

NORTH CAROLINA REGISTER

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January 3, 2011

I. IN ADDITION	
Board of Pharmacy-Narrow Therapeutic Index Drugs	1440
II. PROPOSED RULES	
Health and Human Services, Department of	
Social Services Commission	1441
Occupational Licensing Boards and Commissions	
Irrigation Contractors Licensing Board	1441 – 1452
Midwifery Joint Committee	1452
III. APPROVED RULES	1453 – 1513
Agriculture, Department of	
Plant Conservation Board	
Commerce, Department of	
Alcoholic Beverage Control Commission	
Environment and Natural Resources, Department of	
Department	
Environmental Management Commission	
Wildlife Resources Commission	
Labor, Department of	
Apprenticeship Council	
Department	
Occupational Licensing Boards and Commission	
Architecture, Board of	
Electrolysis Examiners, Board of	
Nursing, Board of	
Respiratory Care Board	
IV. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	1514 – 1518

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NORTH CAROLINA REGISTER
 Publication Schedule for January 2011 – December 2011

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	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
25:13	01/03/11	12/08/10	01/18/11	03/04/11	03/21/11	05/01/11	05/2012	09/30/11
25:14	01/18/11	12/22/10	02/02/11	03/21/11	03/21/11	05/01/11	05/2012	10/15/11
25:15	02/01/11	01/10/11	02/16/11	04/04/11	04/20/11	06/01/11	05/2012	10/29/11
25:16	02/15/11	01/25/11	03/02/11	04/18/11	04/20/11	06/01/11	05/2012	11/12/11
25:17	03/01/11	02/08/11	03/16/11	05/02/11	05/20/11	07/01/11	05/2012	11/26/11
25:18	03/15/11	02/22/11	03/30/11	05/16/11	05/20/11	07/01/11	05/2012	12/10/11
25:19	04/01/11	03/11/11	04/16/11	05/31/11	06/20/11	08/01/11	05/2012	12/27/11
25:20	04/15/11	03/25/11	04/30/11	06/14/11	06/20/11	08/01/11	05/2012	01/10/12
25:21	05/02/11	04/08/11	05/17/11	07/01/11	07/20/11	09/01/11	05/2012	01/27/12
25:22	05/16/11	04/25/11	05/31/11	07/15/11	07/20/11	09/01/11	05/2012	02/10/12
25:23	06/01/11	05/10/11	06/16/11	08/01/11	08/22/11	10/01/11	05/2012	02/26/12
25:24	06/15/11	05/24/11	06/30/11	08/15/11	08/22/11	10/01/11	05/2012	03/11/12
26:01	07/01/11	06/10/11	07/16/11	08/30/11	09/20/11	11/01/11	05/2012	03/27/12
26:02	07/15/11	06/23/11	07/30/11	09/13/11	09/20/11	11/01/11	05/2012	04/10/12
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26:05	09/01/11	08/11/11	09/16/11	10/31/11	11/21/11	01/01/12	05/2012	05/28/12
26:06	09/15/11	08/24/11	09/30/11	11/14/11	11/21/11	01/01/12	05/2012	06/11/12
26:07	10/03/11	09/12/11	10/18/11	12/02/11	12/20/11	02/01/12	05/2012	06/29/12
26:08	10/17/11	09/26/11	11/01/11	12/16/11	12/20/11	02/01/12	05/2012	07/13/12
26:09	11/01/11	10/11/11	11/16/11	01/03/12	01/20/12	03/01/12	05/2012	07/28/12
26:10	11/15/11	10/24/11	11/30/11	01/17/12	01/20/12	03/01/12	05/2012	08/11/12
26:11	12/01/11	11/07/11	12/16/11	01/30/12	02/20/12	04/01/12	05/2012	08/27/12
26:12	12/15/11	11/22/11	12/30/11	02/13/12	02/20/12	04/01/12	05/2012	09/10/12

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) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) 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;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

NARROW THERAPEUTIC INDEX DRUGS DESIGNATED BY THE NORTH
CAROLINA SECRETARY OF HUMAN RESOURCES

Pursuant to N.C.G.S. §90-85.27(4a), this is a revised publication from the North Carolina Board of Pharmacy of narrow therapeutic index drugs designated by the North Carolina Secretary of Human Resources upon the advice of the State Health Director, North Carolina Board of Pharmacy, and North Carolina Medical Board.

Carbamazepine: all oral dosage forms

Cyclosporine: all oral dosage forms

Digoxin: all oral dosage forms

Ethosuximide

Levothyroxine sodium tablets

Lithium (including all salts): all oral dosage forms

Phenytoin (including all salts): all oral dosage forms

Procainamide

Theophylline (including all salts): all oral dosage forms

Warfarin sodium tablets

Tacrolimus: all oral dosage forms

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 Social Services Commission intends to amend the rule cited as 10A NCAC 70B .0105.

Proposed Effective Date: October 1, 2011

Public Hearing:

Date: March 4, 2011

Time: 10:00 a.m.

Location: Albemarle Building, Conference Room 819-E (8th Floor) 325 Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action: Annual foster care goals and strategies are monitored as part of our IV-E State Plan and we have been required to update them as a condition of plan approval.

Procedure by which a person can object to the agency on a proposed rule: By submitting your objection in writing to Lisa Johnson, Division of Social Services, 2401 Mail Services Center, Raleigh, NC 27699-2401 or email lisa.johnson@dhhs.nc.gov and by telephone (919)334-1003.

Comments may be submitted to: Lisa Johnson, APA Rulemaking Coordinator, Division of Social Services, 2401 Mail Service Center, Raleigh, NC 27699-2401, phone (919)334-1003, fax (919)334-1018, lisa.johnson@dhhs.nc.gov

Comment period ends: March 4, 2010

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

CHAPTER 70 – CHILDREN'S SERVICES

SUBCHAPTER 70B - FOSTER CARE SERVICES

SECTION .0100 - FOSTER CARE SERVICES - GENERAL

10A NCAC 70B .0105 GOALS AND STRATEGIES

(a) The goal for each fiscal year commencing with the fiscal year which begins on ~~October 1, 1983~~, October 1, 2010, is that of all the children in foster care receiving Title IV-E Foster Care Assistance the number of children who remain in foster care in excess of 24 months will ~~not exceed~~ decrease by 1.5 percent.

(1) ~~1200 for the period October 1, 1989 through September 30, 1990;~~

(2) ~~1000 for the period October 1, 1990 through September 30, 1991.~~

(b) The following steps ~~will~~ shall be taken to achieve the ~~goals~~ goal stated in (a) of this ~~Rule~~ Rule. The Department of Health and Human Services shall:

(1) ~~implement~~ provide a preplacement preventive services program designed to help children remain with their families;

(2) ~~provide a post placement reunification services program designed to reunite children with their families in a timely fashion;~~

(2)(3) maintain a statewide information system;

(3)(4) insure that there is an individual case plan for each child in foster care;

(4)(5) insure that the status of each child is reviewed ~~periodically~~ but no less frequently than once every six months;

(5)(6) institute procedural safeguards to assure each child of a dispositional hearing in accordance with statutory requirements; and

(6)(7) institute procedural safeguards with respect to parental rights to be informed of changes in the child's placement and to visit the child.

Authority G.S. 108A-49; 143B-153; P.L. 96-272.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 23 – IRRIGATION CONTRACTORS' LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Irrigation Contractor's Licensing Board intends to adopt the rules cited as 21 NCAC 23 .0101-.0105, .0201-.0207, .0301, .0401-.0408, .0501-.0511, .0601-.0604, .0701.

Proposed Effective Date: May 1, 2011

Public Hearing:

Date: February 9, 2011

Time: 10:00 a.m.

Location: Department of Agriculture & Consumer Services, Agronomics Division, 4300 Reedy Creek Road, Raleigh, NC 27607-6465

Reason for Proposed Action: Establishment of industry minimum standards and board procedures for enforcement of G.S. 89G.

Procedure by which a person can object to the agency on a proposed rule: By filing a written objection with the Board's administrator by e-mail at info@nciclb.org or by mail to PO Box 41421, Raleigh, NC 27629-1421 or by appearing in person at the Board's meeting on February 2, 2011.

Comments may be submitted to: Barbara Geiger, Administrator, NCICLB, PO Box 41421, Raleigh, NC 27629-1421, phone (919)872-2229

Comment period ends: March 21, 2011

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
Local
Substantial Economic Impact (>=\$3,000,000)
None

SECTION .0100 - LICENSING

21 NCAC 23 .0101 CORPORATE LICENSES AND LICENSE NUMBERS

(a) All legal entities engaged in contracting for or providing irrigation contracting services, except for people doing so as sole proprietors, shall obtain a corporate license from the Board.

(b) The corporate license number for corporations, firms, associations, limited liability companies, or partnerships (hereinafter "corporate entities") and individual license number for sole proprietor must be placed on all proposals, invoices, business correspondence, and any other documents issued to the public in the course of contracting for irrigation construction.

(c) The individual licensee who supervises work done by a corporate entity holding a corporate license issued by this Board shall be an officer, partner or full time employee of that corporate entity.

(d) Regardless of whether a corporate or individual licensee has contracted an irrigation project, any and all designs, drawings, specifications and records used or prepared in the course of that project shall bear the imprint of an individual licensee's seal.

(e) "Direct supervision" is defined as an individual licensed contractor having personal responsibility for and control over all aspects of irrigation work done at each job site of the corporate licensee.

Authority G.S. 89G-2; 89G-5.

21 NCAC 23 .0102 SURETY BONDS AND LEGAL STATUS

(a) A person licensed by the Board need post only one Surety Bond or Irrevocable Letter of Credit for both his corporate and individual license.

(b) If a corporate entity is licensed by the Board, its Surety Bond or Irrevocable Letter of Credit must name that corporate entity and all licensed individuals doing work for the corporation entity as the bond's or letter's principle(s).

(c) If any licensed individual employed by a licensed corporate entity does irrigation contracting on his or her own behalf, outside the scope of his employment, agency or other relationship with the licensed corporate entity, that individual licensee must obtain and post a separate Surety Bond or Irrevocable Letter of Credit with the Board, naming himself as principal.

(d) When a licensed individual terminates his or her relationship (e.g. employment, partnership, or agency) with a licensed corporate entity, the licensed individual must purchase and post his own Surety Bond or Irrevocable Letter of Credit with the Board. The licensed corporate entity shall report the termination to the Board within five business days of its effective date.

(e) If a corporate entity is required to file any corporate documents with the North Carolina Secretary of State pursuant to North Carolina law or rules, it shall notify the Board of having filed corporate documents by providing the Board with copies of the same within five business days of the filing date. In lieu of submitting paper copies of such filings, the corporate entity may submit an e-mail to the Board's administrator including a link to the filed corporate documents on the North Carolina Secretary of State's website within 24 hours of those documents being available on said website.

(f) If a corporate entity's ownership changes or the right to control the corporate entity passes from one person or group to another person, group or receiver, the corporate entity will notify the Board within five business days of the date when the change in the right of control has become effective. Such changes include addition of or termination of partnerships, changes in corporate form such as from corporation to limited liability company, sale or transfer of a controlling interest in the corporate entity, merger of the corporate entity with another person, or dissolution of the person's corporate or other legal status.

(g) All persons issued licenses shall notify the Board in a timely fashion of the beginning of any of the following legal actions in which is the petitioner or respondent:

- (1) has petitioned for protection as a bankrupt debtor under the United States Bankruptcy Code;
- (2) has been named as debtor in an involuntary petition under the United States Bankruptcy Code;
- (3) has been named a respondent under an action for legal dissolution by the North Carolina Department of Justice or by a partner, shareholder or such other person as may have the right or authority to bring such action;
- (4) has been notified of its administrative dissolution by the North Carolina Secretary of State; or
- (5) has been notified of the initiation of any legal proceeding as may affect its corporate form, ownership or right of control or otherwise affect its status or ability to comply with G.S. Chapter 89G and the Board's rules.

Notice to the Board shall be deemed timely if the Board receives written notice or e-mail of such action within 10 business days of the licensed corporate entities receipt of notice or service of legal process.

(h) Any licensee who has been suspended solely due to cancellation of his or her surety bond or irrevocable letter of credit may apply for reinstatement upon providing the following to the Board:

- (1) A valid surety bond or irrevocable letter of credit naming him as principal;
- (2) An affidavit affirming that the suspended licensee has otherwise complied with all obligations of a licensee under Chapter 89G, and has refrained from practicing irrigation construction or contracting except as may be subject to a statutory exemption;
- (3) Satisfactory proof of compliance with the licensee's continuing education requirements for each calendar year in which the suspension has been in force; and
- (4) A license renewal fee of one hundred dollars (\$100.00).

Authority G.S. 89G-5; 89G-6.

21 NCAC 23 .0103 LICENSING

(a) Individual applicants for an irrigation contractor's license who can document to the Board's satisfaction that, during the entirety of the period from January 1 to June 29, 2009, the applicant was serving on active duty in the Armed Forces of the United States and, for that reason, could not prepare and submit an application for licensure until after being released from active duty are excused from taking the Board's licensing examination and shall be granted a license upon fulfilling all other licensing requirements.

(b) The Board shall deem an individual to have been unable to prepare and submit an application for licensure due to being on active duty upon receiving a letter or e-mail from the officer or senior non-commissioned officer commanding the unit in which the applicant served during the above-referenced period, certifying this to be the case.

(c) The Board may also accept and consider other documentation in determining whether active military service made it impossible for the applicant to submit that application during that period of time.

(d) All licensees shall immediately notify the Board of any change in their mailing address and/or location of their office.

Authority G.S. 89G-5; 89G-6; 105-249.2; S.L. 2009-458; Section 7508 of the Internal Revenue Code; 10U.S.C. 101.

21 NCAC 23 .0104 CONTINUING EDUCATION

(a) Continuing Education (CEU) credit shall not be obtained for the same course more frequently than every three years.

(b) Each individual licensee must earn ten hours of approved continuing education each calendar year. The 10 hours shall include at least two but not more than four hours of business education. The remaining hours of continuing education shall consist of training in landscape and turf irrigation technology.

(c) A licensed contractor can carry forward from the year earned to the following year up to ten hours of continuing education.

(d) A licensed contractor shall provide proof of attendance for all continuing education upon request by the Board.

(e) Only continuing education classes or activities that have been approved in advance by the Board satisfy the licensee's continuing education requirement.

Authority G.S. 89G-5.

21 NCAC 23 .0105 LICENSING RENEWALS AND REINSTATEMENT

(a) The Board issues licenses, both corporate and individual, based on the calendar year (January 1- December 31).

(b) If an individual licensee allows his or her license to lapse for failure to submit a license renewal form and/or renewal fee, the individual licensee may renew his or her license up to 12 months from the renewal deadline, upon submission of the required renewal form, the renewal fee and the late fee.

(c) If an individual licensee loses his or her license through the Board's exercise of its authority to sanction a license and said loss is not reversed or otherwise nullified by a court of competent jurisdiction, the individual licensee may have his or her license reinstated through compliance with any written agreement the licensee enters into with the Board, or, in the

absence of such an agreement, upon payment of any and all applicable settlement payments and/or renewal fees as set forth in the applicable settlement agreement and/or Paragraphs (a) and (b) of this Rule.

(d) If an individual licensee fails to have his or her license renewed or reinstated within twelve months of the date it lapses by failure to renew or the date the license becomes eligible for reinstatement of his or her license, the individual loses his or her status as a licensee, as if he or she had never been issued a license. If the individual then desires to be licensed by the Board, he or she must apply for an individual license pursuant to G.S. 89G-6 and all applicable rules of the Board.

(e) Licensees who are unable to fulfill the required number of hours as the result of illness as certified by an attending physician and who will not be engaged in bidding, supervising, or other activities for which a license is required may petition the Board in writing for an exemption or request approval of an individualized plan tailored to their physical limitations. Such requests shall be approved within 90 days consistent with the requirements applicable to all licensees.

Authority G.S. 89G-5; 89G-10.

SECTION .0200 - HEARING RULES OF THE NORTH CAROLINA IRRIGATION CONTRACTORS LICENSING BOARD

21 NCAC 23 .0201 NOTICE OF HEARING; ANSWER

(a) The contents and manner of service of notice of hearing in a contested case shall be as prescribed in G.S. 150B-38(b) and (c).

(b) Any party who has been served with notice of hearing may file a written response as prescribed in G.S. 150B-38(d).

Authority G.S. 89G-5; 150B-38.

21 NCAC 23 .0202 RIGHT TO HEARING

(a) Contested Cases. Disciplinary proceedings to enforce the provisions of G.S. Chapter 89G and 21 NCAC 23 are deemed to be "contested cases" within the meaning of G.S. 150B-2, and any person subject to such proceedings shall be given notice and the opportunity to be heard.

(b) Summary Suspension. Nothing within Paragraph (a) of this Rule shall abridge the right of the Board to summarily suspend a license or certification prior to hearing pursuant to G.S. 150B-3(c).

Authority G.S. 89G-5; 150B-38.

21 NCAC 23 .0203 LOCATION OF HEARING

The location of the hearing in a contested case shall be as prescribed in G.S. 150B-38(e).

Authority G.S. 89G-5; 150B-38.

21 NCAC 23 .0204 INTERVENTION; DISCOVERY

(a) The intervention of persons not initially parties to a contested case is governed by G.S. 150B-38(f). Petitions or motions to intervene must be in writing. The Board shall

promptly determine whether to grant or deny intervention and shall so notify the petitioner and all parties in writing.

(b) Parties in a contested case may engage in discovery pursuant to the provisions of the Rules of Civil Procedure, G.S. 1A-1.

Authority G.S. 89G-5; 150B-38; 150B-39.

21 NCAC 23 .0205 SUBPOENAS

The authority of the Board to issue or revoke subpoenas in preparation for, or in the conduct of, contested cases is governed by G.S. 150B-39. If a subpoena is issued at the request of a party and not on the Board's own motion, that party shall bear the cost of service.

Authority G.S. 89G-5; 150B-38.

21 NCAC 23 .0206 CONDUCT OF HEARING

(a) Hearings in contested cases shall be conducted by a majority of the Board. The chair shall serve as presiding officer unless he is absent or disqualified, in which case the vice chair shall preside. Hearings shall be conducted as prescribed in G.S. 150B-40.

(b) Disqualification. An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, shall be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) Prior to the hearing; or
- (2) As soon after the commencement of the hearing as the affiant becomes aware of facts which give rise to his belief that a Board member should be disqualified.

(c) Evidence. The admission of evidence in a hearing in a contested case shall be as prescribed in G.S. 150B-41.

Authority G.S. 89G-5; 150B-38.

21 NCAC 23 .0207 DECISION OF BOARD

(a) The form and content of the Board's decision in a contested case shall be as prescribed by G.S. 150B-42(a), and its decision shall be served upon the parties in a manner consistent with said statute.

(b) At the conclusion of the hearing and deliberations, the Board shall announce its findings of fact and conclusions of law. If the Board concludes that the hearing respondent has violated a provision of these rules or of G.S. Chapter 89G, it shall announce the nature and extent of any sanction it orders be imposed upon the hearing respondent. The Board may then direct its legal counsel, the respondent's counsel, if represented, or such independent legal counsel as may be provided by the North Carolina Department of Justice for the purpose of advising the Board in the course of that hearing, to draft a proposed order consistent with its announcement. The person tasked with drafting said order will submit the original to the Board's administrator and a copy to all other counsel participating in the hearing at least 10 days prior to the Board's next regularly scheduled meeting, or at such time as the Chair may direct.

(c) The official record of the hearing in a contested case shall contain those items specified in G.S. 150B-42(b).

Authority G.S. 89G-5; 150B-38.

SECTION .0300 - IRRIGATION RECORD DRAWING STANDARDS

21 NCAC 23 .0301 IRRIGATION RECORD DRAWINGS

- (a) All record drawings shall:
 - (1) accurately portray the site; and
 - (2) be legible and reproducible.
- (b) Site information shall include all development (building edges, walks, walls, roads, etc.), irrigated areas, turf areas, and planted areas. The drawings shall show the sprinkler system as it is installed.
- (c) The record drawings shall include locations and product information regarding the location of:
 - (1) emergency shut-off valve(s);
 - (2) water source(s);
 - (3) backflow devices;
 - (4) all types of valves;
 - (5) all wire splices;
 - (6) all wire paths;
 - (7) all controllers;
 - (8) all sensors;
 - (9) all grounding location(s) and type(s);
 - (10) all pumps;
 - (11) all filters;
 - (12) all quick couplers or any other water connection points; and
 - (13) all main line piping.
- (d) All manual and automatic valve locations shall be shown with actual measurements to permanent reference points so they may be easily located in the field. Proper permanent reference points are buildings, drainage inlets, sidewalks, curbs, light poles, and other permanent, immovable objects.
- (e) Record drawings are to be labeled "Record Drawings" when prepared by the irrigation contractor or "As-built drawings" when prepared by a licensed land surveyor.

Authority G.S. 89G-5.

SECTION .0400 - IRRIGATION DESIGN STANDARDS

21 NCAC 23 .0401 SYSTEM DESIGN OBJECTIVES AND REQUIREMENTS

- (a) The irrigation system shall be designed to be efficient and to uniformly distribute the water.
- (b) The irrigation contractor shall prepare the system design considering the following specific criteria:
 - (1) soil type;
 - (2) slope;
 - (3) plant root depth;
 - (4) differing plant material requirements;
 - (5) microclimates;
 - (6) weather conditions;
 - (7) quantity, quality and delivery pressure of the water source;

- (8) any issues relating to the long-term management of the system and the landscape it serves.

(c) To conserve and protect water resources, the irrigation system designer shall select appropriate equipment components and installation techniques that meet state and local code requirements and site requirements.

(d) A qualified irrigation system designer or irrigation consultant shall design the system for the efficient and uniform distribution of water.

(e) "Qualified" means certified, formally trained, licensed or other similar qualification.

(f) To ensure that the irrigation system is designed to efficiently and uniformly distribute the water, to conserve and protect water resources, and to function well as a component of the overall landscape, the irrigation system designer shall:

- (1) Obtain direct knowledge of site conditions by visiting it. Viewing and relying solely on plot plans to generate a design shall not constitute adequate preparation for designing an irrigation system.
- (2) Produce a design that meets all applicable state and local codes, including plumbing and electrical codes.
- (3) When allowable by law, specify in the plan the manufacturer, model, type, and size of all components to eliminate ambiguity at construction and to facilitate management of the system.
- (4) Select pipe, electrical wire and other materials based on design parameters, environmental conditions, code requirements, and long-term management requirements of the system.
- (5) Design the irrigation system to minimize installation and maintenance difficulties.
- (6) Select and place shrubs, trees, and groundcover sprinkler and drip/micro-irrigation components according to the expected size of larger specimen plants through a minimum three-year establishment period for shrubs and 10 years for trees.
- (7) Provide a complete irrigation design package to the owner of the system, including to-scale drawings, details, and product data.

Authority G.S. 89G-5.

21 NCAC 23 .0402 PIPING

The following rules of maximum safe flow rate apply to irrigation systems connected to municipal water suppliers, with the lowest safe flow rate prevailing as the design minimum standard:

- (1) The maximum allowable pressure loss through the meter should be less than 10 percent of the static pressure at the meter.
- (2) The maximum flow rate through the meter should not exceed 75 percent of the maximum safe flow rate through the meter.

- (3) Select main and lateral pipe sizes so that the velocity of water moving through the irrigation pipe remains below five feet per second (5 fps).
- (4) Follow the manufacturer's recommendations for all pipe usage and fabrication.
- (5) The minimum PVC pipe thickness shall be PR200 — SDR21 with sch40 fittings.
- (6) PVC piping from the above-grade backflow to below grade shall be a minimum of sch80.
- (7) All PVC risers shall be a minimum thickness of sch80.
- (8) Include blocking details and locations when using bell and gasket pipe.
- (9) Protect exposed PVC piping from UV degradation per the manufacturer's recommendations.

Authority G.S. 89G-5.

21 NCAC 23 .0403 WATER SOURCE

- (a) Where applicable, specify a water source that meets peak demands for landscape water with an irrigation duration that is within the site's operational tolerances when the site is functioning at it's most intense use, but often no more than 10-12 hours per day.
- (b) Insure that the irrigation duration meets the user needs of the site. The user's needs should be considered in determining the correct size of the supply meter, cistern, lake, pump intake and pump size. Also consider local statutes and ordinances that dictate time of day and day of week watering, anticipated irrigation intervals, or site uses that may dictate different irrigation durations (for example, golf courses). System requirements should be determined primarily by the particular site rather than expected hours of operation on any particular day.
- (c) Specify protection of the water source in accordance with state and local requirements. Where no requirements exist, assess the degree of hazard and specify the appropriate backflow prevention device.

Authority G.S. 89G-5

21 NCAC 23 .0404 WATER PRESSURE

- (a) For systems on a municipal supply, provide allowances in the design for a reduction in static pressure of up to 10 psi to accommodate possible expansion in the supply network.
- (b) Specify pressure regulation where variable or excessive static pressure exists.
- (c) Specify the recommended operating (working) pressure at the maximum design flow rate of the system.

Authority G.S. 89G-5.

21 NCAC 23 .0405 DRIP/MICRO-IRRIGATION

- (a) For zones with microdrip irrigation, provide a specific means of filtration at the control valve to remove particulate matter.

- (b) Use separate drip/micro-irrigation zones where differing plant water requirements and root zone depths make such zones practical.
- (c) Specify pressure-compensated devices to improve overall uniformity.
- (d) Specify pressure regulation upstream from the drip/micro-irrigation components to anticipate periodic increases in the pressure of city water sources when the city flushes or does other maintenance on the water supply system. This can prevent damage to a drip/micro-irrigation system. Pressure compensated emitters do not serve this function. Pressure regulating devices can be omitted only when the absolute maximum possible pressure is known to be lower than the maximum allowable pressure for all drip/micro-irrigation components.
- (e) Connect (loop) the ends of individual laterals to improve system uniformity. This helps to equalize system pressure and can increase uniformity, and also allows water to flow from both sides of a damaged drip tube, thus flushing out any debris.
- (f) Use air release valves to minimize ingestion of soil and other contaminants into the emitters.

Authority G.S. 89G-5.

21 NCAC 23 .0406 COMPONENTS AND ZONE DESIGN

- (a) Design the layout of heads and other emission devices for zero overspray across or onto a street, public driveway or sidewalk, parking area, building, fence, or adjoining property. Overspray may occur during operation of the irrigation system due to actual wind conditions that differ from the design criteria.
- (b) Specify in the plan notes when changes are required that any required equipment shall meet or exceed the design standards of the system.
- (c) Design sprinkler head spacing with an approximate "head-to-head" coverage, unless the coverage is designed for wind derating. Wind derating should be based on wind criteria for the time period that the system is normally run, typically nighttime.
- (d) Use separate station/zones (hydrozones) for areas with dissimilar environmental conditions and/or dissimilar water or scheduling requirements. These conditions include sun exposure, plant type, soil type, varying wind conditions, grades, and dimensional issues. When not practicable due to accessibility, dimensional issues, or other constraints, practical modifications to this standard may be acceptable.
- (e) When selecting system components, place a high priority on avoiding surface runoff. Select components to keep the sprinkler precipitation rate below the infiltration rate of the soil and/or specify the use of repeat cycles to allow the water to soak into the root zone. Separate station/zones for sprinklers at the top and toe of sloped areas.
- (f) Locate sprinkler heads based on a thorough evaluation of physical, environmental, and hydraulic site conditions, including typical wind conditions during the normal irrigation period.
- (g) Divide the irrigation systems into zones consistently with the types of sprinkler heads and nozzles being used in order to achieve an approximate matched precipitation rate.
- (h) Use drip/micro-irrigation where appropriate to reduce evaporation losses and surface runoff, and to avoid applying water on hardscapes.

(i) Utilize water-conserving equipment:

- (1) Check valves to minimize low-head drainage when grades exceed five percent.
- (2) Pressure regulators or pressure compensating devices when pressures exceed manufacturer's recommendations.
- (3) Rain sensors to suspend irrigation during rain or other forms of precipitation.
- (4) A controller that has multi-program capability with at least four start times (for multiple repeat soak cycles) and run time adjustments in one-minute increments.
- (5) To mitigate the effects of wind, use low-trajectory sprinkler nozzles along with the appropriate modified head spacing. Select components that do not mist when manufacturer's pressure specifications are met.

(j) Specify that control wire splices must be made with a waterproof wire splice kit that is UL listed for underground applications. Use manufacturer's recommended splice kits for two-wire control systems.

(k) Offset turf grass sprinkles from pavement edges a minimum of two inches to allow for edging of the turf.

(l) Offset sprinklers from vertical walls to limit spray on the walls.

(m) Locate valves so as not to be visually intrusive while being relatively easy to locate.

(n) Provide for existing tree protection:

- (1) plan pipe system layout to limit its effect on existing trees and other planting.
- (2) for every inch of tree diameter at a height of four feet six inches from the ground, maintain a distance of one foot between pipes and the tree trunk. For example, keep piping at least 20 feet away from the trunk of a tree having a 20 inch diameter at four feet six inches from the ground.
- (3) Where is it necessary to trench in a root-protection zone, use direct boring or hand-trenching. If possible dig trenches in a line perpendicular to the tree trunk, but maintain a distance from the trunk that is at least one-half feet for each inch of tree diameter at a height of four feet six inches from the ground.
- (4) When direct boring, bore to a minimum of 36 inches. Do not bore within five feet of the a tree trunk.
- (5) Use hand trenching techniques that dig a trench without damaging roots having a diameter of one-half inch or more.
- (6) Do not place sprinklers in a position to directly spray water on tree trunks of mature trees. Place sprinklers no closer to trees than a distance of no less than one-third of the sprinkler spray radius.

(o) Use at least 14 gauge wire for irrigation systems installed on commercial properties.

(p) Use multi-strand wire only for connections between a splice box and the system controller.

(q) Place control wires on the same line and along side as the main line route. Allow slack in the wiring. Bundle an expansion coil for all wires at each valve location.

(r) Indicate common wiring by using a different colored wiring from all other wiring connections.

(s) Provide additional wiring along the control wire route for future expansion and/or replacement of damaged wires.

(t) Use valve boxes that are large enough to allow for easy maintenance of the valve housed inside; valve boxes should be at least ten inches in diameter for both manual and automatic valves.

(u) Follow the manufacturer's recommendation for all wiring and grounding, including but not limited to two-wire control systems.

Authority G.S. 89G-5.

21 NCAC 23 .0407 DESIGN ELEMENTS

Not all irrigation systems utilize all elements outlined herein. Irrigation contractors may consider only those items pertinent to the specific design.

Authority G.S. 89G-5.

21 NCAC 23 .0408 IRRIGATION PLAN STANDARDS

The installer shall use a system checklist that includes enough information for the client/end-user to fully understand the scope of work, including types of equipment, coverage standards, and warranty.

Authority G.S. 89G-5.

SECTION .0500 - IRRIGATION SYSTEM INSTALLATION STANDARDS

21 NCAC 23 .0501 GENERAL REQUIREMENTS

(a) In cases where the irrigation contractor determines that the design provided by others fails to meet the minimum standards set forth by the NC Irrigation Contractors Licensing board, State Plumbing Code or local requirements, the irrigation contractor shall notify the designer in writing of such deficiencies.

(b) All irrigation system components should be installed in accordance with manufacturer's specifications, local code requirements and sound principles of efficient and uniform water distribution.

Authority G.S. 89G-5.

21 NCAC 23 .0502 SITE CONSIDERATIONS

(a) The irrigation contractor shall confirm all property corners and lines that will determine the borders of landscaped/irrigated areas including any Right of Way (local, state or federal).

(b) The irrigation contractor shall address and note any encroachment agreements and other easement requirements.

(c) Before the irrigation contractor and those working under his supervision do any excavation he shall call 1-800-632-4949 or 811 or go to www.nocc.org to have major utilities located on the subject property by the appropriate utility companies. These

utilities include but are not limited to natural gas lines low pressure, natural gas lines high pressure, electrical, telephone, cable, fuel transfer lines, water mains and taps and sewer mains and taps. State laws (and some Federal laws) require anyone who digs to notify utility companies before starting. Installation shall not be started until all underground utilities are located and marked.

(d) The irrigation contractor shall review the site where the irrigation system is to be installed with owner to identify private underground lines or structures and locate those that present a potential problem before digging (i.e. Low voltage lighting wires, propane gas tanks and lines, private power lines to out buildings, drainage lines, septic field lines and tanks).

(e) In the case of new landscape construction where a landscape plan is provided, the irrigation contractor shall verify that the landscape plan is the most current plan available and is not subject to change before starting the installation.

(f) If no landscape plan exists or the landscaping is in place, the irrigation contractor shall review the site with owner or landscape designer to determine what the irrigation needs of the site are. The irrigation contractor shall address specific issues, including but not limited to:

- (1) plant water needs;
- (2) soil type;
- (3) root depth;
- (4) micro-climates; and
- (5) grades.

(g) The irrigation contractor shall inform the owner or landscape designer of the importance of designing the irrigation system to meet the needs of the landscape.

(h) The irrigation contractor shall review planting plans prior to installation to minimize conflicts between larger plants, existing root zones and irrigation heads and review construction plans for conflicts between hardscape and sprinkler head placement.

(i) Inform the property owner and irrigation designer of unusual or abnormal soil conditions which may impact the design and management of the irrigation system.

(j) Where deviations from the design are required (e.g., routing pipe around a tree or other structure or adding sprinklers to an area larger than the plan shows), the irrigation contractor shall consult with the designer prior to making the change to ensure that the change is within the design performance specifications.

Authority G.S. 89G-5.

21 NCAC 23 .0503 WATER SUPPLY

(a) Before commencing installation, the 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. When the water source is a water meter the isolation valve must be located between the water meter and the backflow prevention device.

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

(d) If the water supply is potable water the irrigation contractor shall verify that a backflow prevention device is installed

upstream of the irrigation system before pressurizing the irrigation mainline.

Authority G.S. 89G-5.

21 NCAC 23 .0504 SYSTEM LAYOUT

(a) The irrigation contractor shall install the irrigation system's components according to the design specifications and manufacturer's published performance standards.

(b) The micro irrigation device spacing must meet the requirements of the plants.

(c) The maximum spacing between sprinkler heads must not exceed the manufacturer's published radius.

(d) The irrigation contractor shall determine the radius by referring to the manufacturer's published specifications for a sprinkler head at a specific operating pressure.

(e) Irrigation systems shall not spray water onto or over surfaces made of concrete, asphalt, brick, wood or any other continuous impervious material, such as, but not limited to, walls, fences, sidewalks and streets. The irrigation system may spray water onto such surfaces due to irregularly-shaped hardscapes, wind drift or fixed spray patterns of sprinkler heads.

(f) The irrigation contractor shall insure that no water is allowed to run off a site onto impervious surfaces where the water flows for a distance of more than 15 feet during any irrigation day or into a storm water inlet.

(g) The irrigation system shall use check valves and stronger springs to hold the water in the piping system.

(h) When the irrigation contractor determines that water pressure at the head is too low to operate a sprinkler he will use an alternative design sprinkler.

(i) The irrigation system shall be so laid out so that sprinkler heads placed on the heel of a slope are not zoned with heads at higher locations of the slope and providing an irrigation schedule that limits the amount of water applied at any one given time period.

Authority G.S. 89G-5.

