

Commission Review
Log of Permanent Rule Filings
February 21, 2019 through March 20, 2019

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); safety requirements for industrial radiography operations (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); licenses for disposal site access (.1500); and standards for protections against radiation (.1600).

<u>Radioactive Materials and Accelerator Fee Amounts</u>	10A NCAC 15	.1106
Amend		

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

<u>Scope</u>	15A NCAC 02B	.0402
Readopt without Changes		
<u>Definition of Terms</u>	15A NCAC 02B	.0403
Readopt with Changes		
<u>Water Quality Based Effluent Limitations</u>	15A NCAC 02B	.0404
Readopt with Changes		
<u>Technology Based Effluent Limitations</u>	15A NCAC 02B	.0406
Readopt with Changes		
<u>Guidance for Determining a New Source</u>	15A NCAC 02B	.0407
Readopt without Changes		
<u>Incorporation by Reference</u>	15A NCAC 02B	.0408
Adopt		
<u>Purpose</u>	15A NCAC 02B	.0501
Readopt without Changes		
<u>Scope</u>	15A NCAC 02B	.0502
Readopt without Changes		
<u>Definitions</u>	15A NCAC 02B	.0503
Readopt with Changes		
<u>Classification of Waste Resources</u>	15A NCAC 02B	.0504
Readopt without Changes		
<u>Monitoring Requirements</u>	15A NCAC 02B	.0505
Readopt with Changes		
<u>Reporting Requirements</u>	15A NCAC 02B	.0506
Readopt with Changes		
<u>Tests and Measurements Applicable to Sics</u>	15A NCAC 02B	.0508
Readopt with Changes		

<u>Incorporation by Reference</u> Adopt	15A NCAC 02B .0511
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt without Changes	15A NCAC 02B .0601
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt with Changes	15A NCAC 02B .0602
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt without Changes	15A NCAC 02B .0603
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt without Changes	15A NCAC 02B .0604
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt with Changes	15A NCAC 02B .0605
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt with Changes	15A NCAC 02B .0606
<u>Site Specific Water Quality Management Plan for the Goose...</u> Readopt with Changes	15A NCAC 02B .0608
<u>Managing Activities within Riparian Buffers: Definitions</u> Adopt	15A NCAC 02B .0610
<u>Managing Activities within Riparian Buffers: Authorizatio...</u> Adopt	15A NCAC 02B .0611
<u>Managing Activities within Riparian Buffers: Forest Harve...</u> Adopt	15A NCAC 02B .0612
<u>Neuse River Basin: Nutrient Sensitive Waters Management S...</u> Readopt with Changes	15A NCAC 02B .0715
<u>Randleman Nutrient Strategy: Purpose and Scope</u> Readopt with Changes	15A NCAC 02B .0720
<u>Randleman Lake Water Supply Watershed: Stormwater Require...</u> Readopt with Changes	15A NCAC 02B .0721
<u>Randleman Lake Water Supply Watershed: Wastewater Dischar...</u> Readopt with Changes	15A NCAC 02B .0722
<u>Tar-Pamlico River Basin-Nutrient Sensitive Waters Managem...</u> Readopt with Changes	15A NCAC 02B .0735

The rules in Subchapter 2H concern procedures for permits: approvals including point source discharges to the surface waters (.0100); waste not discharged to surface waters (.0200); coastal waste treatment disposal (.0400); water quality certification (.0500); laboratory certification (.0800); local pretreatment programs (.0900); stormwater management (.1000); biological laboratory certification (.1100); special orders (.1200); and discharges to isolated wetlands and isolated waters (.1300).

