

# NORTH CAROLINA REGISTER

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March 16, 2026

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

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

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2026 – December 2026

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/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
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40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
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40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
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41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
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41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

\*Dates not approved by RRC

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

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

### FILING DEADLINES

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

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

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

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



# State of North Carolina

**JOSH STEIN**  
GOVERNOR  
February 5, 2026

**EXECUTIVE ORDER NO. 33**

**PROTECTING NORTH CAROLINIANS  
THROUGH STRONGER BEHAVIORAL HEALTH  
AND CRIMINAL JUSTICE SYSTEMS**

**WHEREAS**, Governor Josh Stein is committed to protecting all North Carolinians and recognizes that enhancing access to behavioral health resources and strengthening our criminal justice system are both necessary for a safer and stronger North Carolina; and

**WHEREAS**, according to Mental Health America, North Carolina ranks 38th nationally in access to mental health care; and

**WHEREAS**, in the past year, more than 1 in 5 adults in North Carolina experienced mental illness and about 1 in 20 adults in North Carolina experienced serious mental illness; and

**WHEREAS**, in 2023, up to 20 percent of children and adolescents in North Carolina experienced mental illness; and

**WHEREAS**, 97 of 100 North Carolina counties are designated Mental Health Professional Shortage Areas, which the federal Health Resources and Services Administration ("HRSA") defines as an area, population, or facility experiencing a shortage of mental health care providers; and

**WHEREAS**, according to the *2024-2029 Strategic Plan* for the North Carolina Department of Health and Human Services ("DHHS"), North Carolina's existing mental health workforce meets only 13 percent of mental health needs; and

**WHEREAS**, insufficient reimbursement rates are a key barrier to the recruitment and retention of the behavioral health workforce, deterring new providers from entering the behavioral health workforce and leading existing providers of behavioral health services to stop accepting insurance; and

**WHEREAS**, the Caregiving Workforce Strategic Leadership Council, led by DHHS and the North Carolina Department of Commerce, identified the behavioral health workforce as one of its key focus areas with the greatest need; and

**WHEREAS**, 12 out of 47 patient units among DHHS's state psychiatric hospitals are unable to be operated due to insufficient staffing; and

**WHEREAS**, the North Carolina Department of Adult Correction ("DAC") is facing dire staffing shortages for correctional officers, with 3,950 prison beds unavailable due to staffing shortages that result from the starting pay for North Carolina's correctional officers being the second lowest in the country, ultimately putting staff and the public at risk; and

**WHEREAS**, the North Carolina Department of Public Safety ("DPS") is facing dire staffing shortages for youth counselors, youth counselor technicians, and youth services behavioral specialists supporting youths in the juvenile justice system due to the non-competitive starting pay, which allows only 400 out of 445 beds to be operational within juvenile detention centers; and

**WHEREAS**, youths in the juvenile justice system needing crisis services in North Carolina must go to a hospital, which requires significant staffing resources, especially for extended stays; and

**WHEREAS**, there are persistent gaps in rural access to behavioral health services, including inconsistent availability of mental health and substance use disorder services, crisis response, and school-based care, along with underdeveloped care coordination and fragmented service delivery systems; and

**WHEREAS**, law enforcement officers and other first responders routinely encounter people experiencing behavioral health crises in their work; and

**WHEREAS**, there is recognition of the need to increase access to behavioral health resources for law enforcement and first responders, given the nature of their work; and

**WHEREAS**, law enforcement officers and first responders are more likely to die by suicide than in the line of duty; and

**WHEREAS**, many entities, including local law enforcement, the DPS, and organizations such as the North Carolina Council on Developmental Disabilities and the Autism Society of North Carolina conduct trainings to improve interactions for people with intellectual and developmental disabilities (“I/DD”) and first responders; and

**WHEREAS**, access to affordable, timely, and quality health care is a critical factor in preventing and managing mental health disorders; and

**WHEREAS**, 15.9 percent of adults with mental illness in North Carolina have private health insurance that does not cover treatment for mental or emotional problems; and

**WHEREAS**, North Carolinians are five times more likely to be forced to use out-of-network providers for mental health care than for primary care; and

**WHEREAS**, the Substance Abuse and Mental Health Services Administration and other groups, such as the National Alliance on Mental Illness (“NAMI”), have recommended broader expansion of insurance coverage for crisis services, especially for Medicare and commercial insurance; and

**WHEREAS**, North Carolina saw the largest drop in enrollment in the Affordable Care Act (“ACA”) health plans in 2026 due to the expiration of ACA premium tax credits on December 31, 2025, with 21 percent fewer enrollments in 2026, which is likely to decrease access to quality health care, including mental health services; and

**WHEREAS**, North Carolina launched the 988 suicide and crisis line in 2022 with investments in local call centers, mobile crisis teams, and crisis stabilization units; and

**WHEREAS**, according to analysis from NC Health News, involuntary commitment petitions in North Carolina nearly doubled from 2011 to 2021, exceeding 106,000 in 2021; and

**WHEREAS**, the average wait time for placement in a state psychiatric facility for a person in jail experiencing mental health problems is nearly six months; and

**WHEREAS**, concerns remain regarding the transport of patients with behavioral health needs, particularly during the involuntary commitment process, including the impact to patients being transported and the strain on the law enforcement personnel who are primarily responsible for such transport; and

**WHEREAS**, 76 percent of people who entered DAC custody in FY 2024-2025 had a substance use condition requiring placement in a DAC substance use treatment program, and 30 percent of that population had a co-occurring mental health condition; and

**WHEREAS**, 39 percent of males and 67 percent of females who entered DAC custody over the past five years had a need for mental health services; and

**WHEREAS**, more than 20,000 at-risk youths and their families are served annually through Juvenile Crime Prevention Councils, and among youths assessed, at least 38 percent were determined to have mental health needs; and

**WHEREAS**, youth activities that result in involvement in the justice system can increase a young person’s risk of adult criminal activity, lower educational attainment, difficulty finding a job, and additional trauma or psychological distress; and

**WHEREAS**, in 2025, there were 2,876 admissions to juvenile detention centers and 162 commitments to youth development centers statewide, and, on any given day, more than 600 North Carolina youths are served in these secure custody settings; and

**WHEREAS**, 97.7 percent of juveniles committed to North Carolina youth development centers had at least one mental health diagnosis, and, on average, these youths had four distinct mental health and/or substance use disorder diagnoses; and

**WHEREAS**, formerly incarcerated people are fellow North Carolinians and neighbors, and robust reentry services can improve outcomes for those reentering their communities and help them reduce further justice involvement; and

**WHEREAS**, on January 29, 2024, then-Governor Roy Cooper issued Executive Order No. 303, 38 N.C. Reg. 1036-1040 (February 16, 2024), which established a unified approach to improving education, rehabilitation, and reentry services for incarcerated and formerly incarcerated people in North Carolina; and

**WHEREAS**, North Carolina was one of the first states to join Reentry 2030, a national initiative that aims to improve reentry success, and DAC is leading a coordinated approach across government committed to helping the people in our custody navigate the complex transition process; and

**WHEREAS**, the North Carolina General Assembly invested a historic \$835 million in behavioral health, I/DD, and traumatic brain injury (“TBI”) services in the 2023 budget, and DHHS has made significant progress in implementing the behavioral health roadmap as highlighted in the *Transforming North Carolina’s Behavioral Health System* report in September 2024, with further opportunity to leverage this funding over coming years; and

**WHEREAS**, in December 2025, North Carolina received an award of \$213 million from the federal government for the Rural Health Transformation Program for the first year of a five-year program, and DHHS intends to make investments that address persistent rural gaps in behavioral health services; and

**WHEREAS**, ensuring North Carolinians can access basic supports like food, especially through programs like Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women Infants and Children (WIC), and SUN Bucks (or Summer Electronic Benefit Transfer program), along with housing, transportation, and employment can help people manage behavioral health conditions, ease the strain on the crisis system, and reduce involvement in the criminal justice system, including for people reentering communities; and

**WHEREAS**, the Governor is committed to strengthening North Carolina’s behavioral health and criminal justice systems, addressing public safety, enhancing access to behavioral health care, and improving overall health outcomes for North Carolinians.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

**Section 1. Definitions**

The Governor directs the use of the following definitions for this Executive Order:

- i. “Behavioral health crisis system” refers to the public health infrastructure, including the 988 Suicide and Crisis Hotline, crisis intervention teams, mobile crisis team, co-responder teams, behavioral health urgent cares (“BHUC”), facility-based crisis (“FBC”) units, and Local Management Entity-Managed Care Organizations (“LME/MCOs”) that support people experiencing mental health or substance use disorder crises.
- ii. “Functional Family Therapy” is a short-term, evidence-based intervention program for at-risk youths and their families, focusing on improving family dynamics to address behavioral issues, substance abuse, and delinquency.
- iii. “Juvenile Crime Prevention Councils” are located in all 100 counties, and these funded partnerships (state, county, and local) produce a continuum of needed sanctions and

services at the local level, address the issues of delinquent juveniles and juveniles most likely to become delinquent, and address the family issues surrounding delinquent behavior.

- iv. “Juvenile Justice Behavioral Health Teams” are a statewide network of local and state teams at the LME/MCO level that work to increase awareness of and access to treatment programs for youths in the justice system who have substance use or mental health challenges. These teams deliver guidance and support to court officials; help create and support local networks of evidence-based, family-centered services and supports; and connect youths and their families with community resources via care management and navigation.
- v. “High-Priority Reentry Program” is a collaboration between DHHS, DAC, and the LME/MCOs that provides care coordination to eligible adults with severe mental illnesses who are leaving prison. The program provides specialized care coordination teams that work with adults before and after release from prison. The continuity of care includes development of a care plan, organization of behavioral health services, and coordination of referrals to services and supports. These services and supports include but are not limited to housing, food, employment, health care, transportation, and other social determinants of health.
- vi. “Local Management Entity-Managed Care Organizations (“LME/MCOs”)” are behavioral health managed care organizations that provide regional behavioral health and I/DD coverage in North Carolina. They operate Behavioral Health I/DD Tailored Plans for Medicaid enrollees and also coordinate services for serious mental illness, severe substance use disorder, I/DD, or TBI for NC Medicaid Direct beneficiaries and Eastern Band of Cherokee Indians (“EBCI”) Tribal Option members. There are four LME/MCOs operating across the state and serving all 100 counties: Alliance Health, Partners Health Management, Trillium Health Resources, and Vaya Health.
- vii. “Mobile Outreach, Response, Engagement and Stabilization (“MORES”)” is a team-based crisis response intervention for children and adolescents experiencing emotional or behavioral needs. It provides access to a licensed clinician, a psychiatric consultation, support and resources, and follow-up care for eight weeks. MORES is aimed at promoting safe behavior and supporting and maintaining youths in their homes and communities while reducing long-term placements in residential settings and Emergency Department admissions.
- viii. “Multi-Systemic Therapy (“MST”)” is an intensive, evidence-based treatment for youths with serious behavioral challenges, including those at risk of or returning from out-of-home placement, involved in chronic or violent offending, or experiencing mental health or substance use disorders. MST delivers individualized interventions in the home and community through a coordinated, team-based approach.
- ix. “Single-Stream Funding” is state funds, allocated by the North Carolina General Assembly, used by LME/MCOs to pay for mental health, substance use, and I/DD services for individuals who are uninsured and underinsured.
- x. “Specialty Mental Health Supervision Initiative” is a multifaceted program managed by DAC and aimed at addressing high rates of recidivism and supervision violations among people with mental health conditions and substance use disorders. The initiative includes special trainings for probation/parole officers and prepares trained officers to manage reduced-size caseloads of people with serious mental illnesses and co-occurring substance use disorders. The program provides officers and chiefs with ongoing trainings and includes stakeholder engagement and active collaboration with community resources.
- xi. “Treatment Accountability for Safer Communities (“TASC”)” is a program managed by DHHS that connects the justice system and treatment system to improve mental health and reduce drug use and crime in all 100 North Carolina counties. TASC has a network that provides care management services to people with substance use or mental health disorders who are involved in the criminal justice system. TASC works collaboratively with individuals, public systems, and community-based service providers to promote healthy and safe communities.

- xii. “The 988 Suicide and Crisis Lifeline (“988”)” is a joint federal and state partnership, launched nationwide and in North Carolina in July 2022, providing any North Carolinian experiencing a behavioral health crisis a three-digit phone number to call or text to receive help.

**Section 2. Supporting the Behavioral Health and Public Safety Workforce**

The Governor directs the Office of State Human Resources (“OSHR”) to assist DAC, DHHS, and DPS in expanding recruitment, implementing programs to improve hiring and retention, and addressing shortages of state agency staff critical to behavioral health and public safety.

Additionally, in consultation with the Office of State Budget and Management (“OSBM”), OSHR shall analyze salaries required to attract talent within local markets for relevant state positions at DHHS, DPS, and DAC; calculate additional funding needed for these salaries; and identify strategies that could fund such salary increases.

DPS and DHHS shall continue to offer the Responder Assistance Initiative (“RAI”) program, which provides a variety of confidential and free wellness resources, behavioral health treatment services, and peer support and consultation, to local and state emergency responders and explore strategies to increase awareness of the program in support of all public safety personnel, including through public outreach.

DPS shall provide voluntary training for law enforcement and other first responders on interacting with people who have developmental or cognitive differences.

**Section 3. Strengthening the Behavioral Health Crisis System**

The Governor directs DHHS to:

- i. Convene the NC Payers Council to develop processes to increase coverage of crisis services by private insurers in North Carolina to align with services provided by the public crisis system.
- ii. Recommend strategies for standardizing and improving the behavioral health crisis system across North Carolina, including how single-stream and Medicaid funding can be used most effectively to support the crisis system.
- iii. Expand models that embed mental health providers into 911 centers and better integrate mental health providers into 911 protocols by increasing coordination and transfers between 911 and 988 personnel; expand co-responder models that integrate mental health providers with law enforcement responding to behavioral health-related calls; and develop recommendations, in partnership with local governments that oversee 911 centers, to increase coordination between 911 and 988 around call handling and transfer protocols, cross-training for staff at 911 and 988, data sharing when appropriate, and increased education for the public to clarify when to use each number.

Additionally, DHHS and DPS shall recommend strategies to improve mental health transport and hold processes in emergency departments in a manner that protects the safety of the person being transported, the transporters, and the general public, including use of co-responder models, use of civilian positions for transport, and provision of appropriate crisis training for any professional completing transport.

**Section 4. Improving the Involuntary Commitment Process**

The Governor directs DHHS to convene a working group to recommend reforms to involuntary commitment (“IVC”) in North Carolina. The working group shall also work with mental health providers and hospitals to reliably and consistently implement existing IVC laws and any future reforms.

**Section 5. Strengthening Behavioral Health Treatment for Incarcerated People**

The Governor directs DHHS to standardize delivery of the TASC program and to partner with DAC to improve its application in North Carolina correctional facilities.

**Section 6. Supporting Juvenile Justice Youths with Behavioral Health Needs**

The Governor directs DPS, in partnership with DHHS, to provide recommendations on the creation of a facility within the Division of Juvenile Justice and Delinquency Prevention to provide in-patient intensive services for juveniles with the most serious behavioral health needs in order to better serve their behavioral health needs in a secure custody environment.

DPS and DHHS shall implement Section 5121 of the 2023 Consolidated Appropriations Act in such a way as to ensure continued behavioral health services for juveniles leaving juvenile justice.

DPS and DHHS shall collaborate to expand community-based behavioral health services and additional evidence-based practices for juveniles, including but not limited to MORES teams, MST, Juvenile Crime Prevention Council programming, and Functional Family Therapy as well as provision of crisis services to juveniles for IVC.

**Section 7. Improving Reentry Supports for People with Mental Health Needs**

The Governor directs DAC, in partnership with DHHS, to convene a working group to recommend strategies for improving or expanding services and supports to people with mental health conditions who are leaving DAC custody or are under DAC supervision, including but not limited to individuals in DAC's Specialty Mental Health Supervision Initiative and in the High-Priority Reentry Program.

**Section 8. Savings Clause**

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

**Section 9. No Private Right of Action**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

**Section 10. Effect and Duration**

This Executive Order is effective immediately and shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of February in the year of our Lord two thousand and twenty-six.