21 NCAC 23 .0505 TRENCHING AND PIPING

(a) All portions of the irrigation system that fail to meet the standards set forth in this section must be noted on the record drawing.

(b) The irrigation contractor shall protect the root systems of the trees on the site by avoiding trenching across the established root systems of existing trees and shrubs.

(c) When the irrigation contractor finds that it is necessary to trench into the root zone of an established plant, trenching shall be done so that the trench is at a right angle to the base of the tree or shrub.

(d) The irrigation contractor shall cut damaged roots cleanly at a right angle.

(e) Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC), polyethylene (PE) and high density polyethylene (HDPE) pipe and seven feet per second for metal pipe.

(f) The main line and lateral line piping must be installed to provide a minimum of twelve inches between the top of the pipe and the natural grade of the topsoil.

(g) The bottom of the trench should be smooth and provide a flat bed for the pipe to rest on.

(h) Backfill material should be cleaned of any debris that may damage the pipe.

(i) If a utility, man-made structure or roots create an unavoidable obstacle, which makes the twelve inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of four inches of select backfill between the top of the pipe and the natural grade if the piping is installed inside a larger section of pipe for added protection.

(j) When swing joints are used the depth of the pipe must allow the swing joint to operate as designed.

(k) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade. The trench shall be compacted in lifts no greater than 6 inches to insure proper compaction.

(l) All new irrigation systems that are installed using PVC shall be cleaned with a PVC pipe cleaner or primer on the male and female ends prior to applying the PVC cement.

(m) When the irrigation contractor uses PR 200 or thinner walled pipe, primer shall not be used.

(n) The irrigation contractor shall use the proper lubricant when assembling Bell and Gasket Pipe and Fittings.

(o) The irrigation contractor shall use Teflon tape on all threaded fittings, wrapping the tape three times to insure a proper seal.

(p) When the irrigation system uses reclaimed water the irrigation contractor shall use purple pipe or mark the pipe with purple tape placed above all piping in the system. Tape must be within six inches of the top of the pipe. The irrigation contractor shall use purple valve box covers and purple quick coupler flaps and place an eight inch by eight inch sign with purple background stating "RECLAIMED WATER-DO NOT DRINK" & "AQUA DE RECUPERION-NO BEBER."

(q) Water contained within the piping of an irrigation system is non-potable. If a hose bib, yard hydrant, quick coupler or any other device is installed that might mistakenly allow water to be used from the irrigation system for drinking or domestic use the installer must install a purple colored valve box or paint the above ground piping and faucet purple and attach a label stating the following "non-potable, not safe for drinking."

(r) An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

Authority G.S. 89G-5.

21 NCAC 23 .0506 ELECTRICAL

(a) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(b) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(c) Electrical wire splices which are exposed to moisture must be waterproofed using a UL Listed device.

(d) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system

must be buried with a minimum of twelve inches of select backfill.

(e) The wire connections on the two wire path of two wire control systems shall be made using devices rated for the higher voltage of the control system.

(f) Multi-strand wire may be used if it is rated for underground application and if the splicing device used water proofs the outer most casing of the wire.

Authority G.S. 89G-5.

21 NCAC 23 .0507 GROUNDING

Ground all components of the irrigation system per manufacturers' recommendations.

Authority G.S. 89G-5.

21 NCAC 23 .0508 SPRINKLERS:

(a) Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating heads.

(b) Sprinklers are to be set perpendicular to the grade. In turf areas sprinklers shall be set at a height recommended by the manufacturer. On athletic fields especially insure that the rubber cover is in place and the head is at or below grade.

Authority G.S. 89G-5.

21 NCAC 23 .0509 CONTROLLER

All new automatically controlled irrigation systems must include sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of adequate moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations.

Authority G.S. 89G-5.

21 NCAC 23 .0510 INITIAL SYSTEM START UP

Perform a post installation inspection to verify that the system meets the design criteria including but not limited to static water pressure at point of connection, working (dynamic) water pressure at sprinklers, head radius, head adjustment, all sensors are operational and that there are no leaks in the system.

Authority G.S. 89G-5.

21 NCAC 23 .0511 OWNER'S MANUAL

(a) A permanent sticker which contains the irrigation contractor's name, license number, company name, telephone number, Date of completion of the installation and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator. The information contained on the sticker must be printed with waterproof ink.

(b) The Irrigation contractor shall, upon completion of any irrigation system or addition to an existing irrigation system

provide an owners manual to the owner of owner's representative containing the following:

- (1) A maintenance checklist of items such as the nozzles, heads, micro irrigation components, pumps, filters and other such components; that require maintenance and the recommended frequency for the service to insure that the irrigation system remains in good working order.
- (2) A report on the system's specifications and a performance by station/zone that includes the plant type, soil type, average root zone depth, precipitation rate, target gallons per minute flow rate, recommended operating pressure range, and maximum recommended cycle run time without runoff. Irrigation Contractor is to also maintain a copy of this report at his place of business for a period not less than three years.
- (3) A seasonal watering schedule based on monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors.
- (4) Manufacturer's manual for the automatic controller and all sensors.
- (5) Winterization instructions and precautions on protection of the potable water supply.
- (6) A written explanation regarding the operation of the irrigation controller, valves, sensors, pressure regulators, backflow prevention device and sprinklers. Review advanced programming features such as multi-cycle irrigation to prevent run-off and the use of the percentage water increase/decrease function. Educate the owner on features and capabilities of the system including the maintenance requirements.
- (7) The irrigation record drawing that accurately portrays the site, legible and reproducible. Site information shall include all development (building edges, walks, walls, roads, etc.), irrigated areas, turf areas, and planted areas. The drawings shall show the sprinkler system as it is installed. Include locations and product information regarding the location of the emergency shut-off valve, meters, backflow devices, valves, controllers, pumps, wire paths, wire splice locations and main line piping. All manual and automatic valve locations shall be shown with actual measurements to permanent reference points so they may be easily located in the field. Examples of permanent reference points include buildings, drainage inlets, sidewalks, curbs, light poles, etc. The statement, "This irrigation system has been designed and installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the

system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time". Provide plan to scale. Include locations and product information regarding the lateral piping, sprinklers, and rain switches/sensors.

Authority G.S. 89G-5.

**SECTION .0600 - IRRIGATION SYSTEM
MANAGEMENT FOR WATER EFFICIENCY
STANDARDS**

21 NCAC 23 .0601 PURPOSE

The purpose of irrigation system management is to ensure that the irrigation system performs optimally, ensuring efficient and uniform distribution of water. Licensees should modify the irrigation system operation as needed to accommodate the changing plant water needs.

Authority G.S. 89G-5.

**21 NCAC 23 .0602 BASIC SYSTEM
MAINTENANCE PRACTICES**

(a) Establish a systematic maintenance schedule for inspecting, testing and reporting on performance conditions of the irrigation system.

(b) Report any deviations from the original design.

(c) As part of a systematic maintenance program, it is important to:

- (1) Check, adjust and repair irrigation equipment on a regular basis, ideally on a monthly schedule and, whenever possible. Identify irrigation system leaks and repair them promptly.
- (2) Post irrigation schedules, zone location map and other relevant programming information in each controller (or clearly identify where information is kept).
- (3) Inspect the irrigation system after annual activation in the spring, and bring the system up to intended operating conditions.

(d) Make every effort to keep water off impervious surfaces. Immediately shut off zone in question or adjust sprinkler heads, if water flows for a distance of more than 15' from site during any irrigation day.

(e) Repair all leaks immediately or shut zone with leak off, if leak is in main line turn water off at the point of connection. Signs of leakage include overgrown or particularly green turf areas, soggy areas around spray heads and above ground hoses, jammed spray heads and torn hoses. In drip systems, leakage problems may be due to damaged tubing from foot traffic or gnawing by animals. Flush pipes, valves, sprinkler heads, drip components and filters after repairs are completed.

(f) Monthly inspections to include:

- (1) Verify that the water supply and pressure are adequate for proper operation

- (2) Verify that the backflow prevention device is working correctly; annual testing is ideal, but not required in all areas. All testing of backflows is to be conducted by certified backflow tester. Follow all local codes, rules, and regulation dealing with cross-connection.
- (3) Adjust valves and flow regulators for proper pressure and flow operation. Valves must shut off tightly to prevent leakage, and operate without abruptly opening or closing to prevent to prevent damage to the irrigation system caused by water hammer and pressure surges.
- (4) Verify that sprinklers are properly adjusted—check the nozzle, arc, radius, level and attitude with respect to slope.
- (5) Verify that sensors are working properly and are within their calibration specifications.
- (6) Look for debris (e.g., rocks, sand, and soil) lodged in sprinklers and drip emitters.
- (7) Examine filters and clean filtration elements as required.
- (8) Verify proper operation of the controller. Confirm correct date/time input and functional back-up battery if needed.
- (9) Repair or replace broken hardware and pipelines with originally specified materials or equal, thereby restoring the system to the original design specifications.
- (10) Complete repairs in a timely manner to support the integrity of the irrigation design and to minimize the waste of water.
- (11) Notify the end-user (or owner) of any deviations from the original design.
- (12) Test all repairs.
- (g) Ensure that the replacement hardware used for system repairs matches the existing hardware, and is in accordance with the design.
- (h) As plants mature move sprinkler head to preserve system performance. Add additional sprinklers or other hardware as required to compensate for blocked spray patterns or changes in the irrigation needs of the landscape. Ensure that system modifications are in keeping with design specifications and do not cause landscape water demand to exceed the hydraulic capacity of the system.
- (i) Establish a "winterization" protocol (if required). Winterization primarily consists of removing all the water from the irrigation system and equipment to prevent cracked pipes, broken sprinklers and other problems. This is typically accomplished by turning off the main water supply, opening all drains, if necessary use compressed air to remove water from the irrigation system.
- (j) Establish an "activation/start-up" protocol. Activation consists of re-pressurization of the irrigation system, and inspection
- (k) Whenever possible, update and retrofit existing irrigation systems to take advantage of new water-saving technology. (e.g., rain shut-off devices, "Smart" controllers, rotator nozzles and drip/micro irrigation). Smart controller technology can be used if

the system in question was designed properly and has been well maintained.

Authority G.S. 89G-5.

21 NCAC 23 .0603 SCHEDULING

- (a) Manage the irrigation schedules to respond to the changing/seasonal requirements for plant water needs in the landscape. Reset automatic controllers according to the seasonal plant needs. Realize that different irrigation schedules are needed during the grow-in phase of a landscape and should be changed, as soon as possible. Irrigation controllers should be inspected at least monthly to change irrigation frequencies or run times. Avoid irrigation during rain events.
- (b) Understand the capabilities of the irrigation controller and use these features to efficiently irrigate
- (c) Identify soil type micro climates, and root depths of each zone. Calculate the run-time of each zone to supply the needed water based upon precipitation rate of the sprinkler zones, the water-holding capacity of the soil, the changing weather conditions and the plant's water requirements. Set run times and intervals to minimize runoff.
- (d) Periodically verify that the plant material is healthy and that soil moisture is adequate. Use a soil probe to visually inspect root depth, soil structure and moisture.
- (e) Educate end users that plant material water needs change frequently. So should the watering schedule.

Authority G.S. 89G-5.

21 NCAC 23 .0604 REGIONAL OR INDUSTRY CONSIDERATIONS/ADAPTATIONS

- (a) In cases where maintenance requirements cannot be met due to existing problems with the irrigation system, it may be necessary to recommend system renovation or replacement.
- (b) Large, managed landscapes, such as golf courses and parks, require trained managers for operating irrigation systems. This requires understanding of the irrigation equipment as well as parameters such as plant ET and soil infiltration rates. Water audits of these large systems are recommended every two years to ensure that the system is performing properly.
- (c) Large, managed landscapes and commercial operations should prepare a written irrigation management site plan that clearly identifies responses and priorities during water-limited situations such as various stages of drought. The plan should be part of a comprehensive landscape management plan that addresses other management practices such as mowing, fertilizing, weed, insect, and disease control.
- (d) Cross-connection and backflow prevention devices must be inspected on an annual basis by a certified cross-connection control technician if recycled (reclaimed) domestic water is used.

Authority G.S. 89G-5.

SECTION .0700 – FEES

21 NCAC 23 .0701 FEE SCHEDULE

- (a) The Board shall charge the following fees:

- (1) Application fee: \$100.00;
- (2) Examination fee: \$200.00;
- (3) License renewal: \$100.00;
- (4) Late renewal fee: \$50.00;
- (5) License by reciprocity: \$250.00;
- (6) Corporate license: \$100.00;
- (7) Duplicate license: \$25.00.

(b) When the Board uses a testing service for the preparation, administration, or grading of examinations, the Board may charge the applicant the actual cost of the examination services.

Authority G.S. 89G-5.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 33 – MIDWIFERY JOINT COMMITTEE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Midwifery Joint Committee intends to adopt the rules cited as 21 NCAC 33 .0108.

Proposed Effective Date: May 1, 2011

Public Hearing:

Date: March 8, 2011

Time: 10:00 a.m.

Location: Board of Nursing Office, 4516 Lake Boone Trail, Raleigh, NC 27607

Reason for Proposed Action: *Licensing Boards are required by Sessions Law 2009-125, HB 221 to adopt rules establishing a procedure for an escrow account for fees tendered during a board's period of suspension in the event the Board fails to submit the reporting requirements listed under Chapter 93-B-2(b) by October of each calendar year.*

Procedure by which a person can object to the agency on a proposed rule: *Persons may submit objections to this rule by contacting Jean H. Stanley, APA Coordinator, NC Midwifery Joint Committee, P.O. Box 2129, Raleigh, NC 27602, fax (919)781-9461, email: jeans@ncbon.com.*

Comments may be submitted to: *Jean H. Stanley, APA Coordinator, Midwifery Joint Committee, P.O. Box 2129, Raleigh, NC 27602, phone (919)782-3211, ext 252, fax (919)781-9461, email jeans@ncbon.com*

Comment period ends: March 8, 2011

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
- Local
- Substantial Economic Impact (≥\$3,000,000)
- None

SECTION .0100 – MIDWIFERY JOINT COMMITTEE

21 NCAC 33 .0108 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event the Midwifery Joint Committee's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Committee shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Committee for this purpose. Once the Committee's authority is restored, the funds shall be moved from the escrow account into the general operating account.

Authority G.S. 93B-2.

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 November 29, 2010.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

PLANT CONSERVATION BOARD

<u>Protected Plant Species List</u>	02	NCAC	48F	.0301*	25:03 NCR
<u>Threatened Plant Species List</u>	02	NCAC	48F	.0302	25:03 NCR
<u>Plant Species of Special Concern</u>	02	NCAC	48F	.0304	25:03 NCR
<u>Collection and Sale of Ginseng</u>	02	NCAC	48F	.0305*	25:03 NCR
<u>Collection and Sale of Venus Flytrap</u>	02	NCAC	48F	.0306*	25:03 NCR
<u>Definitions</u>	02	NCAC	48F	.0401*	25:03 NCR
<u>Protected Plant Propagation</u>	02	NCAC	48F	.0402*	25:03 NCR
<u>Movement and Sale of Special Concern</u>	02	NCAC	48F	.0403	25:03 NCR
<u>Duplication of Special Concern Permits</u>	02	NCAC	48F	.0404	25:03 NCR
<u>Movement for Conservation Purposes</u>	02	NCAC	48F	.0406	25:03 NCR
<u>Protected Plant Permits, Certificate of Origin</u>	02	NCAC	48F	.0407*	25:03 NCR
<u>Criteria for Approval Plant Conservation Permits</u>	02	NCAC	48F	.0408	25:03 NCR
<u>Emergency Procedures for Rescue Operations</u>	02	NCAC	48F	.0409*	25:03 NCR
<u>Criteria for Issuance of Protected Plant Permits</u>	02	NCAC	48F	.0410*	25:03 NCR
<u>Issuance of Protected Plant Permits</u>	02	NCAC	48F	.0411*	25:03 NCR
<u>Conditions of Permit Issuance and Acceptance</u>	02	NCAC	48F	.0412*	25:03 NCR
<u>Amendment of Permits</u>	02	NCAC	48F	.0413*	25:03 NCR
<u>Designations</u>	02	NCAC	48F	.0501	25:03 NCR
<u>Form PC-1</u>	02	NCAC	48F	.0502	25:03 NCR
<u>Form PC-2</u>	02	NCAC	48F	.0503	25:03 NCR
<u>Form PC-3</u>	02	NCAC	48F	.0504	25:03 NCR
<u>Form PC-4</u>	02	NCAC	48F	.0505	25:03 NCR
<u>Form PC-5</u>	02	NCAC	48F	.0506	25:03 NCR
<u>Form PC-6</u>	02	NCAC	48F	.0507	25:03 NCR
<u>Form PC07</u>	02	NCAC	48F	.0508	25:03 NCR
<u>Form PC-9</u>	02	NCAC	48F	.0509	25:03 NCR
<u>Form PC-9</u>	02	NCAC	48F	.0510	25:03 NCR
<u>Form PC-10</u>	02	NCAC	48F	.0511	25:03 NCR
<u>Form PC-11</u>	02	NCAC	48F	.0512	25:03 NCR
<u>Form PC-12</u>	02	NCAC	48F	.0513	25:03 NCR
<u>Form PC-13</u>	02	NCAC	48F	.0514	25:03 NCR
<u>Form PC-14</u>	02	NCAC	48F	.0515	25:03 NCR

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Standards for Commission and Employees</u>	04	NCAC	02R	.0701*	25:02 NCR
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APPROVED RULES

Conflicts of Interest 04 NCAC 02R .1008* 25:02 NCR

LABOR, DEPARTMENT OF

Incorporation by Reference 13 NCAC 07A .0301* 25:04 NCR
Copies Available 13 NCAC 07A .0302 25:04 NCR
General Requirements 13 NCAC 07F .0401 25:04 NCR
Definitions Applicable to this Standard 13 NCAC 07F .0402 25:04 NCR
Color Coding and Warning Signs for Physical... 13 NCAC 07F .0403 25:04 NCR
Personal Protective Equipment 13 NCAC 07F .0404 25:04 NCR
Lighting 13 NCAC 07F .0405 25:04 NCR
Ventilation 13 NCAC 07F .0406 25:04 NCR
Cleaners and Solvents 13 NCAC 07F .0407 25:04 NCR
Ionizing Radiation 13 NCAC 07F .0408 25:04 NCR
General Requirements for All Machines and... 13 NCAC 07F .0409 25:04 NCR
Cranes: Derricks: and Hoists 13 NCAC 07F .0410 25:04 NCR
Material Handling Devices 13 NCAC 07F .0411 25:04 NCR
Slings and Alloy-Steel Chains 13 NCAC 07F .0412 25:04 NCR
Mobile Equipment 13 NCAC 07F .0413 25:04 NCR
Jacks: Lever: Ratchet: Screw: and Hydraulic 13 NCAC 07F .0414 25:04 NCR
Portable Power and Hand Tools 13 NCAC 07F .0415 25:04 NCR
Electrical 13 NCAC 07F .0416 25:04 NCR
Handling and Storing Material 13 NCAC 07F .0417 25:04 NCR
Handling Material from a Railroad Car 13 NCAC 07F .0418 25:04 NCR
Unloading Material from a Truck 13 NCAC 07F .0419 25:04 NCR
Reaming and Drilling 13 NCAC 07F .0420 25:04 NCR
Riveting 13 NCAC 07F .0421 25:04 NCR
Bolting 13 NCAC 07F .0422 25:04 NCR
Manual Abrasive Blasting 13 NCAC 07F .0423 25:04 NCR
Painting 13 NCAC 07F .0424 25:04 NCR
Galvanizing and Pickling Operations 13 NCAC 07F .0425 25:04 NCR
Source of Standards 13 NCAC 07F .0426 25:04 NCR

LABOR, DEPARTMENT OF, AND APPRENTICESHIP COUNCIL

Standards of Apprenticeship 13 NCAC 14B .0202* 25:02 NCR
Eligibility and Procedure for Registration of an Apprenti... 13 NCAC 14B .0205* 25:02 NCR
Apprenticeship Agreement 13 NCAC 14B .0208* 25:02 NCR
Revision of Apprenticeship Standards or Agreement 13 NCAC 14B .0211* 25:02 NCR
Certification or Certificate of Completion 13 NCAC 14B .0213* 25:02 NCR
Revision of OJT Standards or Agreement 13 NCAC 14B .0308* 25:02 NCR
Quality Assurance Assessments 13 NCAC 14B .0401* 25:02 NCR
De-Registration of Agreement 13 NCAC 14B .0407* 25:02 NCR
Analysis: Underutilization 13 NCAC 14B .0604* 25:02 NCR
Records 13 NCAC 14B .0610* 25:02 NCR
Compliance Reviews 13 NCAC 14B .0611* 25:02 NCR
Sanctions 13 NCAC 14B .0612* 25:02 NCR

ENVIRONMENTAL MANAGEMENT COMMISSION

<u>Outstanding Resource Waters</u>	15A NCAC	02B	.0225*	24:14 NCR
<u>New River Basin</u>	15A NCAC	02B	.0307*	24:14 NCR
<u>Catawba River Basin</u>	15A NCAC	02B	.0308*	n/a G.S. 150B-21.5(a)(5)

WILDLIFE RESOURCES COMMISSION

<u>Hyde County</u>	15A NCAC	10F	.0313*	25:03 NCR
<u>Rowan County</u>	15A NCAC	10F	.0329	25:03 NCR
<u>Person County</u>	15A NCAC	10F	.0348*	25:03 NCR

ENVIRONMENT AND NATURAL RESOURCES, DEPARTMENT OF

<u>Fee Schedule</u>	15A NCAC	28	.0302	25:04 NCR
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ARCHITECTURE, BOARD OF

<u>Fees</u>	21 NCAC	02	.0108*	25:01 NCR
<u>Forms of Practice</u>	21 NCAC	02	.0204*	25:01 NCR
<u>Requirement for and Use of Professional Seal</u>	21 NCAC	02	.0206*	25:01 NCR
<u>Individual Licenses</u>	21 NCAC	02	.0213*	25:01 NCR
<u>Firm Practice of Architecture</u>	21 NCAC	02	.0214*	25:01 NCR
<u>Out of State Firms</u>	21 NCAC	02	.0215*	25:01 NCR

ELECTROLYSIS EXAMINERS, BOARD OF

<u>Infection Control Standards</u>	21 NCAC	19	.0401	24:17 NCR
<u>Sterilization and Disinfection</u>	21 NCAC	19	.0402	24:17 NCR
<u>Definitions</u>	21 NCAC	19	.0404*	24:17 NCR
<u>Hand Hygiene</u>	21 NCAC	19	.0405*	24:17 NCR
<u>Use of Gloves</u>	21 NCAC	19	.0406*	24:17 NCR
<u>Cleaning, Sterilization, and Safety Precautions for Instr...</u>	21 NCAC	19	.0407*	24:17 NCR
<u>Environmental Control and Housekeeping</u>	21 NCAC	19	.0408*	24:17 NCR
<u>Client Evaluation</u>	21 NCAC	19	.0409*	24:17 NCR
<u>Hepatitis B Virus (HBV) Vaccination</u>	21 NCAC	19	.0410*	24:17 NCR
<u>Follow-Up Procedures for Exposures to Hepatitis, Human Im...</u>	21 NCAC	19	.0411*	24:17 NCR
<u>Standard Precautions for Disease Control and Prevention</u>	21 NCAC	19	.0412*	24:17 NCR
<u>Curriculum</u>	21 NCAC	19	.0601*	24:17 NCR
<u>Certifications Not Transferable</u>	21 NCAC	19	.0603	24:17 NCR
<u>Program Directors</u>	21 NCAC	19	.0604*	24:17 NCR
<u>Enrollment Procedures</u>	21 NCAC	19	.0605*	24:17 NCR
<u>School Equipment</u>	21 NCAC	19	.0608*	24:17 NCR
<u>School Library</u>	21 NCAC	19	.0609*	24:17 NCR
<u>Equipment, Student and Teacher Ratio</u>	21 NCAC	19	.0613*	24:17 NCR
<u>School Hours and Schedule</u>	21 NCAC	19	.0614	24:17 NCR
<u>School Advertisements</u>	21 NCAC	19	.0617	24:17 NCR
<u>Private Practice in a School Building</u>	21 NCAC	19	.0618*	24:17 NCR

APPROVED RULES

<u>Equipment Endorsements and Sales Prohibited</u>	21	NCAC	19	.0619	24:17 NCR
<u>Certification of Schools in Other States or Jurisdictions</u>	21	NCAC	19	.0622*	24:17 NCR
<u>Continuing Education Requirements, Renewal, Reinstatement...</u>	21	NCAC	19	.0701*	24:17 NCR
<u>Board Approval of Courses</u>	21	NCAC	19	.0702*	24:17 NCR
<u>Time Limits on Credit</u>	21	NCAC	19	.0704	24:17 NCR

NURSING, BOARD OF

<u>Selection and Qualifications of Nurse Members</u>	21	NCAC	36	.0109*	25:02 NCR
<u>Suspension of Authority to Expend Funds</u>	21	NCAC	36	.0119*	25:02 NCR
<u>Reinstatement of Lapsed License</u>	21	NCAC	36	.0203*	25:02 NCR
<u>Nurse Anesthesia Practice</u>	21	NCAC	36	.0226*	25:02 NCR

RESPIRATORY CARE BOARD

<u>Fees</u>	21	NCAC	61	.0204	24:21 NCR
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TITLE 02 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 48F .0301 PROTECTED PLANT SPECIES LIST

The North Carolina Plant Conservation Board hereby establishes the following list of protected plant species (** indicates federally listed):

(1)	Species	Status
	Acrobolbus ciliatus A liverwort;	Special Concern, Vulnerable
(2)	Adiantum capillus-veneris Venus Hair Fern;	Threatened
(3)	Adlumia fungosa Climbing Fumitory;	Special Concern, Vulnerable
(4)	Aeschynomene virginica** Sensitive Jointvetch;	Threatened
(5)	Agalinis virgata Branched Gerardia;	Threatened
(6)	Agrostis mertensii Artic Bentgrass;	Endangered
(7)	Allium cuthbertii Striped Garlic;	Threatened
(8)	Alnus viridis ssp. crispa Green Alder;	Special Concern, Vulnerable
(9)	Amaranthus pumilus** Seabeach Amaranth;	Threatened
(10)	Amorpha confusa Savanna Indigo-bush;	Threatened
(11)	Amorpha georgiana Georgia Indigo-bush;	Endangered
(12)	Amphicarpum muhlenbergianum Florida Goober Grass, Blue Maidencane;	Endangered
(13)	Andropogon mohrii Bog Bluestem;	Threatened
(14)	Anemone berlandieri Southern Anemone;	Endangered
(15)	Anemone caroliniana	Endangered

APPROVED RULES

(16)	Prairie Anemone; Arabis pycnocarpa var. adpressipilis	Endangered
(17)	Hairy Rockcress; Arethusa bulbosa	Endangered
(18)	Bog Rose; Aristida condensata	Threatened
(19)	Big Three-awn Grass; Aristida simpliciflora	Endangered
(20)	Chapman's Three-awn; Arnoglossum ovatum	Endangered
(21)	Savanna Indian-plantain; Asclepias pedicellata	Special Concern, Vulnerable
(22)	Savanna Milkweed; Asplenium heteroresiliens	Endangered
(23)	Carolina Spleenwort; Asplenium monanthes	Endangered
(24)	Single-sorus Spleenwort; Asplenium ruta-muraria	Special Concern, Vulnerable
(25)	Wall-rue Spleenwort; Astragalus michauxii	Special Concern, Vulnerable
(26)	Sandhills Milkvetch; Baccharis glomeruliflora	Special Concern, Historical
(27)	Silverling; Bacopa caroliniana	Threatened
(28)	Blue Water-hyssop; Bacopa innominata	Special Concern, Historical
(29)	Tropical Water-hyssop; Balduina atropurpurea	Endangered
(30)	Purple-disk Honeycomb-head; Baptisia alba	Threatened
(31)	Thick-pod White Wild Indigo; Baptisia bracteata	Special Concern, Historical
(32)	Creamy Wild Indigo; Baptisia australis var. aberrans	Endangered
(33)	Prairie Blue Wild Indigo; Berberis canadensis	Special Concern, Vulnerable
(34)	American Barberry; Betula cordifolia	Special Concern, Vulnerable
(35)	Mountain Paper Birch; Boechera missouriensis	Special Concern, Vulnerable
(36)	Missouri Rockcress; Buchnera americana	Endangered
(37)	American Bluehearts; Buckleya distichophylla	Threatened
(38)	Piratebush; Bulbostylis warei	Special Concern, Historical
(39)	Ware's Hair Sedge; Calamagrostis cainii	Endangered
(40)	Cain's Reed Grass; Calopogon multiflorus	Endangered
(41)	Many-flower Grass-pink; Caltha palustris	Endangered
(42)	Marsh-marigold; Camassia scilloides	Threatened
(43)	Wild Hyacinth; Campanula rotundifolia	Endangered
(44)	Bluebells; Campylium stellatum	Special Concern, Vulnerable
	Yellow Starry Fen Moss;	

APPROVED RULES

(45)	Canoparmelia amabilis Worthy Shield Lichen;	Special Concern, Vulnerable
(46)	Cardamine dissecta Dissected Toothwort;	Special Concern, Vulnerable
(47)	Cardamine douglassii Douglass's Bittercress;	Threatened
(48)	Cardamine longii Long's Bittercress;	Special Concern, Vulnerable
(49)	Cardamine micranthera** Small-anthered Bittercress;	Endangered
(50)	Cardamine rotundifolia Mountain Watercress;	Threatened
(51)	Carex argyrantha Hay Sedge;	Endangered
(52)	Carex barrattii Barratt's Sedge;	Special Concern, Historical
(53)	Carex buxbaumii Brown Bog Sedge;	Special Concern, Vulnerable
(54)	Carex careyana Carey's Sedge;	Threatened
(55)	Carex cherokeensis Cherokee Sedge;	Endangered
(56)	Carex conoidea Cone-shaped Sedge;	Special Concern, Vulnerable
(57)	Carex cristatella Small-crested Sedge;	Special Concern, Historical
(58)	Carex decomposita Cypress Knee Sedge;	Special Concern, Vulnerable
(59)	Carex eburnea Bristle-leaf Sedge;	Threatened
(60)	Carex exilis Coastal Sedge;	Endangered
(61)	Carex hitchcockiana Hitchcock's Sedge;	Special Concern, Vulnerable
(62)	Carex hormathodes A Sedge;	Threatened
(63)	Carex lutea** Golden Sedge;	Endangered
(64)	Carex oligocarpa Rich-woods Sedge;	Threatened
(65)	Carex oligosperma Few-seeded Sedge;	Endangered
(66)	Carex pedunculata Longstalk Sedge;	Special Concern, Vulnerable
(67)	Carex purpurifera Purple Sedge;	Special Concern, Vulnerable
(68)	Carex radfordii Radford's Sedge;	Threatened
(69)	Carex reniformis Kidney Sedge;	Threatened
(70)	Carex tenax Wire Sedge;	Endangered
(71)	Carex trisperma Three-seeded Sedge;	Endangered
(72)	Carex vestita Velvet Sedge;	Special Concern, Historical
(73)	Carya laciniosa Big Shellbark Hickory;	Threatened
(74)	Carya myristiciformis	Endangered

(75)	Nutmeg Hickory; Celastrus scandens	Endangered
(76)	American Bittersweet; Cetraria arenaria	Special Concern, Vulnerable
(77)	Sand-loving Iceland Lichen; Euphorbia cordifolia	Threatened
(78)	Heartleaf Sandmat; Chamerion platyphyllum	Endangered
(79)	Fireweed; Chasmanthium nitidum	Threatened
(80)	A Spanglegrass; Chelone cuthbertii	Special Concern, Vulnerable
(81)	Cuthbert's Turtlehead; Chenopodium simplex	Threatened
(82)	Giant-seed Goosefoot; Chiloscyphus appalachianus	Special Concern, Vulnerable
(83)	A Liverwort; Chiloscyphus muricatus	Special Concern, Vulnerable
(84)	A Liverwort; Chrysoma pauciflosculosa	Endangered
(85)	Woody Goldenrod; Cirsium carolinianum	Endangered
(86)	Carolina Thistle; Cirsium lecontei	Special Concern, Vulnerable
(87)	Leconte's Thistle; Cladonia psoromica	Threatened
(88)	Bluff Mountain Reindeer Lichen; Clematis occidentalis	Special Concern, Vulnerable
(89)	Mountain Clematis; Clinopodium georgianum	Endangered
(90)	Georgia Calamint; Coeloglossum viride var. virescens	Endangered
(91)	Long-bracted Frog Orchid; Coelorachis cylindrica	Special Concern, Historical
(92)	Carolina Jointgrass; Collinsonia tuberosa	Special Concern, Vulnerable
(93)	Piedmont Horsebalm; Collinsonia verticillata	Special Concern, Vulnerable
(94)	Whorled Horsebalm; Conioselinum chinense	Threatened
(95)	Hemlock-parsley; Coptis trifolia var. groenlandica	Threatened
(96)	Goldthread; Cornus asperifolia	Endangered
(97)	Roughleaf Dogwood; Corydalis micrantha	Threatened
(98)	Slender Corydalis; Crinum americanum	Special Concern, Historical
(99)	Swamp-lily; Crocantemum bicknellii	Special Concern, Vulnerable
(100)	Plains Sunrose; Crocantemum carolinianum	Endangered
(101)	Carolina Sunrose; Crocantemum corymbosum	Threatened
(102)	Pinebarren Sunrose; Crocantemum georgianum	Endangered
(103)	Georgia Sunrose; Crocantemum nashii	Endangered
	Florida Scrub Frostweed;	

APPROVED RULES

(104)	<i>Crocantemum propinquum</i> Creeping Sunrose;	Threatened
(105)	<i>Crocantemum rosmarinifolium</i> Rosemary Sunrose;	Threatened
(106)	<i>Croton monanthogynus</i> Prairie-tea Croton;	Endangered
(107)	<i>Cyperus dentatus</i> Toothed Flatsedge;	Special Concern, Historical
(108)	<i>Cyperus granitophilus</i> Granite Flatsedge;	Threatened
(109)	<i>Cyperus lecontei</i> Leconte's Flatsedge;	Threatened
(110)	<i>Cyperus tetragonus</i> Four-angled Flatsedge;	Special Concern, Vulnerable
(111)	<i>Cystopteris tennesseensis</i> Tennessee Bladder-fern;	Endangered
(112)	<i>Rubus dalibarda</i> Robin Runaway;	Endangered
(113)	<i>Delphinium exaltatum</i> Tall Larkspur;	Endangered
(114)	<i>Deschampsia cespitosa</i> ssp. <i>glauca</i> Tufted Hairgrass;	Threatened
(115)	<i>Desmodium ochroleucum</i> Creamy Tick-trefoil;	Special Concern, Historical
(116)	<i>Desmodium sessilifolium</i> Sessile Tick-trefoil;	Special Concern, Historical
(117)	<i>Diarrhena Americana</i> Eastern Beakgrass;	Endangered
(118)	<i>Dichanthelium aciculare</i> ssp. <i>neuranthum</i> Nerved Witch Grass	Special Concern, Vulnerable
(119)	<i>Dichanthelium caerulescens</i> Blue Witch Grass;	Endangered
(120)	<i>Dichanthelium hirstii</i> Hirsts' Panic Grass;	Endangered
(121)	<i>Diervilla rivularis</i> Riverbank Bush-honeysuckle;	Threatened
(122)	<i>Dionaea muscipula</i> Venus Flytrap;	Special Concern, Vulnerable
(123)	<i>Primula meadia</i> Shooting-star;	Threatened
(124)	<i>Draba ramosissima</i> Branching Draba;	Special Concern, Vulnerable
(125)	<i>Drepanolejeunea appalachiana</i> A Liverwort;	Special Concern, Vulnerable
(126)	<i>Drosera filiformis</i> Threadleaf Sundew;	Special Concern, Vulnerable
(127)	<i>Echinacea laevigata</i> ** Smooth Coneflower;	Endangered
(128)	<i>Echinacea purpurea</i> Purple Coneflower,	Special Concern, Vulnerable
(129)	<i>Echinodorus tenellus</i> Dwarf Burhead;	Endangered
(130)	<i>Eleocharis cellulosa</i> Gulfcoast Spikerush;	Endangered
(131)	<i>Eleocharis elongata</i> Florida Spikerush;	Endangered
(132)	<i>Eleocharis robbinsii</i> Robbins' Spikerush;	Special Concern, Vulnerable
(133)	<i>Eleocharis vivipara</i>	Endangered