<u>Purpose</u> Readopt with Changes	15A NCAC 02H .0101
<u>Scope</u> Readopt with Changes	15A NCAC 02H .0102
<u>Definition of Terms</u> Readopt with Changes	15A NCAC 02H .0103
<u>Application: Permit Fees: Assessment for New Sources</u> Readopt with Changes	15A NCAC 02H .0105
<u>Filing Applications</u> Readopt with Changes	15A NCAC 02H .0106
<u>Staff Review and Evaluation</u> Readopt with Changes	15A NCAC 02H .0107

<u>Fact Sheets</u>	15A NCAC 02H	.0108
Readopt with Changes		
<u>Public Notice</u>	15A NCAC 02H	.0109
Readopt with Changes		
<u>Public Hearings</u>	15A NCAC 02H	.0111
Readopt with Changes		
<u>Final Action on Permit Applications</u>	15A NCAC 02H	.0112
Readopt with Changes		
<u>Notification of Applicants</u>	15A NCAC 02H	.0113
Readopt without Changes		
<u>Modification and Revocation of Permits</u>	15A NCAC 02H	.0114
Readopt with Changes		
<u>Public Access to Records</u>	15A NCAC 02H	.0115
Readopt with Changes		
<u>Emergency Procedures</u>	15A NCAC 02H	.0116
Readopt with Changes		
<u>Investigations: Monitoring: and Reporting</u>	15A NCAC 02H	.0117
Readopt with Changes		
<u>Effluent Limitations and Standards</u>	15A NCAC 02H	.0118
Readopt with Changes		
<u>Limitation on Delegation</u>	15A NCAC 02H	.0120
Readopt without Changes		
<u>Suspension of Requirement for State NPDES Permits</u>	15A NCAC 02H	.0121
Readopt without Changes		
<u>Reliability</u>	15A NCAC 02H	.0124
Readopt with Changes		
<u>Permit Requirements for Peat Mining</u>	15A NCAC 02H	.0125
Readopt with Changes		
<u>General Permits</u>	15A NCAC 02H	.0127
Readopt with Changes		
<u>Authorization to Construct Permits</u>	15A NCAC 02H	.0138
Readopt with Changes		
<u>Minimum Design Requirements</u>	15A NCAC 02H	.0139
Readopt with Changes		
<u>Certification of Completion</u>	15A NCAC 02H	.0140
Readopt without Changes		
<u>Operational Agreements</u>	15A NCAC 02H	.0141
Readopt with Changes		
<u>Use/Wastewater Trtmnt Works Emgcy Main: Oper/Repair Fund</u>	15A NCAC 02H	.0142
Readopt/Repeal		
<u>Incorporation by Reference</u>	15A NCAC 02H	.0143
Adopt		
<u>Statement of Policy</u>	15A NCAC 02H	.0401
Readopt/Repeal		
<u>Applicability</u>	15A NCAC 02H	.0402
Readopt/Repeal		
<u>Definition of Coastal Areas</u>	15A NCAC 02H	.0403
Readopt/Repeal		
<u>Facility Location and Design</u>	15A NCAC 02H	.0404

Readopt/Repeal			
<u>Privately Owned Installations</u>	15A NCAC	02H	.0405
Readopt/Repeal			
<u>Publicly Owned Sewerage Facilities</u>	15A NCAC	02H	.0406
Readopt/Repeal			
<u>Exceptions from Requirements</u>	15A NCAC	02H	.0407
Readopt/Repeal			
<u>Applicability</u>	15A NCAC	02H	.0501
Readopt with Changes			
<u>Filing Application</u>	15A NCAC	02H	.0502
Readopt with Changes			
<u>Public Notice and Public Hearing</u>	15A NCAC	02H	.0503
Readopt with Changes			
<u>Hearing</u>	15A NCAC	02H	.0504
Readopt with Changes			
<u>Decision on Application for Certification</u>	15A NCAC	02H	.0507
Readopt with Changes			
<u>Purpose</u>	15A NCAC	02H	.0901
Readopt with Changes			
<u>Scope</u>	15A NCAC	02H	.0902
Readopt with Changes			
<u>Definition of Terms</u>	15A NCAC	02H	.0903
Readopt with Changes			
<u>Required Pretreatment Programs</u>	15A NCAC	02H	.0904
Readopt without Changes			
<u>POTW Pretreatment Program Implementation Requirements</u>	15A NCAC	02H	.0905
Readopt without Changes			
<u>Submission for Pretreatment Program Approval</u>	15A NCAC	02H	.0906
Readopt without Changes			
<u>Procedures for Pretreatment Program Approval, Revision an...</u>	15A NCAC	02H	.0907
Readopt without Changes			
<u>Reporting/Record Keeping Requirements for POTWS/Industria...</u>	15A NCAC	02H	.0908
Readopt with Changes			
<u>National Pretreatment Standards: Prohibited Discharges</u>	15A NCAC	02H	.0909
Readopt without Changes			
<u>National Pretreatment Standards: Categorical Standards</u>	15A NCAC	02H	.0910
Readopt without Changes			
<u>Adjustments for Fundamentally Different Factors</u>	15A NCAC	02H	.0912
Readopt without Changes			
<u>Public Access to Information</u>	15A NCAC	02H	.0913
Readopt without Changes			
<u>Upset Provision</u>	15A NCAC	02H	.0914
Readopt without Changes			
<u>Net/Gross Calculation</u>	15A NCAC	02H	.0915
Readopt without Changes			
<u>Pretreatment Permits</u>	15A NCAC	02H	.0916
Readopt with Changes			
<u>Pretreatment Permit Submission and Review</u>	15A NCAC	02H	.0917
Readopt with Changes			