  
\_\_\_\_\_  
Josh Stein  
Governor

ATTEST:

  
\_\_\_\_\_  
Timothy L. Crowley  
Chief of Staff, Secretary of State



Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Anua  
PO Box 77457  
Greensboro, NC 27417

For: Modifications to the Innovative Approval for the Puroflo Peat Biofilter System

Application by: Premier Tech Water and Environment Ltd  
1 avenue Premier  
Riviere-du-Loup, Quebec G5R 6C1

For: Modifications to the Innovative Approval for the Ecoflo Peat-based Biofilter System

DHHS Contact: Wilson Mize  
919-270-9665  
Fax: 919-845-3973  
[wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov)

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, [wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov), or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

North Carolina License and Theft Bureau

PUBLIC NOTICE

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

Applicant's Name: Alliance RV LLC

Applicant's Address: 301 Benchmark drive

Application Date: 02/12/2026

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

Thomas Coley Brady – Co-owner

Ryan Brady – Co-owner

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. 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-21.3A(c)(2)g. that the Medical Care Commission intends to readopt without substantive changes the rules cited as 10A NCAC 13L .0101, .0201-.0204, and .0301-.0303.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): https://info.ncdhhs.gov/dhsr/index.html

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: April 15, 2026

Time: 10:00 a.m.

Location: DHHS Headquarters, 1915 Health Services Way, Conference Rm 2210, Raleigh NC 27607

Reason for Proposed Action: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 13L, Nursing Pool Licensure, 8 rules determined as "Necessary," requiring readoption. With input from stakeholders, no substantive changes are proposed for readoption of these rules in North Carolina.

Comments may be submitted to: Shanah Black, 1915 Health Services Way; 2701 Mail Service Center, Raleigh, NC 27607; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: May 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

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

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

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

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13L - NURSING POOL LICENSURE

SECTION .0100 - GENERAL INFORMATION

10A NCAC 13L .0101 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - LICENSING

10A NCAC 13L .0201 APPLICATION FOR LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 13L .0202 ISSUANCE OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 13L .0203 PROGRAM COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 13L .0204 PUBLIC DISPLAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - ADMINISTRATION

10A NCAC 13L .0301 WRITTEN POLICIES AND PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 13L .0302 PERSONNEL RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 13L .0303 INSURANCE REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Medical Care Commission intends to

readopt without substantive changes the rules cited as 10A NCAC 13M .0101, and .0201.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://info.ncdhhs.gov/dhsr/index.html>

Proposed Effective Date: October 1, 2026

Public Hearing:

Date: April 16, 2026

Time: 10:00 a.m.

Location: DHHS Headquarters, 1915 Health Services Way, Conference Rom 2210, Raleigh, NC 27607

Reason for Proposed Action: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapters 10A NCAC 13M, Mammogram and Pap Smear Certification, 2 rules determined as "Necessary," requiring readoption. With input from stakeholders, no substantive changes are proposed for readoption of mammogram and pap smear certification.

Comments may be submitted to: Shanah Black, 1915 Health Services Way; 2201 Mail Service Center, Raleigh, NC 27607; phone (919) 855-3481; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: May 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM

No fiscal note required

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13M - MAMMOGRAM AND PAP SMEAR CERTIFICATION

SECTION .0100 - PAP SMEAR CERTIFICATION

10A NCAC 13M .0101 STATE CERTIFICATION FOR LABORATORIES CONDUCTING PAP SMEARS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - MAMMOGRAPHY CERTIFICATION

10A NCAC 13M .0201 STATE CERTIFICATION OF SCREENING MAMMOGRAPHY SERVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Criminal Justice Education and Training Standards Commission intends to readopt with substantive changes the rules cited as 12 NCAC 09G .0411, and .0412.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: May 15, 2026

Time: 10:00AM

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>

Reason for Proposed Action: To outline the curriculum requirements for the basic training courses and abbreviated courses for Correctional Officers and Probation/Parole Officers.

Comments may be submitted to: Holly Cardoza, 1700 Tryon Park Dr, Garner, NC 27529; phone (919) 661-5991; email [hcardoza@ncdoj.gov](mailto:hcardoza@ncdoj.gov)

Comment period ends: May 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive

written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

**CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION**

**SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0411 BASIC TRAINING FOR CORRECTIONAL OFFICERS**

(a) ~~The basic training course for correctional officers shall consist of at least 160 hours of instruction, as approved by the Commission, Correctional Officer Basic Training (COBT) Course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer. The instructional components of this course must be listed in the "Basic Correctional Officer Training Manual," and shall include firearms training; controls, restraints, and defensive techniques; legal issues for correctional supervision; emergency procedures; Division of Prisons operational processes such as classification, search and seizure, health services, and contemporary correctional theory. The COBT Course shall consist of a minimum of 160 hours of instruction and include the following course topics:~~

- (1) Firearms;
- (2) Defensive Protection;
- (3) Legal Issues for Correctional Supervision;
- (4) Emergency Procedures;
- (5) Operational Processes;
- (6) The Institution Culture;
- (7) Basic Life Support; and
- (8) Contemporary Correctional Theory.

~~(b) The "Basic Correctional Officer Training Manual" as published by the North Carolina Department of Correction is to be applied as the basic curriculum for delivery of correctional officer basic training courses. Copies of this publication may be inspected at the office of the agency:~~

~~The Office of Staff Development and Training  
North Carolina Department of Correction~~

~~2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina  
27699 4213~~

~~and may be obtained at cost from the Department of Correction.~~  
(b) The Abbreviated COBT Course shall consist of instruction designed to provide trainees that have prior experience as correctional officers, pursuant to 12 NCAC 09G .0305(b), with the skills and knowledge to perform those tasks essential to function as a correctional officer. The Abbreviated COBT Course shall consist of a minimum of 50 hours of instruction and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Legal Issues for Correctional Supervision;
- (4) Emergency Procedures;
- (5) Operational Processes;
- (6) The Institutional Culture; and
- (7) Contemporary Correctional Theory.

*Authority G.S. 17C-6; 17C-10.*

**12 NCAC 09G .0412 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS**

~~(a) The basic training course for probation/parole officers shall consist of at least 216 hours of instruction, as approved by the Commission, Probation/Parole Officer Basic Training (PPOBT) Course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The instructional components of this course shall be listed in the "Basic Probation/Parole Officer Training Manual," and shall include firearms training; administrative matters, review and testing; controls, restraints, and defensive techniques; court processes; case processing and management; arrest procedures; basic life support; employee wellness; professional ethics; personal and professional conduct; and contemporary correctional theory. The PPOBT Course shall consist of a minimum of 216 hours and include the following course topics:~~

- (1) Firearms;
- (2) Defensive Protection;
- (3) Court Processes;
- (4) Case Processing and Management;
- (5) Arrest Procedures;
- (6) Basic Life Support;
- (7) Employee Wellness;
- (8) Professional Ethics;
- (9) Personal and Professional Conduct; and
- (10) Contemporary Correctional Theory.

~~(b) The "Basic Probation/Parole Officer Training Manual" as published by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be applied as the curriculum for probation/parole officer basic training courses specified in Paragraph (a) of this Rule. Copies of this publication may be inspected at the office of the agency:~~

~~The Office of Staff Development and Training  
North Carolina Department of Public Safety~~

Division of Adult Correction and Juvenile Justice  
2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina 27699-4213

and may be obtained at the cost of printing and postage from the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

(b) The Abbreviated PPOBT Course shall consist of instruction designed to provide trainees that have prior experience as probation/parole officers, pursuant to 12 NCAC 09G .0305(b), with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The Abbreviated PPOBT Course shall consist of a minimum of 50 hours of instruction and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Court Processes;
- (4) Case Processing and Management;
- (5) Arrest Procedures;
- (6) Professional Ethics;
- (8) Personal and Professional Conduct; and
- (9) Contemporary Correctional Theory.

Authority G.S. 17C-6; 17C-10.

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*Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Criminal Justice Education and Training Standards Commission intends to adopt the rule cited as 12 NCAC 09I .0109, readopt with substantive changes the rules cited as 12 NCAC 09A .0101, .0103, .0204-.0206; 09B .0403, .0414; 09C .0303; 09G .0303, .0304, and readopt without substantive changes the rules cited as 12 NCAC 09A .0102, .0106, .0107, .0201-.0203, .0207; 09B .0103-.0106, .0111, .0212, .0215, .0238, .0242, .0408, .0409; 09C .0308, .0601, and .0607.*

*Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

**Proposed Effective Date:** October 1, 2026

**Public Hearing:**

**Date:** May 15, 2026

**Time:** 10:00 A.M.

**Location:** Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>

**Reason for Proposed Action:** Technical changes; to readopt rules in accordance with the periodic review process; to amend

*summary suspension proceedings; to update the timeframe for situations where a certification can be suspended, revoked, or denied; to update probationary certification requirements for juvenile justice officers, juvenile court counselors, and chief court counselors; to update certification requirements for correctional officers and probation/parole officers.*

**Comments may be submitted to:** Holly Cardoza, 1700 Tryon Park Dr, Garner, NC 27529; phone (919) 661-5991; email [hcardoza@ncdoj.gov](mailto:hcardoza@ncdoj.gov)

**Comment period ends:** May 15, 2026

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

**CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

**SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES**

**12 NCAC 09A .0101 LOCATION**

The North Carolina Criminal Justice Standards Division Education and Training Standards Commission is established in the Department of Justice and is located ~~in the Old Education Building, 114 West Edenton Street,~~ at 1700 East Tryon Park Drive, in Raleigh, North Carolina. The mailing address is:

North Carolina Criminal Justice Standards Division  
~~Education and Training Standards Commission~~  
Post Office Drawer 149  
Raleigh, North Carolina 27602  
Telephone (919)716-6470 (919)661-5980

Authority G.S. 17C-3; 17C-6.

12 NCAC 09A .0102 PURPOSE (READOPTIO  
WITHOUT SUBSTANTIVE CHANGES)

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F:

- (1) "Active Duty Military" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.
- (2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.
- (4) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Juvenile Justice.
- (5) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09A .0201, or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (7) "Convicted" or "Conviction" means the entry of:
  - (a) a plea of guilty;
  - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
  - (c) a plea of no contest, nolo contendere, or the equivalent.
- (8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).
- (9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.
- (10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Agency Head" also includes a designee appointed in writing by the Agency Head.

- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (13) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located.
- (14) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:
  - (a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and
  - (b) for Department of Public Safety, Division of Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.
- (15) "High School" means an educational program that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (16) "In-Service Training" means all training that must be completed, pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.
- (17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.
- (19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the

innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

- (20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.
- (21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.
- (22) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.
- (23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement

training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

- (24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.
- (25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- (26) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
  - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was

sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website:

<http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>.

Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a

- (ii) term of more than six months but not more than two years; driving while license permanently revoked or permanently suspended;
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(27) "Qualified Assistant" means an additional staff person designated by the School Director, pursuant to Rule 09B .0201 of this Chapter, to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(29) "School" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(30) "School Director" means the person designated by the sponsoring institution or agency to administer the school, pursuant to Rule 09B .0201 of this Chapter.

(31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including ~~RADAR~~, ~~Time Distance~~, RADAR and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

(32) ~~"Time Distance" means a speed measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.~~

Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217.

**12 NCAC 09A .0106 CRIMINAL JUSTICE STANDARDS DIVISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09A .0107 PROCEDURES FOR PETITIONS FOR RULE-MAKING (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0200 - ENFORCEMENT OF RULES**

**12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09A .0202 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09A .0203 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

- (1) a felony offense; or
- (2) a criminal offense for which the authorized punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

- (1) has not completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).
- (2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;
- (3) has committed or been convicted of:
  - (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or

- (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;
- (4) has been separated by a criminal justice agency for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's ~~license.~~ license;
- (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;
- (6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;
- (7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;
- (8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
- (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
- (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;
- (12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;
- (14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;
- (15) has performed activities or duties for which certification by the Commission is required

without having first obtained the appropriate certification; or

- (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;
- (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,
  - (A) while on duty;
  - (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;
  - (C) while on or off duty on the premises operated by the employing criminal justice agency;
  - (D) while in uniform of the employing agency in a public place;
  - (E) with an employee with whom the person had at the time supervisory responsibilities; or
  - (F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

- (18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

- (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
- (2) commission or conviction of a criminal offense for which punishment is authorized by law to include imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
- (3) the second suspension of an officer's certification for any of the causes requiring a

five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by ~~these Rules;~~ 12 NCAC 09C .0310;
- (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;
- (4) ~~material misrepresentation~~ misrepresentation, including omitting or knowingly providing false information of any information required for certification or accreditation;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;
- (6) failure to make ~~either any~~ any of the notifications as required by 12 NCAC 09B .0101(13);
- (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; ~~or~~
- (9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A .~~0103(24)(b),~~ .0103(26)(b) regardless of the date of ~~conviction.~~ commission or conviction;
- (10) engaging in sexual activity outlined in Rule .0204(b)(17) of this Subchapter; or
- (11) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Sheriffs' Standards Division as outlined in Rule .0204(b)(18) of this Subchapter.

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, .0225, .0235, and 0236;
- (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC ~~09E~~. 09E .0100.

*Authority G.S. 17C-6; 17C-10.*

**12 NCAC 09A .0206 SUMMARY SUSPENSIONS**

(a) The Commission, by and through the ~~Probable Cause Committee, Director~~, shall summarily suspend the certification of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the certification if the public health, safety, or welfare requires action pursuant to G.S. 150B-3. The Commission has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the ~~Probable Cause Committee, as outlined in 12 NCAC 09A .0201~~, Director, shall summarily suspend a certification of a criminal justice officer if:

- (1) the person has ~~committed or~~ been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification;
- (2) the certified officer fails to complete the in-service training requirements as prescribed in 12 NCAC ~~09E~~; 09E .0100; or
- (3) the certified officer has produced a positive result on a urinalysis test, conducted in accordance with 12 NCAC 09C .0310;

~~(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee shall meet only upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.~~

~~(c) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings for suspension and revocation.~~

~~(d) The Director, upon receipt of information showing the existence of a basis for summary suspension provided for in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule. All affected persons shall be notified that the person may submit any pertinent matters to the Probable Cause Committee for its consideration before the Committee acts on the summary suspension issue. No person shall be allowed more than 48 hours to submit information to the Probable Cause Committee.~~

~~(e) Upon oral notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the officer or instructor shall not perform duties requiring certification by the Commission.~~

~~(b)~~ The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415.12(a)(4) that is not in compliance with 12 NCAC 09F .0102 shall do the following until such time as the training course has been brought into compliance or reported to the Probable Cause Committee for action:

- (1) summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her from delivering concealed carry handgun training until the Director determines the training program is brought into compliance with 12 NCAC 09F .0102 and 12 NCAC 09F .0105 of this Chapter; and
- (2) inform the instructor that he or she may appeal the Director's suspension by requesting, in writing, a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

~~(c)~~ The Commission, by and through the Director, upon determining that a Commission-certified instructor has conducted a Commission-approved training course in a way that was not in accordance with the requirements of this Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum standards as outlined in 12 NCAC 09B .0301 shall do the following until such time as the training course or his or her instructor certification has been brought into compliance:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the noncompliance is remedied; and
- (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

~~(d)~~ The Commission, by and through the Director, upon determining a Commission-certified instructor has been alleged to have violated a certification rule as outlined in this Chapter shall do the following:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the matter is resolved; and
- (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

~~(e) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings for suspension or revocation.~~

~~(e)~~ The Commission, by and through the Director, upon determining that a criminal justice officer who was issued a waiver of the requirements of 12 NCAC 09C .0306 has not met those requirements within 60 days of being awarded general certification by the Commission, shall summarily suspend the

officer's certification until the officer meets the requirements of 12 NCAC 09C .0306.

(f) The Commission, by and through the Probable Cause Committee, shall summarily suspend the certification of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the certification if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

(g) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings for suspension or revocation.