(134)	Viviparous Spikerush; Elymus trachycaulus ssp. trachycaulus Slender Wheatgrass;	Threatened
(135)	Elymus virginicus var. halophilus Terrell Grass;	Special Concern, Vulnerable
(136)	Enemion biternatum Eastern Isopyrun;	Special Concern, Vulnerable
(137)	Epidendrum magnoliae Green Fly Orchid;	Threatened
(138)	Eriocaulon aquaticum Seven-angled pipewort;	Special Concern, Vulnerable
(139)	Eriocaulon parkeri Estuary Pipewort;	Threatened
(140)	Eriocaulon texense Texas Hatpins;	Endangered
(141)	Eriogonum tomentosum Southern Wild-buckwheat	Special Concern, Historical
(142)	Erythrina herbacea Coralbean;	Endangered
(143)	Eupatorium leptophyllum Limesink Dog-fennel;	Endangered
(144)	Eupatorium paludicola Bay Boneset;	Threatened
(145)	Euphorbia commutata Cliff Spurge;	Threatened
(146)	Euphorbia mercurialina Cumberland Spurge;	Special Concern, Vulnerable
(147)	Filipendula rubra Queen-of-the-Prairie;	Endangered
(148)	Fimbristylis perpusilla Harper's Fimbry;	Threatened
(149)	Fleishmannia incarnata Pink Thoroughwort;	Threatened
(150)	Gaillardia aestivalis var. aestivalis Sandhills Blanket-flower;	Endangered
(151)	Galactia mollis Soft Milk-pea;	Threatened
(152)	Gaylussacia brachycera Box Huckleberry;	Endangered
(153)	Gaylussacia nana Confederate Huckleberry;	Endangered
(154)	Gelsemium rankinii Swamp Jessamine;	Special Concern, Vulnerable
(155)	Gentiana alba Yellow Gentian;	Special Concern, Vulnerable
(156)	Gentianopsis crinita Fringed Gentian;	Threatened
(157)	Geum aleppicum Yellow Avens;	Endangered
(158)	Geum geniculatum Bent Avens;	Special Concern, Vulnerable
(159)	Geum laciniatum Rough Avens;	Endangered
(160)	Geum lobatum Lobed Barren-strawberry;	Endangered
(161)	Geum radiatum** Spreading Avens;	Endangered
(162)	Gillenia stipulata Indian Physic;	Threatened

APPROVED RULES

(163)	Gratiola aurea Golden Hedge-hyssop;	Special Concern, Vulnerable
(164)	Gymnocarpium appalachianum Appalachian Oak Fern;	Threatened
(165)	Gymnoderma lineare** Rock Gnome Lichen;	Endangered
(166)	Senecio suaveolens Sweet Indian-plantain;	Special Concern, Historical
(167)	Helenium brevifolium Littleleaf Sneezeweed;	Endangered
(168)	Helenium vernale Spring Sneezeweed;	Endangered
(169)	Helianthus floridanus Florida Sunflower;	Threatened
(170)	Helianthus laevigatus Smooth Sunflower;	Special Concern, Vulnerable
(171)	Helianthus occidentalis ssp. occidentalis Naked-stem Sunflower;	Special Concern, Historical
(172)	Helianthus schweinitzii** Schweinitz's Sunflower;	Endangered
(173)	Helonias bullata** Swamp Pink;	Threatened
(174)	Hexastylis contracta Mountain Heartleaf;	Endangered
(175)	Hexastylis naniflora** Dwarf-flowered Heartleaf;	Threatened
(176)	Hibiscus aculeatus Comfortroot;	Threatened
(177)	Houstonia montana Roan Mountain Bluet;	Endangered
(178)	Hudsonia montana** Mountain Golden-heather;	Threatened
(179)	Hudsonia tomentosa Sand Heather;	Threatened
(180)	Hymenocallis occidentalis Hillside Spider-lily;	Special Concern, Historical
(181)	Hymenocallis pygmaea Waccamaw River Spiderlily;	Threatened
(182)	Hypericum adpressum Bog St. John's-wort;	Special Concern, Historical
(183)	Hypericum brachyphyllum Coastal Plain St. John's-wort;	Special Concern, Vulnerable
(184)	Hypericum fasciculatum Peelbark St. John's-wort;	Endangered
(185)	Hypericum suffruticosum Pineland St. John's-wort;	Special Concern, Historical
(186)	Ilex collina Long-stalked Holly;	Special Concern, Vulnerable
(187)	Ipomoea imperati Beach Morning-glory;	Threatened
(188)	Isoetes microvela Thin-wall Quillwort;	Threatened
(189)	Isoetes piedmontana Piedmont Quillwort;	Endangered
(190)	Isotria medeoloides** Small Whorled Pogonia;	Threatened
(191)	Iva microcephala Small-headed Marsh Elder;	Threatened
(192)	Jeffersonia diphylla	Threatened

	Twinleaf:	
(193)	Juncus caesariensis New Jersey Rush;	Endangered
(194)	Juniperus communis var. depressa Dwarf Juniper;	Special Concern, Vulnerable
(195)	Kalmia angustifolia Sheep-laurel;	Threatened
(196)	Lachnocaulon minus Brown Bogbutton;	Threatened
(197)	Lechea maritima var. virginica Maritime Pinweed;	Endangered
(198)	Lechea torreyi Torrey's Pinweed;	Endangered
(199)	Lejeunea blomquistii A Liverwort;	Special Concern, Vulnerable
(200)	Leptochloa fascicularis var. maritima Long-awned Spangletop;	Endangered
(201)	Liatris aspera Rough Blazing-star;	Threatened
(202)	Liatris helleri** Heller's Blazing-star;	Threatened
(203)	Liatris microcephala Small-head Blazing-star;	Special Concern, Vulnerable
(204)	Lilium canadense var. canadense Yellow Canada Lily;	Endangered
(205)	Lilium canadense ssp. editorum Red Canada Lily;	Endangered
(206)	Lilium grayi Gray's Lily;	Threatened
(207)	Lilium philadelphicum var. philadelphicum Wood Lily;	Endangered
(208)	Lilium pyrophilum Sandhills Lily;	Endangered
(209)	Limosella australis Awl-leaf Mudwort;	Threatened
(210)	Lindera melissifolia** Pondberry;	Endangered
(211)	Linum floridanum var. chrysocarpum Yellow-fruited Flax;	Threatened
(212)	Linum sulcatum Glade Flax;	Special Concern, Historical
(213)	Liparis loeselii Fen Orchid;	Endangered
(214)	Lipocarpha micrantha Small-flowered Hemicarpha;	Special Concern, Historical
(215)	Lithospermum canescens Hoary Puccoon;	Threatened
(216)	Litsea aestivalis Pondspice;	Special Concern, Vulnerable
(217)	Lobelia boykinii Boykin's Lobelia;	Endangered
(218)	Lophiola aurea Golden-crest;	Endangered
(219)	[Lotus] Acmispon helleri Carolina Birdfoot-trefoil;	Special Concern, Vulnerable
(220)	Ludwigia lanceolata Lanceleaf Seedbox;	Endangered
(221)	Ludwigia linifolia Flaxleaf Seedbox;	Threatened

APPROVED RULES

(222)	Ludwigia ravenii Raven's Seedbox;	Threatened
(223)	Ludwigia sphaerocarpa Globe-fruit seedbox;	Endangered
(224)	Ludwigia suffruticosa Shrubby Seedbox;	Threatened
(225)	Lysimachia asperulifolia** Rough-leaf Loosestrife;	Endangered
(226)	Lysimachia fraseri Fraser's Loosestrife;	Endangered
(227)	Macbridea caroliniana Carolina Bogmint;	Endangered
(228)	Magnolia macrophylla Bigleaf Magnolia;	Threatened
(229)	Malaxis spicata Florida Adder's-mouth;	Special Concern, Vulnerable
(230)	Marshallia grandiflora Large-flowered Barbara's-buttons;	Special Concern, Historical
(231)	Marshallia trinervia Broadleaf Barbara's-buttons;	Special Concern, Historical
(232)	Melica nitens Three-flowered Melic;	Endangered
(233)	Menyanthes trifoliata Buckbean;	Threatened
(234)	Micranthes pennsylvanica Swamp Saxifrage;	Endangered
(235)	Micropolypodium nimbatum West Indian Dwarf Polypody;	Threatened
(236)	Minuartia godfreyi Godfrey's Sandwort;	Endangered
(237)	Minuartia groenlandica Greenland Sandwort;	Threatened
(238)	Minuartia uniflora Single-flowered Sandwort;	Endangered
(239)	Monotropsis odorata Sweet Pinesap;	Special Concern, Vulnerable
(240)	Muhlenbergia glomerata Spiked Muhly;	Special Concern, Vulnerable
(241)	Muhlenbergia sobolifera Rock Muhly;	Special Concern, Vulnerable
(242)	Muhlenbergia torreyana Pinebarren Smokegrass;	Special Concern, Vulnerable
(243)	Myrica gale Sweet Gale;	Endangered
(244)	Myriophyllum laxum Loose Water-milfoil;	Endangered
(245)	Myriophyllum tenellum Leafless Water-milfoil;	Endangered
(246)	Nartheccium montanum Appalachian Yellow Asphodel;	Special Concern, Historical
(247)	Oenothera perennis Perennial Sundrops;	Special Concern, Vulnerable
(248)	Oldenlandia boscii Bosc's Bluet;	Endangered
(249)	Orbexilum macrophyllum Bigleaf Scurfpea;	Special Concern, Historical
(250)	Orbexilum onobrychis Lanceleaf Scurfpea;	Special Concern, Historical
(251)	Oxypolis canbyi**	Endangered

APPROVED RULES

(252)	Canby's Dropwort; Pachysandra procumbens	Endangered
(253)	Allegheny Spurge; Packera millefolium	Threatened
(254)	Divided-leaf Ragwort; Packera pauperula var. appalachiana	Threatened
(255)	Prairie Ragwort; Packera schweinitziana	Threatened
(256)	Schweinitz's Ragwort; Panicum flexile	Threatened
(257)	Wiry Panic Grass; Parietaria praetermissa	Special Concern, Vulnerable
(258)	Large-seed Pellitory; Parnassia caroliniana	Threatened
(259)	Carolina Grass-of-parnassus; Parnassia grandifolia	Threatened
(260)	Large-leaved Grass-of-parnassus; Paronychia herniarioides	Endangered
(261)	Michaux's Whitlow-wort; Paspalum dissectum	Endangered
(262)	Mudbank Crown Grass; Pedicularis lanceolata	Threatened
(263)	Swamp Lousewort; Pellaea wrightiana	Endangered
(264)	Wright's Cliff-brake; Persicaria hirsuta	Endangered
(265)	Hairy Smartweed; Phacelia maculata	Endangered
(266)	Spotted Phacelia; Phegopteris connectilis	Endangered
(267)	Northern Beech Fern; Pinguicula pumila	Endangered
(268)	Small Butterwort; Pityopsis graminifolia var. graminifolia	Endangered
(269)	A Silkgrass; Plantago cordata	Endangered
(270)	Heart-leaf Plantain; Plantago sparsiflora	Threatened
(271)	Pineland Plantain; Platanthera grandiflora	Threatened
(272)	Large Purple-fringed Orchid; Platanthera integra	Special Concern, Vulnerable
(273)	Yellow Fringeless Orchid; Platanthera integrilabia	Special Concern, Historical
(274)	White Fringeless Orchid; Platanthera nivea	Threatened
(275)	Snowy Orchid; Platanthera peramoena	Threatened
(276)	Purple Fringeless Orchid; Poa saltuensis	Threatened
(277)	A Bluegrass; Polemonium reptans var. reptans	Threatened
(278)	Jacob's Ladder; Polygala hookeri	Special Concern, Vulnerable
(279)	Hooker's Milkwort; Polygonella articulata	Special Concern, Historical
(280)	Coast Jointweed; Polygonum glaucum	Endangered
	Seabeach Knotweed;	

APPROVED RULES

(281)	Ponthieva racemosa Shadow-witch;	Threatened
(282)	Portulaca smallii Small's Portulaca;	Threatened
(283)	Prenanthes alba White Rattlesnakeroot;	Threatened
(284)	Pteroglossaspis ecristata Spiked Medusa;	Endangered
(285)	Ptilimnium costatum Ribbed Bishop-weed;	Threatened
(286)	Ptilimnium nodosum** Harperella;	Endangered
(287)	Pyrola elliptica Elliptic Shinleaf;	Endangered
(288)	Quercus ilicifolia Bear Oak	Endangered
(289)	Quercus prinoides Dwarf Chinquapin Oak;	Endangered
(290)	Ranunculus ambigens Water-plantain Spearwort;	Special Concern, Historical
(291)	Ranunculus flabellaris Yellow Water-crowfoot;	Special Concern, Historical
(292)	Ranunculus hederaceus Ivy Buttercup;	Endangered
(293)	Rhexia aristosa Awned Meadow-beauty;	Special Concern, Vulnerable
(294)	Rhodiola rosea Roseroot;	Endangered
(295)	Rhododendron prinophyllum Election Pink;	Threatened
(296)	Rhus michauxii** Michaux's Sumac;	Endangered
(297)	Rhynchospora crinipes Alabama Beaksedge;	Threatened
(298)	Rhynchospora decurrens Swamp Forest Beaksedge;	Threatened
(299)	Rhynchospora harperi Harper's Beaksedge;	Special Concern, Vulnerable
(300)	Rhynchospora macra Southern White Beaksedge;	Threatened
(301)	Rhynchospora odorata Fragrant Beaksedge;	Special Concern, Vulnerable
(302)	Rhynchospora pleiantha Coastal Beaksedge;	Threatened
(303)	Rhynchospora thornei Thorne's Beaksedge;	Special Concern, Vulnerable
(304)	Rhynchospora tracyi Tracy's Beaksedge;	Threatened
(305)	Rubus idaeus ssp. strigosus Red Raspberry;	Threatened
(306)	Rudbeckia heliopsidis Sun-facing Coneflower;	Endangered
(307)	Ruellia ciliosa Sandhills Wild-petunia;	Threatened
(308)	Ruellia humilis Low Wild-petunia;	Endangered
(309)	Ruellia purshiana Pursh's Wild-petunia;	Special Concern, Vulnerable
(310)	Ruellia strepens	Endangered

(311)	Limestone Wild-petunia; Sabal palmetto Cabbage Palm;	Threatened
(312)	Sabatia kennedyana Plymouth Gentian;	Threatened
(313)	Sageretia minutiflora Small-flowered Buckthorn;	Threatened
(314)	Sagittaria chapmanii Chapman's Arrowhead;	Endangered
(315)	Sagittaria fasciculata** Bunched Arrowhead;	Endangered
(316)	Sagittaria isoetiformis Quillwort Arrowhead;	Threatened
(317)	Sagittaria macrocarpa Streamhead Sagittaria;	Threatened
(318)	Sagittaria weatherbiana Grassleaf Arrowhead;	Endangered
(319)	Sarracenia jonesii** Mountain Sweet Pitcher Plant;	Endangered
(320)	Sarracenia minor Hooded Pitcher Plant;	Endangered
(321)	Sarracenia oreophila** Green Pitcher Plant;	Endangered
(322)	Sceptridium jenmanii Alabama Grape-fern;	Special Concern, Vulnerable
(323)	Schisandra glabra Magnolia Vine;	Threatened
(324)	Schwalbea americana** Chaffseed;	Endangered
(325)	Scirpus flaccidifolius Reclining Bulrush;	Endangered
(326)	Scirpus lineatus Drooping Bulrush;	Threatened
(327)	Scleria baldwinii Baldwin's Nutrush;	Threatened
(328)	Scleria reticularis Netted Nutrush;	Threatened
(329)	Scutellaria australis Southern Skullcap;	Endangered
(330)	Scutellaria galericulata Hooded Skullcap;	Special Concern, Historical
(331)	Scutellaria leonardii Shale-barren Skullcap;	Endangered
(332)	Scutellaria nervosa Veined Skullcap;	Endangered
(333)	Ditrysinia fruticosa Sebastian-bush;	Special Concern, Vulnerable
(334)	Sedum pusillum Puck's Orpine;	Endangered
(335)	Seymeria pectinata Sticky Afzelia;	Special Concern, Historical
(336)	Shortia galacifolia var. brevistyla Northern Oconee Bells;	Endangered
(337)	Shortia galacifolia var. galacifolia Southern Oconee Bells;	Special Concern, Vulnerable
(338)	Sideroxylon tenax Tough Bumelia;	Threatened
(339)	Silene ovata Mountain Catchfly;	Special Concern, Vulnerable

APPROVED RULES

(340)	Silphium connatum Virginia Cup-plant;	Special Concern, Vulnerable
(341)	Silphium perfoliatum Northern Cup-plant;	Threatened
(342)	Sisyrinchium dichotomum** White Irisette;	Endangered
(343)	Solidago leavenworthii Leavenworth;s Goldenrod;	Threatened
(344)	Solidago plumosa Yadkin River Goldenrod;	Threatened
(345)	Solidago ptarmicoides Prairie Goldenrod;	Endangered
(346)	Solidago radula Western Rough Goldenrod;	Endangered
(347)	Solidago rigida var. rigida Prairie Bold Goldenrod;	Threatened
(348)	Solidago spithamaea** Blue Ridge Goldenrod;	Threatened
(349)	Solidago tortifolia Twisted-leaf Goldenrod;	Endangered
(350)	Solidago villosicarpa Coastal Goldenrod;	Endangered
(351)	Sparganium emersum Greenfruit Bur-reed;	Threatened
(352)	Spartina pectinata Freshwater Cordgrass;	Special Concern, Vulnerable
(353)	Sphagnum contortum Contorted Peatmoss;	Threatened
(354)	Spigelia marilandica Pink-root;	Threatened
(355)	Spiraea corymbosa Shinyleaf Meadowsweet;	Endangered
(356)	Spiraea virginiana** Virginia Spiraea;	Threatened
(357)	Spiranthes eatonii Eaton's Ladies'-tresses;	Endangered
(358)	Spiranthes lacera var. lacera Northern Slender Ladies'-tresses;	Endangered
(359)	Spiranthes laciniata Lace-lip Ladies'-tresses;	Special Concern, Vulnerable
(360)	Spiranthes longilabris Giant Spiral Orchid;	Endangered
(361)	Spiranthes lucida Shining Ladies'-tresses;	Endangered
(362)	Spiranthes ochroleuca Yellow Ladies'-tresses;	Threatened
(363)	Sporobolus heterolepis Prairie Dropseed;	Threatened
(364)	Sporobolus teretifolius Wireleaf Dropseed;	Threatened
(365)	Sporobolus virginicus Saltmarsh Dropseed;	Threatened
(366)	Stenanthium gramineum var. robustum Bog Featherbells;	Threatened
(367)	Stenanthium leimanthoides Pinebarren Death-camas;	Threatened
(368)	Streptopus amplexifolius White Mandarin;	Special Concern, Vulnerable
(369)	Stylisma aquatica	Endangered

	Water Dawnflower;	
(370)	<i>Stylisma pickeringii</i> var. <i>pickeringii</i>	Special Concern, Vulnerable
	Pickering's Dawnflower;	
(371)	<i>Symphyotrichum depauperatum</i>	Endangered
	Serpentine Aster;	
(372)	<i>Symphyotrichum georgianum</i>	Threatened
	Georgia Aster;	
(373)	<i>Symphyotrichum leave</i> var. <i>concinnum</i>	Threatened
	Narrow-leaf Aster;	
(374)	<i>Symphyotrichum oblongifolium</i>	Threatened
	Aromatic Aster;	
(375)	<i>Symphyotrichum rhiannon</i>	Threatened
	Buck Creek Aster;	
(376)	<i>Synandra hispidula</i>	Endangered
	<i>Synandra</i> ;	
(377)	<i>Taxus canadensis</i>	Threatened
	Canada Yew;	
(378)	<i>Thalictrum cooleyi</i> **	Endangered
	Cooley's Meadowrue;	
(379)	<i>Thaspium pinnatifidum</i>	Threatened
	Mountain Thaspium;	
(380)	<i>Thelypteris simulata</i>	Endangered
	Bog Fern;	
(381)	<i>Thermopsis fraxinifolia</i>	Special Concern, Vulnerable
	Ash-leaved Golden-banner;	
(382)	<i>Thermopsis mollis</i>	Special Concern, Vulnerable
	Appalachian Golden-banner;	
(383)	<i>Tradescantia virginiana</i>	Threatened
	Virginia Spiderwort;	
(384)	<i>Triantha glutinosa</i>	Special Concern, Vulnerable
	Sticky Bog Asphodel;	
(385)	<i>Trichomanes boschianum</i>	Endangered
	Appalachian Filmy-fern;	
(386)	<i>Trichostema brachiatum</i>	Endangered
	Glade Bluecurls;	
(387)	<i>Tridens ambiguus</i>	Endangered
	Pineland Triodia;	
(388)	<i>Tridens chapmanii</i>	Threatened
	Chapman's Redtop;	
(389)	<i>Tridens strictus</i>	Special Concern, Historical
	Spike Triodia;	
(390)	<i>Trientalis borealis</i>	Endangered
	Starflower;	
(391)	<i>Trifolium carolinianum</i>	Special Concern, Historical
	Carolina Clover;	
(392)	<i>Trifolium reflexum</i>	Threatened
	Buffalo Clover;	
(393)	<i>Trillium discolor</i>	Threatened
	Mottled Trillium;	
(394)	<i>Trillium flexipes</i>	Special Concern, Historical
	Bent White Trillium;	
(395)	<i>Trillium pusillum</i> var. <i>ozarkanum</i>	Endangered
	Alabama Least Trillium;	
(396)	<i>Trillium pusillum</i> var. <i>pusillum</i>	Endangered
	Carolina Least Trillium;	
(397)	<i>Trillium pusillum</i> var. <i>virginianum</i>	Endangered
	Virginia Least Trillium;	
(398)	<i>Trillium sessile</i>	Threatened
	Sessile-flowered Trillium;	

APPROVED RULES

(399)	Trillium simile Sweet White Trillium;	Threatened
(400)	Trisetum spicatum Soft Trisetum;	Special Concern, Historical
(401)	Turritis glabra Tower Mustard;	Endangered
(402)	Urtica chamaedryoides Dwarf Stinging Nettle;	Endangered
(403)	Utricularia cornuta Horned Bladderwort;	Threatened
(404)	Utricularia geminiscapa Two-flowered Bladderwort;	Special Concern, Vulnerable
(405)	Utricularia minor Small Bladderwort;	Special Concern, Historical
(406)	Utricularia olivacea Dwarf Bladderwort;	Threatened
(407)	Utricularia resupinata Northeastern Bladderwort;	Endangered
(408)	Vaccinium macrocarpon Cranberry;	Threatened
(409)	Veratrum woodii Ozark Bunchflower;	Threatened
(410)	Veronica americana American Speedwell;	Threatened
(411)	Viola walteri var. appalachiensis Appalachian Violet;	Special Concern, Vulnerable
(412)	Warea cuneifolia Carolina Pineland-cress;	Endangered
(413)	Woodsia ilvensis Rusty Cliff Fern;	Endangered
(414)	Xyris chapmanii Chapman's Yellow-eyed-grass;	Special Concern, Vulnerable
(415)	Xyris floridana Florida Yellow-eyed-grass;	Threatened
(416)	Xyris scabrifolia Harper's Yellow-eyed-grass;	Special Concern, Vulnerable
(417)	Xyris serotina Acid-swamp Yellow-eyed-grass;	Threatened
(418)	Xyris stricta Pineland Yellow-eyed grass;	Endangered
(419)	Zephyranthes simpsonii Rain Lily.	Endangered

History Note: Authority G.S. 106-202.15;

Eff. July 1, 1980;

Amended Eff. December 1, 2010; August 1, 2006; March 1, 2004; July 1, 1998; April 1, 1993; December 1, 1992; September 1, 1991; August 1, 1990.

02 NCAC 48F .0302 THREATENED PLANT SPECIES LIST

History Note: Authority G.S. 106-202.15;

Eff. July 1, 1980;

Amended Eff. August 1, 2006; March 1, 2004; July 1, 1998; April 1, 1993; December 1, 1992; September 1, 1991; August 1, 1990;

Repealed Eff. December 1, 2010.

02 NCAC 48F .0304 PLANT SPECIES OF SPECIAL CONCERN

History Note: Authority G.S. 106-202.15;

Eff. June 30, 1981;

Amended Eff. March 1, 2004; July 1, 1998; June 1, 1991; August 1, 1990; May 1, 1984;

Repealed Eff. December 1, 2010.

02 NCAC 48F .0305 COLLECTION AND SALE OF GINSENG

(a) Definitions:

- (1) Department. The North Carolina Department of Agriculture and Consumer Services;
- (2) Ginseng. Any plant of the species *Panax quinquefolius* including cuttings, roots, fruits, seeds, propagules or any other plant part;
- (3) Ginseng Dealer. Any person who purchases or otherwise obtains ginseng roots which have been collected or cultivated in North Carolina in any quantity for commercial use. This definition does not include those persons who directly collect or cultivate ginseng roots, or who obtain ginseng roots for their own personal use;
- (4) Export Certificate. A document issued to allow the export or shipment of ginseng out of the state by certifying that the ginseng covered by the document was legally collected or grown in North Carolina;
- (5) Five Year Old Wild Ginseng Plant. Any wild ginseng plant having at least three prongs (five-leaflet leaves) or, in the absence of leaves, having at least four discernible bud scars plus a bud on the neck (rhizome);
- (6) Inspector. An employee of the Department or any other person authorized by the Commissioner to enforce the Plant Protection and Conservation Act and the rules adopted thereunder;
- (7) Person. Individual, corporation, partnership, firm, or association;
- (8) Record of Ginseng Purchases. A document completed by a ginseng dealer on a form provided by the Department to record ginseng purchases;
- (9) Record of Harvest Season Collection. A document completed and signed by a collector of wild ginseng and by an Inspector, certifying that the ginseng covered by the document was legally collected during the harvest season; and
- (10) Statement Indicating Legal Collection of Ginseng from One's Own Land. A document completed and signed by a person verifying that the wild collected ginseng being sold was collected from that person's own land.

(b) Purpose. The purpose of this Rule is to regulate trade in ginseng in North Carolina, to obtain federal approval for the export of ginseng from the state, to support the ginseng trade within the state, and to protect the species from over-collection and extinction.

(c) Collection of Ginseng:

- (1) Harvest Season for the Collection of Ginseng. The ginseng harvest season shall be from September 1 through December 31;
- (2) Size of Collected Plants. Collection of any wild ginseng plant not meeting the definition

of a five year old wild ginseng plant is prohibited except for the purpose of replanting;

- (3) Replanting of Ginseng. All persons collecting ginseng from the wild shall plant the seeds of collected plants within 100 feet of where the plants are located. Ginseng seeds may be collected from the wild for replanting to a different location only if the plant bearing the seeds is not also collected in the same harvest season;
- (4) Any person collecting wild ginseng on the lands of another for any purpose shall, at time of collection, have on his or her person written permission from the landowner, as required under G.S. 106–202.19(1); and
- (5) Possession of freshly dug ginseng on the lands of another shall constitute prima facie evidence that the ginseng was taken from the same land on which the collector was found.

(d) Purchase, Collection and Sale of Ginseng:

- (1) Ginseng Dealer Permits. All ginseng dealers shall obtain a permit from the Plant Industry Division of the Department prior to purchasing ginseng. Permits shall be valid from July 1 or the date of issue, whichever is later, to the following June 30. No ginseng shall be purchased by a ginseng dealer without a current permit;
- (2) Fees. A ginseng dealer shall pay the following fee for a permit:
 - (A) Resident unlimited quantity - \$100.00
 - (B) Resident limited (up to 100 pounds per license period) - \$50.00
 - (C) Non-resident – \$500.00;
- (3) Buying Season for Ginseng. The buying season for wild or wild-simulated green ginseng is September 1 through March 31. The buying season for wild or wild-simulated dry ginseng is September 15 through March 31. To buy wild collected ginseng outside of this buying season a ginseng dealer must obtain from the collector either:
 - (A) a completed Statement Indicating Legal Collection of Ginseng from One's Own Land; or
 - (B) a Record of Harvest Season Collection completed by the collector and signed by an Inspector;
- (4) Purchase Records. Every ginseng dealer shall keep a record of each purchase of ginseng collected or grown in North Carolina on the applicable Record of Ginseng Purchases provided by the Department. Forms from previous years, copies, or any forms other than those provided by the Department for the current permit period shall not be used. Records of Ginseng Purchases shall be made available for inspection by an Inspector and

applicable records shall be surrendered to an Inspector upon issuance of an Export Certificate or upon request. The applicable Statement Indicating Legal Collection of Ginseng from One's Own Land or Record of Harvest Season Collection shall be attached to any Record of Ginseng Purchases recording a purchase of wild collected ginseng collected outside of the harvest season or bought outside of the buying season;

(5) Purchase of Ginseng from Other Ginseng Dealers.

(A) All ginseng dealers who purchase ginseng from other ginseng dealers located in North Carolina shall purchase only from those ginseng dealers that have valid dealer permits. Such purchases shall be recorded in a Record of Dealer-Dealer Transactions. Ginseng purchased from ginseng dealers who lack valid permits shall not be certified for export or shipment out of the state.

(B) Each dealer shall submit copies of purchase records monthly between September 1 and March 31. Annual dealer reports shall be provided to the Department at the end of the purchase season. The report must be submitted no later than April 30.

(C) A copy of end of season weight receipt shall be provided to the Department for any ginseng roots possessed by a dealer at the end of the buying season. The receipt must be retained by the dealer and presented at the time of any future certification of the ginseng for export;

(6) Exportation and Shipment of Ginseng. All persons who have ginseng in any quantity and wish to export or ship any amount out of the state shall obtain an export certificate from an Inspector. An export certification fee of three dollars (\$3.00) per pound is required for every shipment. The export certification fee must be paid at the time of the inspection and issuance of the export certificate. To obtain an export certificate a person must have accurate records of his purchases, present and surrender the original Record of Ginseng Purchases upon issuance of an export certificate and possess a valid ginseng dealer's permit; and

(7) Importation of Ginseng. All ginseng imported into North Carolina from other states must obtain the appropriate certificates from the state of origin, which must be presented to a Department representative at the time of inspection.

(1) Buying season for Cultivated Ginseng. Cultivated Ginseng may be sold at any time during the year provided that the grower's ginseng has been certified as Cultivated Ginseng; and

(2) Certifying Cultivated Ginseng. Cultivated Ginseng certified by a Department representative may be dug or sold any time during the year and does not require a state export certificate, as long as a copy of the certification records accompany the ginseng.

History Note: Authority G.S. 106-202.15; 106-202.21; Eff. June 30, 1981; Amended Eff. December 1, 2010; April 1, 2003; July 1, 1998; August 1, 1990; May 1, 1984.

02 NCAC 48F .0306 COLLECTION AND SALE OF VENUS FLYTRAP

(a) Collection of flytraps:

(1) Any person collecting Venus Flytraps on the lands of another shall, at time of collection, have on their person written permission from the landowner, as required under G.S. 106-202.19(1); and

(2) Possession of freshly dug Venus Flytraps on the lands of another shall constitute prima facie evidence that the plants were taken from the same land on which the collector was found.

(b) Sale of flytraps: Lawfully collected flytraps may be sold in accordance with 02 NCAC 48F .0402.

History Note: Authority G.S. 106-202.15; Eff. June 1, 1991; Amended Eff. December 1, 2010; July 1, 1998.

02 NCAC 48F .0401 DEFINITIONS

(a) "Department" means the North Carolina Department of Agriculture.

(b) "Horticulturally" means grown from seed or by vegetative propagation of cuttings or meristem tissue.

(c) "Inspector" means an employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce these Regulations.

(d) "Nursery" means any place where any plants are propagated or grown to be offered.

(e) "Nursery Certificate or Certificate of Plant Inspection" means a document issued by the North Carolina Department of Agriculture or the appropriate plant pest regulatory agency of any other state which declares that the nursery named on the certificate has been inspected and found apparently free of injurious plant pests.

(f) "Offer" means to sell, barter, trade, exchange, export, or to offer for sale, barter, trade, exchange or export or give away for any purpose including advertising or other promotional purposes.

(g) "Person" means an individual, corporation, partnership, firm, or association.

(e) Cultivation and Sale of Cultivated Ginseng.

(h) "Protected Plant Propagator" means a person who has obtained initial plants and has demonstrated that all plants to be offered have been propagated and grown horticulturally.

(i) "Plant" means any member of the plant kingdom, including cuttings, roots, fruits, seeds, propagules or any other plant part.

(j) "Protected Plant Permit" means a document authorizing the collection, movement and possession of a controlled number of any protected plant or their propagules for scientific research, conservation purposes, or for propagation and sale.

(k) "Special Concern-Vulnerable (SC-V)" means any species or higher taxon of plant which is likely to become a threatened species within the foreseeable future.

(l) "Special Concern-Historical (SC-H)" means any species or higher taxon of plant that occurred in North Carolina at one time, but for which all known populations are currently considered to be either historical or extirpated.

(m) "Rescue" means the collection and movement of any endangered or threatened plant as an ultimate attempt to save the plants from being destroyed.

History Note: Authority G.S. 106-202.15; Eff. April 8, 1981; Amended Eff. December 1, 2010; May 1, 1984.

02 NCAC 48F .0402 PROTECTED PLANT PROPAGATION

(a) Persons within the State of North Carolina who wish to propagate or offer any protected plant species shall make application to the Department pursuant to 02 NCAC 48F .0407 for a permit to:

- (1) obtain propagation stock, or
- (2) offer propagated plants.