<u>Local Law</u>	15A NCAC 02H	.0918
Readopt without Changes		
<u>Bypass</u>	15A NCAC 02H	.0919
Readopt without Changes		
<u>Pretreatment Facility Operation and Maintenance</u>	15A NCAC 02H	.0920
Readopt with Changes		
<u>Revision to Reflect POTW Removal of Pollutant</u>	15A NCAC 02H	.0921
Readopt without Changes		
<u>Hearings</u>	15A NCAC 02H	.0922
Readopt without Changes		
<u>Purpose</u>	15A NCAC 02H	.1201
Readopt without Changes		
<u>Definitions</u>	15A NCAC 02H	.1202
Readopt without Changes		
<u>Public Notice</u>	15A NCAC 02H	.1203
Readopt without Changes		
<u>Final Action on Special Orders by Consent</u>	15A NCAC 02H	.1204
Readopt without Changes		
<u>Action on Special Orders Issued without Consent</u>	15A NCAC 02H	.1205
Readopt without Changes		
<u>Water Quality Special Orders by Consent</u>	15A NCAC 02H	.1206
Readopt with Changes		
<u>Scope and Purpose</u>	15A NCAC 02H	.1301
Readopt with Changes		
<u>Filing Applications</u>	15A NCAC 02H	.1302
Readopt with Changes		
<u>Public Notice and Public Hearing</u>	15A NCAC 02H	.1303
Readopt with Changes		
<u>Decision on Applications for Permits or Certificates of C...</u>	15A NCAC 02H	.1304
Readopt with Changes		
<u>Soil Series</u>	15A NCAC 02H	.1306
Adopt		

The rules in Chapter 2 concern environmental management and are promulgated by the Environmental Management Commission or the Department of Environment and Natural Resources. The rules in Subchapter 2L cover groundwater classifications and standards including general considerations (.0100); classifications and groundwater quality standards (.0200); the assignments of underground water classifications (.0300); risk-based assessment and corrective action for petroleum underground storage tanks (.0400); and risk-based assessment and correction action for non-UST petroleum releases (.0500).

<u>Purpose and Scope</u>	15A NCAC 02L	.0401
Readopt without Changes		
<u>Definitions</u>	15A NCAC 02L	.0402
Readopt without Changes		
<u>Rule Application</u>	15A NCAC 02L	.0403
Readopt with Changes		
<u>Required Initial Abatement Actions By Responsible Party</u>	15A NCAC 02L	.0404
Readopt with Changes		
<u>Requirements for Limited Site Assessment</u>	15A NCAC 02L	.0405
Readopt with Changes		