*Authority G.S. 17C-6; 17C-10; 150B-3; Eff. January 1, 1981.*

**12 NCAC 09A .0207 ADMINISTRATIVE HEARING PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT; EDUCATION; AND TRAINING**

**SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT**

**12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0104 MEDICAL EXAMINATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0105 EMPLOYMENT INTERVIEW (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0111 CRIMINAL HISTORY RECORD (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION**

**12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0215 SUPPLEMENTAL SMI TRAINING (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0238 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR LIDAR OPERATORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0242 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR AND LIDAR OPERATORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**

**12 NCAC 09B .0403 EVALUATION FOR OF LAW ENFORCEMENT TRAINING WAIVER**

(a) To be eligible for law enforcement certification, applicants shall:

- (1) have completed the Commission-accredited Basic Law Enforcement Training (BLET) Course and have passed the BLET Comprehensive State Exam, pursuant to 12 NCAC 09B .0205 and .0406, within one year prior to certification; or
- (2) meet one of the criteria and applicable training and experience requirements, outlined in Paragraphs (b) through (i) of this Rule. For the purposes of this Rule, in the determination of prior full-time experience as a sworn law enforcement officer, the employing agency that submits the applicant's prior certification documents shall indicate whether the officer's experience was full-time or part-time.

(b) Individuals who have completed a Commission-accredited BLET Course and have not been duly appointed and sworn as a law enforcement officer within one year of completion of the course shall not be eligible to receive probationary law enforcement certification unless:

- (1) they complete a subsequent Commission-accredited BLET Course, pursuant to Rule .0405(a) of this Section, and achieve a passing score on the State Comprehensive Exam pursuant to Rule .0406 of this Section; or
- (2) the appointing agency requests in writing the extension of the one-year eligibility period within one year and 30 days following the individual's successful completion of the comprehensive state exam, and the Director determines that a delay in applying for certification was not due to inaction or fault on the part of the applicant.

(c) Prior to applying for law enforcement officer certification, individuals who have completed a Commission-accredited BLET Course and have a minimum of one year of full-time experience as a sworn law enforcement officer in North Carolina and have been separated from a sworn law enforcement officer position for over one year but less than three years shall:

- (1) complete all required Mandatory In-Service Training for the two years prior to application; and

- (2) complete the firearms qualification for the current year, pursuant to 12 NCAC 09E .0106 and .0108.

(d) Prior to applying for law enforcement officer certification, individuals who have completed a Commission-accredited BLET Course and have a minimum of one year of full-time experience as a sworn law enforcement officer in North Carolina and have been separated from a sworn law enforcement officer position for over three years but less than five years shall:

- (1) complete all required Mandatory In-Service Training for the two years prior to application;
- (2) complete the firearms qualification for the current year, pursuant to 12 NCAC 09E .0106 and .0108; and
- (3) achieve a passing score on the BLET comprehensive state exam, pursuant to 12 NCAC 09B .0406.

(e) Prior to applying for law enforcement officer certification, individuals who have completed a Commission-accredited BLET Course, were separated from a sworn law enforcement position during their initial 12-month probationary period, and have been separated for over one year but less than five years shall:

- (1) complete all required Mandatory In-Service Training for the two years prior to application;
- (2) complete the firearms qualification for the current year, pursuant to 12 NCAC 09E .0106 and .0108; and
- (3) achieve a passing score on the BLET comprehensive state exam, pursuant to 12 NCAC 09B .0406.

Upon certification, the individual shall complete the remainder of the probationary period prior to being eligible for general law enforcement certification.

(f) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission and the standards contained in Parts (1) through (4) of this Paragraph. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has been employed in a full-time, sworn law enforcement position during the previous 12 months. A deputy sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not been employed in a full-time, sworn law enforcement position during the previous 12 months.

- (1) An applicant holding an active general certification with the Sheriffs' Commission shall be eligible for law enforcement certification, provided that the applicant:
  - (A) Does not have a break in service of greater than 12 months;
  - (B) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2006 for each year certification was held; and
  - (C) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement

Training State Comprehensive Examination.

- (2) An applicant holding an inactive probationary or general certification with the Sheriffs' Commission shall be eligible for law enforcement certification, provided that the applicant:

- (A) Has served a minimum of 24 months of full-time sworn service or does not have a break in service of greater than 12 months;
- (B) Has completed the mandatory in-service training requirements during the calendar year in which it was required, pursuant to 12 NCAC 10B .2006, with the exception of firearms qualification; and
- (C) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.

- (3) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(4)(b) shall meet the following requirements to obtain probationary certification from the Commission:

- (A) Have a minimum of 24 months of sworn, full-time law enforcement service;
- (B) Not have a break in service of greater than 12 months; and
- (C) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .2006 during the previous two years.

- (4) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303.

(g) Applicants for law enforcement certification who have completed a basic law enforcement training course from another state's law enforcement training academy, have a minimum of two years of full-time experience as a sworn law enforcement officer in a different state, and have a break in service of less than three years prior to application shall be considered out-of-state transferees. Training received in states with laws governing or regulating law enforcement training shall have been approved or certified by the appropriate agency of the state in which the training was received. An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. To be eligible for law enforcement certification, each out-of-state transferee shall:

- (1) complete the required 40-hour out-of-state legal considerations block of training developed by

the NC Justice Academy, and complete the end of course exam;

- (2) complete the required practical skills assessments;
- (3) achieve a passing score on the BLET comprehensive state examination, pursuant to 12 NCAC 09B .0406; and
- (4) complete with a passing score the employing agency's firearms qualification as prescribed in 12 NCAC 09E .0106.

(h) Applicants who have performed duties for the Federal Government as a Criminal Investigator (GS 1811), or a federal law enforcement officer, as defined in the Office of Personnel Management General Schedule, Qualification Standards (<https://www.opm.gov/policy-data-oversight/classification-standards/1800/criminal-investigation-series-1811/>); have not had a break in service exceeding three years prior to applying for certification; have two years' full-time, sworn law enforcement experience; and have completed a basic law enforcement training course as required by their appointing federal agency shall be considered federal transferees. An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Division staff shall evaluate each federal transferee's prior training and experience to determine if equivalent training has been completed. For the purposes of this Rule, equivalent training is the topics of instruction completed at a federal, military, or out-of-state law enforcement training academy. To be eligible for law enforcement certification, each federal transferee shall:

- (1) complete the following training blocks of Basic Law Enforcement Training, pursuant to 12 NCAC 09B .0205:
  - (A) Arrest Search, Seizure, and Constitutional Law;
  - (B) Juvenile Law and Procedures; and
  - (C) Motor Vehicle Law.
- (2) complete each of the following training blocks of Basic Law Enforcement Training, pursuant to 12 NCAC 09B .0205, unless the applicant has provided documentation of prior completion of equivalent training, as evaluated by Division staff:
  - (A) Crisis Intervention: Interacting with Special Needs Populations;
  - (B) First Responder;
  - (C) Person Crimes;
  - (D) Property Crimes;
  - (E) Crimes Against the Public;
  - (F) Domestic Violence;
  - (G) Human Trafficking;
  - (H) Traffic Law Enforcement;
  - (I) Traffic Crash Investigations;
  - (J) Standardized Field Sobriety Testing;
  - (K) Patrol Techniques;
  - (L) Crowd Management;
  - (M) Courtroom Security;
  - (N) Rapid Deployment to an Active Attacker;

- (O) Civil Process;
- (P) Transporting and Processing;
- (Q) Controlled Substances;

- (3) achieve a passing score on the BLET State Comprehensive Examination pursuant to 12 NCAC 09B .0406;
- (4) complete with a passing score the employing agency's firearms qualification as prescribed in 12 NCAC 09E .0106;

(i) Applicants with prior military law enforcement experience shall refer to Rule .0701 of this Subchapter.

~~(a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with prior law enforcement experience shall have been employed in a full time, sworn law enforcement position in order to be considered for training evaluation under this Rule. Applicants for certification with a combination of full time and part time experience shall be evaluated on the basis of the full time experience only. The determination of full time or part time is determined by the employing agency who submits the applicant's certification documents. For the purposes of this Rule, equivalent training is the topics of instruction successfully completed at a federal, military or out of state law enforcement training academy. The following criteria shall be used by Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:~~

- (1) ~~Persons having completed a Commission-accredited Basic Law Enforcement Training Course and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the course shall complete a subsequent Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to inaction or fault on the part of the applicant, in which case the Director shall accept a Commission-accredited Basic Law Enforcement Training Course that is over one year old. The appointing agency shall request in writing the extension of the one year period, which shall not exceed 30 days from the first year anniversary of the passing of the State Comprehensive Examination;~~
- (2) ~~Out of state transferees shall be evaluated to determine the amount and quality of their training and experience. Out of state transferees shall not have a break in service exceeding three years. At a minimum, out of state transferees shall have two years' full time, sworn law enforcement experience and have completed a basic law enforcement training course accredited by the transferring state. An~~

individual's attendance at his or her basic law enforcement class shall not count towards the two years' full time sworn law enforcement experience. Prior to employment as a certified law enforcement officer, out of state transferees shall complete with a passing score the employing agency's in service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. In addition, out of state transferees shall complete the Legal Unit in a Commission accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;

(3) Persons who have completed a 369 hour Commission accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1984, have been separated from a sworn position for over one year but less than three years, and who have had a minimum of two years' experience as a full time, sworn law enforcement officer in North Carolina shall complete the Legal Unit in a Commission accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall complete with a passing score the employing agency's in service firearms training and qualification program as prescribed in 12 NCAC 09E .0106;

(4) Persons who have completed a 396 hour Commission accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1984, have been separated from a sworn position more than one year but less than five years and who have a minimum of two years' experience as a full time, sworn law enforcement officer in North Carolina, who have not committed, as defined in 12 NCAC 09A .0103(5), or been convicted of a disqualifying criminal offense as listed in Rule .0111(a) of this Subchapter, and who have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year the person was separated from a sworn position prior to employment as a certified law enforcement officer shall complete the topic areas within the following time frames:

(A) Prior to employment as a certified law enforcement officer, the person shall

complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106;

(B) Prior to employment as a certified law enforcement officer, the person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics set forth in Rule .0205(b)(5) of this Subchapter. The person shall also successfully complete the Police Officer Physical Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test may be completed either in a Commission accredited Basic Law Enforcement Training Course or under the instruction of a Commission certified instructor for that particular skill. The person shall also meet the requirements per Rule .0101 of this Subchapter; and

(C) Within 12 months of being issued probationary certification, the person shall complete the remaining topics in the legal unit of instruction in the Commission accredited Basic Law Enforcement Training Course as set forth in Rule .0205(b)(1) of this Subchapter. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission accredited Basic Law Enforcement Training Course or under the instruction of a Commission certified instructor for that particular topic of instruction.

An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full time sworn law enforcement experience. Persons who meet the criteria of this Part shall be processed as a probationary certification and shall serve a one year probationary period as defined in 12 NCAC 09C .0303;

(5) Persons who have been separated from a sworn position for over one year but less than three years who have had less than two years' experience as a full time, sworn law enforcement officer in North Carolina shall complete a Commission accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, and achieve a passing score on the State Comprehensive Examination;

(6) Persons who have been separated from a sworn position for over three years who do not meet the criteria of Subparagraph (4) of this

- ~~Paragraph shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall achieve a passing score on the State Comprehensive Examination;~~
- (7) ~~Persons who have been separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited Basic Law Enforcement Training Course and who have been separated from a sworn law enforcement position for more than one year shall complete a subsequent Commission-accredited Basic Law Enforcement Training Course and shall achieve a passing score on the State Comprehensive Examination;~~
- (8) ~~Upon reappointment to the same agency or appointment to another agency, persons who have been separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited Basic Law Enforcement Training Course shall be charged with the cumulative amount of time served during his initial or subsequent appointments and allowed the remainder of the probationary period to complete Commission requirements, but shall not be required to complete an additional Commission-accredited Basic Law Enforcement Training Course;~~
- (9) ~~Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have been separated from a sworn law enforcement position for over one year but less than two years shall complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12-month probationary period;~~
- (10) ~~Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been separated from a sworn law enforcement position for two or more years shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, regardless of training and experience, and shall achieve a passing score on the State Comprehensive Examination;~~
- (11) ~~Persons who have completed a minimum 240-hour Commission-accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1978, and continuing through September 30, 1984, and have been separated from a sworn position over one year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12-month probationary period;~~
- (12) ~~Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;~~
- (13) ~~Individuals seeking certification with the Commission who have performed duties for the Federal Government as a Criminal Investigator (GS 1811) as defined in the Office of Personnel Management General Schedule, Qualification Standards (<https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1800/criminal-investigation-series-1811/>), who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. For the purposes of this Rule, equivalent training is the topics of instruction successfully completed at a federal, military, or out of state law enforcement training academy. The following criteria shall be used by Standards Division staff in Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements. At a minimum, individuals shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These~~

individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics;

- (14) Federal law enforcement transferees other than those listed in Subparagraph (a)(13) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period;
- (15) Applicants with part time experience who have a break in service in excess of one year shall complete a Commission accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
- (16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission and the standards contained in Parts (A) through (D) of this Subparagraph. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has been employed in a full-time, sworn law enforcement position during the previous 12 months. A deputy sheriff

certified with the Sheriffs' Commission shall be considered inactive if he or she has not been employed in a full time, sworn law enforcement position during the previous 12 months.

- (A) The Standards Division shall issue certification to an applicant holding active general certification with the Sheriffs' Commission provided that the applicant:
  - (i) Does not have a break in service of greater than 12 months;
  - (ii) Has completed the mandatory in service training requirements pursuant to 12 NCAC 10B .2005 for each year certification was held; and
  - (iii) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.
- (B) The Standards Division shall issue certification to an applicant holding inactive certification with the Sheriffs' Commission provided that the applicant:
  - (i) Holds inactive probationary or general certification with the Sheriffs' Commission;
  - (ii) Has served a minimum of 24 months of full time sworn service or does not have a break in service of greater than 12 months;
  - (iii) Has completed the mandatory in service training requirements pursuant to 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification; and
  - (iv) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.
- (C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12

NCAC 10B .0505(6)(b) shall meet the following requirements in order to obtain probationary certification from the Commission:

- (i) Have a minimum of 24 months of sworn, full time law enforcement service;
  - (ii) Not have a break in service of greater than 12 months; and
  - (iii) Have completed all mandatory in service requirements pursuant to 12 NCAC 10B .2005 during the previous two years.
- (D) An applicant who is a criminal justice officer, as defined in G.S. 17C 2(3), and who is elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303;
- (17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full time service;
- (18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full time service;
- (19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F 9C, Return to Duty Request form. This form is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>;
- (A) Active duty members of the armed forces eligible for probationary

certification pursuant to this Paragraph and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;

- (B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:
- (i) The person shall complete the previous year's required in service training topics, the current year's required in-service training topics, and complete the appointing agency's in service firearms training and qualification program as prescribed in 12 NCAC 09E .0106 prior to their return to active criminal justice status;
  - (ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that

~~particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a physician per Rule .0104(b) of this Subchapter; and~~

(iii)

~~The person shall complete required topics in the legal unit of instruction in the Commission accredited Basic Law Enforcement Training Course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice status; and~~

(20)

An active duty member of the armed forces who completes the Commission accredited Basic Law Enforcement Training Course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory in service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms and Qualification testing requirements contained in 12 NCAC 09E .0105(a)(3) for each year subsequent to the completion of the Commission accredited Basic Law Enforcement Training Course, and achieves a passing score on the State Comprehensive Examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period

~~of 12 months from the date he or she separates from active duty status in the armed forces. All mandatory in service training topics as prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary certification.~~

(b) ~~If an evaluation, conducted by Standards Division staff, of the applicant's prior training and experience determines that required attendance in the entire Commission accredited Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the amount of training the individual shall complete during his or her probationary period.~~

(c) ~~The following criteria shall be used by Standards Division staff in evaluating prior training and experience of local confinement personnel to determine eligibility for a waiver of training requirements:~~

(1)

~~Persons who hold probationary, general, or grandfather certification as local confinement personnel and separate after having completed a Commission accredited basic training course as prescribed in Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall complete a subsequent Commission accredited basic training course and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Subchapter;~~

(2)

~~Upon reappointment to the same agency or appointment to another agency, persons who have been separated from a local confinement personnel position during their probationary period after having completed a Commission accredited basic training program course shall be charged with the cumulative amount of time served during his initial or subsequent appointments and allowed the remainder of the probationary period to complete Commission requirements, but shall not be required to complete an additional Commission accredited basic training course.~~

(3)

~~Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. No additional training shall be required where the applicant obtained certification and successfully completed the required 120 hour training course and has not had a break in service in excess of one year; and~~

(4)

~~Persons holding certification for local confinement facilities who transfer to a district or county confinement facility shall complete the course for district and county confinement facility personnel, as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State Comprehensive~~

~~Examination during the probationary period as prescribed in Rule .0401(a) of this Subchapter.~~

Authority G.S. 17C-6; 17C-10; 17C-10.1; 93B-15.1.