(b) Applicants must meet the following criteria:

- (1) Identify the source of the initial stock of plants used for propagation;
- (2) Demonstrate that all protected plants to be offered have been nursery propagated and grown horticulturally;
- (3) Allow for a yearly inspection of site and facilities where protected plants are grown or stored for offer. All applicable nursery regulations and requirements must also be met at the time of obtaining protected plant permits. In addition to the yearly inspection, the site and facilities must be made available for inspection at any other time at the request of the North Carolina Department of Agriculture;
- (4) The person or persons offering protected plants shall maintain records of all acquisitions for the length of time these plants are in his possession. Such records shall be available for inspection by the Department and recorded on the permits or certificates of origin;
- (5) At the time of inspection, the person who has made application to offer any protected plant or plants shall identify each species to be offered by common and scientific name as found in the current edition of "The Manual of

Vascular Flora of the Carolinas" or, if not found in this edition, as identified by the American Society of Plant Taxonomists. Each species to be offered shall be listed on a protected plant permit and only those species listed shall be offered. Offering plants not listed is grounds for revocation of the protected plant permit and other remedies under the law.

History Note: Authority G.S. 106-202.15; 106-202.19; Eff. April 8, 1981; Amended Eff. December 1, 2010; May 1, 1984.

**02 NCAC 48F .0403 MOVEMENT AND SALE OF SPECIAL CONCERN
02 NCAC 48F .0404 DUPLICATION OF SPECIAL CONCERN PERMITS**

History Note: Authority G.S. 106-202.12 through 106-202.19; Eff. April 8, 1981; Amended Eff. May 1, 1984; Repealed Eff. December 1, 2010.

02 NCAC 48F .0406 MOVEMENT FOR CONSERVATION PURPOSES

History Note: Authority G.S. 106-202.12 through 106-202.19; Eff. April 8, 1981; Amended Eff. May 1, 1984; Repealed Eff. December 1, 2010.

02 NCAC 48F .0407 PROTECTED PLANT PERMITS; CERTIFICATE OF ORIGIN

(a) Protected Plant Permits. Protected Plant Permits are required for the following activities involving plants or plant parts of any species found on the protected plant list:

- (1) collection or removal from the wild (including for scientific or rescue purposes);
- (2) propagation or offering of plants or plant parts for sale;
- (3) planting, introducing, or reintroducing protected plants or plant parts into non-garden environments.

(b) Protected plant permits may be requested from the North Carolina Department of Agriculture, Plant Industry Division.

(c) All permitted activities must be in compliance with all other state or federal laws.

(d) Exempt Activities. Protected Plant Permits are not required for the following activities:

- (1) purchase of protected plant species from nurseries or dealers who hold necessary permits;
- (2) activities allowed under other existing state laws and regulations;
- (3) collection or removal of plants from one's own land;

- (4) propagation or sale of plants covered by a current certificate of origin.

(e) Certificate of Origin. A Certificate of Origin shall be issued upon request to anyone selling or distributing any protected plant species legally acquired in-state or from out-of-state. A Certificate of Origin shall be issued only once, and shall be renewed each year at the time of the nursery inspection, as long as the holder of the certificate is maintaining the same stock of plants and as long as the conditions on the Certificate of Origin are being maintained. A new Certificate must be issued at the time of inspection if new plant stock is acquired. A Certificate may also be issued for protected plants that were originally collected from one's own land and are being propagated for sale. The Certificate shall include:

- (1) The signature of the nurseryman;
- (2) The following statement: "I hereby certify that the NC listed species in my possession are nursery propagated and not wild collected in NC, unless by permit, for sale, barter, or trade;"
- (3) The name and address of the nursery;
- (4) A list of protected species for sale and source(s) of plant material for each species.

(f) Protected Plant Permit Fees. Approved permit requests to collect plants or plant parts from the wild will be assessed fees for each collection event if such collection is anticipated or is likely to have the potential to generate income. A fifty dollar (\$50.00) fee will be applied per species, or two hundred dollars (\$200.00) for each collection if Department staff make the collection on behalf of the permittee.

(g) Information Requirements for Protected Plant Permit Applications. All applicants must provide the following information:

- (1) applicant's full name, mailing address, telephone number(s);
- (2) if the applicant is an individual, the date of birth and any institutional affiliation related to the requested permit activity;
- (3) if the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principle officer and full names and addresses of any representatives who will serve as agents during the project;
- (4) the scientific name of the species and the number of plants to be covered by the permit;
- (5) the reason for the application and a description of the work to be carried out, including the proposed method of obtaining the species;
- (6) location where the requested activity is to take place and the location where the plants or plant parts will be held;
- (7) any additional justification and supporting documentation requested by North Carolina Department of Agriculture, Plant Industry Division representatives;
- (8) proposed start and ending date of permit.

History Note: Authority G.S. 106-202.15;

Eff. April 8, 1981;
Amended Eff. December 1, 2010; May 1, 1984.

02 NCAC 48F .0408 CRITERIA FOR APPROVAL PLANT CONSERVATION PERMITS

History Note: Authority G.S. 106-202.12 through 106-202.19;
Eff. April 8, 1981;
Repealed Eff. December 1, 2010.

02 NCAC 48F .0409 EMERGENCY PROCEDURES FOR RESCUE OPERATIONS

In emergency rescue operations a verbal permit may be acquired. This permit shall be issued when an emergency exists, there is insufficient time to issue a written permit, and the criteria for issuing and complying with a permit are followed.

History Note: Authority G.S. 106-202.12 through 106-202.19;
Eff. April 8, 1981;
Amended Eff. December 1, 2010.

02 NCAC 48F .0410 CRITERIA FOR ISSUANCE OF PROTECTED PLANT PERMITS

The proposed justification for a permit will be evaluated using the following criteria as appropriate:

- (1) the status of the species in North Carolina;
- (2) the status of the population from which the plants are to be collected or removed;
- (3) the amount of plant material to be collected;
- (4) the conditions under which the plants will be collected or removed;
- (5) the proposed use of the plant material;
- (6) known threats to the species;
- (7) where the plant material will be deposited;
- (8) the need for their rescue;
- (9) estimation of how the proposed activity is likely to affect or enhance the survival of the species;
- (10) policy set forth in the Plant Protection and Conservation Act and by previous Board decisions;
- (11) that the proponent has obtained and can document satisfactory evidence that plants can be legally obtained (for example, written permission from the owner or agent of the land from which the affected species is to be removed).

History Note: Authority G.S. 106-202.15;
Eff. December 1, 2010.

02 NCAC 48F .0411 ISSUANCE OF PROTECTED PLANT PERMITS

Upon receipt of a properly executed application, a permit shall be issued unless:

- (1) the applicant has been assessed a penalty or convicted of any provision of any statute

- related to the activity for which the application is requested;
- (2) the applicant has failed to disclose information or material required or requested, or has made false statements in connection with the application;
- (3) the applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;
- (4) authorization of the permit requested potentially threatens a protected plant species population or habitat;
- (5) applicant has failed to pay any required fees;
- (6) applicant has failed to submit timely, accurate, or valid reports as required under permit; or
- (7) NCDA&CS finds through further inquiry that the applicant is not qualified.

History Note: Authority G.S. 106-202.12 through 106-202.19;
 Eff. April 8, 1981;
 Amended Eff. September 1, 1991; August 1, 1990; May 1, 1984;
 June 30, 1981;
 Repealed Eff. December 1, 2010.

- 02 NCAC 48F .0508 FORM PC-7
- 02 NCAC 48F .0509 FORM PC-8
- 02 NCAC 48F .0510 FORM PC-9
- 02 NCAC 48F .0511 FORM PC-10

History Note: Authority G.S. 106-202.12 through 106-202.19;
 Eff. June 30, 1981;
 Amended Eff. August 1, 1990; May 1, 1984;
 Repealed Eff. December 1, 2010.

- 02 NCAC 48F .0512 FORM PC-11
- 02 NCAC 48F .0513 FORM PC-12
- 02 NCAC 48F .0514 FORM PC-13
- 02 NCAC 48F .0515 FORM PC-14

History Note: Authority G.S. 106-202.12 through 106-202.19;
 Authority G.S. 106-202.15;
 Eff. August 1, 1990;
 Repealed Eff. December 1, 2010.

TITLE 04 – ALCOHOLIC BEVERAGE CONTROL COMMISSION

04 NCAC 02R .0701 STANDARDS FOR COMMISSION AND EMPLOYEES

History Note: Authority G.S. 18B-201; 18B-207;
 Eff. January 1, 1982;
 Amended Eff. July 1, 1992; May 1, 1984;
 Repealed Eff. December 1, 2010.

04 NCAC 02R .1008 STANDARDS FOR COMMISSION AND EMPLOYEES

History Note: Authority G.S. 18B-201; 18B-207; 18B-700(g);
 Eff. January 1, 1982;
 Amended Eff. July 1, 1992; May 1, 1984;
 Repealed Eff. December 1, 2010.

TITLE 13 – DEPARTMENT OF LABOR

13 NCAC 07A .0301 INCORPORATION BY REFERENCE

(a) Subject to the exceptions provided in Paragraph (h) of this Rule, the provisions of Title 29 of the Code of Federal Regulations referenced below are incorporated by reference

History Note: Authority G.S. 106-202.15;
 Eff. December 1, 2010.

02 NCAC 48F .0412 CONDITIONS OF PERMIT ISSUANCE AND ACCEPTANCE

- (a) Any person or entity granted a permit under these provisions acknowledges the need to maintain appropriate records related to the permitted activity, as specified on the permit.
- (b) By accepting the permit, the permittee consents to and shall allow entry by agents or employees of the Department upon the premises where the permitted activity or permitted material resides at any reasonable hour to inspect the location, records, and materials pertinent to the permit.
- (c) The permit holder agrees to abide by any terms and conditions set forth in the permit.

History Note: Authority G.S. 106-202.15;
 Eff. December 1, 2010.

02 NCAC 48F .0413 AMENDMENT OF PERMITS

- (a) Permittee request. If circumstances change, an existing permit holder can request to modify the terms and conditions of their permit. Any necessary supporting documentation and justification shall be provided to the Department to make proposed amendments.
- (b) The Department reserves the right to amend permits whenever the facts set forth in the permit application have changed or the circumstances which provided the justification for the issuance of the permit have changed.

History Note: Authority G.S. 106-202.15;
 Eff. December 1, 2010.

- 02 NCAC 48F .0501 DESIGNATIONS
- 02 NCAC 48F .0502 FORM PC-1
- 02 NCAC 48F .0503 FORM PC-2
- 02 NCAC 48F .0504 FORM PC-3
- 04 NCAC 48F .0505 FORM PC-4
- 02 NCAC 48F .0506 FORM PC-5
- 02 NCAC 48F .0507 FORM PC-6

throughout this Chapter, including subsequent amendments and editions thereof. Copies of these standards are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at <http://bookstore.gpo.gov>. The cost is sixty-four dollars (\$64.00) for Title 29, Parts 1900-1910:

- (1) 29 CFR 1903 – Inspections, Citations, and Proposed Penalties;
- (2) 29 CFR 1904 – Recording and Reporting Occupational Injuries and Illnesses;
- (3) 29 CFR 1905.10(b) – Variances and Other Relief under Section 6(b)(6)(A);
- (4) 29 CFR 1905.11(b) – Variances and Other Relief under Section 6(b)(6)(A); and
- (5) 29 CFR 1908 – Consultation Agreements.

(b) The provisions of 29 CFR 1910 are incorporated by reference in accordance with 13 NCAC 07F .0101. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the North Carolina Department of Labor, via U.S. Mail at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, via telephone at (919) 807-2875, or via the internet at www.nclabor.com/pubs.htm. The cost is thirty-seven dollars (\$37.00), plus postage and mailing costs.

(c) The provisions of 29 CFR 1915 are incorporated by reference in accordance with 13 NCAC 07F .0501. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at <http://bookstore.gpo.gov>. The cost is thirty-three dollars (\$33.00) for Title 29, Parts 1911-1925.

(d) The provisions of 29 CFR 1917 are incorporated by reference in accordance with 13 NCAC 07F .0502. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at <http://bookstore.gpo.gov>. The cost is thirty-three dollars (\$33.00) for Title 29, Parts 1911-1925.

(e) The provisions of 29 CFR 1926 are incorporated by reference in accordance with 13 NCAC 07F .0201. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the North Carolina Department of Labor, via U.S. Mail at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, via telephone at (919) 807-2875, or via the internet at www.nclabor.com/pubs.htm. The cost is thirty-two dollars (\$32.00), plus postage and mailing costs.

(f) The provisions of 29 CFR 1928 are incorporated by reference in accordance with 13 NCAC 07F .0301. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at <http://bookstore.gpo.gov>. The cost is sixty-five dollars (\$65.00) for Title 29, Parts 1927-END.

(g) The following Safety Library Publications (hereinafter referenced as SLP) are incorporated by reference and include subsequent amendments and editions of the standards. The rules of this Chapter shall control when any conflict between these Rules and the following standards exists. Copies of the following applicable SLP publications are available for inspection at the North Carolina Department of Labor or may be obtained from The Institute of Makers of Explosives, via U.S. Mail at 1120 Nineteenth Street N.W., Suite 310, Washington, D.C., 20036, via telephone at (202) 429-9280, or via the internet at www.ime.org.

- (1) SLP 17 - Safety in the Transportation, Storage, Handling & Use of Commercial Explosive Materials - (\$15.00).
- (2) SLP 20 – Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps) – (\$15.00).
- (3) SLP 22 – Recommendations for the Safe Transportation of Detonators in a Vehicle with Certain Other Explosive Materials – (\$15.00).

(h) The provisions of Title 29 of the Code of Federal Regulations referenced in Paragraph (a) of this Rule are subject to the following exceptions:

- (1) All references to the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq) shall mean the Occupational Safety and Health Act of North Carolina, G.S. 95, Article 16;
- (2) All references to the Occupational Safety and Health Review Commission shall mean the North Carolina Occupational Safety and Health Review Commission as established in G.S. 95-135;
- (3) All references to Area Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, shall mean the North Carolina Department of Labor, Occupational Safety and Health Division (or OSH Division);
- (4) All references to the Secretary or Assistant Secretary shall mean the Commissioner of the North Carolina Department of Labor or his authorized representative;
- (5) All references to Area Director, Regional Administrator, or Assistant Regional Director shall mean the Director of the Occupational Safety and Health Division (North Carolina Department of Labor) or his authorized representative;
- (6) All references to Regional Solicitor or Solicitor of Labor shall mean the Attorney General, Labor Division, North Carolina Department of Justice;
- (7) All references to Compliance Officers shall mean State compliance safety and health officers;

- (8) All references to the Federal Rules of Civil Procedure shall mean the North Carolina Rules of Civil Procedure;
- (9) Within 29 CFR 1903.14, "Citations; notices of de minimis violations," any reference to a notice of de minimis violations is deleted as North Carolina does not have a procedure for issuance of a notice with respect to de minimis violations that have no direct or immediate relationship to safety or health;
- (10) 29 CFR 1903.14a(c)(1) that requires the posting of a petition for modification for a period of 10 working days shall be for a period of 15 working days, and 29 CFR 1903.14a(c)(2) that refers to the failure to file an objection within 10 working days of the date of posting shall be 15 working days of the posting;
- (11) 29 CFR 1903.22, "Definitions," is not incorporated;
- (12) 29 CFR 1908 shall be applicable to private sector consultations, and shall be used as guidance for consultations to state and local governments in North Carolina under the State Plan.

- DEVICES**
- 13 NCAC 07F .0412 SLINGS AND ALLOY-STEEL CHAINS**
- 13 NCAC 07F .0413 MOBILE EQUIPMENT**
- 13 NCAC 07F .0414 JACKS: LEVER: RATCHET: SCREW: AND HYDRAULIC**
- 13 NCAC 07F .0415 PORTABLE POWER AND HAND TOOLS**
- 13 NCAC 07F .0416 ELECTRICAL**
- 13 NCAC 07F .0417 HANDLING AND STORING MATERIAL**
- 13 NCAC 07F .0418 HANDLING MATERIAL FROM A RAILROAD CAR**
- 13 NCAC 07F .0419 UNLOADING MATERIAL FROM A TRUCK**
- 13 NCAC 07F .0420 REAMING AND DRILLING**
- 13 NCAC 07F .0421 RIVETING**
- 13 NCAC 07F .0422 BOLTING**
- 13 NCAC 07F .0423 MANUAL ABRASIVE BLASTING**
- 13 NCAC 07F .0424 PAINTING**
- 13 NCAC 07F .0425 GALVANIZING AND PICKLING OPERATIONS**
- 13 NCAC 07F .0426 SOURCE OF STANDARDS**

History Note: Authority G.S. 95-133; 150B-21.6; Eff. August 2, 1993; Amended Eff. December 1, 2010; March 1, 2010; December 1, 2003; June 1, 1995.

History Note: Authority G.S. 95-131; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 1998; May 1, 1994; Repealed Eff. December 1, 2010.

13 NCAC 07A .0302 COPIES AVAILABLE

History Note: Authority G.S. 95-133; 150B-21.6; Eff. August 2, 1993; Amended Eff. July 1, 1998; June 1, 1994; Codifier determined that agency's findings of need did not meet criteria for temporary rule on March 20, 2000; Amended Eff. April 1, 2001; Temporary Amendment Eff. December 1, 2001; March 20, 2000; Amended Eff. August 1, 2002; Repealed Eff. December 1, 2010.

- 13 NCAC 07F .0401 GENERAL REQUIREMENTS**
- 13 NCAC 07F .0402 DEFINITIONS APPLICABLE TO THIS STANDARD**
- 13 NCAC 07F .0403 COLOR CODING AND WARNING SIGNS FOR PHYSICAL HAZARDS**
- 13 NCAC 07F .0404 PERSONAL PROTECTIVE EQUIPMENT**
- 13 NCAC 07F .0405 LIGHTING**
- 13 NCAC 07F .0406 VENTILATION**
- 13 NCAC 07F .0407 CLEANERS AND SOLVENTS**
- 13 NCAC 07F .0408 IONIZING RADIATION**
- 13 NCAC 07F .0409 GENERAL REQUIREMENTS FOR ALL MACHINES AND EQUIPMENT**
- 13 NCAC 07F .0410 CRANES: DERRICKS: AND HOISTS**
- 13 NCAC 07F .0411 MATERIAL HANDLING**

13 NCAC 14B .0202 STANDARDS OF APPRENTICESHIP

(a) In order to be eligible for registration by the department, an apprenticeship program shall be set forth in a written document signed by the sponsor containing the terms and conditions of employment, training, and supervision of one or more apprentices in an apprenticeable occupation. The written document shall denominate the program standards of apprenticeship and include the following provisions:

- (1) The nature of the occupation for which the apprentice is to be trained;
- (2) The term of apprenticeship consistent with training requirements commonly recognized by the industry, where the term of apprenticeship is at least 2,000 hours of reasonably continuous on-the-job learning (time-based approach), the attainment of competence (competency-based approach), or a blend of the time-based and competency based approaches (hybrid approach).
 - (A) The time-based approach measures skill acquisition through the individual apprentice's completing of at least 2,000 hours of on-the-job learning as described in a work process schedule.

- (B) The competency-based approach measures skill acquisition through the individual apprentice's successful demonstration of acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach shall still require apprentices to complete an on-the-job learning component. The program standards shall address how on-the-job learning will be integrated into the program, describe competencies, and identify a means of testing and evaluation for such competencies.
- (C) The hybrid approach measures the individual apprentice's skill acquisition through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule.
- (D) The determination of the appropriate approach for the program standards is made by the program sponsor, subject to approval by the department of the determination as appropriate to the apprenticeable occupation for which the program standards are registered;
- (3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the approximate allocation of time to be spent in each major process;
- (4) An outline of the related instruction to be provided the apprentice in technical subjects related to the occupation. A minimum of 144 hours for each year of apprenticeship is recommended.
- (5) A schedule of progressively increasing wages to be paid the apprentice consistent with the skill required and based upon the prevailing journeyman rate for the trade and geographic region, subject to the following minimum requirements:
 - (A) The entry wage for apprentices shall be no less than the amount prescribed by the State Minimum Wage Law (G.S. 95-25.1 et seq.), unless a higher wage is required by the Fair Labor Standards Act of 1938, as amended, by other applicable federal law, or by collective bargaining agreement; and
 - (B) Unless otherwise established by collective bargaining agreement, the entry wage for apprentices shall normally be no less than 50 percent and shall reach at least 85 percent of the journeyman rate by the last period of training;
- (6) A provision requiring periodic review and evaluation of the apprentice's progress in job performance and related instruction, identifying the person(s) responsible for such review, and further requiring maintenance of progress records;
- (7) An assurance that training personnel and supervision on the job will be provided;
- (8) A provision requiring that the ratio of apprentices to journeymen will not exceed two to one at each job site, work force, department, or plant, except as follows:
 - (A) In the building and construction trades, the ratio of apprentices to journeymen shall not exceed one to one at each job site, work force, department, or plant; and
 - (B) No such specific ratios are required where expressly prohibited or otherwise provided for by an applicable collective bargaining agreement;
- (9) A provision requiring a probationary period not to exceed 25 percent of the length of the program, or one year, whichever is shorter, with full credit given for such period toward completion of apprenticeship. During the probationary period, either party may unilaterally submit a written request to the director requesting that the agreement be deregistered. Cancellation during the probationary period will not have an adverse impact on the sponsor's completion rate;
- (10) An assurance that adequate and safe equipment and facilities for training and supervision will be provided and that apprentices will be provided safety training on the job and in related instruction;
- (11) The granting of advanced standing or credit for demonstrated competency, acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;
- (12) A statement that an employer who is unable to fulfill its obligation under the apprenticeship agreement may transfer the agreement to another employer under the same program who agrees to assume the obligations of the agreement, if the apprentice and both sponsors consent to the transfer and comply with the following provisions:
 - (A) The transferring apprentice shall be provided a transcript of related instruction and on-the-job learning by the program sponsor;
 - (B) The transfer shall be to the same occupation; and

- (C) A new apprenticeship agreement shall be executed when the transfer is to occur between program sponsors;
- (13) A provision for the registration, cancellation and deregistration of the program, and for the submission of any program standard modification or amendment to the department for approval;
- (14) A provision for the registration, modification and amendment of apprenticeship agreements, and for giving notice to the department of transfers, suspensions, and cancellations of apprenticeship agreements, including a statement of the reasons therefore, and of persons who have successfully completed apprenticeship programs;
- (15) A provision that the sponsor will maintain all records of an apprenticeship program including payroll records, for a period of five years and will make them available for review to department personnel or their authorized representative at the request of the department personnel or, whenever the records pertain to a program with apprentices who have received or are receiving VA training allowances, to VA personnel upon their request; the location of the records shall be specified;
- (16) A provision that the sponsor will notify the director and the VA Regional Office in writing whenever an apprentice receiving a VA training allowance is paid wages in an amount equal to or more than the amount paid to journeymen in the trade and geographic region, as established by Subparagraph (a)(5) of this Rule;
- (17) Contact information, including name, title, address, telephone number and e-mail address, of the person(s) or organization with authority under the program to receive, process, and resolve complaints concerning the apprenticeship program or agreement pursuant to Section .0500 of this Subchapter, and for complaints concerning equal employment opportunity in apprenticeship pursuant to Section .0600 of this Subchapter. This shall include the person(s) or organization designated by the sponsor to resolve disputes locally in accordance with G.S. 94-5 and Rule .0501 of this Subchapter, as well as the director, who shall resolve complaints that cannot be adjusted locally;
- (18) A statement of the minimum qualifications for apprentices which the sponsor may require in addition to the minimum qualifications set forth in Rule .0207 of this Subchapter. This statement may be satisfied by submission of the written description of the sponsor's selection procedure, as required under Subparagraph (a)(20) of this Rule, if the written description includes all additional minimum requirements;
- (19) The following pledge: "The recruitment, selection, employment, and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by Section .0600 of this Subchapter and Title 29 of the Code of Federal Regulations, Part 30."
- (20) The sponsor's affirmative action plan and written description of its selection procedure, unless exempted, as provided in Section .0600 of this Subchapter;
- (21) An assurance that all apprentices in the program will be provided the same training and instruction and will in all respects be treated the same under the program;
- (22) A provision that each apprentice in the apprenticeship program will be a party to a registered apprenticeship agreement meeting the requirements of Rule .0208 of this Subchapter, and that the sponsor will provide each apprentice with a copy of the agreement.
- (b) The program standards of apprenticeship shall constitute a statement of the actual program operating or to be operated and not a statement of the goals, objectives, or aspirations of the sponsor, except for the equal opportunity goals and timetables.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Amended Eff. August 1, 1990; Recodified from Rule 14A .0204 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0205 ELIGIBILITY AND PROCEDURE FOR REGISTRATION OF AN APPRENTICESHIP PROGRAM

- (a) Eligibility for registration of an apprenticeship program is conditioned upon a program's conformity with the apprenticeship program standards published in this Subchapter. For a program to be determined by the director as being in conformity with this Subchapter, the program shall apply for registration and be registered with the department. The determination by the director that the program meets the apprenticeship program standards is effectuated only through such registration.
- (b) An apprenticeship program or agreement is eligible for registration only if it is in conformity with the requirements of Chapter 94 of the North Carolina General Statutes and the rules of this Subchapter, and the training is in an apprenticeable occupation having the characteristics set forth in 13 NCAC 14B .0203.
- (c) Except as provided under Paragraph (d) of this Rule, apprentices shall be individually registered under a registered program. Such individual registration may be affected:

- (1) By filing copies of each individual apprenticeship agreement with the department; or
- (2) By filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.

(d) The names of persons in probationary employment as an apprentice under an apprenticeship program registered by the department, if not individually registered under such program, shall be submitted within 45 days of employment to the department for certification to establish the apprentice as eligible for such probationary employment.

(e) The department shall be notified within 45 days of persons who have successfully completed apprenticeship programs; and of transfers, suspensions, and cancellations of apprenticeship agreements and a statement of the reasons therefore.

(f) Operating apprenticeship programs, when registered by the department, are accorded registration evidenced by a Certificate of Registration. Programs registered by the department shall be accorded registration evidenced by a similar certificate or other written indicia.

(g) Applications for new programs that the department determines meet the required standards for program registration shall be given provisional registration for a period of one year. The department shall review all new programs for quality and for conformity with the requirements of Chapter 94 of the North Carolina General Statutes and the rules of this Subchapter at the end of the first year after registration. At that time:

- (1) a program that conforms with the requirements may either be made permanent, or may continue to be provisionally registered through the first full training cycle.
- (2) a program not in operation or not conforming to the requirements during the provisional registration period shall be de-registered in accordance with the rules of this Subchapter.

(h) The department shall review all programs for quality and for conformity with the requirements of Chapter 94 of the North Carolina General Statutes and the rules of this Subchapter at the end of the first full training cycle. A satisfactory review of a provisionally registered program will result in conversion of provisional registration to permanent registration. Subsequent reviews shall be conducted no less frequently than every five years. Programs not in operation or not conforming to the regulations shall be de-registered in accordance with the rules of this Subchapter.

(i) Any sponsor proposals or applications for modification(s) or change(s) to registered programs or standards shall be submitted to the department in accordance with Rule .0211 of this Subchapter.

(j) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or no objection to the registration is required. Where no such participation is evidenced and practiced, the employer or

employers' association shall simultaneously furnish to an existing union, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The department shall provide for receipt of union comments, if any, within 45 days before final action on the application for registration.

(k) Where the employees to be trained have no collective bargaining agreement, an apprenticeship program may be proposed for registration by an employer or group of employers, or an employer association.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Recodified from Rules 14A .0302 and .0305 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0208 APPRENTICESHIP AGREEMENT

In addition to the requirements of G.S. 94-7 and G.S. 94-8, an apprenticeship agreement shall contain the following in order to be registered:

- (1) The contact information, including names, addresses, telephone numbers, and e-mail addresses of the program sponsor or employer, and their signatures;
- (2) A statement showing:
 - (a) The number of hours to be spent by the apprentice in work on the job in a time-based program; or a description of the skill sets to be attained by completion of a competence-based program, including the on-the-job learning component; or the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and
 - (b) The number of hours to be spent in related instruction in technical subjects related to the occupation, which is recommended to be not less than 144 hours per year;
- (3) Statements providing that the apprenticeship agreement may be de-registered in accordance with Rule .0407 of this Subchapter;
- (4) A statement that a complaint procedure is provided, and that details of the procedure are set out in the program standards of apprenticeship in accordance with Rule .0202 of this Subchapter, including the contact information for the person(s) or organization designated under the program to receive, process and resolve controversies;
- (5) A statement that the apprentice will be afforded equal opportunity in employment and training without discrimination because of race, color, religion, national origin, or sex;

- (6) A reference incorporating as part of the agreement the program standards of apprenticeship as they exist on the date the agreement is executed and as they may be revised or amended during the period of the agreement; and
- (7) Such other terms of agreement between the parties as are consistent with the rules in this Subchapter and the purposes of apprenticeship in general.

History Note: Authority G.S. 94-2; 94-4; 94-7; 94-8; Eff. February 1, 1984;
Recodified from Rule 14A .0205 Eff. March 15, 2010;
Amended Eff. December 1, 2010.

13 NCAC 14B .0211 REVISION OF APPRENTICESHIP STANDARDS OR AGREEMENT

- (a) Any proposed revision of program standards of apprenticeship or an apprenticeship agreement shall be submitted in writing by the sponsor to the director for his approval.
- (b) The revision becomes effective 90 days after the director's receipt of the sponsor's proposed revision unless the director, in writing, disallows the revision within that time. The director may disallow part of the proposed revision and allow part, but in such event the sponsor may withdraw the entire proposed revision. If the revision is not approved, the director shall notify the sponsor of the reasons for the disapproval, and provide the sponsor with technical assistance.
- (c) The sponsor may appeal the director's decision to disallow a proposed revision or part of a proposed revision in accordance with Chapter 150B of the North Carolina General Statutes within 60 days of the sponsor's receipt of the director's decision.
- (d) When a revision becomes effective, the division shall record the revision so that it amends the program standards or agreement recorded by the division.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984;
Recodified from Rule 14A .0306 Eff. March 15, 2010;
Amended Eff. December 1, 2010.

13 NCAC 14B .0213 CERTIFICATION OR CERTIFICATE OF COMPLETION

- (a) Upon notification from a sponsor that an individual has completed his apprenticeship in the sponsor's registered apprenticeship program, the director shall issue to the individual, or to the sponsor for the individual, a certificate of completion or other written indicia signifying that the individual has completed his training and instruction in a registered apprenticeship program in a certain, identified trade and the date the training was completed.
- (b) Notwithstanding Paragraph (a) of this Rule, the director shall not issue the certificate of completion if he decides upon satisfactory evidence that the apprentice is not fully trained because he did not complete the apprenticeship or because the apprenticeship program did not comply with the rules of this Subchapter. In addition, the director shall not issue the

certificate of completion if he determines that the fees authorized by G.S. 94-12 have not been paid. The director shall give written notification to the sponsor and individual of his decision not to issue the certificate of completion and the reason(s) for the decision.

(c) The sponsor or individual may appeal the director's decision within 60 days of receipt of notification in accordance with Article 3 of Chapter 150B of the North Carolina General Statutes.

(d) Upon request of a sponsor, the director may issue an honorary certificate of completion to recognize an individual who by training and experience was fully qualified as a journeyman prior to the registration of the sponsor's apprenticeship program.

History Note: Authority G.S. 94-1; 94-2; 94-4; 94-12; Eff. February 1, 1984;
Emergency Amendment Eff. August 27, 2009;
Temporary Amendment Eff. October 29, 2009;
Temporary Amendment Expired August 13, 2010;
Amended Eff. December 1, 2010.

13 NCAC 14B .0308 REVISION OF OJT STANDARDS OR AGREEMENT

- (a) Any proposed revision of program standards for OJT or an OJT agreement shall be submitted in writing by the sponsor to the director for his approval.
- (b) The revision becomes effective 90 days after the director's receipt of the sponsor's proposed revision unless the director, in writing, disallows the revision within that time, stating the reason(s) for disallowance. The director may disallow part of the proposed revision and allow part, but in such event the sponsor may withdraw the entire proposed revision.
- (c) The sponsor may appeal the director's decision to disallow a proposed revision or part of a proposed revision in accordance with Chapter 150B of the North Carolina General Statutes within 60 days of the sponsor's receipt of the director's decision.
- (d) When a revision becomes effective, the division shall record the revision so that it amends the program standards or agreement recorded by the division.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984;
Recodified from Rule 14A .0409 Eff. March 15, 2010;
Amended Eff. December 1, 2010.

13 NCAC 14B .0401 QUALITY ASSURANCE ASSESSMENTS

(a) The department may conduct quality assurance assessments of apprenticeship and OJT programs, including the records of the programs, in order to determine whether the programs are being conducted in compliance with the applicable rules, requirements, criteria, or standards under this Chapter.

Note: Compliance reviews under Section .0600 of this Chapter (equal employment opportunity in apprenticeship) are made according to that Section. A single review may be conducted for both Section .0400 and Section .0600 purposes, but a finding of lack of compliance may result in different procedures depending upon the nature of the deficiency.

(b) If the sponsor or participating employer in an apprenticeship or OJT program, or any person under the supervision or control of the sponsor or employer, refuses to allow or materially hinders a quality assurance assessment of the program by an authorized representative of the department, the director may find that the program is not in compliance with the applicable rules, requirements, criteria, or standards.

(c) If the director determines, upon the advice of the inspector, that an apprenticeship or OJT program is not in compliance with the applicable rules, requirements, criteria, or standards, he shall notify the program sponsor in writing by registered or certified mail, return receipt requested, of the following:

- (1) The manner in which the program fails to comply with the applicable rules, requirements, criteria, or standards;
- (2) The remedial action required to achieve compliance;
- (3) The requirement that the remedial action be effected within 30 days;
- (4) The department will cooperate with the sponsor in achieving compliance; and
- (5) The possibility that the lack of compliance will result in de-registration of the program in accordance with 13 NCAC 14B .0404 if not remedied within the 30 day period allotted.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Recodified from Rule 14A .0501 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0407 DE-REGISTRATION OF AGREEMENT

(a) The director may de-register an apprenticeship or OJT agreement only as follows:

- (1) During a probationary period, upon request of either party to the agreement;
- (2) After the probationary period:
 - (A) Upon mutual consent of the parties;
 - (B) Upon written request of the apprentice or trainee; or
 - (C) Upon a unilateral request of the sponsor as provided in Paragraphs (c) and (d) of this Rule;
- (3) At any time when the apprenticeship or OJT program in which the apprentice or trainee is to be trained has been de-registered in accordance with the rules of this Subchapter; or
- (4) At any time for failure to pay the registration fee or annual fee in accordance with G.S. 94-12.

(b) Whenever an apprenticeship or OJT agreement is de-registered, the director shall:

- (1) Cause the de-registration to be recorded with the division;
- (2) In addition and simultaneously de-register the individual by causing the individual's de-

registration to be recorded with the division, in the case of an apprenticeship agreement; and

(3) Notify the parties to the agreement that the apprenticeship or OJT agreement and apprentice or trainee have been de-registered and the effective date thereof, except when the sponsor has notified the apprentice or trainee as a result of the de-registration of the sponsor's program.

(c) After the probationary period, prior to unilaterally requesting the de-registration of an agreement, a sponsor shall give notice to an apprentice or trainee of reasons why the apprentice's or trainee's agreement should be de-registered, and provide the apprentice or trainee a reasonable opportunity to take corrective action.