<u>Discharge or Release Classifications</u> Readopt with Changes	15A NCAC 02L	.0406
<u>Reclassification of Risk Levels</u> Readopt with Changes	15A NCAC 02L	.0407
<u>Assessment and Remediation</u> Readopt with Changes	15A NCAC 02L	.0408
<u>Notification Requirements</u> Readopt with Changes	15A NCAC 02L	.0409
<u>Departmental Listing of Discharges or Releases</u> Readopt without Changes	15A NCAC 02L	.0410
<u>Establishing Maximum Soil Contamination Concentrations</u> Readopt without Changes	15A NCAC 02L	.0411
<u>Analytical Procedures for Soil Samples</u> Readopt without Changes	15A NCAC 02L	.0412
<u>Analytical Procedures for Ground Water Samples</u> Readopt without Changes	15A NCAC 02L	.0413
<u>Required Laboratory Certification</u> Readopt without Changes	15A NCAC 02L	.0414
<u>Discharges or Releases from Other Sources</u> Readopt without Changes	15A NCAC 02L	.0415
<u>Purpose and Scope</u> Readopt without Changes	15A NCAC 02L	.0501
<u>Definitions</u> Readopt with Changes	15A NCAC 02L	.0502
<u>Rule Application</u> Readopt without Changes	15A NCAC 02L	.0503
<u>Required Initial Response and Abatement Actions by Respon...</u> Readopt without Changes	15A NCAC 02L	.0504
<u>Requirements for Limited Site Assessment</u> Readopt without Changes	15A NCAC 02L	.0505
<u>Discharge or Release Classifications</u> Readopt without Changes	15A NCAC 02L	.0506
<u>Reclassification of Risk Levels</u> Readopt without Changes	15A NCAC 02L	.0507
<u>Assessment and Remediation Procedures</u> Readopt without Changes	15A NCAC 02L	.0508
<u>Notification Requirements</u> Readopt without Changes	15A NCAC 02L	.0509
<u>Departmental Listing of Discharges or Releases</u> Readopt without Changes	15A NCAC 02L	.0510
<u>Establishing Maximum Soil Contamination Concentrations</u> Readopt without Changes	15A NCAC 02L	.0511
<u>Analytical Procedures for Soil Samples</u> Readopt without Changes	15A NCAC 02L	.0512
<u>Analytical Procedures for Groundwater Samples</u> Readopt without Changes	15A NCAC 02L	.0513
<u>Required Laboratory Certification</u> Readopt without Changes	15A NCAC 02L	.0514
<u>Discharges or Releases from Other Sources</u>	15A NCAC 02L	.0515

Readopt without Changes

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

<u>Particular Offenses</u>	15A NCAC 10A .1001
Readopt with Changes	
<u>Summary Disposition</u>	15A NCAC 10A .1501
Adopt	

The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Permitted Archery Equipment</u>	15A NCAC 10B .0116
Readopt with Changes	
<u>Importation of Animal Parts</u>	15A NCAC 10B .0124
Readopt with Changes	
<u>Bear</u>	15A NCAC 10B .0202
Readopt with Changes	
<u>Squirrels</u>	15A NCAC 10B .0206
Readopt with Changes	
<u>Rabbits</u>	15A NCAC 10B .0207
Readopt with Changes	
<u>Open Seasons</u>	15A NCAC 10B .0303
Readopt with Changes	

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205
Readopt with Changes	
<u>Possession of Certain Fishes</u>	15A NCAC 10C .0211
Readopt with Changes	
<u>Black Bass</u>	15A NCAC 10C .0305
Readopt with Changes	
<u>Crappie</u>	15A NCAC 10C .0306
Readopt with Changes	
<u>Shad</u>	15A NCAC 10C .0313
Readopt with Changes	
<u>Striped Bass</u>	15A NCAC 10C .0314
Readopt with Changes	
<u>Trout</u>	15A NCAC 10C .0316
Readopt with Changes	
<u>Taking Nongame Fishes for Bait or Personal Consumption</u>	15A NCAC 10C .0402

Amend				
<u>Permitted Special Devices and Open Seasons</u>	15A NCAC	10C		.0407
Amend				

The rules in Subchapter 10D are game lands rules.

<u>Hunting on Game Lands</u>	15A NCAC	10D		.0103
Amend				

<u>Bear Sanctuaries</u>	15A NCAC	10D		.0106
Adopt				

The rules in Subchapter 10E concern fishing and boating access areas.