**12 NCAC 09B .0408 COMPREHENSIVE STATE EXAMINATION-SMI OPERATOR CERTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0409 SATISFACTION OF TRAINING - SMI OPERATORS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09B .0414 COMPREHENSIVE STATE EXAM - SPECIALIZED INSTRUCTOR TRAINING**

(a) The Commission shall administer a comprehensive state examination within 60 days of the completed required course work for the following courses:

- (1) Specialized Firearms Instructor Training;
- (2) Specialized Driver Instructor Training;
- (3) Specialized Compliance and Control Tactics Instructor Training;
- (4) Specialized Physical Fitness Instructor Training;
- (5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;
- (6) ~~Radar~~ RADAR Instructor Training;
- (7) ~~Criminal Justice Time Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;~~
- ~~(8)~~(7) LIDAR Instructor Training;
- ~~(9)~~(8) Re-Certification Training for ~~Radar~~ RADAR Instructors; and
- (10) ~~Re-Certification Training for TD/SMI Instructors; and~~
- ~~(11)~~(9) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the ~~certified~~ approved course curriculum.

~~(c) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each trainee examined.~~

~~(d)~~(c) A trainee shall achieve a passing score on the comprehensive state examination if he or she achieves 75 80 percent correct answers.

(d) A trainee who has achieved a minimum score of 70 percent but below the passing score of 80 percent on the comprehensive state examination is eligible for a re-examination of the comprehensive state examination.

(e) Trainees enrolled in a RADAR or LIDAR Instructor Re-Certification Course must achieve a minimum score of 80 percent on the comprehensive state examination. Those who do not meet this requirement are ineligible for a retest and must instead re-enroll and complete the next available Speed Measuring Instrument Operator and Instructor courses corresponding to the certification they are seeking.

~~(f)~~(f) A trainee who fails to achieve a minimum score of 75 70 percent on the Commission's comprehensive state examination

shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

Authority G.S. 17C-6; 17C-10.

**SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

**SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS**

**12 NCAC 09C .0303 PROBATIONARY CERTIFICATION**

(a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or commence active service as an officer, the employing agency shall have in its possession the person's Probationary Certification.

(b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice employment, as specified in Rule .0101 of this Subchapter when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: [http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJD\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJD)--6-11.aspx). The process for issuing probationary certification is as follows:

- (1) The Standards Division shall issue the person's Probationary Certification to the employing agency.
- (2) If an oath is required, the official administering an oath of office to the person shall be presented the person's Probationary Certification prior to the swearing. The administering official shall sign and date the oath on the Probationary Certification. The employing agency shall return a copy of the signed Probationary Certification to the Standards Division within 10 days of the administration of the officer's oath.
- (3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter the date on which the officer's service commenced, returning a copy of the certification to the Standards Division within 10 days of the commencement of the officer's service.

(c) The officer's Probationary Certification shall remain valid for ~~one year~~ 12 months from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency. ~~agency for cause.~~

(d) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training outlined in 12 NCAC 09B .0235 or .0236, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, pursuant to

12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(d)~~(c) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

~~(e)~~(f) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under Paragraphs ~~(b), (c) and (d)~~(b) through (e) of this Rule.

~~(f)~~(g) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, the department head of the criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not more than 20 days after the administration of their oath of office.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09C .0308 SPEED MEASURING INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0600 - EQUIPMENT AND PROCEDURES**

**12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ANNUAL ACCURACY TESTS AND DAILY OPERATIONAL PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION**

**SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS**

**12 NCAC 09G .0303 PROBATIONARY CERTIFICATION**

(a) A prospective employee may commence service as a correctional officer or probation/parole officer at the time of employment with the North Carolina Department of Adult Correction.

(b) Within 90 days of appointment to a position for which the Commission requires certification, the North Carolina Department of Adult Correction shall submit a completed Application for Certification Corrections Officer ~~(F-5A)~~(Form F-5A), pursuant to 12 NCAC 09I .0109, to the Standards Division. ~~The Application for Certification Corrections Officer (F-5A) shall include the:~~

- ~~(1) applicant's name, social security number, date of birth, driver's license number, and email;~~
- ~~(2) position being applied for;~~
- ~~(3) criminal offense record;~~
- ~~(4) past disciplinary actions;~~
- ~~(5) military service record;~~
- ~~(6) education information; and~~
- ~~(7) signature of agency head or authorized representative.~~

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Adult Correction submits a completed Application for Certification Corrections Officer (Form F-5A) to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Adult Correction.

(e) The officer's Probationary Certification shall remain valid for 12 months one year from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(f) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training, pursuant to 12 NCAC 09G .0411 and .0412, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(g)~~(g) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain documentation of Probationary Certification in the officer's personnel records.

(h) Officers with Probationary Certification who have completed the required basic training and who, through promotional opportunities or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their Probationary Certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G .0208 and .0209 (except 12 NCAC 09G .0208(5) and .0209(5)) on Form F-5C(DAC), pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction. Upon reinstatement of their Probationary Certification, the officer must complete the remainder of their 12-month probationary period prior to being eligible for General Certification.

Authority G.S. 17C-6; 17C-10.

**12 NCAC 09G .0304 GENERAL CERTIFICATION**

(a) The Commission shall grant an officer General Certification when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General

Certification as specified in Rules .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and ~~are exempted from re-verification~~ shall complete a verification of employment standards of 12 NCAC 09G ~~.0205~~, .0208 (except 12 NCAC 09G ~~.0208(4)~~), .0208(5) and .0209 (except 12 NCAC 09G ~~.0209(4)~~), .0209(5)) on Form F-5C (DAC), pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of certified corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Form F-D Notice of Transfer ~~Transfer~~, pursuant to 12 NCAC 09I .0108, to the Standards Division.

(1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.

(2) The Commission shall grant an officer General Certification as the new type of corrections officer when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, within the officer's probationary period and the officer has met all other requirements for General Certification.

Authority G.S. 17C-2; 17C-6; 17C-10.

**SUBCHAPTER 09I – FORMS FOR CRIMINAL JUSTICE EMPLOYMENT, EDUCATION, AND TRAINING**

**SECTION .0100- FORMS FOR USE IN TRAINING PROGRAMS AND INSTRUCTOR CERTIFICATION**

**12 NCAC 09I .0109 CERTIFICATION FORMS – ADULT CORRECTION**

The following Commission-approved forms shall be used during the application process for correctional officer or probation/parole officer certification:

- (1) Form F-5A (DAC), Adult Correction Report of Appointment and Application, shall include the following information about the applicant:
  - (a) type of certification applying for;
  - (b) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;
  - (c) prior certification history, including whether the applicant previously held a position requiring certification or licensure from any commission, board, or agency and whether any previous certification was suspended or revoked;
  - (d) whether the applicant has ever been denied employment for a position with a law enforcement agency, corrections agency, or security agency;
  - (e) names and types of relationships with any family member in prison, jail, or on probation or parole;
  - (f) history of illegal drug use;
  - (g) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;
  - (h) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;
  - (i) military history, including date and type of last discharge, and the branch, type of discharge, and start and end dates of service for all periods of active duty;
  - (j) explanation for any type of military discharge other than honorable;
  - (k) report of appointment information to be completed by the agency authorized representative, including: applicant's position title, beacon number, effective date, education and degree information, date of fingerprinting, date DCI checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab, whether Forms F-1 and F-2 were completed (pursuant to .0105 of this Subchapter), date of physical exam, name and license number of examining medical practitioner;

- (l) notarized signature of the applicant; and
- (m) signature of agency authorized representative.
- (2) Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, shall include the following information about the applicant:
  - (a) type of certification applying for;
  - (b) type of application (transfer from a non-certified position or reappointment following separation);
  - (c) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;
  - (d) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;
  - (e) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;
  - (f) report of appointment information to be completed by the agency authorized representative, including: position title and effective date, Beacon number, date of fingerprinting, date DCI checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab;
  - (g) notarized signature of the applicant; and
  - (h) signature of agency authorized representative.
- (3) Form F-5D (DAC), Notice of Certification Transfer, shall include the following information about the applicant:
  - (a) name, Beacon number, social security number, date of birth, email address, home address, and phone number;
  - (b) current or previous certification type and certification type transferring to;
  - (c) position title and effective date of transfer;
  - (d) education and experience information;
  - (e) notarized signature of the applicant; and
  - (f) signature of the agency authorized representative.

- (4) Form F-5E (DAC), Notice of Transfer to a Non-Certified Position, shall include the following information about the transferring officer:
  - (a) name, date of birth, and last four of social security number;
  - (b) original certification date;
  - (c) date of transfer to non-certified position;
  - (d) title of non-certified position;
  - (e) type of last certification held, including whether it was probationary or general and whether it was correctional officer certification or probation/parole officer certification;
  - (f) whether basic training was completed;
  - (g) whether the officer has been subject to a disciplinary transfer;
  - (h) name, title, and signature of agency head or authorized representative;
- (5) Form F-38 (DAC), Authorization for Release of Information to North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Department of Adult Correction, shall include the following:
  - (a) applicant's name, date of birth, driver's license number and issuing state, home address, and phone number; and
  - (b) applicant's notarized signature.

Authority G.S. 8-50.2; 17C-6.

**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02B .0512; and 02H .0923.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

**Proposed Effective Date:** *November 1, 2026*

**Public Hearing:**

**Date:** *April 7, 2026*

**Time:** *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*

**Location:** *Ferguson Auditorium, AB-Tech Community College, 19 Tech Drive, Asheville, NC 28801*

**Date:** *April 20, 2026*

**Time:** *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*

**Location:** *Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27604*

Date: April 23, 2026

Time: 6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.

Location: City Hall at Skyline Center, 1st Floor Conference Center, 929 North Front Street, Wilmington, 28401.

At each hearing, speaker registration and sign-in will begin at 5:00 p.m.

Each hearing will conclude by 9:00 p.m., however the hearing officer may conclude the hearing earlier if all registered speakers have been heard. The Hearing Officer may limit the length of time (e.g., three minutes) for each speaker to allow everyone an opportunity to be heard. Written comments and copies of prepared remarks will be accepted at each hearing.

Reason for Proposed Action: The Environmental Management Commission (EMC) will conduct public hearings to consider the proposed adoption of PFOA, PFOS, and Gen X monitoring and minimization rules 15A NCAC 02B .0512 and 15A NCAC 02H .0923. These rules are proposed for adoption in order to achieve two key objectives. First, to characterize the presence of PFOS, PFOA, and Gen X in discharges from PFOS, PFOA, and Gen X industrial NPDES dischargers and their associated indirect dischargers (i.e., SIUs going to POTWs with pretreatment programs). Second, to require affected entities (subset of industrial direct dischargers and SIUs) to develop minimization plans that identifies approaches to reduce PFOS, PFOA, and Gen X discharges directly or indirectly to surface waters.

Public comments will be accepted on these proposed rule adoptions and the Regulatory Impact Analysis associated with these rule adoptions. The EMC is also soliciting public comments on:

- Whether it would be scientifically defensible and advisable to establish a screening threshold above the lowest reporting concentration for PFOS, PFOA, and Gen X that could serve as a trigger for ongoing monitoring and minimization requirements; and
• Whether the applicability of the PFAS monitoring and minimization rule should be limited to industrial dischargers associated with SIC or NAICS codes known to be linked to PFAS use or discharge.

Comments may be submitted to: Karen Preston, DEQ-DWR NPDES Permitting Section, 1617 Mail Service Center, Raleigh, NC 27699-1617; email publiccomments@deq.nc.gov

Comment period ends: June 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive

written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0500 - SURFACE WATER MONITORING: REPORTING

15A NCAC 02B .0512 PFOS, PFOA, AND GEN X MONITORING AND MINIMIZATION

(a) The terms used in this Rule shall be as defined in Rule .0503 of this Section and as follows:

- (1) "EPA test Method 1633" means the EPA method for analysis of per- and polyfluoroalkyl substances (PFAS) in aqueous, solid, biosolids, and tissue samples by LC-MS/MS. Versions released on or after December 2022 by EPA are incorporated by reference, including subsequent amendments, editions and versions. The method may be accessed at https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas-free-of-charge;
(2) "Gen X" means Hexafluoropropylene oxide dimer acid (HFPO-DA), CAS Registry Number 13252-13-6;
(3) "Industrial Direct Dischargers" means a person with an industrial discharge as defined in Rule .0202 of this Subchapter. Industrial Direct Dischargers does not include persons listed in 15A NCAC 02H .0102(b);
(4) "IDD-IP" means an Industrial Direct Discharger with an individual NPDES permit, except for the following types:
(A) 100 percent domestic wastewater;
(B) Seafood packing, rinsing, or other aquatic animal operations; and
(C) Water treatment plants;
(5) "Intake water" means the water entering the industrial establishment from surface water, groundwater, commercial, or other sources

prior to any activities of the industrial establishment;

(6) "Minimization plan for PFOA, PFOS, and Gen X" means a strategy to reduce or eliminate PFOA, PFOS, and X at the source before they are discharged into the environment. A minimization plan for PFOA, PFOS, and Gen X includes:

(A) Best management practices, such as: preventative measures to control and reduce pollution, pollution prevention, good housekeeping practices (e.g., regular changing or cleaning of equipment and tanks), identifying and eliminating PFOA, PFOS, and Gen X in raw materials, predicting process or operation generation of PFOA, PFOS, and Gen X as byproducts; improving operational efficiency to minimize the quantity waste generation; product substitution to eliminate the introduction or generation for PFOA, PFOS, and Gen X, and installing treatment technologies;

(B) A timeline for implementation;

(C) Estimated annual reductions from implementation; and

(D) Reduction goals, such as a target concentration or percent reduction;

(7) "PFOA" means Perfluorooctanoic acid, Chemical Abstracts Service (CAS) Registry Number 335-67-1;

(8) "PFOS" means Perfluorooctane Sulfonic Acid, CAS Registry Number 1763-23-1;

(9) "POTW" means Publicly Owned Treatment Works as defined in Rule .0403 of this Subchapter;

(10) "POTW-LPP" means a POTW with a local pretreatment program approved in accordance with Section .0900 of Subchapter 02H;

(11) "Semiannually" means occurring two times during a calendar year at a frequency of once per each interval of six consecutive months;

(b) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be conducted as follows:

(1) Prior to EPA test Method 1633 being promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the third draft of EPA test Method 1633 released on December 2022 or a more recent draft or version of EPA test Method 1633 released after December 2022.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph

of this Rule shall be exempt from the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall not require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Director approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(2) After EPA test Method 1633 is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the version of EPA test Method 1633 that is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall comply with the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Director approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(c) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be submitted to the Director as follows:

- (1) PFOA, PFOS, and Gen X monitoring results reporting shall comply with the requirements in Rule .0506 of this Section, except as noted in Paragraph (b) of this Rule.
- (2) PFOA, PFOS, and Gen X monitoring results for all PFOA, PFOS, and Gen X shall be reported for each sample.
- (3) The lowest reporting concentration shall be reported for each PFOA, PFOS, and Gen X.

(d) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as follows:

- (1) Within 60 days of the effective date of this Rule, the Director shall notify all IDD-IP and all POTWs-LPP that either:
  - (A) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or
  - (B) Representative historical PFOA, PFOS, and Gen X sampling as described in Subparagraph (d)(3) of this Rule shall be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule.