(d) After the apprentice or trainee has been given notice and a reasonable opportunity to take corrective action, the sponsor may unilaterally request de-registration of the apprentice's or trainee's agreement pursuant to the rules of this Subchapter. The director shall de-register the agreement upon written request of the sponsor unless the apprentice or trainee initiates a complaint as provided in either Section .0500 or .0600 of this Subchapter, as applicable, within the time therein allowed. The sponsor has the burden of proof in any administrative hearing to show why the agreement was de-registered and to show that a reasonable opportunity for corrective action was provided.

(e) The effective date of de-registration shall be the date of receipt by the director of the sponsor's request.

(f) Prior to taking any action pursuant to Subparagraph (a)(4) of this Rule, the director shall notify the sponsor and the apprentice in writing of his intent to de-register an apprenticeship agreement for failure to pay the registration fee or annual fee. If the sponsor or apprentice fails to either pay the fee or request a review of such decision within 15 days, the director shall de-register the apprenticeship agreement and notify them of the availability of an administrative hearing and of judicial review in accordance with Article 3 of Chapter 150B of the North Carolina General Statutes.

History Note: Authority G.S. 94-1; 94-2; 94-4; 94-12; Eff. February 1, 1984; Emergency Amendment Eff. August 27, 2009; Temporary Amendment Eff. October 29, 2009; Recodified from Rule 14A .0508 Eff. March 15, 2010; Temporary Amendment Expired August 13, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0604 ANALYSIS: UNDERUTILIZATION

(a) Every sponsor that is not exempt shall analyze its training program and labor market area in order to determine if the sponsor's program of training on the job is underutilizing women or minorities.

(b) The analysis shall include a consideration of the following factors and shall be set forth in writing as part of the affirmative action plan:

- (1) The size of the working age minority and female population in the sponsor's labor market area;

- (2) The size of the minority and female labor force in the sponsor's labor market area;
- (3) The percentage of minority and female apprentices in the particular occupation compared with the percentage of the minority and female labor force in the sponsor's labor market area;
- (4) The percentage of minority and female journeymen employed by the employer(s) participating in the program compared with the percentage of the minority and female labor force in the sponsor's labor market area;
- (5) The general availability of minorities and women in the sponsor's labor market area with present or potential capacity for apprenticeship in the particular occupation.

History Note: Authority G.S. 94-1; 94-2; Eff. February 1, 1984; Recodified from Rule 14A .0805 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0610 RECORDS

- (a) The sponsor shall keep all records required by this Rule and any other information relevant to compliance with this Subchapter for a period of five years and shall make the records and information available to employees of the department or employees of the U.S. Department of Labor or its authorized representative upon their request.
- (b) The sponsor's records shall include the following:
 - (1) A summary of the qualifications of each applicant;
 - (2) The basis for evaluation and selection or rejection of each applicant;
 - (3) The records of interviews of applicants;
 - (4) The original application of each applicant;
 - (5) Evidence that the sponsor's qualification standards have been validated as required by 29 CFR 30.5(b);
 - (6) Information relative to the operation of the apprenticeship program, including:
 - (A) Job assignment;
 - (B) Promotion;
 - (C) Demotion;
 - (D) Layoff or termination;
 - (E) Rates of pay or other forms of compensation or conditions of work;
 - (F) Hours of Work;
 - (G) Hours of training provided; and
 - (H) Any other records pertinent to a determination of compliance with the rules in this Section, or as may be required by the U.S. Department of Labor.
- (c) The sponsor shall maintain records pertaining to individual applicants, whether selected or rejected, in a manner which permits identification of minority and female applicants.
- (d) Each sponsor shall retain a statement of its affirmative action plan required by 29 CFR 30.4, including all data and

analyses made pursuant to the requirements of 29 CFR 30.4. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.

(e) The Apprenticeship Council shall keep records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with 29 CFR 30, as may be required by the U.S. Department of Labor, and shall report to the U.S. Department of Labor as may be required by the U.S. Department of Labor.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Recodified from Rule 14A .0811 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0611 COMPLIANCE REVIEWS

- (a) The division shall annually conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with the rules of this Subchapter and shall also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to 29 CFR 30.11(b)(1)(i) and 13 NCAC 14B .0614 so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this Subchapter. Compliance reviews shall consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits. Apprenticeship programs with fewer than five apprentices may be reviewed less frequently than annually.
- (b) Sponsors seeking re-registration are subject to a compliance review as described in Paragraph (a) of this Rule by the department as part of the registration process.
- (c) Sponsors seeking new registration are subject to a compliance review as described in Paragraph (a) of this Rule by the department as part of the registration process. The department shall provide recommendations to the sponsor to enable it to achieve compliance for registration purposes.
- (d) If the sponsor or participating employer in an apprenticeship program, or any person under the supervision or control of the sponsor or employer, refuses to allow or materially hinders an inspection and review of the program by an authorized representative of the department, the director shall find that the program is not in compliance with the rules of this Subchapter.
- (e) If a compliance review indicates that an apprenticeship program is not operating in compliance with the rules of this Subchapter, the department shall attempt to secure voluntary compliance on the part of the program sponsor by notifying the sponsor in writing by registered or certified mail, return receipt requested, of the following:
 - (1) The manner in which the program fails to comply with this Subchapter;
 - (2) Recommendations for achieving compliance;
 - (3) The requirement that compliance shall be achieved within 30 days or sanctions shall be imposed; and

- (4) The department will cooperate with the sponsor in achieving compliance.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Recodified from Rule 14A .0812 Eff. March 15, 2010; Amended Eff. December 1, 2010.

13 NCAC 14B .0612 SANCTIONS

(a) If a sponsor who has been notified by the director of a lack of compliance fails to effect compliance within the time allotted, or if the director determines that a sponsor has established a pattern or practice of noncompliance, the director shall impose sanctions, including one or more of the following:

- (1) De-registration of the sponsor's program;
- (2) Referral to the Equal Employment Opportunity Commission or the U.S. Attorney General with recommendations for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended; or
- (3) Referral to the U.S. Attorney General for other court action as authorized by law.

(b) If the director decides to impose the sanction of de-registration, he shall send a notice to the sponsor by registered or certified mail, return receipt requested, stating the following:

- (1) The notice is sent pursuant to this Rule;
- (2) The sponsor was notified of certain deficiencies resulting in a lack of compliance with the rules of this Subchapter, including the date(s) such notice was given and a detail of the identified deficiencies;
- (3) The sponsor has failed to effect compliance within the time allotted, or the director has determined that the sponsor has established a pattern or practice of noncompliance; and
- (4) The director will de-register the sponsor's program unless the sponsor requests a hearing, in accordance with Paragraph (c) of this Rule.

(c) If the sponsor desires a hearing, it shall file a petition for a hearing as provided in Chapter 150B of the North Carolina General Statutes and the hearing process shall be conducted as therein provided.

(d) If the sponsor does not request a hearing or if de-registration has been ordered following a hearing or judicial proceeding, the director shall de-register the program by:

- (1) Notifying the sponsor in writing that the registration is cancelled and that approval for VA purposes is withdrawn, if applicable, and the effective date thereof;
- (2) Requiring the sponsor, within 15 days of receipt of the notice:
 - (A) To notify each apprentice in the program that the de-registration automatically cancels the apprentice's individual registration and removes the apprentice from coverage for federal and state purposes requiring registration in an apprenticeship program; and

- (B) To notify each apprentice in the program who is receiving a VA training allowance that the program is no longer approved for participation for people eligible to receive training allowances;

- (3) Notifying the apprentices in Subparagraph (d)(2) of this Rule, if the director has reason to believe that the sponsor may not do so or if the director chooses so to do;
 - (4) If applicable, notifying the U.S. Department of Veterans Affairs Regional Office that approval for the program is withdrawn and the effective date thereof; and
 - (5) Causing the de-registration, if any, to be recorded by the division and publishing or posting public notice of the de-registration.
- (e) Any apprenticeship program deregistered pursuant to this Subchapter may be reinstated upon presentation of evidence to the director that the apprenticeship program is operating in accordance with this Subchapter.

History Note: Authority G.S. 94-1; 94-2; 94-4; Eff. February 1, 1984; Amended Eff. August 1, 1988; Recodified from Rule 14A .0813 Eff. March 15, 2010; Amended Eff. December 1, 2010.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

15A NCAC 02B .0225 OUTSTANDING RESOURCE WATERS

(a) General. In addition to the existing classifications, the Commission may classify unique and special surface waters of the state as outstanding resource waters (ORW) upon finding that such waters are of exceptional state or national recreational or ecological significance and that the waters have exceptional water quality while meeting the following conditions:

- (1) that the water quality is rated as excellent based on physical, chemical or biological information;
- (2) the characteristics which make these waters unique and special may not be protected by the assigned narrative and numerical water quality standards.

(b) Outstanding Resource Values. In order to be classified as ORW, a water body must exhibit one or more of the following values or uses to demonstrate it is of exceptional state or national recreational or ecological significance:

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or

National Wild and Scenic River, Native or Special Native Trout Waters or National Wildlife Refuge, which do not provide any water quality protection;

- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education.

(c) Quality Standards for ORW.

- (1) Freshwater: Water quality conditions shall be maintained to protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site specific basis during the proceedings to classify waters as ORW. No new discharges or expansions of existing discharges shall be permitted, and stormwater controls for all new development activities requiring an Erosion and Sedimentation Control Plan in accordance with rules established by the NC Sedimentation Control Commission or an appropriate local erosion and sedimentation control program shall be required to follow the stormwater provisions as specified in 15A NCAC 02H .1000. Specific stormwater requirements for ORW areas are described in 15A NCAC 02H .1007.
- (2) Saltwater: Water quality conditions shall be maintained to protect the outstanding resource values of waters classified ORW. Management strategies to protect resource values shall be developed on a site-specific basis during the proceedings to classify waters as ORW. New development shall comply with the stormwater provisions as specified in 15A NCAC 02H .1000. Specific stormwater management requirements for saltwater ORWs are described in 15A NCAC 02H .1007. New non-discharge permits shall meet reduced loading rates and increased buffer zones, to be determined on a case-by-case basis. No dredge or fill activities shall be allowed if those activities would result in a reduction of the beds of submerged aquatic vegetation or a reduction of shellfish producing habitat as defined in 15A NCAC 03I .0101(b)(20)(A) and (B), except for maintenance dredging, such as that required to maintain access to existing channels and facilities located within the designated areas or maintenance dredging for activities such as agriculture. A public hearing is mandatory for any proposed permits to discharge to waters classified as ORW.

Additional actions to protect resource values shall be considered on a site specific basis during the proceedings to classify waters as ORW and shall be specified in Paragraph (e) of this Rule.

These actions may include anything within the powers of the Commission. The Commission shall also consider local actions which have been taken to protect a water body in determining the appropriate state protection options. Descriptions of boundaries of waters classified as ORW are included in Paragraph (e) of this Rule and in the Schedule of Classifications (15A NCAC 02B .0302 through 02B .0317) as specified for the appropriate river basin and shall also be described on maps maintained by the Division of Water Quality.

(d) Petition Process. Any person may petition the Commission to classify a surface water of the state as an ORW. The petition shall identify the exceptional resource value to be protected, address how the water body meets the general criteria in Paragraph (a) of this Rule, and the suggested actions to protect the resource values. The Commission may request additional supporting information from the petitioner. The Commission or its designee shall initiate public proceedings to classify waters as ORW or shall inform the petitioner that the waters do not meet the criteria for ORW with an explanation of the basis for this decision. The petition shall be sent to:

Director
DENR/Division of Water Quality
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

The envelope containing the petition shall clearly bear the notation: **RULE-MAKING PETITION FOR ORW CLASSIFICATION.**

(e) Listing of Waters Classified ORW with Specific Actions. Waters classified as ORW with specific actions to protect exceptional resource values are listed as follows:

- (1) Roosevelt Natural Area [White Oak River Basin, Index Nos. 20-36-9.5-(1) and 20-36-9.5-(2)] including all fresh and saline waters within the property boundaries of the natural area shall have only new development which complies with the low density option in the stormwater rules as specified in 15A NCAC 2H .1005(2)(a) within 575 feet of the Roosevelt Natural Area (if the development site naturally drains to the Roosevelt Natural Area);
- (2) Chattooga River ORW Area (Little Tennessee River Basin and Savannah River Drainage Area): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section. However, expansions of existing discharges to these segments shall be allowed if there is no increase in pollutant loading:
 - (A) North and South Fowler Creeks;
 - (B) Green and Norton Mill Creeks;
 - (C) Cane Creek;
 - (D) Ammons Branch;
 - (E) Glade Creek; and
 - (F) Associated tributaries;

- (3) Henry Fork ORW Area (Catawba River Basin): the following undesignated waterbodies that are tributary to ORW designated segments shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section:
- (A) Ivy Creek;
 - (B) Rock Creek; and
 - (C) Associated tributaries;
- (4) South Fork New and New Rivers ORW Area [New River Basin (Index Nos. 10-1-33.5 and 10)]: the following management strategies, in addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:
- (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply to land within one mile of and that drains to the designated ORW areas;
 - (B) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW (for the North Fork New River ORW are see Subparagraph (14) of this Paragraph) shall be permitted such that the following water quality standards are maintained in the ORW segment:
 - (i) the total volume of treated wastewater for all upstream discharges combined shall not exceed 50 percent of the total instream flow in the designated ORW under 7Q10 conditions, which are defined in Rule .0206(a)(1) of this Section;
 - (ii) a safety factor shall be applied to any chemical allocation such that the effluent limitation for a specific chemical constituent shall be the more stringent of either the limitation allocated under design conditions (pursuant to 15A NCAC 02B .0206) for the normal standard at the point of discharge, or the limitation allocated under design conditions for one-half the normal standard at the upstream border of the ORW segment;
 - (iii) a safety factor shall be applied to any discharge of complex wastewater (those containing or potentially containing toxicants) to protect for chronic toxicity in the ORW segment by setting the whole effluent toxicity limitation at the higher (more stringent) percentage effluent determined under design conditions (pursuant to 15A NCAC 02B .0206) for either the instream effluent concentration at the point of discharge or twice the effluent concentration calculated as if the discharge were at the upstream border of the ORW segment;
 - (C) New or expanded NPDES permitted wastewater discharges located upstream of the designated ORW (for the North Fork New River ORW area; see Subparagraph (14) of this Paragraph) shall comply with the following:
 - (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/1, and NH3-N = 2 mg/1;
 - (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/1 for trout waters and to 20 mg/1 for all other waters;
 - (iii) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
 - (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, effluent limitations shall be set for phosphorus or nitrogen, or both;
- (5) Old Field Creek (New River Basin): the undesignated portion of Old Field Creek (from its source to Call Creek) shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section;

- (6) In the following designated waterbodies, no additional restrictions shall be placed on new or expanded marinas. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges. The Alligator River Area (Pasquotank River Basin) extending from the source of the Alligator River to the U.S. Highway 64 bridge including New Lake Fork, North West Fork Alligator River, Juniper Creek, Southwest Fork Alligator River, Scouts Bay, Gum Neck Creek, Georgia Bay, Winn Bay, Stumpy Creek Bay, Stumpy Creek, Swann Creek (Swann Creek Lake), Whipping Creek (Whipping Creek Lake), Grapevine Bay, Rattlesnake Bay, The Straits, The Frying Pan, Coopers Creek, Babbitt Bay, Goose Creek, Milltail Creek, Boat Bay, Sandy Ridge Gut (Sawyer Lake) and Second Creek, but excluding the Intracoastal Waterway (Pungo River-Alligator River Canal) and all other tributary streams and canals;
- (7) In the following designated waterbodies, the only type of new or expanded marina that shall be allowed shall be those marinas located in upland basin areas, or those with less than 10 slips, having no boats over 21 feet in length and no boats with heads. The only new or expanded NPDES permitted discharges that shall be allowed shall be non-domestic, non-process industrial discharges:
- (A) The Northeast Swanquarter Bay Area including all waters northeast of a line from a point at Lat. 35E 23N 51O and Long. 76E 21N 02O thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point.
 - (B) The Neuse-Southeast Pamlico Sound Area (Southeast Pamlico Sound Section of the Southeast Pamlico, Core and Back Sound Area); (Neuse River Basin) including all waters within an area defined by a line extending from the southern shore of Ocracoke Inlet northwest to the Tar-Pamlico River and Neuse River basin boundary, then southwest to Ship Point.
 - (C) The Core Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin), including all waters of Core Sound and its tributaries, but excluding Nelson Bay, Little Port Branch and Atlantic Harbor at its mouth, and those tributaries of Jarrett Bay that are closed to shellfishing.
- (D) The Western Bogue Sound Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from Bogue Inlet to the mainland at SR 1117 to a line across Bogue Sound from the southwest side of Gales Creek to Rock Point, including Taylor Bay and the Intracoastal Waterway.
- (E) The Stump Sound Area (Cape Fear River Basin) including all waters of Stump Sound and Alligator Bay from marker Number 17 to the western end of Permuda Island, but excluding Rogers Bay, the Kings Creek Restricted Area and Mill Creek.
- (F) The Topsail Sound and Middle Sound Area (Cape Fear River Basin) including all estuarine waters from New Topsail Inlet to Mason Inlet, including the Intracoastal Waterway and Howe Creek, but excluding Pages Creek and Futch Creek;
- (8) In the following designated waterbodies, no new or expanded NPDES permitted discharges and only new or expanded marinas with less than 10 slips, having no boats over 21 feet in length and no boats with heads shall be allowed:
- (A) The Swanquarter Bay and Juniper Bay Area (Tar-Pamlico River Basin) including all waters within a line beginning at Juniper Bay Point and running south and then west below Great Island, then northwest to Shell Point and including Shell Bay, Swanquarter and Juniper Bays and their tributaries, but excluding all waters northeast of a line from a point at Lat. 35E 23N 51O and Long. 76E 21N 02O thence southeast along the Swanquarter National Wildlife Refuge hunting closure boundary (as defined by the 1935 Presidential Proclamation) to Drum Point and also excluding the Blowout Canal, Hydeland Canal, Juniper Canal and Quarter Canal.
 - (B) The Back Sound Section of the Southeast Pamlico, Core and Back Sound Area (White Oak River Basin) including that area of Back Sound extending from Core Sound west along Shackleford Banks, then north to the western most point of Middle Marshes and along the northwest

- shore of Middle Marshes (to include all of Middle Marshes), then west to Rush Point on Harker's Island, and along the southern shore of Harker's Island back to Core Sound.
- (C) The Bear Island Section of the Western Bogue Sound and Bear Island Area (White Oak River Basin) including all waters within an area defined by a line from the western most point on Bear Island to the northeast mouth of Goose Creek on the mainland, east to the southwest mouth of Queen Creek, then south to green marker No. 49, then northeast to the northern most point on Huggins Island, then southeast along the shoreline of Huggins Island to the southeastern most point of Huggins Island, then south to the northeastern most point on Dudley Island, then southwest along the shoreline of Dudley Island to the eastern tip of Bear Island.
- (D) The Masonboro Sound Area (Cape Fear River Basin) including all waters between the Barrier Islands and the mainland from Carolina Beach Inlet to Masonboro Inlet;
- (9) Black and South Rivers ORW Area (Cape Fear River Basin) [Index Nos. 18-68-(0.5), 18-68-(3.5), 18-68-(11.5), 18-68-12-(0.5), 18-68-12-(11.5), and 18-68-2]: the following management strategies, in addition to the discharge requirements specified in Subparagraph (c)(1) of this Rule, shall be applied to protect the designated ORW areas:
- (A) Stormwater controls described in Subparagraph (c)(1) of this Rule shall apply to land within one mile of and that drains to the designated ORW areas;
- (B) New or expanded NPDES permitted wastewater discharges located one mile upstream of the stream segments designated ORW (upstream on the designated mainstem and upstream into direct tributaries to the designated mainstem) shall comply with the following discharge restrictions:
- (i) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l and NH₃-N = 2 mg/l;
- (ii) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 20 mg/l;
- (iii) Emergency Requirements: Failsafe treatment designs shall be employed, including stand-by power capability for entire treatment works, dual train design for all treatment components, or equivalent failsafe treatment designs;
- (iv) Nutrients: Where nutrient overenrichment is projected to be a concern, effluent limitations shall be set for phosphorus or nitrogen, or both.
- (v) Toxic substances: In cases where complex discharges (those containing or potentially containing toxicants) may be currently present in the discharge, a safety factor shall be applied to any chemical or whole effluent toxicity allocation. The limit for a specific chemical constituent shall be allocated at one-half of the normal standard at design conditions. Whole effluent toxicity shall be allocated to protect for chronic toxicity at an effluent concentration equal to twice that which is acceptable under flow design criteria (pursuant to 15A NCAC 02B .0206);
- (10) Lake Waccamaw ORW Area (Lumber River Basin) [Index No. 15-2]: all undesignated waterbodies that are tributary to Lake Waccamaw shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section;
- (11) Swift Creek and Sandy Creek ORW Area (Tar-Pamlico River Basin) [portion of Index No. 28-78-(0.5) and Index No. 28-78-1-(19)]: all undesignated waterbodies that drain to the designated waters shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203 of this Section and to protect outstanding resource values found in the designated waters as well as in the undesignated waters that drain to the designated waters;
- (12) Fontana Lake North Shore ORW Area (Little Tennessee River Basin and Savannah River Drainage Area) [Index Nos. 2-96 through 2-164 (excluding all waterbodies that drain to

the south shore of Fontana Lake) consists of the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks. In addition to the requirements specified in Subparagraph (c)(1) of this Rule, any person conducting development activity disturbing greater than or equal to 5,000 square feet of land area in the designated ORW area shall undertake the following actions to protect the outstanding resource values of the designated ORW and downstream waters:

- (A) investigate for the presence of and identify the composition of acid-producing rocks by exploratory drilling or other means and characterize the net neutralization potential of the acid-producing rocks prior to commencing the land-disturbing activity;
 - (B) avoid areas to the maximum extent practical where acid-producing rocks are found with net neutralization potential of -5 or less;
 - (C) establish background levels of acidity and mineralization prior to commencing land-disturbing activity, and monitor and maintain baseline water quality conditions for the duration of the land-disturbing activity and for any period thereafter not less than two years as determined by the Division as part of a certification issued in accordance with 15A NCAC 02H .0500 or stormwater permit issued pursuant to this Rule;
 - (D) obtain a National Pollutant Discharge Elimination System permit for construction pursuant to Rule 15A NCAC 02H .0126 prior to initiating land-disturbing activity;
 - (E) design stormwater control systems to control and treat stormwater runoff generated from all surfaces generated by one inch of rainfall in accordance with 15A NCAC 02H. 1008; and
 - (F) replicate pre-development runoff characteristics and mimic the natural and unique hydrology of the site, post development;
- (13) Horsepasture River ORW Area (Savannah Drainage Area) [Index No. 4-13-(0.5) and Index No. 4-13-(12.5)]: all undesignated waterbodies that are located within the Horsepasture River watershed shall comply with Paragraph (c) of this Rule in order to protect the designated waters as per Rule .0203

of this Section and to protect outstanding resource values found throughout the watershed. However, new domestic wastewater discharges and expansions of existing wastewater discharges may be allowed provided that:

- (A) Oxygen Consuming Wastes: Effluent limitations shall be as follows: BOD = 5 mg/l, and NH3-N = 2 mg/l;
 - (B) Total Suspended Solids: Discharges of total suspended solids (TSS) shall be limited to effluent concentrations of 10 mg/l for trout waters and to 20 mg/l for all other waters except for mining operations, which will be held to their respective NPDES TSS permit limits;
 - (C) Nutrients: Where nutrient overenrichment is projected to be a concern, effluent limitations shall be set for phosphorus or nitrogen, or both; and
 - (D) Volume: The total volume of treated wastewater for all discharges combined shall not exceed 25 percent of the total instream flow in the designated ORW under 7Q10 conditions, which are defined in Rule .0206(a)(1) of this Section; and
- (14) North Fork New River ORW Area (New River Basin) [Index Nos. 10-2-(1), 10-2-(11) and 10-2-(12)]: all non-ORW waterbodies including Little Buffalo Creek and Claybank Creek [Index Nos. 10-2-20-1 and 10-2-20-1-1] that are located within the North Fork New River watershed shall comply with Rule .0224 of this Section in order to protect the ORW designated waters.

History Note: Authority G.S. 143-214.1; S.L. 2005-97; Eff. October 1, 1995; Amended Eff. August 1, 2003 (see S.L. 2003-433, s.2); August 1, 2000; April 1, 1996; January 1, 1996; Temporary Amendment Eff. October 7, 2003; Amended Eff. December 1, 2010; July 1, 2009; January 1, 2007; June 1, 2004.

15A NCAC 02B .0307 NEW RIVER BASIN

- (a) The New River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:
- (1) the Internet at <http://h2o.enr.state.nc.us/csu/>; and
 - (2) the North Carolina Department of Environment and Natural Resources:
 - (A) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina;
 - (B) Winston-Salem Regional Office
585 Waughtown Street

- (C) Winston-Salem, North Carolina; and
 Division of Water Quality
 Central Office
 512 North Salisbury Street
 Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering the State of Tennessee are classified "C."

(c) The New River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) August 10, 1980 see Paragraph (d) of this Rule;
- (2) April 1, 1983 see Paragraph (e) of this Rule;
- (3) February 1, 1986 see Paragraph (f) of this Rule;
- (4) August 1, 1989 see Paragraph (g) of this Rule;
- (5) August 1, 1990 see Paragraph (h) of this Rule;
- (6) August 3, 1992 see Paragraph (i) of this Rule;
- (7) February 1, 1993 see Paragraph (j) of this Rule;
- (8) August 1, 1998 see Paragraph (k) of this Rule;
- (9) November 1, 2007 see Paragraph (l) of this Rule;
- (10) December 1, 2010 see Paragraph (m) of this Rule.

(d) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 10, 1980 as follows:

- (1) South Fork New River [Index No. 10-1-(1)] from the confluence of the Middle Fork South Fork New River and the East Fork South Fork New River to Winkler Creek was reclassified from Class C to Class A-II;
- (2) Middle Fork South Fork New River [Index Nos. 10-1-2-(6) and 10-1-2-(14)] from Brown Branch to the South Fork New River was reclassified from Class C and C Trout to Class A-II and A-II Trout;
- (3) East Fork South Fork New River [Index Nos. 10-1-3-(1) and 10-1-3-(7)] was reclassified from Class C and C Trout to Class A-II and A-II Trout; and
- (4) Winkler Creek [Index No. 10-1-4-(2) from Boone water supply intake dam to Watauga County SR 1549 and Flannery Fork [Index No. 10-1-4-3-(2)] from the dam at Camp Sky Ranch Bathing Lake to Winkler Creek were reclassified from Class C Trout to Class A-II Trout.

(e) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective April 1, 1983 as follows: Naked Creek [Index No. 10-1-32] was reclassified from Class C Trout to Class C.

(f) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective February 1, 1986 with the reclassification of all Class A-I and A-II streams to Class WS-I and WS-III in the New River Basin.

(g) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective July 1, 1989 as follows: South Fork New River [Index No. 10-1-(30)]

from Dog Creek to New River and all tributary waters were reclassified from Class C-trout and Class C to Class B-trout and B.

(h) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1990 as follows:

- (1) New River [Index No. 10] from the confluence of the North and South Forks New River to the last point at which the New River crosses the North Carolina/Virginia State line was reclassified from Class C to Class C HQW;
- (2) South Fork New River [Index Nos. 10-1-(14.5), 10-1-(26), 10-1-(30), and 10-1-(33.5)] from Elk Creek to the confluence of the New River and North Fork New River was reclassified from Class C, B and WS-III to Class C HQW, B HQW and WS-III HQW;
- (3) Howard Creek [Index Nos. 10-1-9-(1) and 10-1-9-(6)] from source to the South Fork New River was reclassified from Class WS-III Trout and C Trout to Class WS-III Trout HQW and C Trout HQW;
- (4) Big Horse Creek [Index No. 10-2-21-(5.5)] from North Carolina/Virginia State line to lower Ashe County SR 1361 bridge was reclassified from Class C Trout to Class C Trout HQW; and
- (5) Little River [Index No. 10-9-(11.5)] from N.C. Hwy. 18 bridge to the North Carolina/Virginia State line was reclassified from Class C to Class C HQW.

(i) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(j) The Schedule of Classifications and Water Quality Standards for the New River Basin has been amended effective February 1, 1993 as follows:

- (1) the South Fork New River (Index No. 10-1-33.5) from Dog Creek to the New River was reclassified from Class B HQW to Class B ORW;
- (2) the New River (Index No. 10) from the confluence of the North And South Fork New Rivers to the last point at which it crosses the North Carolina/Virginia State line was reclassified from Class C HQW to Class C ORW; and

- (3) Old Field Creek (Index No. 10-1-22) from Call Creek to the South Fork New River, and Call Creek (Index No. 10-1-22-1) from its source to Old Field Creek were reclassified from Class WS-IV Trout to Class WS-IV Trout ORW.

(k) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective August 1, 1998 with the revision to the primary classification for a portion of the South Fork New River [Index No. 10-1 (20.5)] from Class WS-IV to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the New River Basin was amended effective November 1, 2007 with the reclassification of Bluff Mountain Fen near Buffalo Creek [Index No. 10-2-20] to Class WL UWL as defined in 15A NCAC 02B .0101. The North Carolina Division of Water Quality maintains a Geographic Information Systems data layer of the UWL.

(m) The Schedule of Classifications and Water Quality Standards for the New River Basin is amended effective December 1, 2010 with the reclassification of the North Fork New River [Index Nos. 10-2-(1), 10-2-(12)] and its tributaries from C+, C+ Trout and C Trout HQW to C ORW and C Trout ORW with the exception of the following:

- (1) Index Nos. 10-2-21-9, 10-2-21-(8), 10-2-(11) and 10-2-20 were reclassified from C+ and C Trout + to C HQW and C Trout HQW; and
- (2) Little Buffalo Creek and Claybank Creek (Index Nos. 10-2-20-1 and 10-2-20-1-1) did not qualify for the ORW or HQW designation; however, these waters shall be managed in the same way as the downstream designated HQW areas.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. December 1, 2010; November 1, 2007; August 1, 1998; February 1, 1993; August 3, 1992; August 1, 1990; August 1, 1989.

15A NCAC 02B .0308 CATAWBA RIVER BASIN

(a) The Catawba River Basin Schedule of Classifications and Water Quality Standards may be inspected at the following places:

- (1) the Internet at <http://h2o.enr.state.nc.us/csu/> <http://h2o.enr.state.nc.us/csu/>; and
- (2) the North Carolina Department of Environment and Natural Resources:
 - (A) Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, North Carolina;
 - (B) Asheville Regional Office
2090 US Highway 70
Swannanoa, North Carolina; and
 - (C) Division of Water Quality
Central Office
512 North Salisbury Street
Raleigh, North Carolina.

(b) Unnamed Streams. Such streams entering South Carolina are classified "C."

(c) The Catawba River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) March 1, 1977 see Paragraph (d) of this Rule;
- (2) August 12, 1979 see Paragraph (e) of this Rule;
- (3) April 1, 1982 see Paragraph (f) of this Rule;
- (4) January 1, 1985 see Paragraph (g) of this Rule;
- (5) August 1, 1985 see Paragraph (h) of this Rule;
- (6) February 1, 1986 see Paragraph (i) of this Rule;
- (7) March 1, 1989 see Paragraph (j) of this Rule;
- (8) May 1, 1989 see Paragraph (k) of this Rule;
- (9) March 1, 1990 see Paragraph (l) of this Rule;
- (10) August 1, 1990 see Paragraph (m) of this Rule;
- (11) August 3, 1992 see Paragraph (n) of this Rule;
- (12) April 1, 1994 see Paragraph (o) of this Rule;
- (13) July 1, 1995 see Paragraph (p) of this Rule;
- (14) September 1, 1996 see Paragraph (q) of this Rule;
- (15) August 1, 1998 see Paragraph (r) of this Rule;
- (16) April 1, 1999 see Paragraph (s) of this Rule;
- (17) August 1, 2000 see Paragraph (t) of this Rule;
- (18) August 1, 2004 see Paragraph (u) of this Rule;
- (19) May 1, 2007 see Paragraph (v) of this Rule; and
- (20) September 1, 2010 see Paragraph (w) of this Rule.

(d) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1977 as follows:

- (1) Torrence Branch (Index No. 11-136) from source to North Carolina-South Carolina State Line was reclassified from Class D to Class B; and
- (2) Edwards Branch (Index No. 11-137-8-2-1) from source to Brier Creek was reclassified from Class D to Class C.

(e) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 12, 1979 as follows: Unnamed Tributary to Lower Little River (Robinette Creek) (Index No. 11-69-1.5) from source to Lower Little River was reclassified from Class C to Class B.

(f) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1982 as follows:

- (1) Spainhour Creek (Index No. 11-39-3) from source to Lower Creek was reclassified from Class C (1) to Class C; and
- (2) Allen Creek (Index No. 11-129-5-7-2-4) from source to Maiden Creek was reclassified from Class C to Class A-II.

(g) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective January 1, 1985 as follows: Catawba Creek from source to N.C. Highway 275 was reclassified from Class C(1) to Class C.

(h) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1985 as follows:

- (1) Brier Creek (Index No. 11-137-8-2) from source to Little Sugar Creek was reclassified from Class C (1) to Class C;
- (2) Little Hope Creek (Index No. 11-137-8-3) from source to Little Sugar Creek was reclassified from Class C (1) to Class C; and
- (3) McMullen Creek (Index No. 11-137-9-5) from source to N.C. Highway 16 was reclassified from Class C (1) to Class C.

(i) The Schedule of Classification and Water Quality Standards for the Catawba River Basin was amended effective February 1, 1986 with the reclassification of all A-I & A-II streams to WS-I & WS-III in the Catawba River Basin.

(j) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1989 as follows:

Wilson Creek (Index No. 11-38-34) and all tributary waters were reclassified from Class B-trout and Class C-trout to Class B-trout ORW and Class C-trout ORW.

(k) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective May 1, 1989 as follows:

- (1) Henry Fork [Index Nos. 11-129-1-(1) and 11-129-1-(2)] from source to Laurel Creek, including all tributaries, were reclassified from Class WS-I, C and C trout to Class WS-I ORW, C ORW and C trout ORW, except Ivy Creek and Rock Creek which will remain Class C trout and Class C; and
- (2) Jacob Fork [Index Nos. 11-129-2-(1) and 11-129-2-(4)] from source to Camp Creek, including all tributaries, were reclassified from Class WS-III trout and WS-III to WS-III trout ORW and WS-III ORW.

(l) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective March 1, 1990 as follows:

- (1) Upper Creek [Index No. 11-35-2-(1)] from source to Timbered Branch including all tributaries except Timbered Branch (Index No. 11-35-2-9) was reclassified from Class C Trout to Class C Trout ORW; and
- (2) Steels Creek [Index No. 11-35-2-12(1)] from source to Little Fork and all tributaries was reclassified from Class C Trout to Class C Trout ORW.

