in Rule .1603.

(d) GPS surveys performed to provide local horizontal or vertical control on a parcel of land where the boundary or topography of that parcel will be shown relative to North Carolina grid horizontal or vertical datum shall be performed using techniques that will provide the standards of accuracy for the class of survey being performed while determining the horizontal or vertical positions of objects as set out in Rule .1603 or Rule .1606 as applicable.

APPROVED RULES

(e) Fixed station(s) used for the project shall appear on the map, plat, or report. The minimum data shown for each fixed station shall be station name, horizontal position (northing and easting) or latitude, longitude, elevation (ellipsoid or orthometric), and datum and epoch.

History Note: Authority G.S. 89C-10; 89C-20;

Eff. November 2, 1992;

Amended Eff. August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;

Amended Eff. August 1, 2025; July 1, 2020.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission July 30, 2025 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 984-236-1850. 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

Jeanette Doran (Chair)
John Hahn
Jeff Hyde
Wyatt Dixon, III
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher 984-236-1934
Travis Wiggs 984-236-1929

RULES REVIEW COMMISSION MEETING DATES

September 25, 2025 November 20, 2025
October 30, 2025 December 18, 2025

**RULES REVIEW COMMISSION MEETING
MINUTES
July 30, 2025**

The Rules Review Commission met on Wednesday, July 30, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room. Commissioner Wyatt Dixon III was present via Webex.

Staff member Alexander Burgos, and Commission Counsel Travis Wiggs were present in the room. Commission Counsel Seth Ascher was present via Webex.

The meeting was called to order at 10:01 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

Chair Doran introduced Administrative Law Judge William W. Peaslee with the Office of Administrative Hearings to the Commission.

Judge Peaslee administered the Oath of Office to Commissioners Wayne R. Boyles III, Chris Loutit, and Jake Parker.

The Chair read into the record the Evaluation of Statement of Economic Interest for Wyatt Dixon III, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair informed the Commission that, due to the absence of some members from the meeting room, all votes would be conducted by roll call.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the June 26, 2025 meeting.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

FOLLOW-UP MATTERS

Gasoline and Oil Inspection Board

Upon the call of the Chair, 02 NCAC 42 .0201 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of Labor

The agency submitted a request to withdraw 13 NCAC 07F .0201. No action was required by the Commission.

Private Protective Services Board

The Commission voted to further extend the period of review for 14B NCAC 16 .0701, .0707, .0801, .1203, .1301, .1307, .1401, .1501, .1502 to the August meeting by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, 15A NCAC 02B .0733 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commission for Public Health

The Commission objected to 15A NCAC 18C .1540 at the June meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

State Board of Elections

Upon the call of the Chair, 08 NCAC 02 .0110; 09 .0107, .0110; 20 .0101, .0102, and .0103 were approved by roll-call vote, ayes 6, noes 2 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Chris Loutit, Jake Parker, and Paul Powell – 8. Voting in the negative: Jeff Hyde and Randy Overton – 2

Medical Care Commission

Upon the call of the Chair, 10A NCAC 13F .1604 and 10A NCAC 13G .1604 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 10A NCAC 13F .1604 and 10A NCAC 13G .1604.

Interpreter and Transliterator Licensing Board

Upon the call of the Chair, 21 NCAC 25 .0701 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners for Engineers and Surveyors

Upon the call of the Chair, 21 NCAC 56 .1602 and .1607 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Existing Rules Review

Board of Agriculture

02 NCAC 20B and 37 - Upon the call of the Chair, the Commission approved the reports as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Gasoline and Oil Inspection Board

02 NCAC 42 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Soil and Water Conservation Commission

02 NCAC 59A, 59B, 59C, 59E, 59F, and 59G - Upon the call of the Chair, the Commission approved the reports as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Agriculture

02 NCAC 60A, 60B, and 60C - Upon the call of the Chair, the Commission approved the reports as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of Natural and Cultural Resources