The Director shall also notify any new applicants for an individual NPDES Industrial Direct Discharger permit or a POTW seeking approval of new pretreatment program under Section .0900 of Subchapter 02H that PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

- (2) Each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule shall characterize the PFOA, PFOS, and Gen X concentrations in their influent or intake water and their effluent by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:

- (A) For each POTW-LPP, PFOA, PFOS, and Gen X samples shall be collected quarterly at each influent station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;
- (B) For each IDD-IP, PFOA, PFOS, and Gen X samples shall be collected quarterly at each intake water station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;
- (C) PFOA, PFOS, and Gen X samples shall be collected in accordance with

the requirements in Rule .0505 of this Section;

- (D) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
- (E) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.

- (3) Representative historical PFOA, PFOS, and Gen X sampling may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule;
- (B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule; and
- (C) The samples were collected within the four and one-half years prior to the Director's notification date under Subparagraph (d)(1) of this Rule.

- (4) PFOA, PFOS, and Gen X monitoring required in a NPDES permit issued prior to the effective date of this Rule may be used to satisfy the requirement for PFAS baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule; and
- (B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule.

(e) PFOA, PFOS, and Gen X ongoing monitoring shall be required as follows:

- (1) The Director shall require PFOA, PFOS, and Gen X ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any IDD-IP or POTW-LPP that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) of any of the PFOA, PFOS, and Gen X in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.

- (A) For each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the PFOA, PFOS, and Gen X baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Director shall notify each IDD-IP and each POTW-LPP whether PFOA,

- PFOS, and Gen X ongoing monitoring will be required or not.
- (B) For each IDD-IP and POTW-LPP notified under Part (d)(1)(B) of this Rule, when the Director notifies each IDD-IP and each POTW-LPP in accordance with Part (d)(1)(B) of this Rule, the Director shall also notify each IDD-IP and each POTW-LPP whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not.
- (2) Each IDD-IP and POTW-LPP notified under Subparagraph (e)(1) of this Rule shall conduct ongoing PFOA, PFOS, and Gen X monitoring of their influent or intake water and their effluent as follows:
  - (A) For each POTW-LPP, PFOA, PFOS, and Gen X samples shall be collected semiannually at each influent station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;
  - (B) For each IDD-IP, PFOA, PFOS, and Gen X samples shall be collected semiannually at each intake water station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;
  - (C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Rule .0505 of this Section;
  - (D) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
  - (E) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.
- (3) Ongoing PFOA, PFOS, and Gen X monitoring required in Subparagraphs (e)(1) and (2) of this Rule shall continue at each station until the concentration for all PFOA, PFOS, and Gen X are below the lowest reporting concentration (meaning, reported as non-detects) in four consecutive effluent samples for that effluent station. If more than one sample is collected within a semiannual period, then the highest concentration for each PFOA, PFOS, and Gen X for that semiannual period shall be used to

- determine whether ongoing PFOA, PFOS, and Gen X monitoring shall be performed.
- (f) A minimization plan for PFOA, PFOS, and Gen X shall be required for IDD-IPs as follows:
  - (1) When the Director notifies each IDD-IP in accordance with Subparagraph (e)(1) of this Rule, the Director shall also notify each IDD-IP that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for PFOA, PFOS, and Gen X that will reduce or eliminate PFOA, PFOS, and Gen X loading to surface waters is required.
  - (2) Within 365 days of receiving notification from the Director that a minimization plan for PFOA, PFOS, and Gen X is required, a minimization plan for PFOA, PFOS, and Gen X shall be submitted by the IDD-IP to the Director for review and approval.
  - (3) Within 120 calendar days of receipt of the minimization plan for PFOA, PFOS, and Gen X from the IDD-IP, the Director shall approve the plan or notify the IDD-IP of any deficiencies identified in the plan that shall be addressed before approval. The IDD-IP shall correct all deficiencies and resubmit a complete and updated minimization plan for PFOA, PFOS, and Gen X to the Director within 60 calendar days.
  - (4) Within 120 calendar days of the Director's approval of the minimization plan for PFOA, PFOS, and Gen X, the IDD-IP shall commence implementation of the minimization plan for PFOA, PFOS, and Gen X. Upon approval by the Director, the IDD-IP is required to comply with their approved minimization plan for PFOA, PFOS, and Gen X. The Director shall incorporate the ongoing monitoring and approved minimization plan for PFOA, PFOS, and Gen X into the IDD-IP permit upon permit renewal.
  - (5) The Director shall require annual reporting on the minimization plan for PFOA, PFOS, and Gen X that includes:
    - (A) A summary of the status of implementation of the minimization plan for PFOA, PFOS, and Gen X; and
    - (B) Any observed increases or decreases in the PFOA, PFOS or Gen X concentrations in the samples collected before and after implementation of the minimization plan for PFOA, PFOS, and Gen X.
  - (6) The minimization plan for PFOA, PFOS, and Gen X shall be reviewed every two years after the Director's approval in accordance with Subparagraph (f)(3) of this Rule. If the IDD-IP's reduction goals in their approved minimization plan for PFOA, PFOS, and Gen X are not met, then the IDD-IP shall provide an

updated minimization plan for PFOA, PFOS, and Gen X to seek additional reductions to the Director for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.

- (7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the IDD-IP, the requirements in Subparagraphs (f)(5) and (6) of this Rule shall no longer be required from the IDD-IP.

(g) An IDD-IP may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Director if the PFOA, PFOS, and Gen X concentrations meet all of the following criteria:

- (1) The PFOA concentration in all of the quarterly effluent station samples is equal to or less than the PFOA concentration in all of the intake water station samples;
- (2) The PFOS concentration in all of the quarterly effluent samples is equal to or less than the PFOS concentration in all of the intake water station samples;
- (3) The Gen X concentration in all of the quarterly effluent samples is equal to or less than the Gen X concentration in all of the intake water station samples; and
- (4) There is no increase in any of the PFOA, PFOS, and Gen X due to activities of the IDD-IP.

(h) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of Subchapter 02H.

(i) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, North Carolina General Statutes, or other Rules within the North Carolina Administrative Code.

*Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.*

**SUBCHAPTER 02H - PROCEDURES FOR PERMITS:  
APPROVALS**

**SECTION .0900 - LOCAL PRETREATMENT  
PROGRAMS**

**15A NCAC 02H .0923 PFOA, PFOS AND GEN X  
MONITORING AND MINIMIZATION**

(a) The terms used in this Rule shall be as defined in Rule .0903 of this Section and as follows:

- (1) "EPA test Method 1633" means the EPA method for analysis of per- and polyfluoroalkyl substances (PFAS) in aqueous, solid, biosolids, and tissue samples by LC-MS/MS. Versions released on or after December 2022 by EPA are incorporated by reference, including

subsequent amendments, editions and versions. The method may be accessed at <https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas> free of charge.

- (2) "Gen X" means Hexafluoropropylene oxide dimer acid (HFPO-DA), CAS Registry Number 13252-13-6;
- (3) "Intake water" means the water entering the SIU from surface water, groundwater, commercial, or other sources prior to any activities of the SIU.
- (4) "Minimization plan for PFOA, PFOS, and Gen X" means a strategy to reduce or eliminate PFOA, PFOS, and Gen X at the source before they are discharged into the environment. A minimization plan for PFOA, PFOS, and Gen X includes:
  - (A) Best management practices, such as: preventative measures to control and reduce pollution, pollution prevention, good housekeeping practices (e.g., regular changing or cleaning of equipment and tanks), identifying and eliminating PFA, PFOS, and Gen X in raw materials, predicting process or operation generation of PFOA, PFOS, and Gen X as byproducts, improving operational efficiency to minimize the quantity of waste generation, product substitution to eliminate the introduction or generation for PFOA, PFOS, and Gen X, and installing treatment technologies;
  - (B) A timeline for implementation;
  - (C) Estimated annual reductions from implementation; and
  - (D) Reduction goals, such as a target concentration or percent reduction.
- (5) "PFOA" means Perfluorooctanoic acid, Chemical Abstracts Service (CAS) Registry Number 335-67-1;
- (6) "PFOS" means Perfluorooctane Sulfonic Acid, CAS Registry Number 1763-23-1;
- (7) "Quarterly" means the term as defined in 15A NCAC 02B .0503(20);
- (8) "Semiannually" means occurring two times during a calendar year at a frequency of once per each interval of six consecutive months;

(b) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be conducted as follows:

- (1) Prior to EPA test Method 1633 being promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:
  - (A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the third draft of EPA test Method

1633 released on December 2022 or a more recent draft or version of EPA test Method 1633 released after December 2022.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be exempt from the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall not require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Control Authority approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(2) After EPA test Method 1633 is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions:

(A) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be conducted using the version of EPA test Method 1633 that is promulgated into 40 CFR 136, which is incorporated by reference including subsequent amendments and editions.

(B) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall comply with the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified.

(C) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall require field blanks to be analyzed.

(D) PFOA, PFOS, and Gen X monitoring and reporting under this Subparagraph of this Rule shall be a representative grab sample, unless the Control Authority approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent

amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent PFOA, PFOS, and Gen X contamination.

(c) All PFOA, PFOS, and Gen X monitoring outlined in this Rule shall be submitted to the Control Authority as follows:

(1) PFOA, PFOS, and Gen X monitoring data submitted shall include the following:

(A) Facility name;

(B) Facility number or other identification if assigned by the Control Authority;

(C) For each reported sample: sample date, sample time (on a 2400 hour clock basis), sample location, and sample collection type;

(D) PFOA, PFOS, and Gen X monitoring results for each reported sample; and

(E) The lowest reporting concentration shall be reported for each PFOA, PFOS, and Gen X.

(2) All PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the schedule outlined in the pretreatment discharge permit issued to the SIU by the Control Authority in accordance with Rule .0916 of this Subchapter.

(d) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as follows:

(1) Within 60 days of the effective date of this Rule, the Control Authority shall notify all SIUs that either:

(A) PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or

(B) Representative historical PFOA, PFOS, and Gen X sampling as described in Subparagraph (d)(3) of this Rule shall be used to satisfy the requirements for PFOA, PFOS, and Gen X baseline characterization monitoring outline in Subparagraph (d)(2) of this Rule.

The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the monitoring. The Control Authority shall also notify any new SIU pretreatment permit applicant that PFOA, PFOS, and Gen X baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

(2) SIUs notified under Part (d)(1)(A) of this Rule or the Control Authority on behalf of the SIU shall characterize the PFOA, PFOS, and Gen X concentrations in their effluent by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:

- (A) PFOA, PFOS, and Gen X samples shall be collected quarterly at each effluent station for one calendar year from the Control Authority's notification starting within three months from the Control Authority's notification;
  - (B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the effluent for each effluent;
  - (C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
  - (D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.
- (3) Representative historical PFOA, PFOS, and Gen X sampling may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:
- (A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule;
  - (B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule; and
  - (C) The samples were collected within the four and one-half years prior to the date the SIU is notified by the Control Authority as outlined in Subparagraph (d)(1) of this Rule.
- (4) PFOA, PFOS, and Gen X monitoring required in a NPDES permit may be used to satisfy the requirement for PFOA, PFOS, and Gen X baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:
- (A) The PFOA, PFOS, and Gen X sampling follows the requirements in Paragraph (b) of this Rule; and
  - (B) The PFOA, PFOS, and Gen X sampling follows the requirements in Subparagraph (d)(2) of this Rule.
- (e) PFOA, PFOS, and Gen X ongoing monitoring shall be required as follows:
- (1) The Control Authority shall require PFOA, PFOS, and Gen X ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any SIU that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) of any of the PFOA, PFOS, and Gen X in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.
  - (A) For each SIU notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the PFOA, PFOS, and Gen X baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Control Authority shall notify each SIU whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not. The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the ongoing monitoring of PFOA, PFOS, and Gen X.
  - (B) For each SIU notified under Part (d)(1)(B) of this Rule, when the Control Authority notifies each SIU in accordance with Part (d)(1)(B) of this Rule, the Director shall also notify each SIU whether PFOA, PFOS, and Gen X ongoing monitoring will be required or not.
- (2) SIUs notified under Subparagraph (e)(1) of this Rule, or the Control Authority on behalf of the SIU, shall conduct ongoing PFOA, PFOS, and Gen X monitoring of their effluent as follows:
- (A) PFOA, PFOS, and Gen X samples shall be collected semiannually at each effluent station starting within three months from the Control Authority's notification date per Subparagraph (e)(1) of this Rule. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;
  - (B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the effluent for each effluent;
  - (C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
  - (D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.
- (3) Ongoing PFOA, PFOS, and Gen X monitoring required in Subparagraphs (e)(1) and (2) of this Rule shall continue at each station until the concentrations for all PFOA, PFOS, and Gen X are below the lowest reporting concentration (meaning, reported as non-detects) in four consecutive effluent samples for that effluent station. If more than one sample is collected per

semiannual period at an effluent station, then the highest concentration for each PFOA, PFOS, and Gen X for that semiannual period shall be used to determine whether ongoing PFOA, PFOS, and Gen X monitoring shall be performed at that effluent station.

(f) A minimization plan for PFOA, PFOS, and Gen X shall be required as follows:

- (1) When the Control Authority notifies each SIU in accordance with Subparagraph (e)(1) of this Rule, they shall also notify each SIU that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for PFOA, PFOS, and Gen X that will reduce or eliminate PFOA, PFOS, and Gen X loading to the POTW is required.
- (2) Within 365 days of receiving notification from the Control Authority that a minimization plan for PFOA, PFOS, and Gen X is required, a minimization plan for PFOA, PFOS, and Gen X shall be submitted by the SIU to the Control Authority for review and approval.
- (3) Within 120 calendar days of receipt of the minimization plan for PFOA, PFOS, and Gen X from the SIU, the Control Authority shall approve the plan or notify the SIU of any deficiencies identified in the plan that shall be addressed before approval. The SIU shall correct all deficiencies and resubmit a complete and updated minimization plan for PFOA, PFOS, and Gen X to the Control Authority within 60 calendar days.
- (4) Within 120 calendar days of the Control Authority's approval of the minimization plan for PFOA, PFOS, and Gen X, the SIU shall commence implementation of the minimization plan for PFOA, PFOS, and Gen X. The Control Authority shall modify the SIU permit in accordance with Rule .0916 of this Subchapter to incorporate the ongoing monitoring and the approved minimization plan for PFOA, PFOS, and Gen X into the SIU permit within 120 calendar days of the Control Authority's approval of the minimization plan for PFOA, PFOS, and Gen X.
- (5) The Control Authority shall require annual reporting on the minimization plan for PFOA, PFOS, and Gen X in the SIU permits that include:
  - (A) A summary of the status of implementation of the minimization plan for PFOA, PFOS, and Gen X; and
  - (B) Any observed increases or decreases in the PFOA, PFOS or Gen X concentrations in the samples collected before and after implementation of the minimization plan for PFOA, PFOS, and Gen X.

(6) The minimization plan for PFOA, PFOS, and Gen X shall be reviewed every two years after the SIU permit is modified in accordance with Subparagraph (f)(4) of this Rule. If the SIU's reduction goals in their approved minimization plan for PFOA, PFOS, and Gen X are not met, then the SIU shall provide an updated minimization plan for PFOA, PFOS, and Gen X to seek additional reductions to the Control Authority for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.

(7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the SIU, the requirements in Subparagraphs (f)(5) and (6) of this Rule shall no longer be required from the SIU.

(g) A SIU may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Control Authority if all of the following are met:

- (1) Concurrent with the PFOA, PFOS, and Gen X baseline characterization monitoring conducted in accordance with Paragraph (d) of this Rule, the SIU shall also characterize the PFOA, PFOS, and Gen X concentrations in their intake water by conducting PFOA, PFOS, and Gen X baseline characterization monitoring as follows:
  - (A) PFOA, PFOS, and Gen X samples shall be collected quarterly at each intake water station for one calendar year from the date the SIU is notified by the Control Authority in Subparagraph (d)(1) of this Rule;
  - (B) PFOA, PFOS, and Gen X sample location and timing shall be representative of the intake water for each intake water station;
  - (C) PFOA, PFOS, and Gen X samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
  - (D) PFOA, PFOS, and Gen X monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.
- (2) The PFOA, PFOS, and Gen X concentrations meet all of the following criteria:
  - (A) The PFOA concentration in all of the quarterly effluent station samples is equal to or less than the PFOA concentration in all of the intake water station samples;
  - (B) The PFOS concentration in all of the quarterly effluent samples is equal to or less than the PFOS concentration in all of the intake water station samples;

- (C) The Gen X concentration in all of the quarterly effluent samples is equal to or less than the Gen X concentration in all of the intake water station samples; and
- (D) There is no increase in any of the PFOA, PFOS, and Gen X due to activities of the SIU.