(m) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1990 as follows:

- (1) The classification for the portion of Mackey Creek [Index No. 11-15-(2)] from Marion Water Supply Intake to Laurel Fork was reclassified from Class C to Class C HQW;
- (2) Laurel Fork Creek [Index No. 11-15-3] from source to Mackey Creek was reclassified from Class C Tr to Class C Tr HQW;

- (3) Armstrong Creek [Index No. 11-24-14-(1)] from source to Bee Rock Creek was reclassified from Class WS-III Tr to Class WS-III Tr HQW;
- (4) Linville River [Index Nos. 11-29-(16) and 11-29-(19)] were reclassified from Class B Tr and Class B to Class B Tr HQW and Class B HQW, respectively;
- (5) Upper Creek [Index No. 11-35-2-(8.5)] and its named tributaries was reclassified from Class C Tr to Class C Tr HQW;
- (6) Upper Creek (Clear Water Beach Lake) [Index No. 11-35-2-(10)] from Holly Spring Branch to Dam Clear Water Beach Lake was reclassified from Class B Tr to Class B Tr HQW;
- (7) Holly Spring Branch [Index No. 11-35-2-11] from source to Upper Creek was reclassified from Class C Tr to Class Tr HQW;
- (8) Steels Creek [Index No. 11-35-2-12-(5)] from Little Fork to a point 1.7 miles upstream from N.C. Highway 181 Bridge was reclassified from Class B Tr to Class B Tr HQW and Steels Creek [Index No. 11-35-2-12-(7)] from a point 1.7 miles upstream from N.C. Highway 181 bridge to Clear Water Beach Lake, Upper Creek was reclassified from Class B to Class B HQW;
- (9) Upper Creek [Index No. 11-35-2-(13)] from Dam at Clear Water Beach Lake to Warrior Fork was reclassified from Class WS-III Tr to Class WS-III Tr HQW;
- (10) The portion of Johns River [Index No. 11-38-(28)] from Wilson Creek to Rhodhiss Lake, Catawba River was reclassified from Class C to Class C HQW;
- (11) Mulberry Creek [Index No. 11-38-32-(1)] from source to Boone Fork and its tributaries Left Fork Mulberry Creek [Index No. 11-38-32-2], Right Fork Mulberry Creek [Index No. 11-38-32-3], Roaring Creek [Index No. 11-38-32-8] and Clark Branch [Index No. 11-38-32-10] were reclassified from Class C Tr to Class C Tr HQW;
- (12) Amos Creek [Index No. 11-38-32-4] and Mills Creek [Index No. 11-38-32-5] and their named tributaries were reclassified from Class C to Class C HQW;
- (13) Cane Branch [Index No. 11-38-32-6], Rush Branch [11-38-32-7] and Frankum Creek [11-38-32-9] and its named tributaries were reclassified from Class C to Class C HQW;
- (14) Mulberry Creek [Index No. 11-38-32-(11)] from Boone Branch to Dam at Mulberry Beach was reclassified from Class B to Class B HQW;
- (15) Boone Branch (Fork) [Index No. 11-38-32-12] and its named tributaries from source to

Mulberry Creek was reclassified from Class B to Class B HQW;

- (16) Brown Branch [Index No. 11-38-32-13] and Moore Branch [Index No. 11-38-32-14] were reclassified from Class B to Class B HQW; and
- (17) Anderson Creek [Index No. 11-38-32-16] was reclassified from Class C to Class C HQW.

(n) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules, (15A NCAC 02B .0100, .0200 and .0300) which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(o) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1994 as follows:

- (1) Friday Lake (Index No. 11-125.5) from its source to Little Paw Creek was reclassified from Class C to Class B; and
- (2) The Linville River [Index No. 12-29-(1)] from Grandmother Creek to Linville Falls was reclassified from Class C Tr to Class B Tr.

(p) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective July 1, 1995 with the reclassification of Clark Creek from a point 0.6 mile downstream of Catawba County SR 2014 to 0.4 mile upstream of Larkard Creek [Index No. 11-129-5-(4.5)], and Howards Creek from its source to 0.7 mile upstream of Lincoln County State Road 1200 [Index No. 11-129-4], including associated tributaries from Class WS-IV to Classes C and WS-IV.

(q) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective September 1, 1996 as follows:

- (1) North Fork Catawba River [Index No. 11-24-(1)] from Laurel Branch to Armstrong Creek from Class C Tr to Class B Tr; and
- (2) Catawba River (Lake Hickory) from Rhodhiss dam to highway 321 [Index No. 11-(51)] from Class WS-IV CA to Class WS-IV&B CA.

(r) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective August 1, 1998 as follows:

- (1) The primary classification for portions of South Fork Catawba River [Index No. 11-129-(0.5)] and Hoyle Creek [Index No. 11-129-15-(1)] was reclassified from Class WS-IV to Class WS-V;

- (2) Mill Creek [Index No. 11-7] from its source to Swannanoa Creek, including all tributaries, from Class C Tr to Class Tr HQW;
- (3) Toms Creek [Index Nos. 11-21-(1) and 11-21-(2)] from its source to Harris Creek, including all tributaries were reclassified from Class C Tr to Class Tr HQW; and
- (4) Harris Creek to McDowell County SR 1434, including all tributaries were reclassified from Class C to Class HQW.

(s) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended effective April 1, 1999 as follows:

- (1) Portion of the Catawba River [Index Nos. 11-(27.5) and 11-(31)] from Class WS-IV & B and WS-IV to Class WS-V & B and WS-V;
- (2) Armstrong Creek [Index Nos. 11-24-14-(1), 11-24-14-(13.5) and 11-24-14-(14)], and all tributaries from Classes WS-II Tr, WS-II, WS-II CA and C Tr to Classes C Tr HQW and C HQW;
- (3) Lookout Shoals Lake from Oxford Dam to Island Creek [Index No. 11-(67)] from Class WS-V to Class WS-IV CA, from Island Creek to Elk Shoal Creek [Index No. 11-(70.5)] from Class WS-IV to Class WS-IV CA and from Elk Shoal Creek to a point one half mile upstream of Lookout Shoals Dam [Index No. 11-(72)] from Class WS-IV&B to Class WS-IV&B CA;
- (4) The classifications of tributary streams that are within five miles and draining to the normal pool elevation of Lookout Shoals Lake (Protected Area) have been revised to Class WS-IV; and
- (5) The classifications of tributary streams that are within one half mile and draining to the normal pool elevation of Lookout Shoals Lake (Critical Area) have been revised to Class WS-IV CA.

(t) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2000 with the reclassification of Little Grassy Creek (Index No. 11-29-2), including all tributaries, from its source to the Linville River from Class C Tr to Class C Tr ORW.

(u) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended August 1, 2004 with the reclassification of a segment of three surface waters, more specifically Henry Fork [11-129-1-(1)], Jerry Branch [11-129-1-3-(1)], and He Creek [11-129-1-4-(1)], from source to a formerly used City of Morganton Water Intake from Class WS-I ORW to Class WS-V ORW.

(v) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended May 1, 2007 with the reclassification of the Catawba River [Index No. 11-(31.5)] from a point 0.6 mile upstream of Muddy Creek to a point 1.2 miles upstream of Canoe Creek from WS-IV to WS-IV Tr and Catawba River [Index No. 11-(32.3)] from a point 1.2 miles upstream of Canoe Creek to a point 0.7 mile upstream of

Canoe Creek (Morganton water supply intake) from WS-IV CA to WS-IV Tr CA. Named and unnamed tributaries to this portion of the Catawba River are not classified as Trout. Between the last day of May and the first day of November the water quality standard for dissolved oxygen shall not be less than a daily average of 5.0 mg/l with a minimum instantaneous value of not less than 4.0 mg/l.

(w) The Schedule of Classifications and Water Quality Standards for the Catawba River Basin was amended September 1, 2010 with the reclassification of the portion of the Catawba River [Index No. 11-(1)] , from its source to the Left Prong Catawba River confluence, and its named tributaries, Chestnut Branch (Fork) [Index No. 11-2], Clover Patch Branch [Index No. 11-3], Youngs Fork Creek [Index No. 11-4], Spring Branch [Index No. 11-5], and Left Prong Catawba River [Index No. 11-6] from Class C Tr to Class C Tr HQW.

History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); Eff. February 1, 1976; Amended Eff. December 1, 2010; September 1, 2010; May 1, 2007; August 1, 2004; August 1, 2000; April 1, 1999; August 1, 1998; September 1, 1996; July 1, 1995; April 1, 1994; August 3, 1992; August 1, 1990.

15A NCAC 10F .0313 HYDE COUNTY

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

- (1) Swan Quarter Canal near the Town of Swan Quarter beginning at its entrance at Marker #10 in Pamlico Sound and extending the entire length of the canal;
- (2) Carawan Canal near the Town of Swan Quarter beginning at its entrance located 440 yards North by Northeast from Marker #7 off Long Point in Pamlico Sound and extending the entire length of the canal;
- (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- (4) Far Creek near the Town of Engelhard beginning at its entrance at Marker #10 in Pamlico Sound and extending the entire length of the canal;
- (5) Fodrey Canal. That portion of Fodrey Canal beginning at its entrance at the number 3 beacon and extending inland for a distance of 300 yards;
- (6) Silver Lake in Ocracoke. Harbor-wide; and
- (7) The entire waters of the Hydeland Canal beginning at the Hydeland Canal Access Area (35.42131N, 76.20915W) and ending at the end of SR 1122 (35.40873N, 76.21185W).

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

(c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. December 1, 2010; October 1, 1995; March 1, 1993; January 1, 1989; March 29, 1981.

15A NCAC 10F .0329 ROWAN COUNTY

(a) Regulated Areas. This Rule applies only to those portions of High Rock Lake and Tuckertown Lake which lie within the boundaries of Rowan County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of the regulated areas 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 established with the approval of the Executive Director, or his representative, on the regulated areas described in Paragraph (a) of this Rule.

(d) Speed Limit in Specific Zones. No person shall operate a vessel at greater than no-wake speed within 50 yards of the following locations on the regulated areas described in Paragraph (a) of this Rule:

- (1) Tamarac Marina on Dutch Second Creek;
- (2) The Cove on the west side of Dutch Second Creek south of Tamarac Marina off Poole Road;
- (3) I-85 bridge at Yadkin River;
- (4) Goodman Lake Road Bridge at Crane Creek;
- (5) Bringle Ferry Road Bridge at Dutch Second Creek;
- (6) Stokes Ferry Road Bridge at Riles Creek;
- (7) Highway 49 bridge at Tuckertown Lake; and
- (8) The Rowan Shrine Club dock.

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Executive Director, or his representative, on the waters of the regulated areas described in Paragraph (a) of this Rule.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Rowan County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable. With regard to marking the regulated areas described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.

History Note: Authority G.S. 75A-3; 75A-15; Eff. June 18, 1978; Amended Eff. December 1, 2010; December 1, 1985.

15A NCAC 10F .0348 PERSON COUNTY

(a) Regulated Area. This Rule applies to the Mayo Electric Generating Plant Reservoir, otherwise known as Mayo Reservoir, which is located in Person County.

(b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a motorboat or vessel in any restricted zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

(d) Speed Limit. Except as provided in Paragraph (e) of this Rule, no person shall operate a vessel at greater than no-wake speed within 50 yards of any marked bridge, boat launching ramp, pier, boat storage structure, or boat service area on the regulated area described in Paragraph (a) of this Rule.

(e) Skiing. Except to leave or return to the shore or a boat launching ramp, no skiing is permitted within any speed zone described in Paragraph (d) of this Rule. In leaving or returning to the shore or boat ramp, all vessels pulling skiers shall be operated on a course perpendicular to the shore line. Upon dropping skiers within any such speed zone, the boat speed shall be reduced to no-wake speed.

(f) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(g) Boating Access. No vessel shall be placed on the regulated area described in Paragraph (a) of this Rule from any point other than the boat launching ramp provided on SR 1515.

(h) No Wake Zone. No person shall operate a vessel at greater than no wake speed within the waters of the channel on Mayo Reservoir beginning north of the Triple Springs Boating Access Area, shore to shore from 36.48051N; 78.87763 W to 36.47994 N, 78.87963 W, southward ending at an area below the Mayo Park ADA Fishing Pier shore to shore from 36.47753N; 78.87681W to 36.4772 N; 78.87828W.

(i) Placement and Maintenance of Markers. The Board of Commissioners of Person County is designated a suitable agency for placement and maintenance of markers implementing this Rule. Provided the said board exercises its supervisory responsibility, it may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated area described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.

History Note: Authority G.S. 75A-3; 75A-15; Eff. August 1, 1984; Amended Eff. December 1, 2010; April 1, 1997.

15A NCAC 28 .0302 FEE SCHEDULE

(a) The following schedule of fees is applicable to govern admission to the North Carolina Aquariums:

(1) Roanoke Island:	
Adult, 13 and over	\$8.00
Senior, 62 and over	\$7.00
Child, 3 through 12	\$6.00

(2) Fort Fisher:	
Adult, 13 and over	\$8.00
Senior, 62 and over	\$7.00
Child, 3 through 12	\$6.00

(3) Pine Knoll Shores:	
Adult, 13 and over	\$8.00
Senior, 62 and over	\$7.00
Child, 3 through 12	\$6.00

(b) Free admission to the North Carolina Aquariums on Roanoke Island, at Pine Knoll Shores and at Fort Fisher is offered to the following groups:

- (1) Aquarium Society Members;
- (2) Preregistered North Carolina School groups;
- (3) Association of Zoos and Aquariums' reciprocals; and
- (4) Children under the age of three.

Free admission is offered on the following days: Martin Luther King, Jr. holiday and Veteran's Day on November 11.

(c) The following schedule of fees is applicable to govern admission for fishing on the educational fishing piers of the North Carolina Aquariums:

(1) Daily Fishing Pass	\$12.00
(maximum 24 hour period; two rods maximum;	
(Ages 13 and over)	\$2.00 for each rod over two)
(2) Youth Fishing Pass	\$6.00
(maximum 24 hour period; two rods maximum;	
(Ages 12 and under)	\$1.00 for each rod over two)

History Note: Authority G.S. 143B-289.41(b); 143B-289.44; Eff. March 1, 2004; Amended Eff. January 1, 2006; Transferred and Recodified from 15A NCAC 01R .0101 Eff. August 1, 2007; Amended Eff. January 1, 2011; April 1, 2010.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 – BOARD OF ARCHITECTURE

21 NCAC 02 .0108 FEES

Fees required by the Board, are payable in advance and are set forth below:

Initial Registration Application by Exam	
Residents and Non-Residents	\$ 50.00
Firm	\$ 75.00
Application to take the Architectural Registration Exam	\$ 50.00
Annual license renewal	
Individual	\$ 50.00
Firm	\$100.00
Late renewal Penalty	\$ 50.00

Reciprocal registration \$150.00
 Individual or Firm Reinstatement shall be the fee as set forth
 G.S. 83A-11 and G.S. 55B-10.
 Other publications and services provided by the Board are
 available at cost from the Board office.

*History Note: Authority G.S. 83A-4; 83A-11;
 Eff. February 1, 1976;
 Readopted Eff. September 29, 1977;
 Amended Eff. December 1, 2010; June 1, 1995; December 1,
 1992; May 1, 1991; May 1, 1989; July 1, 1987.*

21 NCAC 02 .0204 FORMS OF PRACTICE

(a) The practice of architecture shall be carried out by one of the
 following types of entities:

- (1) sole practitioners,
- (2) professional limited liability companies, that shall be established under the provisions of G.S. 57C;
- (3) limited liability partnerships, that shall be established under the provisions of G.S. 59-84.2;
- (4) professional corporations, that shall be established under the provisions of G.S. 55B; or
- (5) general partnerships.

Each limited liability partnership as stated in Subparagraph (a)(4) of this Rule and each general partnership as stated in Subparagraph (a)(5) of this Rule engaged in the practice of architecture in North Carolina shall keep a current list of all resident and non-resident partners of the partnership. One annual listing by a representative of the partnership shall satisfy the requirement of this Paragraph for all partners in the firm; however, each partner shall remain responsible for compliance with the rules. Changes in the information required by this Paragraph shall be filed with the Board office within 30 days after the change occurs.

(b) All individuals who practice through entities described in Subparagraphs (a)(1) through (a)(4) of this Rule shall be licensed to practice architecture.

(c) The firm shall be properly described and identified by its name or title.

*History Note: Authority G.S. 55B; 57C; 59-84.2; 83A-4; 83A-6; 83A-8;
 Eff. February 1, 1976;
 Readopted Eff. September 29, 1977;
 Amended Eff. December 1, 2010; June 1, 1995.*

21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL

(a) As more fully set out in this Rule, an architect must seal his/her work whether or not the work is for an exempt project as defined in North Carolina General Statute 83A-13. An architect shall not sign nor seal drawings, specifications, reports or other professional work which were not prepared by the architect or under his/her responsible control. Documents shall be sealed as follows:

- (1) An architect may sign or seal those portions of the professional work that:
 - (A) were prepared by or under the responsible control of persons who are registered architects in this state if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work; and
 - (B) are not required by law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work.
- (2) Individual Seal Design. Every licensed architect shall have an individual seal which shall be composed of two concentric circles with outer and inner circle diameters of approximately 1.5 inches and 1 inch respectively. The architect's name and primary place of business shall be between the inner and outer circles. The words "Registered Architect, North Carolina" shall be along the inside perimeter of the inner circle. The architect's North Carolina registration number shall be in the center of the inner circle. The original signature of the individual named on the seal and date is a required part of an individual seal and a seal image lacking said signature and date is incomplete and shall not be considered a "seal" for purposes of these Rules. (See facsimile on Board web site.)
- (3) Firm Seal Design. Every firm shall have a firm seal, which shall be composed of two concentric circles with outer and inner circle diameters of approximately 1.5 inches and 1 inch respectively. The Architectural Firm's approved North Carolina name and place of business shall be between the inner and outer circles. Seals shall be made as follows:
 - (A) For a Professional Corporation the words "Registered Architectural Corporation, North Carolina" shall be along the inside perimeter of the inner circle. The firm's North Carolina registration number shall be in the center of the inner circle. (See facsimile on Board web site.)
 - (B) For a Professional Limited Liability Company the words "Registered Architectural Company" shall be along the inside perimeter of the inner circle. The firm's North Carolina registration number shall be in the center of the inner circle. (See facsimile on the Board web site.)

- A sole proprietorship is not required to have firm seal and shall seal all work with the individual seal as set forth in Subparagraph (2) of this Paragraph.
- (4) Seal Types. The seal required for use on original technical submissions not intended for duplication shall be of a type which will produce an impression facsimile of the seal, or a rubber stamp which will produce an ink facsimile of the seal. The seal required for use on original technical submissions intended for duplication shall be of a type which will produce an ink facsimile of the seal such as a rubber stamp, or a substantially similar electronic or digital representation of the design. The use of pre-printed documents bearing a pre-printed facsimile of the signed and dated seal is prohibited.
- (5) Individual Seal, Signature and Date Required. Architects shall affix their seal on one original of all their drawings and sets of specifications prepared by them for use in this State as follows:
- (A) on the cover sheet of each design and on each drawing prepared by the architect for the design;
- (B) on the index page identifying each set of specifications; and
- (C) on the index page of all other technical submissions.
- The original signature of the individual named on the seal shall be considered part of an individual seal and shall appear across the face of each original seal imprint along with the date of affixation. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all lawful copies can be made.
- (6) Presentation documents (renderings, drawings used to communicate conceptual information only) shall not be sealed or signed.
- (7) Documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall be dated, bear the architect's name and be conspicuously marked to indicate the documents are for interim review and not intended for bidding, procurement, permit, or construction purposes.
- (8) Sheets or Pages Prepared By Licensed Professional Consultants. Those sheets or pages prepared by licensed professional consultants (for example, structural, mechanical or electrical engineers) retained by the architect shall bear the seal and registration number of the consultant responsible therefore and shall not be sealed by the architect.
- (9) Original Signature. The use of signature reproductions such as rubber stamps, computer generated or other facsimiles are not permitted in lieu of actual handwritten and hand dated signatures; provided, however, a digital signature as defined in Paragraph (e) of this Rule may be used in lieu of a handwritten signature and handwritten date.
- (10) Authorized use of the prescribed seal is an individual act whereby the architect must personally sign over the imprint of the seal. The architect is responsible for security of the seal when not in use.
- (11) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's individual seal as required in Paragraph (d). The firm seal must be affixed in addition to the individual seal on the cover sheet.
- (b) Standard design documents prepared by architects who are registered in this state or in their state of origin may be sealed by a succeeding licensed architect registered in North Carolina provided:
- (1) the seal of the original architect appears on the documents to authenticate authorship;
- (2) the words "standard design document" be placed on each sheet of the documents by the original architect;
- (3) the succeeding North Carolina architect identifies all modifications to the standard design documents;
- (4) the succeeding North Carolina architect assumes responsibility for the adequacy of the design for the specific application in North Carolina and for the design conforming with applicable building codes; and
- (5) the succeeding North Carolina architect affixes his/her seal to the standard design documents and a statement substantially as follows: "These documents have been properly examined by the undersigned. I have determined that they comply with existing local North Carolina codes, and I assume responsibility for the adequacy of the design for the specific application in North Carolina."
- (c) Post Construction record drawings prepared by an architect, but based upon representations of contractors, are not plans that are for "bidding, procurement, permit or construction purposes" and therefore shall not be sealed by the architect as long as the documents bear the name of the architect and include language stating "these drawings are based in part upon the representations of others and are not for bidding, procurement, permit or construction purposes".
- (d) Responsible Control. No architect shall affix his/her seal and signature to contract documents developed by others not under his responsible control. Responsible control includes that amount of control over and detailed professional knowledge of

the content of technical submissions during their preparation as is ordinarily exercised by an architect applying the required professional standard of care, including:

- (1) Dissemination of programmatic requirements;
- (2) Ongoing coordination and correlation of services with other aspects of the total design of the project;
- (3) Verification with consultant that owner's requirements are being met;
- (4) Authority over the services of those who assisted in the preparation of the documents;
- (5) Assumption of responsibility for the services;
- (6) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
- (7) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information

(e) For purposes of this Rule the term "Signature" shall mean handwritten or digital as follows:

- (1) A handwritten message identification containing the name of the person who applied it; or
- (2) A digital signature that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:
 - (A) Unique to the person using it;
 - (B) Capable of verification;
 - (C) Under the sole control of the person using it; and
 - (D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the Board is presumed to meet the criteria set forth in Parts (e)(2)(A) through (e)(2)(D) of this Rule. The architect is responsible for the security of the digital signature.

(f) For the purposes of this Rule, technical submissions refer to plans, drawings, specifications, studies, addenda and other technical reports prepared for use in this state in the course of practicing architecture.

History Note: Authority G.S. 83A-6; 83A-10; 83A-12; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October 1, 1985.

21 NCAC 02 .0213 INDIVIDUAL LICENSES

(a) Renewal. License registration must be renewed on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each

individual licensee. The licensee shall complete the current license renewal documentation required by the Board. The licensee shall submit to the Board the completed license renewal documentation, along with the annual license renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying draft or check in the amount of the renewal fee is dishonored by the architect's drawee bank for any reason, the Board shall suspend the license until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of these Rules, the Executive Director shall approve renewal of the license for the current license year. Renewal fees are non-refundable.

(b) Late Renewal and Reinstatement. If the Board has not received the annual renewal fee and completed renewal documentation, on or before the first day of July each year the license shall expire and be delinquent. The license may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee and the late renewal fee and demonstration of compliance with Section .0900 of the rules in this Chapter. After one year from the date of delinquency the license may no longer be renewed, but the licensee must seek reinstatement. Reinstatement shall occur according to the directives of G.S. 83A-11 and Section .0900 of the rules in this Chapter.

(c) Any individual who is currently licensed by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension or revocation for failure to renew licensure on or before the first day July each year, provided that the individual has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2.

History Note: Authority G.S. 83A-6; 83A-11; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989; November 1, 1979.

21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE

(a) Prior to offering and rendering architectural services as set forth in G.S. 83A and 21 NCAC 02 .0204(a), all firms must submit an application for firm registration and be granted registration by the Board. Application for firm registration to practice of architecture within the State of North Carolina shall be made upon forms provided by the Board and include the required application fee. Certificates for firm practice may be issued only under the provisions of the, G.S. 55B, except as provided in Subsection (b) of this Rule and G.S 57C.

(b) Architectural Corporations Under G.S. 55, the Business Corporation Act. Applications for certificate of registration as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made upon forms provided by the Board. Completed applications must be accompanied by the corporate application fee. To be eligible as an exempt corporation under the provisions of G.S. 55B-15, the following conditions must exist:

- (1) The corporation must have been incorporated prior to June 5, 1969 as a business corporation;
- (2) Prior to and since June 5, 1969, the corporation must have been a bona fide architectural or architectural-engineering firm with services limited to the practice of architecture or architecture-engineering and such services as may be ancillary thereto within the State of North Carolina; and
- (3) The corporation must have applied to be an exempt corporation before October 1, 1979.

(c) **Renewal of Certificate.** Firm registration must be renewed on or before December 31st each year. If the Board has not received the annual renewal fee and completed application on or before December 31st each year, the firm license shall expire and be delinquent. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each registered firm. The firm must designate an officer to complete the renewal documentation required by the Board. The Board shall not accept incomplete renewal documentation. Renewal documentation must be accompanied by the renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm registration until the renewal fees and returned check charges are paid. When the annual renewal has been complete according to the provision of G.S. 83A-11, the Executive Director shall approve renewal for the firm registration for the current renewal year. Renewal fees are non-refundable.

(d) **Failure to Renew and Reinstatement.** Within one year of the expiration the firm license may be renewed at any time, upon the return of the completed renewal documents, the annual renewal fee and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee the licensee shall seek reinstatement, as allowed by G.S. 83A-11. The Board may reinstate the firms' certificate of registration, as allowed by G.S. 83A-11.

(e) **Seal.** Each registered corporation shall adopt a seal pursuant to 21 NCAC 02 .0206(a)(3).

(f) **Approval of Name.** In addition to the requirements and limitations of G.S. 55 and 55B, the firm name used by an architectural corporation shall conform with Rule .0205 and be approved by the Board before being used. This Rule shall not prohibit the continued use of any firm name adopted in conformity with the General Statutes of North Carolina and Board Rules in effect at the date of such adoption.

History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979.

21 NCAC 02 .0215 OUT OF STATE FIRMS

(a) **Incorporation in Other States.** Architectural firms from other states may be granted firm certificates of registration for practice in this State upon receipt by the Board of a completed application, fees, the submission of a certified copy of their firm

charter, or other corresponding documents, amended as may be necessary to insure compliance with all requirements of Chapter 55B, the Professional Corporation Act of the State of North Carolina, and the payment of the firm application fee. In addition to the other requirements as set out in G.S. 83A-8, foreign firms must, prior to registration, receive from the Secretary of State of North Carolina a certificate of authority to do business within the state. A certificate for filing for a certificate of authority must be obtained by the Board prior to submitting application to the Secretary of State.

(b) **Designated Individuals.** Foreign entities may be permitted to practice architecture within the State of North Carolina provided that it complies with G.S. Chapter 55B. If a foreign entity offers both architectural and engineering services, then it must comply with requirements set forth in G.S. 89C. A foreign entity must have at least one officer, director and shareholder licensed as an individual in this state. Two-thirds of the issued and outstanding shares of the foreign corporations must be owned by licensed architects or engineers who are licensed to practice their profession in a jurisdiction of the United States. However, the firm must designate at least one architect who is licensed in the State of North Carolina to be in responsible charge for the firm practice of architecture within the State of North Carolina. Notwithstanding the requirements of this Rule, an individual architect who is licensed under G.S. Chapter 83A-7 may practice as an individual.

(c) **Partnerships.** An out of state architectural partnership may practice architecture, if every partner in the firm is licensed as an individual in this state under Rule .0213 and the partnership complies with Paragraph (f) this Rule .

(d) **Limited Liability Companies.** An out of state Limited Liability Company may practice architecture, if the Limited Liability Company complies with G.S. 57C and at least one member and one owner are licensed as in individuals under Rule .0213 and comply with Paragraph (a) of this Rule.

(e) **Limited Liability Partnerships.** An out of state Limited Liability Partnership may practice architecture, if the Limited Liability Partnership complies with G.S. 59, and at least one partner is licensed as an individual under Rule .0213.

(f) **Failure to Renew and Reinstatement.** If the Board has not received the annual firm renewal fee and completed application on or before December 31st each year the firm registration shall expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return of the completed application, the annual renewal fee and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee, the license shall be automatically revoked. The Board may reinstate the firm's certificate of registration, as allowed by G.S. 83A-11

History Note: Authority G.S. 55B-6; 83A-6; 83A-8;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 1, 2010; June 1, 1995; July 1, 1993; May 1, 1989; November 1, 1979.

CHAPTER 19 – BOARD OF ELECTROLYSIS EXAMINERS

21 NCAC 19 .0401 INFECTION CONTROL STANDARDS
21 NCAC 19 .0402 STERILIZATION AND DISINFECTION

History Note: Authority G.S. 88A-16; Eff. June 1, 1993; Repealed Eff. December 1, 2010.

21 NCAC 19 .0404 DEFINITIONS AND OVERVIEW

In addition to the terms defined in G.S. 88-A, the following terms have the following meanings:

- (1) "Alcohol-based hand rub or gel" is a preparation which contains 60 percent to 95 percent ethanol or isopropanol that is designed for application to the hands in order to reduce the number of viable microorganisms on the hands.
- (2) "Antiseptic" is a germicide used on skin or living tissue to inhibit or destroy microorganisms.
- (3) "Aseptic technique" is the term used to describe the precautionary measures taken to help reduce the risk of post treatment infections by decreasing the opportunity for microorganisms to enter the body. Precautionary measures include handwashing, disinfection, sterilization of surfaces and instruments, use of protective barriers, containment and disposal of waste, and instrument and surface manipulations that minimize cross contamination.
- (4) "Autoclave" is a vessel used for sterilization by the application of saturated steam under pressure and heat.
- (5) "Biological indicator" is a commercially prepared device populated with bacterial spores which is used to test the method of sterilization being monitored and which demonstrates whether or not conditions necessary to achieve sterilization were met during the cycle being monitored.
- (6) "Chemical indicator" is a chemically treated paper strip used to monitor parameters of a heat sterilization process by means of a characteristic color change. A chemical indicator does not indicate that sterilization has been achieved, but rather, that the temperature needed has been attained.
- (7) "Cleaning" is the removal of all visible organic material from objects using friction, detergent and water prior to the disinfection and sterilization processes.
- (8) "Contaminate" is to make something impure by exposure to or addition of a polluting substance.

- (9) "Contaminated" is the presence of potentially infectious pathogenic microorganisms on surfaces of a objects.
- (10) "Cross-contamination" is the process by which bacteria or other microorganisms are transferred from one substance or object to another, with harmful effect.
- (11) "Critical items" are instruments, devices, objects or environmental surfaces that will come in direct contact with the bloodstream or other normally sterile areas of the body.
- (12) "Decontaminate" is to neutralize or remove dangerous substances or germs from an area or object.
- (13) "Decontamination" is the use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item so that they are no longer capable of transmitting infectious particles and to render the surface or item safe for handling, use, or disposal.
- (14) "Disinfect" is to clean with a disinfectant in order to destroy bacteria.
- (15) "Disinfectant" is a chemical agent used on inanimate surfaces and objects to destroy infectious fungi and bacteria, but not necessarily their spores and is classified into levels of potency as follows:
 - (A) High-level, which is utilized for the reprocessing of semi-critical instruments or devices and includes Food and Drug Administration (FDA) regulated substances such as glutaraldehyde-, chlorine dioxide-hydrogen peroxide, orthophthaldehyde-, and peracetic acid-based formulations;
 - (B) Intermediate-level, which is utilized for disinfecting tips for epilator needles and includes Environmental Protection Agency (EPA) regulated substances such as alcohols containing 70 to 90 percent ethanol or isopropanol, chlorine compounds, and certain phenolic or iodophor preparations as determined by the EPA;
 - (C) Low-level, which is utilized for disinfecting environmental or non-instrument surfaces and includes EPA regulated substances such as quaternary ammonium compounds and certain phenolic or iodophor preparations as determined by the EPA.
- (16) "Disinfection" is a procedure that reduces the level of microbial contamination and is classified into the following levels:
 - (A) "High-level," which inactivates some, but not necessarily all, bacterial

- spores. This process will also kill *Mycobacterium tuberculosis* var. *bovis*, and all microorganisms with the exception of high levels of bacterial spores.
- (B) "Intermediate-level," which does not kill bacterial spores, but is capable of killing. *M. tuberculosis* var. *bovis*, most vegetative bacteria and fungi, as well as viruses such as hepatitis B virus (HBV) and human immunodeficiency virus (HIV);
 - (C) "Low level," which inactivates most bacteria, some viruses and fungi but not bacterial spores or *Mycobacterium tuberculosis* var. *bovis*.
- (17) "Dry heat sterilizer" is a forced air oven-type device designed to sterilize items by exposure to high temperatures for designated exposure periods.
 - (18) "Environmental surfaces" are surfaces in the electrology treatment room which may potentially contribute to cross-contamination by hands of the electrologist or by contact with instruments that will subsequently come into contact with clients.
 - (19) "Enzyme detergent" is the detergent that helps break down organic soils and fats, and suspends particles during cleaning. An enzyme detergent is used as a soaking solution for critical and non-critical instruments and as the detergent used in the ultrasonic device.
 - (20) "Epilator" is an electrical device used to perform electrolysis.
 - (21) "Epilator cords" are insulated plastic covered cords used to complete the current circuit between the epilator and the epilator needle or the indifferent electrode.
 - (22) "Forceps" are the instruments or "tweezers" used in electrology treatments to lift the treated hair from the follicle. Forceps used in electrology are not intended to be critical items, but may come in contact with blood, serum or other material and shall be sterile when used.
 - (23) "Gloves" are coverings for the hands, which provide a protective barrier against infections and toxic substances.
 - (24) "Hand hygiene" is the general term that applies to:
 - (A) "Hand washing," the decontamination process for the removal of soil and transient microorganisms from the hands by a vigorous rubbing together of all surfaces of lathered hands for at least 15 seconds, followed by rinsing under a stream of water;
 - (B) "Antiseptic hand wash," the washing of hands with water and soap or other detergents containing an antiseptic agent;
 - (C) "Antiseptic hand rub," the application of an alcohol-based hand rub product, to all surfaces of the hands to reduce the number of microorganisms present; and
 - (D) "Hand antisepsis," a preoperative antiseptic hand wash or antiseptic hand rub to eliminate transient microorganisms and reduce resident hand flora.
 - (25) "Health History Assessment File" is a cumulative and permanent documentation of a client's medical and treatment record which is maintained by the electrologist.
 - (26) "Hirsute or Hirsutism" is the excessive growth of hair that is thickened caused by hormonal or biochemical imbalances or genetic predisposition.
 - (27) "Hospital-grade disinfectant" is a chemical germicide that is classed in a spectrum of activity as either low-level or intermediate-level, with labeled claims for effectiveness against *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa*.
 - (28) "Indifferent electrode" is a stainless steel bar held by the client during electrology treatments to complete current circuit with galvanic electrolysis modality or with the use of a timer delay switch in automatic delivery epilators.
 - (29) "Instruments" are tools or devices designed to perform a specific function, such as grasping, holding, or retracting.
 - (30) "Intact skin" is skin in which the natural protective barrier has not been altered by infection or trauma.
 - (31) "Latex allergy" is a systemic or local allergic response to various latex proteins to which the individual has been sensitized.
 - (32) "Medical-grade gloves" are disposable gloves used during medical examinations and procedures to prevent contamination between caregivers and patients.
 - (33) "Microbial" is a minute life form; a microorganism, especially a bacterium that causes disease.
 - (34) "Nitrile" is non-sterile, latex-free substance from which gloves are manufactured.
 - (35) "Needle" is the pre-sterilized, disposable wire filament which is inserted into the hair follicle for application of current in electrology.
 - (36) "Non-critical items" are instruments, devices, objects or environmental surfaces that will come in contact only with intact skin.