07 NCAC 01, 02H, 02I, and 02J - Upon the call of the Chair, the Commission approved the reports as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Trustees of the North Carolina Museum of Art

07 NCAC 03 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

USS North Carolina Battleship Commission

07 NCAC 05 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of Revenue

17 NCAC 05 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Local Government Commission

20 NCAC 03 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Refrigeration Examiners

21 NCAC 60 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Social Work Certification and Licensure Board

21 NCAC 63 - Upon the call of the Chair, the Commission approved the report as submitted by the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

READOPTIION DEADLINES

Environmental Management Commission

15A NCAC 02R – Upon the call of the Chair, the Commission voted to schedule the readoption of these Rules no later than August 1, 2027 pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Chair entered into the record a letter of appreciation recognizing the service of outgoing Commissioner Brandon Leebrick.

Upon the call of the Chair, the Commission voted to approve the posting of the proposed amendment to 26 NCAC 05 .0209 for publication in the North Carolina Register and on the OAH website by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The Chair notified the Commissioners that the proposed 2026 RRC meeting schedule will be taken up at the next meeting.

At 10:31 a.m., upon a motion by the Chair and a second by Commissioner Parker, the Commission voted to call the public meeting of the Rules Review Commission to enter into closed session pursuant to G.S. 143-318.11(a)(3) within the attorney-client privilege to consult with counsel regarding the CRC v. RRC and CJETS v. RRC; and Brian Liebman, in his official capacity as Codifier of Rules by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The Commission returned to open session and resumed its regular meeting at 11:07 a.m.

The Chair announced that the Commission's officer elections will be held during its September meeting.

Upon the call of the Chair, the meeting adjourned at 11:21 a.m. by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Wyatt Dixon III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

The next regularly scheduled meeting of the Commission is Thursday, August 28, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

July 30, 2025

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
AWN ELMORE	NC SOS
Ben Busch	NC DOJ (NCITLB)
Jennifer Everett	DEQ
Ely Young	NC DOJ
Emily Wiley	NCDOT
Eric Hunt	NC DOJ
Alicia Landi	NCDOT/HMTB
Shanah Black	DHSR
Don Wall	SOS
Laura Hansford	NCDOR
Anne Hayworth	WCPA
Megan Lamphere	NCDHHS THSR
Barbara Jackson	UCDOL
Don Starn	NMRS
Az, 500 Pysing	NMRA

Rules Review Commission Meeting June 26, 2025

Via WebEx

Name	Agency
Brian LiVecchi	NCSBEV
Nancy Hunter	DHHS
Ashley McGhee	NCDOR
April Day	NCDOR
Michael Gossett	NCDOR
Marlika Hairston	NCCOB
Laura Rowe	NC treasurer
Elizabeth Hawley	NC treasurer
Seth Ascher	OAH
Jonathan Avery	DNCR
Marcus Helfrich	NCAGR
Virginia Niehaus	DHHS
Julie Eddins	OAH
Misty Piekaar	DHHS
Wes Tripp	NCBELS
Tracy Turner	DHHS
Tameka Riggsbee	DHHS
Marilyn Smalls	ABC
Kinsey, Elizabeth R	DHHS
Renee Metz	ABC
Genevieve Kaplan	stateside.com
Cliff Isaac	NCHBA
Ryan Mitiguy	Hedrick Gardner
Elizabeth Pope	NCSWBOARD
Joe Starling	NCDOI
Shazia Keller	DHHS



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

August 8, 2025

Jennifer Everett, Environmental Management Commission
Sent via email only to: jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 02R

Dear Ms. Everett,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the July 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **August 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

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**RRC DETERMINATION
PERIODIC RULE REVIEW
April 24, 2025
APO Review: June 25, 2025
Environmental Management Commission
Total: 9**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 02R .0102</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0202</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0203</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0301</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0302</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0402</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0403</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0601</u>	Necessary with substantive public interest
<u>15A NCAC 02R .0602</u>	Necessary with substantive public interest



OATH OF OFFICE
for the
Rules Review Commission

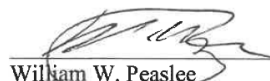
I, Philip J. "Jake" Parker, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Philip J. "Jake" Parker, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

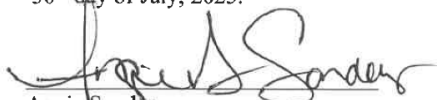
I, Philip J. "Jake" Parker, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

This 30th day of July, 2025.