(h) In the Pretreatment Annual Report submitted to the Division as required in Rule .0908 of this Subchapter, the Control Authority shall submit a PFOA, PFOS, and Gen X Addendum that includes:

- (1) A summary of the PFOA, PFOS, and Gen X monitoring data received by the Control Authority from all SIUs as required in Paragraphs (d) and (e) of this Rule;
- (2) Copies of lab reporting sheets or excel spreadsheets received by the Control Authority from all SIUs as required in Paragraphs (c) and (d) of this Rule.
- (3) A list of SIUs with approved minimization plans for PFOA, PFOS, and Gen X, including their total volume discharged and their estimated mass of PFOA, PFOS, and Gen X discharged during the reporting year;
- (4) A summary of the implementation status for all approved minimization plans for PFOA, PFOS, and Gen X;
- (5) A summary of the estimated annual reductions of PFOA, PFOS, and Gen X reaching the POTW from implementation of the approved minimization plans for PFOA, PFOS, and Gen X;
- (6) A list of any enforcement actions taken for failing to conduct ongoing PFOA, PFOS, and Gen X monitoring, failing to provide a minimization plan for PFOA, PFOS, and Gen X or for failing to implement an approved minimization plan for PFOA, PFOS, and Gen X; and
- (7) A summary of status and outcomes for any enforcement actions taken.

(i) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of this Subchapter.

(j) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, North Carolina General Statutes, or other Rules within the North Carolina Administrative Code.

*Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.3(a)(14); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.*

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rules cited as 15A NCAC 02B .0513; and 02H .0924.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

**Proposed Effective Date:** *November 1, 2026*

**Public Hearing:**

**Date:** *April 9, 2026*

**Time:** *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*

**Location:** *Catawba County St. Stephens Branch Library, 3225 Springs Road, Hickory, NC 28601*

**Date:** *April 14, 2026*

**Time:** *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*

**Location:** *Fayetteville Technical Community College, Tony Rand Student Center multipurpose room, 2220 Hull Rd. Fayetteville, N.C., 28303*

**Date:** *May 12, 2026*

**Time:** *6:00 p.m. Speaker registration and sign-in will begin at 5:00 p.m.*

**Location:** *Guilford Technical Community College, Percy H. Sears Applied Technologies Building Auditorium, 1201 Bonner Dr., Jamestown, NC 27282.*

*At each hearing, speaker registration and sign-in will begin at 5:00 p.m.*

*Each hearing will conclude by 9:00 p.m., however the hearing officer may conclude the hearing earlier if all registered speakers have been heard. The Hearing Officer may limit the length of time (e.g., three minutes) for each speaker to allow everyone an opportunity to be heard. Written comments and copies of prepared remarks will be accepted at each hearing.*

*Please note, the program on April 9, 2026 is neither sponsored nor endorsed by the Catawba County Library or Catawba County Government.*

**Reason for Proposed Action:** *The Environmental Management Commission (EMC) will conduct public hearings to consider the proposed adoption of 1,4-dioxane monitoring and minimization rules 15A NCAC 02B .0513 and 15A NCAC 02H .0924. These rules are proposed for adoption in order to achieve two key objectives. First, to monitor for the presence of 1,4-dioxane in discharges from targeted industrial NPDES dischargers and their associated indirect dischargers (SIUs going to POTWs with pretreatment programs) known to be associated with 1,4-dioxane industry types. Second, to require affected entities (subset of industrial direct dischargers and SIUs) to develop minimization plans that identifies approaches to reduce 1,4-dioxane discharges directly or indirectly to surface water.*

**PROPOSED RULES**

Public comments will be accepted on these proposed adoptions and the Regulatory Impact Analysis associated with these rule adoptions. Public comments will also be accepted on the following specific topics, as requested by the EMC:

- Whether a screening threshold above the lowest reported concentration (currently 1 µg/L) for 1,4-dioxane would be appropriate as a trigger for ongoing monitoring and minimization planning.
- Whether the applicability of the 1,4-dioxane monitoring and minimization rules should be expanded beyond the currently proposed SIC/NAICS-based scope to include all industrial dischargers.

Comments may be submitted to: *Bridget Shelton, DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; email publiccomments@deq.nc.gov*

Comment period ends: *June 15, 2026*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules

Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

**CHAPTER 02 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS**

**SECTION .0500 - SURFACE WATER MONITORING: REPORTING**

**15A NCAC 02B .0513 1,4-DIOXANE MONITORING AND MINIMIZATION PROGRAM**

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

- (1) "1,4-Dioxane" means any of the following substances: 1,4-dioxane, p-dioxane, diethylene dioxide, diethylene ether, diethylene oxide, 1,4-dioxacyclohexane, 1,4-diethylene dioxide, dioxyethylene ether, 1,4-dioxin, tetrahydro-, dioxane, p-dioxan, dioxan, 1,4-dioxan, NE 220, and NSC 8728. Chemical Abstracts Service (CAS) Registry Number 123-91-1.
- (2) "Industrial Direct Dischargers" means a person with an industrial discharge as defined in Rule .0202 of this Subchapter. Industrial Direct Dischargers does not include persons listed in 15A NCAC 02H .0102(b).
- (3) "IDD-IP" means an Industrial Direct Discharger with an individual NPDES permit and an activity classified under one or more of the following SIC or NAICS codes:

(A) SIC codes:

SIC	Name
<u>2111</u>	<u>Tobacco Manufacturing</u>
<u>2221</u>	<u>Broadwoven Fabric Mills</u>
<u>2297</u>	<u>Nonwoven Fabric Mills</u>
<u>2671</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2672</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2673</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2754</u>	<u>Commercial Printing (except Screen and Books)</u>
<u>2800</u>	<u>Chemicals and allied Products</u>
<u>2812</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>
<u>2816</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>
<u>2819</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>

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**PROPOSED RULES**

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SIC	Name
<u>2821</u>	<u>Plastics Material and Resin Manufacturing</u>
<u>2823</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>2824</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>2833</u>	<u>Medicinal and Botanical Manufacturing</u>
<u>2834</u>	<u>Pharmaceutical Preparation Manufacturing</u>
<u>2841</u>	<u>Soap and Other Detergent Manufacturing</u>
<u>2842</u>	<u>Polish and Other Sanitation Good Manufacturing</u>
<u>2843</u>	<u>Surface Active Agent Manufacturing</u>
<u>2851</u>	<u>Paint and Coating Manufacturing</u>
<u>2861</u>	<u>Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing</u>
<u>2865</u>	<u>Petrochemical Manufacturing</u>
<u>2869</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>2879</u>	<u>Pesticide and Other Agricultural Chemical Manufacturing</u>
<u>2891</u>	<u>Adhesive Manufacturing</u>
<u>2899</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>2911</u>	<u>Petroleum Refineries</u>
<u>2992</u>	<u>Petroleum Lubricating Oil and Grease Manufacturing</u>
<u>3079</u>	<u>Miscellaneous Plastics Products</u>
<u>3081</u>	<u>Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing</u>
<u>3086</u>	<u>Urethane and Other Foam Product (except Polystyrene) Manufacturing</u>
<u>3089</u>	<u>All Other Plastics Product Manufacturing</u>
<u>3241</u>	<u>Cement Manufacturing</u>
<u>3291</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3321</u>	<u>Iron Foundries</u>
<u>3351</u>	<u>Copper Rolling, Drawing, Extruding, and Alloying</u>
<u>3354</u>	<u>Other Aluminum Rolling, Drawing, and Extruding</u>
<u>3444</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>3498</u>	<u>Fabricated Pipe and Pipe Fitting Manufacturing</u>
<u>3499</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3511</u>	<u>Turbine and Turbine Generator Set Units Manufacturing</u>
<u>3519</u>	<u>Other Motor Vehicle Parts Manufacturing</u>
<u>3523</u>	<u>Saw Blade and Handtool Manufacturing</u>
<u>3534</u>	<u>Elevator and Moving Stairway Manufacturing</u>
<u>3537</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3555</u>	<u>All Other Industrial Machinery Manufacturing</u>
<u>3569</u>	<u>All Other Miscellaneous Textile Product Mills</u>
<u>3585</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>3661</u>	<u>Telephone Apparatus Manufacturing</u>
<u>3669</u>	<u>Other Communications Equipment Manufacturing</u>

**PROPOSED RULES**

SIC	Name
<u>3679</u>	<u>Other Electronic Component Manufacturing</u>
<u>3695</u>	<u>Manufacturing and Reproducing Magnetic and Optical Media</u>
<u>3711</u>	<u>Heavy Duty Truck Manufacturing</u>
<u>3714</u>	<u>Other Motor Vehicle Parts Manufacturing</u>
<u>3724</u>	<u>Research and Development in Nanotechnology</u>
<u>3751</u>	<u>Motorcycle, Bicycle, and Parts Manufacturing</u>
<u>3764</u>	<u>Research and Development in Nanotechnology</u>
<u>3861</u>	<u>Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing</u>
<u>3999</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>4953</u>	<u>Solid Waste Landfill</u>
<u>5161</u>	<u>Wholesalers machine tools</u>
<u>5172</u>	<u>Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)</u>
<u>7389</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>9511</u>	<u>Administration of Air and Water Resource and Solid Waste Management Programs</u>

(B) NAICS codes:

NAICS	Industry Title
<u>211130</u>	<u>Natural Gas Extraction</u>
<u>311942</u>	<u>Spice and Extract Manufacturing</u>
<u>312230</u>	<u>Tobacco Manufacturing</u>
<u>313210</u>	<u>Broadwoven Fabric Mills</u>
<u>313230</u>	<u>Nonwoven Fabric Mills</u>
<u>313310</u>	<u>Textile and Fabric Finishing Mills</u>
<u>314999</u>	<u>All Other Miscellaneous Textile Product Mills</u>
<u>316110</u>	<u>Leather and Hide Tanning and Finishing</u>
<u>321999</u>	<u>All Other Miscellaneous Wood Product Manufacturing</u>
<u>322220</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>323111</u>	<u>Commercial Printing (except Screen and Books)</u>
<u>324110</u>	<u>Petroleum Refineries</u>
<u>324191</u>	<u>Petroleum Lubricating Oil and Grease Manufacturing</u>
<u>325110</u>	<u>Petrochemical Manufacturing</u>
<u>325120</u>	<u>Industrial Gas Manufacturing</u>
<u>325130</u>	<u>Synthetic Dye and Pigment Manufacturing</u>
<u>325180</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>
<u>325193</u>	<u>Ethyl Alcohol Manufacturing</u>
<u>325194</u>	<u>Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing</u>
<u>325199</u>	<u>All Other Basic Organic Chemical Manufacturing</u>
<u>325211</u>	<u>Plastics Material and Resin Manufacturing</u>
<u>325220</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>325320</u>	<u>Pesticide and Other Agricultural Chemical Manufacturing</u>
<u>325411</u>	<u>Medicinal and Botanical Manufacturing</u>
<u>325412</u>	<u>Pharmaceutical Preparation Manufacturing</u>
<u>325510</u>	<u>Paint and Coating Manufacturing</u>

**PROPOSED RULES**

NAICS	Industry Title
<u>325520</u>	<u>Adhesive Manufacturing</u>
<u>325611</u>	<u>Soap and Other Detergent Manufacturing</u>
<u>325612</u>	<u>Polish and Other Sanitation Good Manufacturing</u>
<u>325613</u>	<u>Surface Active Agent Manufacturing</u>
<u>325992</u>	<u>Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing</u>
<u>325998</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>326111</u>	<u>Plastics Bag and Pouch Manufacturing</u>
<u>326112</u>	<u>Plastics Packaging Film and Sheet (including Laminated) Manufacturing</u>
<u>326113</u>	<u>Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing</u>
<u>326121</u>	<u>Unlaminated Plastics Profile Shape Manufacturing</u>
<u>326122</u>	<u>Plastics Pipe and Pipe Fitting Manufacturing</u>
<u>326140</u>	<u>Polystyrene Foam Product Manufacturing</u>
<u>326150</u>	<u>Urethane and Other Foam Product (except Polystyrene) Manufacturing</u>
<u>326199</u>	<u>All Other Plastics Product Manufacturing</u>
<u>327310</u>	<u>Cement Manufacturing</u>
<u>327910</u>	<u>Abrasive Product Manufacturing</u>
<u>331313</u>	<u>Alumina Refining and Primary Aluminum Production</u>
<u>331318</u>	<u>Other Aluminum Rolling, Drawing, and Extruding</u>
<u>331420</u>	<u>Copper Rolling, Drawing, Extruding, and Alloying</u>
<u>331511</u>	<u>Iron Foundries</u>
<u>332117</u>	<u>Powder Metallurgy Part Manufacturing</u>
<u>332215</u>	<u>Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing</u>
<u>332216</u>	<u>Saw Blade and Handtool Manufacturing</u>
<u>332321</u>	<u>Metal Window and Door Manufacturing</u>
<u>332322</u>	<u>Sheet Metal Work Manufacturing</u>
<u>332323</u>	<u>Ornamental and Architectural Metal Work Manufacturing</u>
<u>332439</u>	<u>Other Metal Container Manufacturing</u>
<u>332510</u>	<u>Hardware Manufacturing</u>
<u>332812</u>	<u>Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers</u>
<u>332919</u>	<u>Other Metal Valve and Pipe Fitting Manufacturing</u>
<u>332996</u>	<u>Fabricated Pipe and Pipe Fitting Manufacturing</u>
<u>332999</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>333111</u>	<u>Farm Machinery and Equipment Manufacturing</u>
<u>333248</u>	<u>All Other Industrial Machinery Manufacturing</u>
<u>333310</u>	<u>Commercial and Service Industry Machinery Manufacturing</u>
<u>333414</u>	<u>Heating Equipment (except Warm Air Furnaces) Manufacturing</u>
<u>333415</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>333611</u>	<u>Turbine and Turbine Generator Set Units Manufacturing</u>
<u>333618</u>	<u>Other Engine Equipment Manufacturing</u>
<u>333921</u>	<u>Elevator and Moving Stairway Manufacturing</u>
<u>333922</u>	<u>Conveyor and Conveying Equipment Manufacturing</u>
<u>333924</u>	<u>Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing</u>
<u>333998</u>	<u>All Other Miscellaneous General Purpose Machinery Manufacturing</u>

**PROPOSED RULES**

NAICS	Industry Title
<u>334210</u>	<u>Telephone Apparatus Manufacturing</u>
<u>334220</u>	<u>Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing</u>
<u>334290</u>	<u>Other Communications Equipment Manufacturing</u>
<u>334310</u>	<u>Audio and Video Equipment Manufacturing</u>
<u>334418</u>	<u>Printed Circuit Assembly (Electronic Assembly) Manufacturing</u>
<u>334419</u>	<u>Other Electronic Component Manufacturing</u>
<u>334515</u>	<u>Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals</u>
<u>334610</u>	<u>Manufacturing and Reproducing Magnetic and Optical Media</u>
<u>335131</u>	<u>Residential Electric Lighting Fixture Manufacturing</u>
<u>335210</u>	<u>Small Electrical Appliance Manufacturing</u>
<u>336110</u>	<u>Automobile and Light Duty Motor Vehicle Manufacturing</u>
<u>336120</u>	<u>Heavy Duty Truck Manufacturing</u>
<u>336211</u>	<u>Motor Vehicle Body Manufacturing</u>
<u>336310</u>	<u>Motor Vehicle Gasoline Engine and Engine Parts Manufacturing</u>
<u>336320</u>	<u>Motor Vehicle Electrical and Electronic Equipment Manufacturing</u>
<u>336330</u>	<u>Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing</u>
<u>336340</u>	<u>Motor Vehicle Brake System Manufacturing</u>
<u>336350</u>	<u>Motor Vehicle Transmission and Power Train Parts Manufacturing</u>
<u>336360</u>	<u>Motor Vehicle Seating and Interior Trim Manufacturing</u>
<u>336390</u>	<u>Other Motor Vehicle Parts Manufacturing</u>
<u>336412</u>	<u>Aircraft Engine and Engine Parts Manufacturing</u>
<u>336415</u>	<u>Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing</u>
<u>336612</u>	<u>Boat Building</u>
<u>336991</u>	<u>Motorcycle, Bicycle, and Parts Manufacturing</u>
<u>336992</u>	<u>Military Armored Vehicle, Tank, and Tank Component Manufacturing</u>
<u>337127</u>	<u>Institutional Furniture Manufacturing</u>
<u>337215</u>	<u>Showcase, Partition, Shelving, and Locker Manufacturing</u>
<u>339113</u>	<u>Surgical Appliance and Supplies Manufacturing</u>
<u>339930</u>	<u>Doll, Toy, and Game Manufacturing</u>
<u>339999</u>	<u>All Other Miscellaneous Manufacturing</u>
<u>424720</u>	<u>Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)</u>
<u>425120</u>	<u>Wholesale Trade Agents and Brokers</u>
<u>541420</u>	<u>Industrial Design Services</u>
<u>541713</u>	<u>Research and Development in Nanotechnology</u>
<u>562211</u>	<u>Hazardous Waste Treatment and Disposal</u>
<u>562212</u>	<u>Solid Waste Landfill</u>
<u>562213</u>	<u>Solid Waste Combustors and Incinerators</u>
<u>562219</u>	<u>Other Nonhazardous Waste Treatment and Disposal</u>
<u>562920</u>	<u>Materials Recovery Facilities</u>
<u>812320</u>	<u>Drycleaning and Laundry Services (except Coin-Operated)</u>
<u>924110</u>	<u>Administration of Air and Water Resource and Solid Waste Management Programs</u>

