

21 NCAC 23 .0208 is proposed for amendment with changes as published in 32:14 NCR 1394 as follows:

21 NCAC 23 .0208 COMPLAINT PROCESS

~~(a) Upon receipt of a complaint alleging misconduct or unlicensed practice that might subject a licensee or other person to discipline or upon notice of such otherwise coming to the Board's attention through investigatory means, the Board's Investigative Committee shall determine whether further investigation is necessary to resolve the complaint. If the Investigative Committee determines an investigation is necessary, the Board shall send a notice of complaint to the respondent.~~

~~(b)~~ (a) An individual who wishes to make a complaint alleging violation of G.S. 89G or the Board's rules ~~The complainant~~ shall submit ~~the a~~ complaint form online through the Board's website (<http://www.nciclb.org>) or by printing the form from the Board's website and mailing it to the Board office at P.O. Box 41421 Raleigh, N.C. 27629. The following information shall be included in the complaint form:

- (1) date of complaint;
- (2) complainant name;
- (3) complainant mailing address;
- (4) complainant contact number;
- (5) alleged violator name;
- (6) location of violation site, including city;
- (7) date alleged violation was noted;
- (8) how complainant became aware of alleged violation;
- (9) ~~detailed~~ description of the work being performed; and
- (10) statement that the information provided by the complainant is true and accurate to the best of his or her knowledge.

~~(c)~~ (b) The Board shall not respond to or investigate anonymous complaints or inquiries.

~~(d)~~ (c) The Board office shall administratively close any complaint that:

- (1) is anonymously submitted;
- (2) is withdrawn by the complainant at any stage of the investigation; or
- (3) is submitted more than two years after the irrigation system was ~~completed~~ completed by a licensee of this the Board.

~~(d) If the complaint is not administratively closed pursuant to Paragraph (c) of this Rule, the Board's Investigative Committee shall determine whether further investigation is necessary to resolve the complaint based on the type and nature of the complaint. If further investigation is necessary, the Investigative Committee shall refer the matter to the Board's investigator.~~

(e) ~~After reviewing~~ Upon completion of the investigation into the complaint, the Investigative Committee shall:

- (1) find that there is probable cause to believe a violation occurred and send the respondent a notice of violation; or

(2) find that there is no probable cause to believe a violation occurred and send the respondent and complainant notification of the same.

(f) If the Investigative Committee finds that there is probable cause to believe a violation occurred, then the complaint shall be resolved in the following manner:

(1) settlement agreement; or

(2) hearing in accordance with the rules of this Section and as required by G.S. 150B, Article 3A.

~~(f) If a complaint is resolved through a settlement agreement, the Investigative Committee shall present the proposed settlement agreement to the Board, but shall not identify the parties to the settlement to the full Board except by descriptive titles, such as licensee or other persons. The Board shall either vote to approve the settlement agreement or vote to reject the settlement agreement. If the Board approves the settlement agreement, the Board shall notify the respondent and complainant and shall close the case upon satisfaction of all terms in the settlement agreement.~~

~~(g) If a settlement agreement is not reached or if the Board votes to reject a proposed settlement agreement, the Board shall serve the respondent with a notice of hearing and shall conduct a hearing in accordance with the rules of this Section and as required by G.S. 150B, Article 3A.~~

History Note: Authority G.S. 89G-2; 89G-5; 89G-11; 89G-12; 150B;

Eff. November 1, 2016.

Amended Eff. July 1, 2018.

21 NCAC 23 .0503 is proposed for amendment with changes as published in 32:14 NCR 1394 as follows:

21 NCAC 23 .0503 WATER SUPPLY

(a) Before commencing installation, an irrigation contractor shall verify that the point of connection, water supply, flow rate, and static and dynamic pressures meet design criteria.

(b) All new irrigation systems that have a pressurized water supply under continuous pressure must include an isolation valve. The isolation valve's location must be in the main line before the first zone valve or quick coupler.

(c) On all new installations, if a master valve is used, it shall be installed on the discharge side of the backflow prevention device.

(d) If the water supply is potable water, an irrigation contractor shall verify that a backflow prevention device is installed upstream of the irrigation system before pressurizing the irrigation mainline.

(e) For local government water systems and large community water systems, an irrigation contractor shall, when required by local code, install a separate meter for new in-ground systems on lots platted and recorded after July 1, 2009, in the office of the register of deeds in the county or counties in which the real property is ~~located~~. located in accordance with G.S. 143-355.4. [This Rule shall not apply to lots with privately owned septic tanks systems or other types of privately owned innovative on site wastewater systems if a lockable cutoff valve approved by the water system and a testable backflow prevention device approved by the water system for the appropriate level of risk associated with the irrigation system or other identified risk are installed on the water supply line for the irrigation system. The lockable cutoff value shall be installed on the water supply line for the irrigation system within 24 inches of the water meter and the testable backflow device shall be installed on the water supply line for the irrigation system]

History Note: Authority G.S. 89G-5; 143-355.4;

Eff. July 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2014;

Amended Eff. November 1, 2016.

Amended Eff. July 1, 2018.