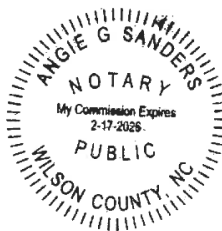

Philip J. "Jake" Parker


William W. Peaslee
Administrative Law Judge

Sworn and subscribed before me this the 30th day of July, 2025.


Angie Sanders
Notary Public

My Commission Expires: February 17, 2026





OATH OF OFFICE

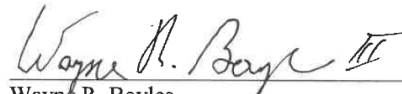
for the
Rules Review Commission

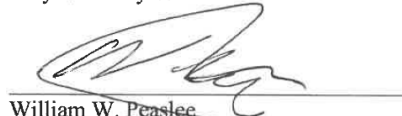
I, Wayne R. Boyles, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Wayne R. Boyles, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.


I, Wayne R. Boyles, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

This 30th day of July, 2025.

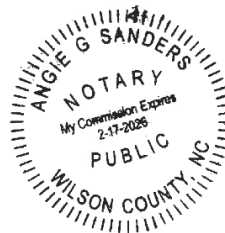

Wayne R. Boyles


William W. Peaslee
Administrative Law Judge

Sworn and subscribed before me this the 30th day of July, 2025.


Angie Sanders
Notary Public

My Commission Expires: February 17, 2026





STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

OATH

I, Wyatt T. Dixon, III, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Wyatt T. Dixon, III, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Wyatt T. Dixon, III, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

Wyatt T. Dixon, III
Signature
WYATT T. DIXON, III

Mecklenburg County, North Carolina
Sworn and subscribed before me this the 17th day of _____ day of July 2025.

Karen Thies Crane
Karen Thies Crane, Notary Public

My Commission Expires: 23 Jun 30

KAREN THIES CRANE
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires June 23 2030

1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609



OATH OF OFFICE
for the
Rules Review Commission

I, Christopher Loutit, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Christopher Loutit, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Christopher Loutit, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

This 30th day of July, 2025.

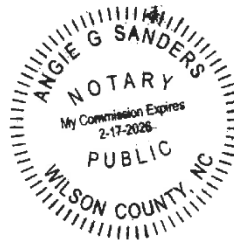
Christopher Loutit

William W. Peaslee
Administrative Law Judge

Sworn and subscribed before me this the 30th day of July, 2025.

Angie Sanders
Notary Public

My Commission Expires: February 17, 2026



LIST OF APPROVED PERMANENT RULES
July 30, 2025 Meeting

GASOLINE AND OIL INSPECTION BOARD

Standard Specifications 02 NCAC 42 .0201

ELECTIONS, STATE BOARD OF

Actions of County Board as to Election Protests 08 NCAC 02 .0110

First Recount 08 NCAC 09 .0107

Secondary Recounts 08 NCAC 09 .0110

Challenge to Appointment of an Observer 08 NCAC 20 .0101

Appeal of Removal of an Observer from a Voting Site 08 NCAC 20 .0102

Identification of Observers 08 NCAC 20 .0103

MEDICAL CARE COMMISSION

Rating Calculation 10A NCAC 13F .1604

Rating Calculation 10A NCAC 13G .1604

ENVIRONMENTAL MANAGEMENT COMMISSION

Tar-Pamlico Nutrient Strategy: Wastewater Discharge... 15A NCAC 02B .0733

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

Schedule of Penalties 21 NCAC 25 .0701

ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

Surveying Procedures 21 NCAC 56 .1602

Global Positioning Systems Surveys 21 NCAC 56 .1607