- (4) "Intake water" means the water entering the industrial establishment from surface water, groundwater, commercial, or other sources prior to any activities of the industrial establishment.
- (5) "Minimization plan for 1,4-dioxane" means a strategy to reduce or eliminate pollutants at the source before they are discharged into the environment. A minimization plan for 1,4-dioxane includes:
  - (A) Best management practices, such as: identifying and eliminating 1,4-dioxane in raw materials, predicting process or operation generation of 1,4-dioxane as byproducts, improving operational efficiency to minimize the quantity of waste generation, product substitution to eliminate the introduction or generation for 1,4-dioxane, spill prevention, and installing treatment technologies;
  - (B) A timeline for implementation;
  - (C) Estimated annual reductions from implementation; and
  - (D) Reduction goals, such as a target concentration or percent reduction.
- (6) "POTW" means Publicly Owned Treatment Works as defined in Rule .0403 of this Subchapter.
- (7) "POTW-LPP" means a POTW with a local pretreatment program approved in accordance with Section .0900 of Subchapter 02H that has at least one SIU with an activity classified under one or more SIC or NAICS codes listed in 15A NCAC 02H .0924 (k).

(b) All 1,4-dioxane monitoring outlined in this Rule shall be conducted as follows:

- (1) 1,4-dioxane monitoring shall be conducted in accordance with the requirements in Rule .0505 of this Section;
- (2) 1,4-dioxane monitoring shall comply with the requirement in 40 CFR 136, which is incorporated by reference including subsequent amendments and editions, to be certified;
- (3) 1,4-dioxane monitoring shall require field blanks to be analyzed; and
- (4) 1,4-dioxane monitoring shall be a representative grab sample, unless the Director approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent 1,4-dioxane contamination.

(c) All 1,4-dioxane monitoring outlined in this Rule shall be submitted to the Director as follows:

- (1) 1,4-dioxane monitoring results reporting shall comply with the requirements in Rule .0506 of

this Section, except as noted in Paragraph (b) of this Rule.

- (2) The lowest reporting concentration shall be reported.

(d) 1,4-dioxane baseline characterization monitoring shall be required as follows:

- (1) Within 60 days of the effective date of this Rule, the Director shall notify all IDD-IP and all POTWs-LPP that either:
  - (A) 1,4-dioxane baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or
  - (B) Statistically representative historical 1,4-dioxane sampling as described in Subparagraph (d)(3) of this Rule shall be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule.

The Director shall also notify any new applicants for an individual NPDES Industrial Direct Discharger permit or a POTW seeking approval of new pretreatment program under Section .0900 of Subchapter 02H that 1,4-dioxane baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

- (2) Each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule shall characterize the 1,4-dioxane concentrations in their influent or water intake and their effluent by conducting 1,4-dioxane baseline characterization monitoring as follows:

- (A) For each POTW-LPP, 1,4-dioxane samples shall be collected quarterly at each influent station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;
- (B) For each IDD-IP, 1,4-dioxane samples shall be collected quarterly at each water intake station and effluent station for one calendar year from the Director's notification starting within three months from the Director's notification;
- (C) 1,4-dioxane samples shall be collected in accordance with the requirements in Rule .0505 of this Section;
- (D) 1,4-dioxane samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
- (E) 1,4-dioxane monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.

(3) Statistically representative historical 1,4-dioxane sampling may be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The 1,4-dioxane sampling follows the requirements in Paragraph (b) of this Rule;
- (B) The 1,4-dioxane sampling follows the requirements in Subparagraph (d)(2) of this Rule; and
- (C) The samples were collected within the four and one-half years prior to the Director's notification date under Subparagraph (d)(1) of this Rule.

(4) 1,4-dioxane monitoring required in a NPDES permit issued prior to the effective date of this Rule may be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The 1,4-dioxane sampling follows the requirements in Paragraph (b) of this Rule; and
- (B) The 1,4-dioxane sampling follows the requirements in Subparagraph (d)(2) of this Rule.

(e) 1,4-dioxane ongoing monitoring shall be required as follows:

(1) The Director shall require 1,4-dioxane ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any IDD-IP or POTW-LPP that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) for 1,4-dioxane in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.

(A) For each IDD-IP and POTW-LPP notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the 1,4-dioxane baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Director shall notify each IDD-IP and each POTW-LPP whether 1,4-dioxane ongoing monitoring will be required or not.

(B) For each IDD-IP and POTW-LPP notified under Part (d)(1)(B) of this Rule, when the Director notifies each IDD-IP and each POTW-LPP in accordance with Part (d)(1)(B) of this Rule, the Director shall also notify each IDD-IP and each POTW-LPP whether 1,4-dioxane ongoing monitoring will be required or not.

(2) Each IDD-IP and POTW-LPP notified under Subparagraph (e)(1) of this Rule shall conduct

ongoing 1,4-dioxane monitoring of their effluent as follows:

(A) For each POTW-LPP, 1,4-dioxane samples shall be collected quarterly at each influent station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until all of the requirements in Subparagraph (e)(3) of this Rule are met;

(B) For each IDD-IP, 1,4-dioxane samples shall be collected quarterly at each water intake station and effluent station starting within three months from the Director's notification. Sampling shall continue each calendar year until all of the requirements in Subparagraph (e)(3) of this Rule are met

(C) 1,4-dioxane samples shall be collected in accordance with the requirements in Rule .0505 of this Section;

(D) 1,4-dioxane samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

(E) 1,4-dioxane monitoring data shall be submitted to the Director in accordance with the requirements in Paragraph (c) of this Rule.

(3) Ongoing 1,4-dioxane monitoring required in Subparagraphs (e)(1) and (e)(2) of this Rule shall continue until at each effluent station until the concentration for 1,4-dioxane is below the lowest reporting concentration (meaning, reported as non-detects) in four consecutive effluent samples for that effluent station. If more than one sample is collected per semiannual period at an effluent station, then the highest concentration of 1,4-dioxane for that semiannual period shall be used to determine whether ongoing 1,4-dioxane monitoring shall be performed at that effluent station.

(f) A minimization plan for 1,4-dioxane shall be required for IDD-IPs as follows:

(1) When the Director notifies each IDD-IP in accordance with Subparagraph (e)(1) of this Rule, the Director shall also notify each IDD-IP that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for 1,4-dioxane that will reduce or eliminate 1,4-dioxane loading to surface waters is required.

(2) Within 365 days of receiving notification from the Director that a minimization plan for 1,4-dioxane is required, a minimization plan for 1,4-dioxane shall be submitted by the IDD-IP to the Director for review and approval.

- (3) Within 120 calendar days of receipt of the minimization plan for 1,4-dioxane from the IDD-IP, the Director shall approve the plan or notify the IDD-IP of any deficiencies identified in the plan that shall be addressed before approval. The IDD-IP shall correct all deficiencies and resubmit a complete and updated minimization plan for 1,4-dioxane to the Director within 60 calendar days.
- (4) Within 120 calendar days of the Director's approval of the minimization plan for 1,4-dioxane, the IDD-IP shall commence implementation of the minimization plan for 1,4-dioxane. Upon approval by the Director, the IDD-IP is required to comply with their approved minimization plan for 1,4-dioxane. The Director shall incorporate the ongoing monitoring and approved minimization plan for 1,4-dioxane into the IDD-IP permit upon permit renewal.
- (5) The Director shall require annual reporting on the minimization plan for 1,4-dioxane that includes:
  - (A) A summary of the status of implementation of the minimization plan for 1,4-dioxane; and
  - (B) Any observed increases or decreases in 1,4-dioxane concentrations in the samples collected before and after implementation of the minimization plan for 1,4-dioxane.
- (6) The minimization plan for 1,4-dioxane shall be reviewed every two years after the Director's approval in accordance with Subparagraph (f)(4) of this Rule. If the IDD-IP's reduction goals in their approved minimization plan for 1,4-dioxane are not met, then the IDD-IP shall provide an updated minimization plan for 1,4-dioxane to seek additional reductions to the Director for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.
- (7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the IDD-IP, the requirements in Subparagraphs (f)(5) and (6) of this Rule shall no longer be required from the IDD-IP.

(g) An IDD-IP may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Director if all of the following criteria are met:

- (1) The 1,4-dioxane concentration in all of the quarterly effluent station samples is equal to or less than the 1,4-dioxane concentration in all of the intake water station samples;
- (2) There is no increase in 1,4-dioxane due to activities of the IDD-IP.

(h) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of Subchapter 02H.

(i) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, under the North Carolina General Statutes, or under other Rules within the North Carolina Administrative Code.

*Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.*

**SUBCHAPTER 02H - PROCEDURES FOR PERMITS:  
APPROVALS**

**SECTION .0900 - LOCAL PRETREATMENT  
PROGRAMS**

**15A NCAC 02H .0924 1,4-DIOXANE MONITORING  
AND MINIMIZATION PROGRAM**

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

- (1) "1,4-Dioxane" means any of the following substances: 1,4-dioxane, p-dioxane, diethylene dioxide, diethylene ether, diethylene oxide, 1,4-dioxacyclohexane, 1,4-diethylene dioxide, dioxyethylene ether, 1,4-dioxin, tetrahydro-dioxane, p-dioxan, dioxan, 1,4-dioxan, NE 220, and NSC 8728. Chemical Abstracts Service (CAS) Registry Number 123-91-1.
- (2) "Intake water" means the water entering the SIU from surface water, groundwater, commercial, or other sources prior to any activities of the SIU.
- (3) "Minimization plan for 1,4-dioxane" means a strategy to reduce or eliminate pollutants at the source before they are discharged into the environment. A minimization plan for 1,4-dioxane includes:
  - (A) Best management practices, such as: identifying and eliminating 1,4-dioxane in raw materials, predicting process or operation generation of 1,4-dioxane as byproducts, improving operational efficiency to minimize the quantity of waste generation, product substitution to eliminate the introduction or generation for 1,4-dioxane, spill prevention, and installing treatment technologies;
  - (C) A timeline for implementation;
  - (D) Estimated annual reductions from implementation; and
  - (E) Reduction goals, such as a target concentration or percent reduction.
- (4) "NAICS" means North American Industry Classification System as defined in 15A NAC 02B .0503(18);

- (5) "Quarterly" means the term as defined in 15A NCAC 02B .0503(20);
- (6) "SIC" means Standard Industrial Classification as defined in 15A NCAC 02B .0503(23).

(b) All 1,4-dioxane monitoring outlined in this Rule shall be conducted as follows:

- (1) 1,4-dioxane monitoring and reporting shall be conducted in accordance with the guidelines in 40 CFR Part 136, which is incorporated by reference including subsequent amendments and editions;
- (2) 1,4-dioxane monitoring and reporting shall comply with the requirement in 40 CFR 403.12, which is incorporated by reference including subsequent amendments and editions, to be certified;
- (3) 1,4-dioxane monitoring and reporting shall require field blanks to be analyzed; and
- (4) 1,4-dioxane monitoring and reporting shall be a representative grab sample, unless the Control Authority approves use of either a grab-composite as specified in 40 CFR 403.12(g)(3), which is incorporated by reference including subsequent amendments and editions, or 24-hour to 72-hour composites collected by an automatic sampler cleaned and prepared to prevent 1,4-dioxane contamination.

(c) All 1,4-dioxane monitoring outlined in this Rule shall be submitted to the Control Authority as follows:

- (1) 1,4-dioxane monitoring data submitted shall at a minimum include the following:
  - (A) Facility name;
  - (B) Facility number or other identification if assigned by the Control Authority;
  - (C) For each reported sample: sample date, sample time (on a 2400 hour clock basis), sample location, and sample collection type; and
  - (D) The lowest reporting concentration shall be reported.
- (2) 1,4-dioxane monitoring data shall be submitted to the Control Authority in accordance with the schedule outlined in the pretreatment discharge permit issued to the SIU by the Control Authority in accordance with Rule .0916 of this Subchapter.

(d) 1,4-dioxane baseline characterization monitoring shall be required as follows:

- (1) Within 60 days of the effective date of this Rule, the Control Authority shall notify all SIUs with one or more SIC or NAICS codes listed under Paragraph (k) of this Rule that either:
  - (A) 1,4-dioxane baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule, or
  - (B) Representative historical 1,4-dioxane sampling as described in Subparagraph (d)(3) of this Rule shall

be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule.

The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the monitoring. The Control Authority shall also notify any new SIU pretreatment permit applicant with one or more SIC or NAICS codes listed under Paragraph (k) of this Rule that 1,4-dioxane baseline characterization monitoring shall be required as described in Subparagraph (d)(2) of this Rule.

(2) SIUs notified under Part (d)(1)(A) of this Rule, or the Control Authority on behalf of the SIU, shall characterize the 1,4-dioxane concentrations in their effluent by conducting 1,4-dioxane baseline characterization monitoring as follows:

- (A) 1,4-dioxane samples shall be collected quarterly at each effluent station for one calendar year from the Control Authority's notification starting within three months from the Control Authority's notification;
- (B) 1,4-dioxane sample location and timing shall be representative of the effluent for each effluent;
- (C) 1,4-dioxane samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
- (D) 1,4-dioxane monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.

(3) Representative historical 1,4-dioxane sampling may be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The 1,4-dioxane sampling follows the requirements in Paragraph (b) of this Rule;
- (B) The 1,4-dioxane sampling follows the requirements in Subparagraph (d)(2) of this Rule; and
- (C) The samples were collected within the four and one-half years prior to the date the SIU is notified by the Control Authority as outlined in Subparagraph (d)(1) of this Rule.

(4) 1,4-dioxane monitoring required in a NPDES permit may be used to satisfy the requirement for 1,4-dioxane baseline characterization monitoring outlined in Subparagraph (d)(2) of this Rule if all of the following criteria are met:

- (A) The 1,4-dioxane sampling follows the requirements in Paragraph (b) of this Rule; and
- (B) The 1,4-dioxane sampling follows the requirements in Subparagraph (d)(2) of this Rule.

(e) 1,4-dioxane ongoing monitoring shall be required as follows:

- (1) The Control Authority shall require 1,4-dioxane ongoing monitoring as described in Subparagraph (e)(2) of this Rule for any SIU with an activity classified under one or more SIC or NAICS codes listed under Paragraph (k) of this Rule that reports a concentration above the lowest reporting concentration (meaning, not a non-detect) for 1,4-dioxane in any of the quarterly effluent station samples collected under Paragraph (d) of this Rule.