- (37) "Non-intact skin" is skin in which there is a break in the skin's natural integrity, for example, exposed skin that is chapped, abraded, or afflicted with dermatitis.
- (38) "Packaging" is a generic term meant to include all types of containment, such as woven or non-woven wraps, paper or film pouches, or rigid container systems.
- (39) "Pathogen" is a microorganism or substance capable of producing a disease.
- (40) "Phoresis rollers" are sterilized stainless steel rollers used to apply current to skin before or after electrolysis treatment.
- (41) "Physical visible indicators" are monitoring devices built into a sterilizer, such as indicating thermometers, recording thermometers, pressure gauges and automatic controls, which are used in identifying and preventing malfunctions and operational errors and for recordkeeping purposes.
- (42) "Plain soap" is a detergent-based cleanser without antimicrobial additives which is used for the physical removal of dirt and transient microorganisms.
- (43) "Protective disposable barrier" is a disposable, moisture-resistant covering which reduces the potential for contaminating environmental or medical device surfaces that may be difficult or inconvenient to clean and disinfect routinely, for example, tables and pillows, or hard-to-clean surfaces such as light handles and epilator surfaces..
- (44) "Reprocessing" is the process of cleaning, disinfecting or sterilizing a reusable instrument that has been used or contaminated in order to be made safe for its intended use.
- (45) "Semi-critical items" are instruments, devices, objects or environmental surface that may come in contact with mucous membranes and non-intact skin, but do not ordinarily penetrate body surfaces. Semi-critical items require sterilization or exposure to high-level disinfection as set in Item 44 of this Rule.
- (46) "Sharps container" is a manufactured and labeled, leak-proof, rigid, puncture-resistant, durable plastic container into which needles are placed after use and which is designed to be disposed of as an item of regulated medical waste.
- (47) "Standards" is the level of quality or excellence.
- (48) "Sterility assurance file" is the record containing the sterilizer maintenance and use log and culture report from each biological monitor.
- (49) "Sterilization" is the process which destroys all forms of microbial life. The recommended methods of sterilization of instruments and

items used in the practice of electrolysis are the dry heat sterilizer or the autoclave.

- (50) "Tip for epilator needle" is the cap or plastic tip that surrounds the base of the needle and covers the pin device where the needle shank is seated.
- (51) "Treatment room" is the operatory where electrolysis treatments are performed.
- (52) "Ultrasonic cleaner" is a processing unit using ultrasonic waves transmitted through the cleaning solution in a mechanical process known as cavitation. The transmitted sound waves produce tiny air bubbles on instrument surfaces, which scrub tightly adhering or embedded particles from solid surfaces and remove soil deposits from hard-to-reach areas.

History Note: Authority G.S. 88A-6; 88A-16; Eff. December 1, 2010.

21 NCAC 19 .0405 HAND HYGIENE

- (a) Electrologists shall cleanse their hands by handwashing or by degerming through hand antisepsis:
 - (1) before and after treatment on each client;
 - (2) before donning gloves;
 - (3) immediately after gloves are removed; and
 - (4) immediately, if bare-handed contact with blood, body fluids, secretions, excretions, non-intact skin, mucous membranes or contaminated equipment occurs.
- (b) As used in this Rule, handwashing includes:
 - (1) wetting hands with running warm water and applying plain soap in the amount recommended by the manufacturer;
 - (2) rubbing hands together at least 15 seconds, covering all surfaces of hands, including between fingers and fingernail areas;
 - (3) rinsing hands under a stream of water;
 - (4) drying hands with a clean disposable paper towel;
 - (5) turning faucets off with the paper towel; and
 - (6) disposing of the paper towel in a covered receptacle.
- (c) As used in this Rule, hand antisepsis is achieved by:
 - (1) applying the product label recommended amount of an antiseptic alcohol-based gel or rinse to the palm of one hand;
 - (2) rubbing hands together, covering all surfaces of hands, especially between fingers and fingernail areas; and
 - (3) continuing to rub hands together at least 15 seconds or until the alcohol dries.

History Note: Authority G.S. 88A-16; Eff. December 1, 2010.

21 NCAC 19 .0406 USE OF GLOVES

Electrologists shall:

- (1) Wear a fresh pair of non-sterile, medical grade, latex, nitrile or vinyl disposal examination gloves:
 - (a) during the treatment of each client;
 - (b) when contact with blood or other potentially infectious materials, mucous membranes and non-intact skin could occur; and
 - (c) during the procedures of soaking, cleaning, rinsing, drying and packaging of forceps and other contaminated instruments.
- (2) Refrain from using latex gloves if the client's health history assessment file indicates a sensitivity or allergic reaction to latex-based products.
- (3) Decontaminate hands in accordance with the procedures in 21 NCAC 19 .0405 before putting on gloves and immediately after gloves are removed.
- (4) In the event of an interrupted treatment session:
 - (a) remove and discard gloves;
 - (b) decontaminate hands before touching items or surfaces; and
 - (c) decontaminate hands before re-gloving with a fresh pair of gloves before resuming treatment.
- (5) In the event of torn or perforated gloves:
 - (a) remove torn or perforated gloves immediately;
 - (b) decontaminate hands; and
 - (c) re-glove with fresh gloves.
- (6) After each treatment:
 - (a) remove gloves;
 - (b) dispose in a receptacle located in the treatment room; and
 - (c) immediately decontaminate hands.
- (B) stored in a manner that will maintain sterile conditions of contents;
- (C) not recapped, bent, or otherwise manipulated by hand prior to disposal;
- (D) placed in a puncture-resistant sharps container after use, when opened or found damaged, when contaminated before use, or when not used before pre-printed expiration date; and
- (E) disposed of in accordance with state and local regulations when the sharps container is no more than three quarters full;
- (2) Forceps, phoresis rollers and epilator tips that are:
 - (A) disinfected before initial use and after use on the client;
 - (B) disinfected after a 24-hour period when packaging is opened and instruments are unused or when packaging is contaminated before use, for example, dropped or placed on a surface not protected by barriers;
 - (C) accumulated after use and before cleaning and sterilization in a covered holding container by submersion in a solution of a protein-dissolving enzyme detergent and water, following manufacturer's instruction for dilution, then rinsed and drained; and
 - (D) cleaned and sterilized in accordance with the standards in Paragraphs (c) and (d) of this Rule.
- (c) Electrologists shall observe the following standards for cleaning:
 - (A) Place items and other instruments in the basket of a covered ultrasonic cleaning unit containing a fresh solution of a protein-dissolving enzyme detergent and water;
 - (B) Follow manufacturer's instructions for dilution and ultrasonic running times;
 - (C) Remove basket from ultrasonic unit rinse under running water and drain;
 - (D) Drain and air dry items on a clean, disposable, absorbent, non-shedding cloth in an area protected from exposure to contaminants with a hot-air dryer or by placement into a drying cabinet;
 - (E) Package forceps, rollers and heat-stable tips individually or in small multiples in woven or non-woven wraps, paper or film pouches, or rigid container systems for the sterilization process;

History Note: Authority G.S. 88A-16; Eff. December 1, 2010.

21 NCAC 19 .0407 CLEANING, STERILIZATION, AND SAFETY PRECAUTIONS FOR INSTRUMENTS AND OTHER TREATMENT-RELATED ITEMS

- (a) Electrologists shall observe the following safety precautions for the cleaning and sterilization of instruments:
 - (1) Coordinate necessary sterilized instruments and supplies needed for each treatment in a manner whereby adherence to aseptic technique is maintained;
 - (2) Wear gloves when handling soiled instruments; and
 - (3) Avoid puncture injury from instruments.
- (b) As used in this Section, instruments and other items include:
 - (1) Needles that are:
 - (A) single-use, pre-sterilized, and disposable;

- (F) Place packaged instruments and items in an autoclave or dry-heat sterilizer with a chemical indicator;
 - (G) If dry-heat sterilizers are used, subject the heat-sensitive tips to an intermediate-level disinfectant, after which the tips are rinsed and dried; and
 - (H) Store instruments and items in a clean dry, covered container, drawer or closed cabinet after the cleaning process.
- (d) Electrologists shall observe the following standards for sterilization:
- (1) The required minimum time and temperature relationship for sterilization methods shall be:
 - (A) for the dry heat method, the minimum time-temperature relationship required to be attained is 340° F (170° C) for one hour or 320° F (160° C) for two hours; and
 - (B) for the autoclave (steam under pressure) method, the minimum time-temperature-pressure relationship required to be attained is 15 to 20 minutes at 121°C (250°F) and 15 psi (pounds per square inch) for unpackaged instruments and items and 30 minutes at 121° C (250° F) and 15 psi (pounds per square inch) for packaged instruments and items; and
 - (C) Temperature and exposure requirements in (B) and (C) relate to the time of exposure after attainment of the required temperature and do not include a penetration of heat-up lag time, drying time, or cool-down time;
 - (2) Sterilizers shall have visible physical indicator gauges, for example, thermometers, timers, on the devices which shall be monitored during the sterilization cycle,
 - (3) The interior of the sterilization devices shall be cleaned according to the manufacturer's instructions;
 - (4) Packaging for sterilization shall:
 - (A) accommodate size, shape and number of instruments to be sterilized;
 - (B) be able to withstand the physical conditions of the selected sterilization process;
 - (C) allow enough space between items in each package for the sterilization of all surfaces to occur; and
 - (D) chemical indicators shall be visible on the outside of each package sterilized which indicates the instruments and items have been exposed to a sterilization process, but it does not guarantee sterility;
- (5) Manufacturer's recommendations shall be followed for aseptic removal of contents in the sterilized packages;
 - (6) Biological monitors shall be used no less than once a month for each sterilization device according to manufacturer's instruction in order that proper mechanical function of the sterilizer be maintained; and
 - (7) Recorded laboratory reports from the biological monitors filed in a permanent sterility assurance file.
- (e) Safety precautions shall be observed for other treatment related items as follows:
- (1) Indifferent electrodes, epilator cords, and eye shields shall be cleaned, dried and subjected to intermediate-level disinfection before initial use and after each treatment and replaced when showing signs of wear and tear;
 - (2) Ultrasonic cleaning units and all other containers and their removable parts shall be used during soaking and cleaning procedures, cleaned, dried daily, and used and maintained according to manufacturer's instructions; and
 - (3) Environmental surfaces directly related to treatment shall be cleaned and subjected to low-level disinfection daily and whenever visibly contaminated.
- History Note: Authority G.S. 88A-16; Eff. December 1, 2010.*

21 NCAC 19 .0408 ENVIRONMENTAL CONTROL AND HOUSEKEEPING

- (a) Electrologists shall observe the following elements of environmental control:
- (1) Each treatment room shall be kept clean, lighted, and ventilated;
 - (2) Each treatment room shall be equipped with labeled containers, covered storage for supplies, a puncture-resistant sharps container labeled as a biohazard, and covered trash containers;
 - (3) Treatment table surfaces shall be made of materials that can be washed with detergents and treated with disinfectants;
 - (4) Treatment table surfaces shall be covered with fresh disposable paper drapes or barrier before each client treatment;
 - (5) Headrests shall be covered with fresh disposable paper or barrier before each client treatment;
 - (6) Treatment table surfaces which may come in contact with bare skin during treatments shall be covered with a fresh disposable paper drape or barrier;

- (7) Containers for dispensing products, such as soap, alcohol hand-rubs and treatment supplies shall be labeled;
- (8) All treatment supplies shall be disposable or, if reusable, the supplies containers shall be cleaned and dried before being refilled with fresh products;
- (9) Aseptic techniques for dispensing creams, lotions, ointments and antiseptics during treatment shall be followed;
- (10) Manufacturer's recommendations for the use and disposal of products and containers when contaminated, or when expiration date is reached, shall be followed;
- (11) Environmental surfaces that are touched during treatment, such as epilator needle holder and cords, epilator cart, magnification lamps, light devices and epilator controls shall be covered with a fresh protective disposable barrier before each treatment of a client and decontaminated after each treatment of a client, following manufacturer's instructions;
- (12) Disposable items such as cotton, paper drapes and protective disposal barriers shall be stored in covered containers, closed cabinets or drawers before use;
- (13) Used disposable items shall be discarded into a covered trash container lined with a plastic bag, securely fastened when ready for disposal, and disposed of daily into the regular trash, unless otherwise specified by state and local health regulations;
- (14) Reusable items such as sheets, pillowcases and towels that are used to cover treatment table or as a client drape shall be stored in covered containers, closed cabinets or drawers before use; and
- (15) After use, reusable items shall be placed in a covered container labeled as "soiled laundry," laundered with detergent and water temperatures that will ensure cleaning and disinfection, and dried in a gas or electric clothes dryer.

- (3) Countertops shall be of smooth, non-porous material and shall be cleaned daily, taking care in the areas where the procedures of cleaning and sterilizing instruments and items takes place;
- (4) Sinks and toilet facilities shall be cleaned daily;
- (5) Non-critical equipment, environmental surfaces, doorknobs, telephones, and treatment tables in the treatment room shall be kept cleaned and disinfected;
- (6) Floors cleaned weekly and carpets shall be vacuumed weekly or more often if necessary; and
- (7) Walls, blinds and curtains shall be cleaned when visibly soiled.

History Note: Authority G.S. 88A-16; Eff. December 1, 2010.

21 NCAC 19 .0409 CLIENT EVALUATION
As an evaluation for each client, the electrologist shall:

- (1) Prepare a Health History Assessment File which contains:
 - (a) date, name, address, contact information, date of birth, and names of family physician, gynecological physician, and dermatologist;
 - (b) areas of face and body to be treated;
 - (c) hirsute family history;
 - (d) current and previous methods of hair removal;
 - (e) current and previous medications;
 - (f) current and previous physical examination dates and results;
 - (g) skin irregularities; and
 - (h) date and signature of client.
- (2) Update and evaluate the client's health status on an ongoing basis to determine if the client should be referred to a physician.
- (3) Examine the client's skin for signs of infection or rashes prior to each treatment and delay treatment if actual or potential signs or symptoms of infection are present.
- (4) Refer the client to a physician when evaluation of health history or skin examination indicates.
- (5) Instruct the client on post-treatment care to promote healing of the treated skin site.

History Note: Authority G.S. 88A-16; Eff. December 1, 2010.

21 NCAC 19 .0410 HEPATITIS B VIRUS (HBV) VACCINATION

Electrologists shall comply with the *Needlestick Safety and Prevention Act* published January 18, 2001 to amend United States Occupational Safety & Health Administration (OSHA) Regulation 29 CFR 1910.1030, which is hereby incorporated by reference including subsequent amendments and editions.

(b) Electrologists shall observe the following elements of housekeeping:

- (1) A low-level hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used for cleaning non-critical environmental surfaces such as epilator surfaces, magnifying lamps, epilator carts, floors, walls, door knobs, tabletops, and window sills;
- (2) All other environmental surfaces in the treatment room shall be kept in a state of visible cleanliness by cleaning with water and detergent and using a hospital-grade disinfectant or detergent designed for general housekeeping purposes, as indicated on the product label;

Copies may be obtained at no cost at:
<http://www.osha.gov/SLTC/bloodborne pathogens/>.

*History Note: Authority G.S. 88A-16;
 Eff. December 1, 2010.*

21 NCAC 19 .0411 FOLLOW-UP PROCEDURES FOR EXPOSURES TO HEPATITIS, HUMAN IMMUNODEFICIENCY VIRUS (HIV), AND OTHER BLOOD-BORNE PATHOGENS

Electrologists shall comply with the blood-borne pathogens standards contained in the *Needlestick Safety and Prevention Act*, published in United States Occupational Safety & Health Administration (OSHA). Regulation 29 CFR 1910.1030, which is hereby incorporated by reference including subsequent amendments and editions. Copies may be obtained at no cost at <http://www.osha.gov/SLTC/bloodborne pathogens/>.

*History Note: Authority G.S. 88A-16;
 Eff. December 1, 2010.*

21 NCAC 19 .0601 CURRICULUM

(a) The course of study for electrolysis shall consist of at least 600 clock hours of instruction in theory and clinical practice as set out in the following table:

Subject	Theory Hours	Clinical Hours
General Orientation	20	0
Rules of the school		
Personal hygiene and dress		
Professional ethics and office rules		
State and local laws governing electrolysis		
History of electrolysis		
Trichology (Hair Growth)	20	0
Hair structure and function		
Growth cycles, including regrowth cycles		
Follicle structure and function		
Endocrinology	20	0
Causes of hair growth, including new hair stimulation		
Study and function of glands		
Dermatology	30	0
Skin structure and function		
Disease of the skin (as related to the practice of electrology)		
Reaction of the skin as related to the clinical application of electrolysis		
Neurology/Angiology (as related to electrology)	20	0
Nervous system		
Pain thresholds		
Pain variables		
Synoptic responses		
Circulatory system		
Cardiovascular system		
Lymphatic system		
Bacteriology	25	40
Sanitation		
Sterilization		
Rules and standards promulgated by the Board		

21 NCAC 19 .0412 STANDARD PRECAUTIONS FOR DISEASE CONTROL AND PREVENTION

Electrologists shall:

- (1) Wear a mask and eye protection or a face shield to protect mucous membranes of the eyes, nose and mouth during procedures and client care activities that are likely to generate splashed or sprays of blood and body fluids;
- (2) Wear a gown to protect skin and prevent soiling of clothing during procedures and client care activities that are likely to generate splashed or sprays of blood and body fluids;
- (3) Remove soiled gowns as promptly as possible and wash hands;
- (4) Prevent puncture injuries when using or cleaning instruments and when disposing of used needles.

*History Note: Authority G.S. 88A-16;
 Eff. December 1, 2010.*

APPROVED RULES

Subject	Theory Hours	Clinical Hours
Principles of Electricity	20	80
Short wave (Alternating) current		
Direct (Galvanic) current		
Equipment	30	200
Modalities		
Electrolysis (DC - Galvanic)		
Thermolysis (SW - Shortwave)		
Blend (Combination of Galvanic and Shortwave)		
Variables		
Probes		
Intensity		
Timing		
Depth of insertion		
Equipment maintenance and upkeep		
General Treatment Procedure	25	30
Consultation with clients		
Consultation instruction shall include methods of developing case histories and health history assessments and providing information on hair growth cycles, modalities used, pain factors, scheduling of appointments, and fees		
Positioning and draping		
Development of Practice	20	20
Public relations and advertisement		
Office procedure and management		
Record keeping		
Telephone etiquette		
Housekeeping (Office)		
Totals:	230	370

(b) The course of study for laser hair removal shall consist of at least 30 clock hours of instruction in theory and clinical practice, with a minimum of 20 hours in practical hands on instruction and at least 10 hours of basic science (Didactic) instruction in the use of laser and light-based hair removal or reduction devices in the following topics:

- (1) biology of hair;
- (2) laser and light-based terminology;
- (3) laser physics;
- (4) types of laser and light-based hair removal devices;
- (5) safety and precautions;
- (6) tissue interaction;
- (7) Fitzpatrick skin typing;
- (8) patient history form and consultation;
- (9) treatment contraindications;
- (10) sterilization procedures;
- (11) draping of patient;
- (12) pre-treatment and post-treatment care;
- (13) photo documentation; and
- (14) photosensitive drugs and disorders.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; Eff. June 1, 1993; Amended Eff. December 1, 2010.

21 NCAC 19 .0603 CERTIFICATIONS NOT TRANSFERABLE

Consistent with G.S. 88A-19 and G.S. 88A-19.1, school certifications are valid only for the location named in the certification and are not transferable either to a new owner or to

a new location. A school shall within 10 business days notify the Board in writing of a sale, transfer, change in management or change in ownership. Each school shall display its certification in a conspicuous place near the main entrance.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0604 PROGRAM DIRECTORS

Each school certified by the Board shall at all times be under the direction and supervision of a program director. The program director of each school shall be responsible for the organization, administration, development and general effectiveness of the school's electrolysis and laser, light source, or pulsed-light treatments training program.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. December 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0605 ENROLLMENT PROCEDURES

(a) Every school certified by the Board shall furnish to each student upon enrollment a signed copy of the school contract with the student and a copy of the school handbook which shall include the school curriculum as approved by the Board. The school shall also furnish to each student upon enrollment a copy of the statutes and rules governing electrologists or laser hair practitioners and the sanitation standards issued by the Board.

(b) Every school shall obtain from each student on enrollment a signed copy of the student's permission to receive electrolysis or laser, light source, or pulsed-light treatment. Any limitations on treatment shall be listed on the permission form.

(c) Within 10 business days after each student's enrollment, every school shall furnish the Board with the following:

- (1) The name, address, date of enrollment, telephone number and specification of day or evening classes of each student, recorded on the school's stationery;
- (2) A statement signed by the student stating that he or she has received a copy of the statutes and the rules governing electrologists or laser hair practitioners and the sanitation standards issued by the Board and is cognizant of the fact that in order to qualify for an electrologist or laser hair removal license, the student must meet the requirements of G.S. 88A-10 or G.S. 88A-11.1.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0608 SCHOOL EQUIPMENT

(a) Every electrolysis school certified by the Board shall provide and maintain at least the following equipment:

- (1) one high frequency or thermolysis (short wave) machine;
- (2) one galvanic/thermolysis (blend) machine;

- (3) stainless steel, insulated, and disposable epilation probes (or needles) of sizes 002, 003, 004, and 005;
- (4) at least one circuline type lamp, halogen lamp, or other type of magnifying lamp per treatment table;
- (5) two treatment tables and chairs for clients and adjustable chairs or stools for students;
- (6) a cabinet for towels and utilities for each table;
- (7) a covered trash container for each table;
- (8) covered containers for all lotions, soaps, cotton balls, tissues and other supplies and sterilizing solutions;
- (9) six dozen epilation forceps (or tweezers);
- (10) one plastic puncture resistant container (for used sharps) for each table;
- (11) one autoclave sterilizer, dry heat sterilizer and ultrasonic cleaner;
- (12) audio-visual teaching materials, and equipment; and
- (13) one multi-needle epilator.

(b) Only Federal Communication Commission (FCC) approved types of epilators and laser equipment registered by the federal Food and Drug Administration (FDA) shall be used by each school in training students.

(c) All epilators, laser equipment, autoclaves and dry heat sterilizers shall be state-of-the-art and shall be monitored monthly to ascertain effectiveness. Any changes from the list of equipment provided to the Board pursuant to G.S. 88A-19(a)(3) shall be reported to the Board.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0609 SCHOOL LIBRARY

Every school certified by the Board shall maintain a library containing at least one copy of each textbook used and shall make the books in the library available for use by the students. The school library shall contain the current copy of the International Board of Electrologist Certification (IBEC) compendium of study in preparation for examination by the Board.

History Note: Authority G.S. 88A-6; 88A-19; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0613 STUDENT/TEACHER RATIO AND EQUIPMENT

(a) For electrolysis, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in practical work. The school shall provide necessary equipment for each student and client.

(b) For laser, at least one instructor per 12 students, or fraction thereof, shall be in attendance at all times when students are engaged in practical work. A skills attained checklist that matches current curriculum requirements in Rule .0601(b) of this

Section shall be completed and signed off on by the instructor for each student. The school shall provide necessary equipment for each student and client.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. December 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0614 SCHOOL HOURS AND SCHEDULE

Every electrology or laser school certified by the Board shall maintain regular class hours with a daily schedule which shall be submitted to the Board for its approval every six months.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0617 SCHOOL ADVERTISEMENTS

A school certified by the Board for electrology or laser may advertise as such, but shall not in any way hold itself out as an electrolysis or laser hair removal office.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0618 PRIVATE PRACTICE IN A SCHOOL BUILDING

No private electrolysis practice shall be conducted in any room or enclosure during the time a school's activities are in session.

History Note: Authority G.S. 88A-6; 88A-16; 88A-19; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0619 EQUIPMENT ENDORSEMENTS AND SALES PROHIBITED

No school certified by the Board may endorse, recommend, advertise, promote, or sell any type of laser, light-based devices, epilator or other electrolysis or laser hair removal equipment to the students in the school or permit any other person to do so.

History Note: Authority G.S. 88A-6; 88A-19; 88A-19.1; 88A-20;
Eff. November 1, 1993;
Amended Eff. December 1, 2010.

21 NCAC 19 .0622 CERTIFICATION OF SCHOOLS IN OTHER STATES OR JURISDICTIONS

(a) The Board shall certify a school in another state or jurisdiction for purposes of G.S. 88A-10 provided that:

- (1) The school applies for certification, submits the information required by G.S. 88A-19(a)(1) through (6), and meets the requirements of 21

NCAC 19 .0602, .0606, .0607, .0608, and .0609;

- (2) If the school is in a state or jurisdiction that approves electrolysis schools, the school is approved by the proper agency for that state or jurisdiction; and

- (3) The school has a curriculum of at least 600 hours.

(b) The Board shall revoke the certification of a school in another state or jurisdiction upon a proof that the school in a jurisdiction that licenses electrologists has lost its approval in that state.

(c) The school must agree to teach North Carolina's sanitation standards to any student who states to the school an intention of taking North Carolina's licensing examination.

History Note: Authority G.S. 88A-6; 88A-9; 88A-19; 88A-21;
Eff. February 1, 1994;
Temporary Amendment Eff. September 17, 2001;
Amended Eff. December 1, 2010; December 4, 2002.

21 NCAC 19 .0701 CONTINUING EDUCATION REQUIREMENTS, LICENSE RENEWAL, REINSTATEMENT AND REACTIVATION

(a) Each electrologist licensed in this State shall complete at least one CEU each renewal period as a requirement for renewal of the electrologist's license. Over any two renewal periods, the Board will give credit for no more than one-half CEU in the area of business management.

(b) An electrologist or laser hair practitioner who has been placed on the inactive list by the Board for less than five years may present evidence of completion of one CEU within the 12 months preceding application for return to active status in satisfaction of the competency requirement of G.S. 88A-14 before the Board will return the electrologist or laser hair practitioner to active status.

(c) An electrologist or laser hair practitioner whose license has been expired for 90 days or more but less than five years may present evidence of completion of one CEU for each renewal period or part of a renewal period that has elapsed since the electrologist's or laser hair practitioner's license was last current in satisfaction of the competency requirement of G.S. 88A-12. At least one of the CEUs offered in satisfaction of a competency requirement must be completed within the 12 months immediately preceding the application for reinstatement.

(d) Not more than one CEU may be carried over per renewal period.

(e) In the initial year of licensure, new licensees tested after the sixth month of the calendar year shall not be required to obtain CEUs until the following renewal year.

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18;
Eff. March 1, 1995;
Amended Eff. December 1, 2010.

21 NCAC 19 .0702 BOARD APPROVAL OF COURSES

(a) The Board shall approve a program or course if it is:

- (1) In any subject required by 21 NCAC 19 .0601;
- (2) Offered by one of the following entities:
 - (A) a college or university authorized to grant degrees in this State;
 - (B) a state or national professional electrolysis or laser association;
 - (C) a school or Continuing Education (CE) provider certified by the Board;
 - (D) American Society of Laser Medicine (ASLM);
 - (E) American Academy of Dermatology (AAD); or
 - (F) an entity providing a program of Certified Medical Education (CME).

(b) The entity offering the program or course shall provide the Board with the information listed in Paragraph (c) of this Rule and shall certify to the Board the names of all electrologists licensed by the Board who attended the program or course and their actual hours of attendance.

(c) The Board shall not approve a program or course without the following information:

- (1) Title, location, and date of the course;
- (2) Sponsoring entity;
- (3) Course objective and content;
- (4) Hours of study; and
- (5) Name, education, and background of each instructor.

(d) An electrologist or laser hair practitioner seeking credit for a program or course offered by an entity not listed in Paragraph (a) of this Rule may request that the Board approve the course by submitting in writing, at least two months in advance of the course registration date, the information listed in Paragraph (c) of this Rule on an application form provided by the Board.

(e) The Board shall approve a program or course if requested pursuant to Paragraph (d) of this Rule on a finding that it offers an educational experience designed to enhance the practice of electrology or laser hair reduction as required by G.S. 88A-13. In determining whether or not to make this finding, the Board shall consider the program or course in light of the criteria set forth in The Continuing Education Unit Criteria and Guidelines, current edition, as adopted by the International Association for Continuing Education and Training (IACET) and incorporated herein by reference including subsequent amendments or editions. The presence of all criteria or the absence of individual criteria shall not be conclusive. Copies of The Continuing Education Unit Criteria and Guidelines, current edition, may be obtained at [http:// www.IACET.org](http://www.IACET.org).

(f) The Board shall notify the electrologist by mail of the Board's findings and decision. A change in subject matter, length, or instructor of a course requires reapproval by the Board. The entity offering the program or course shall either provide to the electrologist or provide directly to the Board certification of the electrologist's actual hours of attendance after the program or course is completed.

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18; Eff. March 1, 1995; Amended Eff. December 1, 2010.

21 NCAC 19 .0704 TIME LIMITS ON CREDIT

An electrologist or laser hair practitioner may carry over up to one CEU from one renewal period to the next. An electrologist or laser hair practitioner applying for reinstatement under 21 NCAC 19 .0203(b) who is presenting CEUs in satisfaction of competency requirements may, however, subject to the requirements of 21 NCAC 19 .0701(c), receive credit for that purpose for any CEUs taken during the time the applicant's license was expired.

History Note: Authority G.S. 88A-6; 88A-12; 88A-13; 88A-18; Eff. March 1, 1995; Amended Eff. December 1, 2010.

CHAPTER 36 – BOARD OF NURSING

21 NCAC 36 .0109 SELECTION AND QUALIFICATIONS OF NURSE MEMBERS

(a) Vacancies in nurse member positions on the Board that are scheduled to occur during the next year shall be announced in the last issue of the North Carolina Board of Nursing "Bulletin" for the calendar year, which shall be mailed to the address on record for each North Carolina licensed nurse and posted on the Board's website at www.ncbon.com. The "Bulletin" and website shall include a petition form for nominating a nurse to the Board and information on filing the petition with the Board.

(b) Each petition shall be checked with the records of the Board to validate that the nominee and each petitioner holds a current North Carolina license to practice nursing. If the nominee is not currently licensed, the petition shall be declared invalid. If any petitioners are not currently licensed and this decreases the number of petitioners to less than 10, the petition shall be declared invalid.

- (c) On forms provided by the Board, each nominee shall:
- (1) indicate the category for which the nominee is seeking election;
 - (2) attest to meeting the qualifications specified in G.S. 90-171.21(d);
 - (3) provide written permission to be listed on the ballot; and
 - (4) complete the Application for Boards and Commissions in accordance with Governor Perdue's Executive Order 55.

The forms must be received by the Board or postmarked on or before April 15.

(d) Minimum on-going employment requirements for the registered nurse or licensed practical nurse member shall include continuous employment equal to or greater than 50% of a full-time position that meets the criteria for the specified Board member position.

(e) This Paragraph applies in determining qualifications for registered nurse categories of membership:

- (1) Nurse Educator includes any nurse who teaches in or directs a Board approved nursing program in the specific category as outlined in G.S. 90-171.21(d).

- (2) Hospital is defined as any facility which has an organized medical staff and which is designed, used, and primarily operated to provide health care, diagnostic and therapeutic services, and continuous nursing services to inpatients, but excludes nursing homes and adult care homes.
 - (3) A hospital system is defined as a multihospital system, or a single diversified hospital system that includes a hospital as defined in Subparagraph (e)(2) of this Rule plus non-hospital preacute and postacute client services.
 - (4) A nurse accountable for the administration of nursing services shall be the chief nurse executive of a hospital, hospital system, or the director of nursing services for a service division that includes inpatient care within a hospital or hospital system.
 - (5) A nurse practitioner, nurse anesthetist, nurse midwife or clinical nurse specialist includes any advanced practice registered nurse who meets the criteria specified in G.S. 90-171.21(d)(4).
- (f) The term "nursing practice" when used in determining qualifications for registered or practical nurse categories of membership, means any position for which the holder of the position is required to hold a current license to practice nursing at the appropriate licensure level for each category.
- (g) A nominee shall be listed in only one category on the ballot.
- (h) Separate slates shall be prepared for election of registered nurse nominees and for election of licensed practical nurse nominees. Nominees shall be listed in random order on the slate for licensed practical nurse nominees and within the categories for registered nurse nominees. Slates shall be published in the "Bulletin" and posted to the Board website following the Spring Board meeting and shall be accompanied by biographical data on nominees and a passport-type photograph.
- (i) The procedure for voting shall be identified in the "Bulletin" following the Spring Board meeting.
- (j) The Board of Nursing may contract with a computer or other service to receive the votes and tabulate the results.
- (k) The tabulation and verification of the tabulation of votes shall include the following:
- (1) The certificate number shall be provided for each individual voting; and
 - (2) The certificate number shall be matched with the database from the Board.
- (l) A plurality vote shall elect. If more than one person is to be elected in a category, the plurality vote shall be in descending order until the required number has been elected. In any election, if there is a tie vote between nominees, the tie shall be resolved by a draw from the names of nominees who have tied.
- (m) The results of an election shall be recorded in the minutes of the next regular meeting of the Board of Nursing following the election and shall include at least the following:
- (1) the number of nurses eligible to vote;
 - (2) the number of votes cast; and
 - (3) the number of votes cast for each person on the slate.

- (n) The results of the election shall be forwarded to the Governor and the Governor shall commission those elected to the Board of Nursing.
- (o) All petitions to nominate a nurse, signed consents to appear on the slate, verifications of qualifications, and copies of the computerized validation and tabulation shall be retained for a period of three months following the close of an election.

History Note: Authority G.S. 90-171.21; 90-171.23(b); Eff. May 1, 1982; Amended Eff. August 1, 1998; January 1, 1996; June 1, 1992; March 1, 1990; April 1, 1989; Temporary Amendment Eff. July 2, 2001; Amended Eff. December 1, 2010; November 1, 2008; January 1, 2004; August 1, 2002.

21 NCAC 36 .0119 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d) the board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

History Note: Authority G.S. 93B-2; Eff. December 1, 2010.

21 NCAC 36 .0203 REINSTATEMENT OF LAPSED LICENSE

(a) The registrant whose license has lapsed and who desires reinstatement of that license shall:

- (1) furnish information required by these rules on forms provided by the Board;
- (2) submit evidence of unencumbered license in all jurisdictions in which a license is or has ever been held;
- (3) attest to having completed Continuing Competence requirements and be prepared to submit evidence of completion if requested by the Board as specified in 21 NCAC 36 .0232(b).
- (4) submit evidence of completion of all court conditions resulting from any misdemeanor or felony conviction(s);
- (5) submit such other evidence that the Board may require according to these rules to determine whether the license should be reinstated;
- (6) provide a statement of the reason for failure to apply for renewal prior to the deadline; and
- (7) submit payment of reinstatement and renewal fee.

(b) A member of the United States Armed Services is exempt from payment of reinstatement fee if on active duty and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

(c) The registrant whose license has lapsed for a period of five years or more shall also submit:

- (1) evidence of mental and physical health necessary to competently practice nursing; and

- (2) evidence of satisfactory completion of a Board-approved refresher course or proof of active licensure within the past five years in another jurisdiction.

