

REQUEST FOR TECHNICAL CHANGE

AGENCY: Soil and Water Conservation Commission

RULE CITATION: 02 NCAC 59D .0201

DEADLINE FOR RECEIPT: December 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 6, please add a comma after "District."

For the list in (c)(1)-(5), please do not capitalize the first word in each listed item.

At line 18, please change "and/or" to either "and" or "or."

Why were changes made to the rule post-publication? Was it in response to public comment?

In your history note, please put the "14" after "139-4(d)(9) in parentheses.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

02 NCAC 59D .0201 is adopted with changes as published in 35:05 NCR 561-562 as follows

**02 NCAC 59D .0201 CRITERIA AND PROCEDURES FOR GRANTING JOB APPROVAL
AUTHORITY**

(a) “Eligible individuals” means Soil and Water Conservation District employees, county employees working as staff for a Soil and Water Conservation District and employees of the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation.

(b) Eligible individuals seeking Job Approval Authority (JAA) from the Commission shall receive agreement from their immediate supervisor. District staff shall also receive agreement from the chair of the Soil and Water Conservation District for whom they are employed.

(c) Eligible individuals seeking JAA for a best management practice as defined by 02 NCAC 59D .0102(6) shall submit application to the Division for evaluation of technical competency. The application for JAA shall include:

(1) Name;

(2) Contact information;

(3) JAA requested;

(4) Signature of District Chair or Supervisor; and

(5) Proof of technical competency for the requested JAA including comparable JAA through USDA-NRCS, or applicable certification and/or submission of two completed practice designs.

The minimum technical competency requirements for each practice shall be listed in the applicable program’s Detailed Implementation Plan (DIP) as defined in 02 NCAC 59D .0102(14).

(d) Eligible individuals who submit documentation of JAA issued by the USDA Natural Resources Conservation Service as part of the application described in Paragraph (c) of this Rule shall be granted equivalent JAA by the Commission, unless JAA has subsequently been rescinded due to factors identified in Paragraph (f) of this Rule.

(e) The Commission shall consider an eligible individual who is duly licensed as a professional engineer by the North Carolina Board of Examiners for Engineers and Surveyors as having JAA for any best management practice to which they affix their seal and signature to all designs and technical documents.

(f) The Commission may rescind an individual’s JAA for any or all best management practices where the Commission determines that ~~if~~ the individual fails to comply with the ~~associated technical~~ applicable practice standards, submits false data or is dishonest in the use of their JAA, taking into consideration the severity of the non-compliance, the extent and significance of any false data submitted, and the individual’s history of non-compliance.

(g) Individuals no longer employed by the County, District, or Division shall have previously issued JAA reinstated if they are re-employed as an eligible individual and have subsequently complied with the requirements described in Paragraphs (b) and (c) of this Rule.

History Note: Authority G.S. 106-840; 106-850; 139-3; 139-4(d)(9) and 14;

Eff. January 1, 2021.