<u>Use of Areas Regulated</u>	15A NCAC	10E		.0104
Amend				

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Beaufort County</u>	15A NCAC	10F		.0303
Amend				

<u>Mecklenburg and Gaston Counties</u>	15A NCAC	10F		.0333
Amend				

MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

The rules in Chapter 31 are from the Marriage and Family Therapy Board and concern application for certification (.0200); examination (.0300); renewal (.0400); definitions (.0500); code of ethical principles (.0600); continuing education (.0700); associate status (.0800); and reciprocity (.0900).

<u>Credentials Required</u>	21	NCAC	31	.0201
Readopt without Changes				

<u>Review Procedure</u>	21	NCAC	31	.0202
Readopt without Changes				

<u>Issuance of License</u>	21	NCAC	31	.0203
Readopt without Changes				

<u>Written Examination</u>	21	NCAC	31	.0301
Readopt without Changes				

<u>Licensure Renewal Form</u>	21	NCAC	31	.0401
Readopt without Changes				

<u>Reinstatement after Expiration</u>	21	NCAC	31	.0403
Readopt without Changes				

<u>Return from Inactive Status</u>	21	NCAC	31	.0404
Readopt without Changes				

<u>Appropriate Course of Study</u>	21	NCAC	31	.0501
Readopt without Changes				

<u>Ongoing Supervision</u>	21	NCAC	31	.0502
Readopt without Changes				

<u>Equivalency</u>	21	NCAC	31	.0503
Readopt without Changes				

<u>Alternative to Clinical Practicum</u>	21	NCAC	31	.0504
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Readopt without Changes				
<u>Non-Degree Granting Post Graduate Training Programs</u>	21	NCAC	31	.0505
Readopt without Changes				
<u>Direct Client Contact</u>	21	NCAC	31	.0506
Readopt without Changes				
<u>Ethical Principles</u>	21	NCAC	31	.0609
Readopt without Changes				
<u>Requirements for Continuing Education</u>	21	NCAC	31	.0701
Readopt without Changes				
<u>Licensed Marriage and Family Therapy Associate Credential...</u>	21	NCAC	31	.0801
Readopt without Changes				
<u>Licensed Marriage and Family Therapy Associate</u>	21	NCAC	31	.0802
Readopt without Changes				
<u>Fees</u>	21	NCAC	31	.1001
Readopt without Changes				
<u>Fund Suspension</u>	21	NCAC	31	.1002
Readopt without Changes				

PHYSICAL THERAPY EXAMINERS, BOARD OF

The rules in Subchapter 48F concern certificates, fees, investigation, and record of licensees.

<u>Fees</u>	21	NCAC	48F	.0102
Readopt without Changes				
<u>Investigations</u>	21	NCAC	48F	.0103
Readopt without Changes				

The rules in Subchapter 48G concern retention of license including licensure renewal (.0100); lapsed licenses (.0200); refusal to renew or grant license suspension or revocation (.0300); probation or warning (.0400); contested case hearings (.0500); and disciplinary action (.0600).

<u>Complaints and Investigations</u>	21	NCAC	48G	.0504
Readopt without Changes				

BUILDING CODE COUNCIL

<u>2017 NC Electrical Code/Ground-Fault Circuit-Interrupter ...</u>	210.8
Amend	
<u>2017 NC Electrical Code/Minimum Cover Requirements</u>	Table 300.5
Amend	
<u>2018 NC Building Code/Masonry Construction</u>	1705.4
Amend	
<u>2018 NC Fire Code/Lockdown Plans</u>	404.2.3
Amend	
<u>2018 NC Fire Code/Carbon Monoxide Alarm and Detection Sys...</u>	915
Amend	
<u>2018 NC Fuel Gas Code/Carbon Monoxide Alarms</u>	311
Amend	
<u>2018 NC Mechanical Code/Carbon Monoxide Alarms</u>	313
Amend	

2018 NC Residential Code/Lofts
Amend

R202, R305, R310, R328

2018 NC Residential Code/Deck Bracing
Amend

AM109