(d) If a refresher course is required, the registrant shall apply for reinstatement of the license within one year of completing the refresher course in order to receive a current license. The application for reinstatement shall include verification from the provider of the refresher course that the registrant has satisfactorily met both theory and clinical objectives and is deemed competent to practice nursing at the appropriate level of licensure.

(e) The Board shall not reinstate a license if it is not satisfied as to the applicant's ability to practice nursing based on these rules.

History Note: Authority G.S. 90-171.23(b); 90-171.35; 90-171.37; 93B-15; 105-249.2; Eff. February 1, 1976; Amended Eff. December 1, 2010; December 1, 2008; January 1, 1996; February 1, 1994; August 3, 1992; January 1, 1990.

21 NCAC 36 .0226 NURSE ANESTHESIA PRACTICE

(a) Only those registered nurses who meet the qualifications as outlined in Paragraph (b) of this Rule may perform nurse anesthesia activities outlined in Paragraph (c) of this Rule.

(b) Qualifications and Definitions:

- (1) The registered nurse who completes a program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs, is credentialed as a certified registered nurse anesthetist by the Council on Certification of Nurse Anesthetists, and who maintains recertification through the Council on Recertification of Nurse Anesthetists, may perform nurse anesthesia activities in collaboration with a physician, dentist, podiatrist, or other lawfully qualified health care provider, but may not prescribe a medical treatment regimen or make a medical diagnosis except under the supervision of a licensed physician; and
- (2) Collaboration is a process by which the certified registered nurse anesthetist works with one or more qualified health care providers, each contributing his or her respective area of expertise consistent with the appropriate occupational licensure laws of the State and according to the established policies, procedures, practices and channels of communication which lend support to nurse anesthesia services and which define the role(s) and responsibilities of the qualified nurse anesthetist within the practice setting. The individual nurse anesthetist maintains accountability for the outcome of his or her actions.

(c) Nurse Anesthesia activities and responsibilities which the appropriately qualified registered nurse anesthetist may safely

accept are dependent upon the individual's knowledge and skills and other variables in each practice setting as outlined in 21 NCAC 36 .0224(a). These activities include:

- (1) Preanesthesia preparation and evaluation of the client to include:
 - (A) performing a pre-operative health assessment;
 - (B) recommending, requesting and evaluating pertinent diagnostic studies; and
 - (C) selecting and administering preanesthetic medications.
- (2) Anesthesia induction, maintenance and emergence of the client to include:
 - (A) securing, preparing and providing safety checks on all equipment, monitors, supplies and pharmaceutical agents used for the administration of anesthesia;
 - (B) selecting, implementing, and managing general anesthesia; monitored anesthesia care; and regional anesthesia modalities, including administering anesthetic and related pharmaceutical agents, consistent with the client's needs and procedural requirements;
 - (C) performing tracheal intubation, extubation and providing mechanical ventilation;
 - (D) providing perianesthetic invasive and non-invasive monitoring, recognizing abnormal findings, implementing corrective action, and requesting consultation with appropriately qualified health care providers as necessary;
 - (E) managing the client's fluid, blood, electrolyte and acid-base balance; and
 - (F) evaluating the client's response during emergency from anesthesia and implementing pharmaceutical and supportive treatment to ensure the adequacy of client recovery from anesthesia.
- (3) Postanesthesia Care of the client to include:
 - (A) providing postanesthesia follow-up care, including evaluating the client's response to anesthesia, recognizing potential anesthetic complications, implementing corrective actions, and requesting consultation with appropriately qualified health care professionals as necessary;
 - (B) initiating and administering respiratory support to ensure adequate ventilation and oxygenation in the immediate postanesthesia period;

- (C) initiating and administering pharmacological or fluid support of the cardiovascular system during the immediate postanesthesia period;
- (D) documenting all aspects of nurse anesthesia care and reporting the client's status, perianesthetic course, and anticipated problems to an appropriately qualified postanesthetic health care provider who assumes the client's care following anesthesia consistent with 21 NCAC 36 .0224(f); and
- (E) releasing clients from the postanesthesia care or surgical setting as per established agency policy.

Eff. July 1, 1993;
Temporary Amendment Eff. July 25, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. December 1, 2010; December 1, 1994.

CHAPTER 61 – RESPIRATORY CARE BOARD

21 NCAC 61 .0204 FEES

(a) Fees are as follows:

- (1) For an initial application, a fee of fifty dollars (\$50.00);
- (2) For issuance of an active license, a fee of one hundred twenty-five dollars (\$125.00);
- (3) For the renewal of an active license, a fee of seventy-five dollars (\$75.00);
- (4) For the late renewal of any license, an additional late fee of seventy-five dollars (\$75.00);
- (5) For a license with a provisional or temporary endorsement, a fee of fifty dollars (\$50.00);
- (6) For official verification of license status, a fee of twenty dollars (\$20.00);

(b) Fees shall be nonrefundable and shall be paid in the form of a cashier's check, certified check or money order made payable to the North Carolina Respiratory Care Board. However, personal checks shall be accepted for payment of renewal fees.

History Note: Authority G.S. 90-652(2);(9); 90-660;
Temporary Adoption Eff. October 15, 2001;
Eff. August 1, 2002;
Amended Eff. December 1, 2010; March 1, 2008; March 1, 2004.

(d) Other clinical activities for which the qualified registered nurse anesthetist may accept responsibility include, but are not limited to:

- (1) inserting central vascular access catheters and epidural catheters;
- (2) identifying, responding to and managing emergency situations, including initiating and participating in cardiopulmonary resuscitation;
- (3) providing consultation related to respiratory and ventilatory care and implementing such care according to established policies within the practice setting; and
- (4) initiating and managing pain relief therapy utilizing pharmaceutical agents, regional anesthetic techniques and other accepted pain relief modalities according to established policies and protocols within the practice setting.

History Note: Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21; 90-171.23; 90-171.42(b);

CONTESTED CASE DECISIONS

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

*Chief Administrative Law Judge
JULIAN MANN, III*

*Senior Administrative Law Judge
FRED G. MORRISON JR.*

ADMINISTRATIVE LAW JUDGES

Beecher R. Gray
Selina Brooks
Melissa Owens Lassiter
Don Overby

Randall May
A. B. Elkins II
Joe Webster

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u>				
ABC Commission v. Fusion Foods, Inc., T/A Coastal Blue	09 ABC 4672	Lassiter	11/08/10	
ABC Commission v. Quickstops of Guilford County, Inc., T/A Road Runner Express (Regional Road)	09 ABC 5421	Brooks	04/19/10	
ABC Commission v. Ghulam Khan v. T/A West Green Market	09 ABC 4303	Brooks	04/19/10	
ABC Commission v. Sarabjit Kaur v. T/A G&S Food Market	09 ABC 5257	Brooks	04/19/10	
ABC Commission v. Quickstops of Guilford County, Inc., T/A Road Runner Express (Lee Street)	09 ABC 5422	May	06/09/10	
ABC Commission v. Boulos 2, Inc., T/A Akron Texaco	10 ABC 0027	May	04/21/10	
ABC Commission v. Startown Lounge, Inc. T/A 5 O'clock Somewhere	10 ABC 0153	Gray	06/25/10	
ABC Commission v. Diversified Investments and Growth, LLC, T/A Petro Mart 6	10 ABC 0576	Webster	07/09/10	
ABC Commission v. Talmar Inc. D/B/A E-City Resturant and Lounge, Mary Ann Davidson and Ratanya Walker				
ABC Commission v. Scooby's Bar & Restaurant, Sherri Lynn Bridgeman	10 ABC 2512	Gray	08/02/10	
ABC Commission v. Alpha 3 Enterprises LLC, T/A Liquid Room	10 ABC 2659	Lassiter	07/14/10	
ABC Commission v. Taqueria Guadalajara II, Inc, Jaime Fuentes Vice President	10 ABC 3107	Brooks	07/15/10	
ABC Commission v. Ab3 LLC T/A On the Roxx	10 ABC 4120	Brooks	10/08/10	
ABC Commission v. El Corona Mexican Resturant Inc., T/A Corona II	10 ABC 4122	May	09/24/10	
ABC Commission v. Speed Dee Superette, Tonya Marchisella	10 ABC 4583	Brooks	11/04/10	
ABC Commission v. Ben Long Wang, T/A Sapporo Bistro	10 ABC 4843	May	10/15/10	
<u>BOARD OF SOCIAL WORK CERTIFICATION AND LICENSURE</u>				
Miriam Deborah Kahn Sichel v. Social Work Certification and Licensure Board	10 BSW 2454	Overby	06/25/10	
<u>DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY</u>				
Tammy S. Barbone v. Crime Victims Compensation Comm.	08 CPS 2667	Brooks	07/16/10	
Christine G. Mroskey v. Crime Victims Compensation	09 CPS 0451	Gray	06/24/10	
Ace Wrecker Service Inc, Secretary of Crime Control and Public Safety	09 CPS 2292	Overby	03/31/10	
William Pickard Trucking, Inc., William Pickard v. Dept. of Crime Control and Public Safety, State Highway Patrol	09 CPS 4692	Brooks	06/09/10	
California Overland Ltd., NC State Highway Patrol, Motor Carrier Enforcement Section	09 CPS 5225	Overby	05/12/10	
Earl Stanley Peters III v. Victims Compensation Service Division	09 CPS 5444	Elkins	08/30/10	
John Rose (Fliptastic, Inc) v. Department of Crime Control and Public Safety	09 CPS 5985	Gray	08/25/10	25:11 NCR 1345
Lynch's Auto Sales Salvage & Wrecker Service, inc v. Crime Control and Public Safety, Division of State Highway Patrol	09 CPS 6158	Lassiter	09/10/10	
Alice Conrad v. Crime Victims Compensation Commission	09 CPS 6168	Brooks	04/01/10	
Marius A. Christian v. State Highway Patrol	09 CPS 6368	Overby	08/13/10	
Jose H. Geronimo Ramirez v. Victims and Justice Services	09 CPS 6454	May	06/23/10	
David Leon Darby v. Division of Crime Control and Public Safety	09 CPS 6703	Overby	08/17/10	
Selective Clearing and Grading, Inc., Danny Creech, Lynn Creech v. Crime Control and Public	09 CPS 6726	Gray	07/29/10	

CONTESTED CASE DECISIONS

Safety				
Harry L. Foy Jr., Department of Crime Control and Public Safety, Div. of State Highway Patrol Motor Carrier Enforcement Section	09 CPS 6728	Overby	08/17/10	
James M. Abdella v. Department of Crime Control and Public Safety v. Motor Carrier Enforcement Div	09 CPS 6740	Overby	08/18/10	
AD Gustafson Inc., Andrew Gustafson v. State Highway Patrol	10 CPS 0071	Lassiter	07/30/10	
Benjamin C. Simmons III, Precision Custom Farming, LLC v. DMV	10 CPS 0419	Elkins	06/29/10	25:04 NCR 515
Keon J. Jones v. Victims Compensation Commission	10 CPS 0848	Webster	07/26/10	
X&M Trucking, Xavier Artis v. Dept State Highway Patrol, DMV	10 CPS 0855	Lassiter	07/20/10	
Preferred Materials Inc v. Department of Crime Control & Public Safety, DMV	10 CPS 0931	Elkins	08/30/10	
AD Gustafson, Inc., Andrew Gustafson v. Secretary of Crime Control	10 CPS 2072	Gray	06/15/10	
Tracy James Drake, SR v. Victims and Justice Services	10 CPS 2073	Brooks	08/30/10	
Michael A. Rossi Sr., v. Dept. of Crime Control and Public Safety, Div. of Victims Compensation Services	10 CPS 2478	Lassiter	08/30/10	
McLain, LLC, Phillip McLain v. NC State Highway Patrol	10 CPS 2515	Brooks	07/02/10	
Vincent John Hall v. Crime Victims Compensation Commission, Maxton Police Department, Officer Duron Burney	10 CPS 2811	Gray	10/04/10	
Anne F. Palmer v. Victim and Justice Services	10 CPS 3604	Lassiter	09/08/10	
Nivia Velandra v. Crime Victims Compensation Commission	10 CPS 4061	Gray	11/15/10	

A list of Child Support Decisions may be obtained by accessing the OAH Website: <http://www.ncoah.com/hearings/decisions/>

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Peterkin & Associates Inc v. DHHS	09 DHR 1883	Gray	10/15/10	
C&W Alternative Family Living Facility, Inc., v. CenterPoint Human Services and DHHS	09 DHR 3377	Brooks	06/16/10	
Kevin Summers v. DHHS, Div. of Health Service Regulation, Health Care Personnel Registry	09 DHR 3766	Overby	08/12/10	
Ward Drug Co. of Nashville Gary Glisson v. DHHS	09 DHR 3830	Webster	04/29/10	
Mekre Francis v. DHHS, Div. of Health Service Regulation	09 DHR 3935	Gray	05/27/10	
Mattie Lowe/Angela Lowe, Lowe Family Care Home #3 v. DHHS, Division of Health Service Regulation	09 DHR 4148	Gray	08/27/10	
Kid Ventures Inc., d/b/a Health Park Child Development Center v. Div. of Child Development DHHS	09 DHR 4887	Overby	06/22/10	
Nicol Smith v. DHHS	09 DHR 4932	Overby	09/01/10	25:11 NCR 4932
Kimberly N. Carter (Davis) v. DHHS, Div. of Health Service Regulation	09 DHR 5133	Webster	08/03/10	
A+ Child Development Center LLC, v. DHHS, Division of Child Development	09 DHR 5443	May	04/27/10	
Gail N. Highsmith v. DHHS	09 DHR 5513	Brooks	05/13/10	
Sarah J. Bridges v. DHHS	09 DHR 5583	Brooks	05/27/10	
Onslow MRI, LLC v. DHHS, Div. of Health Service Regulation, Certificate of Need Section and Jacksonville Diagnostic Imaging, LLC d/b/a Coastal Diagnostic Imaging	09 DHR 5617	Overby	06/24/10	
Jacksonville Diagnostic Imaging, LLC d/b/a Coastal Diagnostic Imaging v. DHHS, Division of Health Service Regulation, CON Section and Onslow MRI, LLC	09 DHR 5638	Overby	06/24/10	
Rex Hospital, Inc, d/b/a Rex Hospital and UNC and Wake Radiology Oncology Services v. DHHS, Division of Health Service Regulation, Certificate of Need Section and Parkway Urology, P.A.	09 DHR 5769	Gray	07/20/10	
University of North Carolina Hospitals at Chapel Hill, and Rex Hospital, Inc. d/b/a Rex Healthcare and Wake Radiology Oncology Services, PLLC v. DHHS	09 DHR 5770	Gray	07/20/10	
Wake Radiology Oncology Services, PLLC and University of North Carolina Hospitals at Chapel Hill and Rex Hospital, Inc. d/b/a Rex Healthcare v. DHHS, Division of Health Service Regulation, CON Section and Parkway Urology, P.A. d/b/a Cary Urology, P.A.	09 DHR 5785	Gray	07/20/10	
The Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Rehabilitation-Mount Holly and d/b/a Carolinas Health Care System v. DHHS, Div of Health Service Regulation CON Section and Caromont Health, Inc. and Gaston Memorial Hospital, Inc	09 DHR 6116	Brooks	07/26/10	25:08 NCR 1010
June Rae Crittenden v. Health Care Registry Section, DHHS	09 DHR 6166	Overby	03/29/10	
Kelvin Donelle Lewis v. Health Care Personnel Registry , Nurse Aide Registry	09 DHR 6196	Webster	04/05/10	
Elizabeth Ann Holt v. DHHS, Division of Health Service Regulation	09 DHR 6347	Brooks	03/31/10	
Gloria Manley v. DHHS-DCD	09 DHR 6816	Overby	06/24/10	
Estate of Nora L. Edwards, Wanda Harrington v. DHHS, Div. of Medical Assistance	09 DHR 6836	Overby	03/16/10	
Jerry Flood, Forever Young Group Care v. DHHS, Div. of Health Service Regulation	09 DHR 6839	Gray	10/01/10	
Teresa Dargan Williams v. DHHS, Division of Health Service Regulation	10 DHR 0246	Gray	05/21/10	
Lai-Fong Li v. DHHS, Division of Health Service Regulation	10 DHR 0248	May	09/02/10	25:11 NCR 0248
Fredrick DeGraffenreid v. DHHS, Division of Health Service Regulation	10 DHR 0326	Lassiter	08/18/10	
Helen Graves v. DHHS	10 DHR 0334	Elkins	08/30/10	
Carolyn E. Hall v. DHHS	10 DHR 0348	Lassiter	11/09/10	
Samuel and Nita Gaskin v. DHHS	10 DHR 0420	Overby	06/09/10	
Zulu Nwankwo v. DHHS, Div. of Health Service Regulation Mental Health Licensure and Cert.	10 DHR 0449	Webster	10/08/10	
TLC Adult Group Home, Sonja Hazelwood v. DHHS, Div. of Health Service Regulation	10 DHR 0485	Lassiter	06/11/10	
Tamekia Cain v. DHHS, Division of Health Service	10 DHR 0488	Gray	05/20/10	
Margarette Snow v. DHHS	10 DHR 0648	Mann	09/07/10	
Elizabeth Locke v. DHHS, Div. of Health Service Regulation, Health Care Personnel Registry	10 DHR 0678	Webster	06/17/10	
Cassandra Johnson v. Div. of Child Development, DHHS	10 DHR 0683	Brooks	06/29/10	
Karen Stutts v. DHHS	10 DHR 0719	May	08/18/10	
Candy Bynum-Anderson v. DHHS, Division of Facility Services, Health Care Personnel Registry	10 DHR 0793	Gray	07/29/10	
John J. Hannan v. Wake County Finance Dept	10 DHR 0831	Webster	08/27/10	

CONTESTED CASE DECISIONS

Ryan Bonscot Shearin v. Walter B. Jones Alcohol & Drug Treatment Center	10 DHR 0957	Gray	08/02/10
Jessica Monnot v. Wake Med EMS	10 DHR 0960	Elkins	09/20/10
Filmore Academy Educational Institute Inc v. DHHS, Div. of Child Development	10 DHR 1032	Elkins	08/30/10
Omega Independent Living Services Inc, Site IV v. Div. of Health Service Regulation	10 DHR 1173	Elkins	08/30/10
Group Homes of Forsyth, Inc., Independence Group Home MHL #034-151 v. DHHS, Div. of Health Service Regulation	10 DHR 1165	May	07/16/10
Timothy S. Wilson v. DHHS	10 DHR 1252	Brooks	06/18/10
Park Village Rehab and Health v. DHHS	10 DHR 1305	Elkins	09/15/10
Felicia J. Stewart v. DHHS, Div. of Health Service Regulation	10 DHR 1348	Lassiter	06/21/10
Phillip D. Hollifield, Administrator of the Estate of Phillip W. Hollifield v. DHHS	10 DHR 1448	Brooks	06/16/10
Wee Wiggles Child Care Center a/k/a P&L Services LLC, Patricia York, and Ramona Jones	10 DHR 1514	May	07/20/10
Carrollton Home Care Inc d/b/a Community Home Care & Hospice; Community Home Care & Hospice Inc. d/b/a Community Home Care & Hospice; and Community Home Care of Vance County Inc. d/b/a Community Home Care & Hospice v. DHHS, Div. of Health Service Regulation, CON Section and DHHS, Div. of Health Service Regulation Acute and Home Care Licensure and Certification Section	10 DHR 1614	Overby	08/11/10
Triad ENT Debbie Beck v. DHHS, Division of Medical Assistance	10 DHR 1668	May	08/04/10
Elizabeth House Blackwell v. DHHS, Div. of Health Service Regulation	10 DHR 1670	Overby	07/15/10
Sandbox Academy Child Care Center, Cynthia Martin v. OAH, DHHS	10 DHR 1837	Mann	08/27/10
Patrice Michele Harris-Powell v. DHHS, Div. of Health Service Regulation	10 DHR 2067	Elkins	07/26/10
Joseph B. Twine III v. DHHS	10 DHR 2068	Elkins	08/30/10
Lenora Wesley v. Division of Child Development, DHHS	10 DHR 2069	Gray	08/17/10
Deborah Gail Robinson v. DHHS, Health Service Regulation	10 DHR 2448	Elkins	10/18/10
Happy Feet Learning Center, Tamika Herron v. Division of Child Development, DHHS	10 DHR 2658	Mann	08/20/10
Community Helps Network, LLC v. Alamance-Caswell Local Management Entity f/k/a Alamance-Caswell MH/DD/SA	10 DHR 2660	Brooks	07/02/10
Michael Parks c/o Fresh Start Residential Services Inc v. Div. of Medical Assistance Program Integrity/BHRS	10 DHR 2661	Overby	07/21/10
Laytoya Daniels v. DHHS, Div. of Health Service Regulation, Health Care Personnel Registry	10 DHR 2913	Webster	08/27/10
The Circle of Courage Faith House (formerly Birges House) LaRonda Woods-Freeman v. DHHS Ms. Emery E. Milliken General Counsel	10 DHR 2937	Overby	08/13/10
Baker's Counseling and Mentoring Center, Inc., v. The Division of Mental Health, Developmental Disabilities and Substance Abuse Services	10 DHR 2989	Brooks	08/24/10
Ultimate Care LLC, Fostoria Pierson v. DHHS-NC State Atty Gen Office	10 DHR 3052	Brooks	08/23/10
Community Support Specialists, Annie Della Kenion v. Dept. of Mental Health, Substance Abuse and Development Disabilities, DHHS	10 DHR 3060	Overby	08/04/10
Positive Connection Community Services, Inc., DHHS	10 DHR 3128	Gray	07/30/10
Peggy's Home Health Care, Inc., DHHS	10 DHR 3309	Gray	07/30/10
Straight Walk Family Services., Inc., DHHS	10 DHR 3411	Gray	07/30/10
Our Future Child Care, Gloria Williams v. Div. of Child Development/DHHS	10 DHR 3448	Brooks	09/07/10
Vivian U. Enyinnaya v. DHHS, Division of Health Service Regulation	10 DHR 3470	Gray	09/07/10
The Lawson's House v. Division of Mental Health/Developmental Disabilities and Substance Abuse Services	10 DHR 3472	Gray	09/09/10
Felecia Moore Rhyne v. DHHS, Division of Health Service Regulation	10 DHR 3578	Brooks	09/07/10
Tiffany Horne v. DHHS	10 DHR 3579	Brooks	09/07/10
Pamela Terry-President/Administrator People Achieving Living Skills Inc. (PALS) v. DHHS, Div Of Health Service Regulation Mental Health Licensure & Certification	10 DHR 3883	Lassiter	08/18/10
King's Memorial Christian Academy v. DHHS, Div. of Child Development	10 DHR 4719	Gray	09/30/10
Patricia Hill, Building Joy in Healthcare v. DHSR	10 DHR 4842	Lassiter	09/23/10
Crandell's Enterprises Inc., Mary Ann Crandell-MHL #-092-669	10 DHR 5201	Overby	10/15/10

DEPARTMENT OF CORRECTION

Robert Lee Hood v. DOC	10 DOC 4838	Lassiter	10/11/10
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DEPARTMENT OF JUSTICE

Jay Eduard Krueger v. Criminal Justice Education and Training Standards Commission	06 DOJ 0578	Webster	06/29/10	
Scott Ray Berkley v. Criminal Justice Education and Training Standards Commission	09 DOJ 3750	Gray	06/25/10	
Tony Blaine Drake v. Criminal Justice Education and Training Standards Commission	09 DOJ 4151	Lassiter	04/14/10	
Daniel Brannon Gray v. Sheriff's Education and Training Standards Commission	09 DOJ 4364	May	03/15/10	
Phyllis Ann Johnson v. DOJ, Company Police Program	09 DOJ 5295	Elkins	05/03/10	25:01 NCR 111
Joseph Thomas DePrisco v. Criminal Justice Education and Training Standards Commission	09 DOJ 5354	Lassiter	06/01/10	
Michael Gray Solomon, Jr v. Sheriffs' Education and Training Standards Commission	09 DOJ 5648	Gray	06/30/10	
Lang Lemorris Harrison v. Sheriffs' Education and Training Standards Commission	09 DOJ 5649	May	07/30/10	
Kenneth Maidene, Jr v. Sheriff's Education and Training Standards Commission	09 DOJ 5650	Overby	04/19/10	
Dustin RY Hussey v. Sheriffs' Education and Training Standards Commission	09 DOJ 5857	Brooks	07/27/10	
Jeffrey Gray Royall v. Sheriffs' Education and Training Standards Commission	09 DOJ 5859	May	07/28/10	
Mitchell Ray Satterthwaite v. Criminal Justice Education and Training Standards Commission	09 DOJ 6326	Lassiter	07/16/10	
Dustin Matthew James v. Sheriffs' Education and Training Standards Commission	09 DOJ 6254	Gray	05/07/10	
Robert Clay Thompson v. Sheriffs' Education and Training Standards Commission	10 DOJ 0064	Webster	07/26/10	
Frankie Durwood Hill v. Sheriffs' Education and Training Standards Commission	10 DOJ 0065	Overby	07/24/10	
Charles Lovelace Williams v. Sheriffs' Education and Training Standards Commission	10 DOJ 0066	Gray	05/26/10	
Richard Anthony Simpson v. Sheriffs' Education and Training Standards Commission	10 DOJ 0155	Lassiter	07/21/10	
Phillip Daniel Griffin v. Sheriffs' Education and Training Standards Commission	10 DOJ 0156	Gray	07/21/10	

CONTESTED CASE DECISIONS

Anthony Paul Britt v. Sheriffs' Education and Training Standards Commission	10 DOJ 0157	Gray	06/02/10	
Wayne Keith Timmons v. Sheriffs' Education and Training Standards Commission	10 DOJ 0158	Gray	05/26/10	
Jeffrey Edward Byrd v. Sheriffs' Education and Training Standards Commission	10 DOJ 0389	May	05/26/10	
John David Dykes v. Criminal Justice Education and Training Standards Commission	10 DOJ 0391	Lassiter	08/10/10	
Jason Robert Bryant v. Sheriffs' Education and Training Standards Commission	10 DOJ 0394	Lassiter	09/29/10	
William Lee Walter v. Private Protective Services Board	10 DOJ 0528	Webster	04/22/10	
Mark Mauldin v. Criminal Justice Education and Training Standards Commission	10 DOJ 0583	Gray	07/29/10	
Thomas Bernard Clark v. Private Protective Services Board	10 DOJ 1009	Lassiter	07/23/10	
Michael H. Robinson v. DOJ, Company Police Program	10 DOJ 1093	Brooks	07/29/10	
Michael Luther Cole v. Private Protective Service Board	10 DOJ 1102	Lassiter	07/26/10	
Frederick Charles Newingham v. Private Protective Services Board	10 DOJ 1103	Lassiter	07/23/10	
Steven Daniel Blue v. Private Protective Service Board	10 DOJ 1250	Webster	08/03/10	
Brian Scott Bradshaw v. Alarm Systems Licensing Board	10 DOJ 1738	Webster	08/03/10	
Geoffrey Paul Doucette v. Sheriffs' Education and Training Standards Commission	10 DOJ 2378	Overby	08/20/10	
Vincent Vanlear McMillan v. Sheriffs' Education and Training Standards Commission	10 DOJ 3185	Gray	10/04/10	
Timothy Tracy Walker v. Criminal Justice Education and Training Standards Commission	10 DOJ 3288	Gray	09/13/10	

DEPARTMENT OF LABOR

Mac VIII Enterprises Inc, d/b/a Instant Imprints Michael McDonald v. DOL, John Hoomani Legal Counsel	10 DOL 3556	May	09/29/10	
Nader Behrouzjou v. Office of Administrative Hearings	10 DOL 3719	May	09/24/10	

DEPARTMENT OF TRANSPORTATION

Andrew Scott Treadway v. Commissioner of Division of Motor Vehicles, Mr. Robertson	10 DOT 3746	May	08/19/10	
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DEPARTMENT OF STATE TREASURER

Michael L. Bost Sr., v. Retirement System	09 DST 3781	May	04/15/10	
Jane C. Brocious v. State Treasurer Retirement System Division	09 DST 4066	Gray	03/25/10	25:03 NCR 350
Russell Ray Rouse v. DOT, Retirement Systems Division	10 DST 0068	Overby	07/21/10	

STATE BOARD OF EDUCATION

Benjamin Franklin Wyche Jr. v. State Board of Education	10 EDC 2449	Overby	07/20/10	
Dionne B. Stafford Pursley v. State Board of Education	10 EDC 2685	Overby	07/21/10	
Olivia C. Dombrowski v. Dept. of Public Instruction	10 EDC 3345	Gray	09/09/10	

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Quality Built Homes Inc. v. DENR, Division of Water Quality	09 EHR 2650	May	07/22/10	
Windy Woods, LLC v. DENR, Division of Water Quality	09 EHR 4621	Gray	06/04/10	25:05 NCR 674
Rufus E. Murray v. DENR, Division of Marine Fisheries	09 EHR 5042	Gray	07/23/10	
Joel F. Hollowell Oil Co, Inc 18,582.02 v. DENR	10 EHR 0287	Elkins	10/18/10	
Joel F. Hollowell Oil Co, Inc 16,969.43 v. DENR	10 EHR 0288	Elkins	10/18/10	
Joel F. Hollowell Oil Co, Inc 7,576.10 v. DENR	10 EHR 0289	Elkins	10/18/10	
Little Miracles Child Care, Margaret Mosley v. Moore County Health Department, DENR	10 EHR 0624	Gray	08/11/10	
Wyatt Aldridge Construction Inc. v. DENR, The Sedimentation Pollution Control Act of 1973	10 EHR 0796	Overby	10/14/10	
Bradford M. Kimzey v. DENR, Division of Environmental Health	10 EHR 0876	Overby	06/23/10	
Thom Road Development, LLC v. DENR, Div. of Land Resources	10 EHR 2723	Gray	09/13/10	
Peter Pallas v. Association of Local Health Directors	10 EHR 2972	Overby	09/02/10	
Saul Romero v. DENR, Div. of Environmental Health	10 EHR 3061	Gray	09/17/10	
Northview Mobile Home Park, James Rice v. DENR	10 EHR 3132	Gray	09/27/10	
Bill M. Klimvakis, Bill's Plumbing v. DENR, Division of Waste Management	10 EHR 3286	Overby	08/23/10	

DEPARTMENT OF INSURANCE

Tammy A. Lee v. Blue Cross Blue Shield of NC	09 INS 6817	Overby	05/03/10	
Benton E. Miles, Jr., State Health Plan	10 INS 0720	Brooks	06/08/10	
James Edward Summerlin v. State Health Plan	10 INS 2520	Gray	09/21/10	

OFFICE OF STATE PERSONNEL

Linda Cheryl Strider v. Vance County Board of Social Services	08 OSP 0904	Lassiter	06/25/10	
Gwendolyn E. White v. DHHS, Department of Information Resource Management (DIRM) Privacy and Security Office	08 OSP 0991	Webster	06/14/10	25:04 NCR 519
Jewel C. Mosley v. Wilson County Health Department, Felix Meyer, Director	08 OSP 2140	Gray	07/20/10	
Spencer Batchelor v. NCSU Campus Police	09 OSP 0059	Lassiter	03/29/10	25:03 NCR 358
Nedra T. Rollins v. NC State University	09 OSP 1536	Overby	06/07/10	
Bobby L. Murray v. NCCU	09 OSP 2149	Gray	06/18/10	25:07 NCR 933
Mekre Francis v. DHHS, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Murdoch Developmental Center	09 OSP 2813	Gray	05/27/10	
Willie Hubbs v. Broughton Hospital	09 OSP 3326	Brooks	04/19/10	25:03 NCR 372
Pamela D. Shoffner v. Agricultural and Technical State University, Mr. Linc Butler, Assistant Vice Chancellor for Human Resources	09 OSP 4432	Brooks	05/19/10	
Charolettee Hope v. Cumberland County Department of Social Services	09 OSP 4436	Gray	04/15/10	
O'Tonious T. Raynor v. DHHE, Emery Millikin	09 OSP 4648	Webster	07/26/10	25:07 NCR 948
Charles T. Hodge Jr. v. Mike Totolo, Vance County Public Schools	09 OSP 4977	Elkins	08/30/10	
Michael Karr v. DHHS, Division of Vocational Rehabilitation Services	09 OSP 5157	Elkins	07/19/10	25:07 NCR 960

CONTESTED CASE DECISIONS

Robert L. Hamm v. Department of Correction	09 OSP 5320	May	04/15/10	
Horace Blakeney v. UNC Charlotte	09 OSP 5352	Brooks	07/14/10	
Steven Dancy v. Appalachian State University	09 OSP 5566	Brooks	08/02/10	
Quintino Brooks v. NCCU	09 OSP 5567	Webster	04/28/10	25:03 NCR 379
Dwight Steven Murphy v. DHHS, Div. of Services for the Blind	09 OSP 5924	Webster	05/13/10	
LaCinda L. McKenzie v. O'Berry Center	09 OSP 6785	Lassiter	06/21/10	
Glenn Hodge v. DOT	10 OSP 0229	Lassiter	06/14/10	
Stephen R. West v. UNC	10 OSP 1567	Overby	09/02/10	
Janice F. Stokes v. DOC, Division of Community Corrections	10 OSP 2316	Gray	08/20/10	
Beverly Ann Wynn v. DOC, Div. of Community Corrections and Div. of Prisons	10 OSP 2415	Elkins	09/20/10	
Alvin L. Bess v. The County of Cumberland	10 OSP 2517	Overby	06/25/10	
Cynthia Lloyd v. Vance County	10 OSP 2577	Overby	08/30/10	
John Anthony McDonald, II v. DHHS, Division of Information Resource Management	10 OSP 2786	Gray	06/24/10	
Tammy R. Northern v. County of Durham Criminal Justice Resources Center	10 OSP 2904	Gray	08/20/10	
Cornelia G. Snow v. Wendy Godwin/Longleaf Neuro-Medical Treatment Center	10 OSP 2909	Lassiter	06/29/10	
Angela R. Harris v. DOC	10 OSP 3007	Lassiter	08/31/10	
Vance L. Yates v. DJJDP Dept. of Juvenile Justice & Delinquency Prevention	10 OSP 3155	Overby	08/20/10	
Maureen Marie Schepis v. DHHS, J. Iverson Riddle Developmental Center, Emery Milliken, DHHS General Counsel	10 OSP 3346	Gray	08/30/10	
George A. McLamb v. DOC	10 OSP 4398	Gray	10/20/10	
<u>OFFICE OF SECRETARY OF STATE</u>				
Jenny S. Thompson v. Department of SOS	09 SOS 2342	Lassiter	03/17/10	
Jessica Nicole Blackwell Lewis v. Dept. of SOS	09 SOS 6174	Elkins	08/30/10	
James D. Harrison v. Notary Public Commission	10 SOS 1515	May	06/15/10	
<u>TEACHING FELLOWS COMMISSION</u>				
Elizabeth Danial Dominique v. NC Teaching Fellows Commission	09 TFC 6833	Webster	09/24/10	25:11 NCR 1366
<u>UNC HOSPITALS</u>				
Alexander Lee v. UNC Hospitals	10 UNC 1095	Elkins	08/30/10	
Edwin Matthews v. UNC Hospitals	10 UNC 2576	Overby	09/13/10	