- (A) For each SIU notified under Part (d)(1)(A) of this Rule, within 120 calendar days of receiving all of the 1,4-dioxane baseline characterization monitoring data as required in Paragraph (d) of this Rule, the Control Authority shall notify each SIU whether 1,4-dioxane ongoing monitoring will be required or not. The Control Authority shall specify in the notification whether the Control Authority or SIU will be responsible for completing the ongoing monitoring of 1,4-dioxane.
- (B) For each SIU notified under Part (d)(1)(B) of this Rule, when the Control Authority notifies each SIU in accordance with Part (d)(1)(B) of this Rule, the Control Authority shall also notify each SIU whether 1,4-dioxane ongoing monitoring will be required or not.

- (2) SIUs notified under Subparagraph (e)(1) of this Rule, or the Control Authority on behalf of the SIU, shall conduct ongoing 1,4-dioxane monitoring of their effluent as follows:

- (A) 1,4-dioxane samples shall be collected semiannually at each effluent station starting within three months from the Control Authority's notification date per Subparagraph (e)(1) of this Rule. Sampling shall continue each calendar year until the requirements in Subparagraph (e)(3) of this Rule are met;
- (B) 1,4-dioxane sample location and timing shall be representative of the effluent for each effluent;
- (C) 1,4-dioxane samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and

- (D) 1,4-dioxane monitoring data shall be submitted to the Control Authority in accordance with the requirements in Paragraph (c) of this Rule.

- (3) Ongoing 1,4-dioxane monitoring required in Subparagraphs (e)(1) and (2) of this Rule shall continue until at each effluent station until the concentration for 1,4-dioxane is below the lowest reporting concentration (meaning, reported as non-detect) in four consecutive effluent samples for that effluent station. If more than one sample is collected per semiannual period at an effluent station, then the highest concentration of 1,4-dioxane for that semiannual period shall be used to determine whether ongoing 1,4-dioxane monitoring shall be performed at that effluent station.

(f) A minimization plan for 1,4-dioxane shall be required as follows:

- (1) When the Control Authority notifies each SIU with an activity classified under one or more SIC or NAICS codes listed under Paragraph (k) of this Rule in accordance with Subparagraph (e)(1) of this Rule, they shall also notify each SIU that meets the criteria in Subparagraph (e)(1) of this Rule that a minimization plan for 1,4-dioxane that will reduce or eliminate 1,4-dioxane loading to the POTW is required.
- (2) Within 365 days of receiving notification from the Control Authority that a minimization plan for 1,4-dioxane is required, a minimization plan for 1,4-dioxane shall be submitted by the SIU to the Control Authority for review and approval.
- (3) Within 120 calendar days of receipt of the minimization plan for 1,4-dioxane from the SIU, the Control Authority shall approve the minimization plan for 1,4-dioxane or notify the SIU of any deficiencies identified in the minimization plan for 1,4-dioxane that shall be addressed before approval. The SIU shall correct all deficiencies and resubmit a complete and updated minimization plan for 1,4-dioxane to the Control Authority within 60 calendar days.
- (4) Within 120 calendar days of the Control Authority's approval of the minimization plan for 1,4-dioxane, the SIU shall commence implementation of the minimization plan for 1,4-dioxane. The Control Authority shall modify the SIU permit in accordance with Rule .0916 of this Subchapter to incorporate the ongoing monitoring and the approved minimization plan for 1,4-dioxane into the SIU permit within 120 calendar days of the Control Authority's approval of the minimization plan for 1,4-dioxane.

- (5) The Control Authority shall require annual reporting on the minimization plan for 1,4-dioxane in the SIU permits that include at a minimum:
  - (A) A summary of the status of implementation of the minimization plan for 1,4-dioxane; and
  - (B) Any observed increases or decreases in the 1,4-dioxane concentrations in the samples collected before and after implementation of the minimization plan for 1,4-dioxane.
- (6) The minimization plan for 1,4-dioxane shall be reviewed every two years after the SIU permit is modified in accordance with Subparagraph (f)(4) of this Rule. If the SIU's reduction goals in their approved minimization plan for 1,4-dioxane are not met, then the SIU shall provide an updated minimization plan for 1,4-dioxane to seek additional reductions to the Control Authority for review and approval in accordance with Subparagraphs (f)(2) and (3) of this Rule.
- (7) Once the criteria in Subparagraph (e)(3) of this Rule are met for all effluent stations at the SIU, the requirements in Subparagraphs (f)(5) and (6) of this Rule shall no longer be required from the SIU.

(g) A SIU may request an exemption from the requirements in Paragraphs (e) and (f) of this Rule from the Control Authority if all of the following are met:

- (1) Concurrent with the 1,4-dioxane baseline characterization monitoring conducted in accordance with Paragraph (d) of this Rule, the SIU shall also characterize the 1,4-dioxane concentrations in their intake water by conducting 1,4-dioxane baseline characterization monitoring as follows:
  - (A) 1,4-dioxane samples shall be collected quarterly at each intake water station for one calendar year from the date the SIU is notified by the Control Authority in Subparagraph (d)(1) of this Rule;
  - (B) 1,4-dioxane sample location and timing shall be representative of the intake water for each intake water station;
  - (C) 1,4-dioxane samples shall be collected in accordance with the requirements in Paragraph (b) of this Rule; and
  - (D) 1,4-dioxane monitoring data shall be submitted to the Control Authority in

accordance with the requirements in Paragraph (c) of this Rule.

- (2) The 1,4-dioxane concentrations meet all of the following criteria:
  - (A) The 1,4-dioxane concentration in all of the quarterly effluent station samples is equal to or less than the 1,4-dioxane concentration in all of the intake water station samples;
  - (B) There is no increase in 1,4-dioxane due to activities of the SIU.
- (h) In the Pretreatment Annual Report submitted to the Division as required in Rule .0908 of this Subchapter, the Control Authority shall submit a 1,4-dioxane Addendum that includes:
  - (1) A summary of the 1,4-dioxane monitoring data received by the Control Authority from all SIUs as required in Paragraphs (d) and (e) of this Rule;
  - (2) Copies of lab reporting sheets of excel spreadsheets received by the Control Authority from all SIUs as required in Paragraphs (c) and (d) of this Rule.
  - (3) A list of SIUs with approved minimization plans for 1,4-dioxane, including their total volume discharged and their estimated mass of 1,4-dioxane discharged during the reporting year;
  - (4) A summary of the implementation status for all approved minimization plans for 1,4-dioxane;
  - (5) A summary of the estimated annual reductions of 1,4-dioxane reaching the POTW from implementation of the approved minimization plans for 1,4-dioxane;
  - (6) A list of any enforcement actions taken for failing to conduct ongoing 1,4-dioxane monitoring, failing to provide a minimization plan for 1,4-dioxane or for failing to implement an approved minimization plan for 1,4-dioxane; and
  - (7) A summary of status and outcomes for any enforcement actions taken.

(i) Nothing in this Rule limits the Control Authority's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized in Section .0900 of this Subchapter.

(j) Nothing in this Rule limits the Commission's or Division's authority to impose additional monitoring, reduction requirements, control or treatment requirements, or any other requirements as authorized under the Clean Water Act, under the North Carolina General Statutes, or under other Rules within the North Carolina Administrative Code.

(k) Index of SIC and NAICS codes:

- (1) SIC codes:

SIC	Name
2111	Tobacco Manufacturing
2221	Broadwoven Fabric Mills

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**PROPOSED RULES**

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SIC	Name
<u>2297</u>	<u>Nonwoven Fabric Mills</u>
<u>2671</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2672</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2673</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>2754</u>	<u>Commercial Printing (except Screen and Books)</u>
<u>2800</u>	<u>Chemicals and allied Products</u>
<u>2812</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>
<u>2816</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>
<u>2819</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>2821</u>	<u>Plastics Material and Resin Manufacturing</u>
<u>2823</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>2824</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>2833</u>	<u>Medicinal and Botanical Manufacturing</u>
<u>2834</u>	<u>Pharmaceutical Preparation Manufacturing</u>
<u>2841</u>	<u>Soap and Other Detergent Manufacturing</u>
<u>2842</u>	<u>Polish and Other Sanitation Good Manufacturing</u>
<u>2843</u>	<u>Surface Active Agent Manufacturing</u>
<u>2851</u>	<u>Paint and Coating Manufacturing</u>
<u>2861</u>	<u>Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing</u>
<u>2865</u>	<u>Petrochemical Manufacturing</u>
<u>2869</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>2879</u>	<u>Pesticide and Other Agricultural Chemical Manufacturing</u>
<u>2891</u>	<u>Adhesive Manufacturing</u>
<u>2899</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>2911</u>	<u>Petroleum Refineries</u>
<u>2992</u>	<u>Petroleum Lubricating Oil and Grease Manufacturing</u>
<u>3079</u>	<u>Miscellaneous Plastics Products</u>
<u>3081</u>	<u>Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing</u>
<u>3086</u>	<u>Urethane and Other Foam Product (except Polystyrene) Manufacturing</u>
<u>3089</u>	<u>All Other Plastics Product Manufacturing</u>
<u>3241</u>	<u>Cement Manufacturing</u>
<u>3291</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3321</u>	<u>Iron Foundries</u>
<u>3351</u>	<u>Copper Rolling, Drawing, Extruding, and Alloying</u>
<u>3354</u>	<u>Other Aluminum Rolling, Drawing, and Extruding</u>
<u>3444</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>3498</u>	<u>Fabricated Pipe and Pipe Fitting Manufacturing</u>
<u>3499</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3511</u>	<u>Turbine and Turbine Generator Set Units Manufacturing</u>
<u>3519</u>	<u>Other Motor Vehicle Parts Manufacturing</u>

**PROPOSED RULES**

SIC	Name
<u>3523</u>	<u>Saw Blade and Handtool Manufacturing</u>
<u>3534</u>	<u>Elevator and Moving Stairway Manufacturing</u>
<u>3537</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>3555</u>	<u>All Other Industrial Machinery Manufacturing</u>
<u>3569</u>	<u>All Other Miscellaneous Textile Product Mills</u>
<u>3585</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>3661</u>	<u>Telephone Apparatus Manufacturing</u>
<u>3669</u>	<u>Other Communications Equipment Manufacturing</u>
<u>3679</u>	<u>Other Electronic Component Manufacturing</u>
<u>3695</u>	<u>Manufacturing and Reproducing Magnetic and Optical Media</u>
<u>3711</u>	<u>Heavy Duty Truck Manufacturing</u>
<u>3714</u>	<u>Other Motor Vehicle Parts Manufacturing</u>
<u>3724</u>	<u>Research and Development in Nanotechnology</u>
<u>3751</u>	<u>Motorcycle, Bicycle, and Parts Manufacturing</u>
<u>3764</u>	<u>Research and Development in Nanotechnology</u>
<u>3861</u>	<u>Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing</u>
<u>3999</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>4953</u>	<u>Solid Waste Landfill</u>
<u>5161</u>	<u>Wholesalers machine tools</u>
<u>5172</u>	<u>Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)</u>
<u>7389</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>9511</u>	<u>Administration of Air and Water Resource and Solid Waste Management Programs</u>

(2) NAICS codes:

NAICS	Industry Title
<u>211130</u>	<u>Natural Gas Extraction</u>
<u>311942</u>	<u>Spice and Extract Manufacturing</u>
<u>312230</u>	<u>Tobacco Manufacturing</u>
<u>313210</u>	<u>Broadwoven Fabric Mills</u>
<u>313230</u>	<u>Nonwoven Fabric Mills</u>
<u>313310</u>	<u>Textile and Fabric Finishing Mills</u>
<u>314999</u>	<u>All Other Miscellaneous Textile Product Mills</u>
<u>316110</u>	<u>Leather and Hide Tanning and Finishing</u>
<u>321999</u>	<u>All Other Miscellaneous Wood Product Manufacturing</u>
<u>322220</u>	<u>Paper Bag and Coated and Treated Paper Manufacturing</u>
<u>323111</u>	<u>Commercial Printing (except Screen and Books)</u>
<u>324110</u>	<u>Petroleum Refineries</u>
<u>324191</u>	<u>Petroleum Lubricating Oil and Grease Manufacturing</u>
<u>325110</u>	<u>Petrochemical Manufacturing</u>
<u>325120</u>	<u>Industrial Gas Manufacturing</u>
<u>325130</u>	<u>Synthetic Dye and Pigment Manufacturing</u>
<u>325180</u>	<u>Other Basic Inorganic Chemical Manufacturing</u>

**PROPOSED RULES**

NAICS	Industry Title
<u>325193</u>	<u>Ethyl Alcohol Manufacturing</u>
<u>325194</u>	<u>Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing</u>
<u>325199</u>	<u>All Other Basic Organic Chemical Manufacturing</u>
<u>325211</u>	<u>Plastics Material and Resin Manufacturing</u>
<u>325220</u>	<u>Artificial and Synthetic Fibers and Filaments Manufacturing</u>
<u>325320</u>	<u>Pesticide and Other Agricultural Chemical Manufacturing</u>
<u>325411</u>	<u>Medicinal and Botanical Manufacturing</u>
<u>325412</u>	<u>Pharmaceutical Preparation Manufacturing</u>
<u>325510</u>	<u>Paint and Coating Manufacturing</u>
<u>325520</u>	<u>Adhesive Manufacturing</u>
<u>325611</u>	<u>Soap and Other Detergent Manufacturing</u>
<u>325612</u>	<u>Polish and Other Sanitation Good Manufacturing</u>
<u>325613</u>	<u>Surface Active Agent Manufacturing</u>
<u>325992</u>	<u>Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing</u>
<u>325998</u>	<u>All Other Miscellaneous Chemical Product and Preparation Manufacturing</u>
<u>326111</u>	<u>Plastics Bag and Pouch Manufacturing</u>
<u>326112</u>	<u>Plastics Packaging Film and Sheet (including Laminated) Manufacturing</u>
<u>326113</u>	<u>Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing</u>
<u>326121</u>	<u>Unlaminated Plastics Profile Shape Manufacturing</u>
<u>326122</u>	<u>Plastics Pipe and Pipe Fitting Manufacturing</u>
<u>326140</u>	<u>Polystyrene Foam Product Manufacturing</u>
<u>326150</u>	<u>Urethane and Other Foam Product (except Polystyrene) Manufacturing</u>
<u>326199</u>	<u>All Other Plastics Product Manufacturing</u>
<u>327310</u>	<u>Cement Manufacturing</u>
<u>327910</u>	<u>Abrasive Product Manufacturing</u>
<u>331313</u>	<u>Alumina Refining and Primary Aluminum Production</u>
<u>331318</u>	<u>Other Aluminum Rolling, Drawing, and Extruding</u>
<u>331420</u>	<u>Copper Rolling, Drawing, Extruding, and Alloying</u>
<u>331511</u>	<u>Iron Foundries</u>
<u>332117</u>	<u>Powder Metallurgy Part Manufacturing</u>
<u>332215</u>	<u>Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing</u>
<u>332216</u>	<u>Saw Blade and Handtool Manufacturing</u>
<u>332321</u>	<u>Metal Window and Door Manufacturing</u>
<u>332322</u>	<u>Sheet Metal Work Manufacturing</u>
<u>332323</u>	<u>Ornamental and Architectural Metal Work Manufacturing</u>
<u>332439</u>	<u>Other Metal Container Manufacturing</u>
<u>332510</u>	<u>Hardware Manufacturing</u>
<u>332812</u>	<u>Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers</u>
<u>332919</u>	<u>Other Metal Valve and Pipe Fitting Manufacturing</u>
<u>332996</u>	<u>Fabricated Pipe and Pipe Fitting Manufacturing</u>
<u>332999</u>	<u>All Other Miscellaneous Fabricated Metal Product Manufacturing</u>
<u>333111</u>	<u>Farm Machinery and Equipment Manufacturing</u>
<u>333248</u>	<u>All Other Industrial Machinery Manufacturing</u>
<u>333310</u>	<u>Commercial and Service Industry Machinery Manufacturing</u>

**PROPOSED RULES**

NAICS	Industry Title
<u>333414</u>	<u>Heating Equipment (except Warm Air Furnaces) Manufacturing</u>
<u>333415</u>	<u>Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing</u>
<u>333611</u>	<u>Turbine and Turbine Generator Set Units Manufacturing</u>
<u>333618</u>	<u>Other Engine Equipment Manufacturing</u>
<u>333921</u>	<u>Elevator and Moving Stairway Manufacturing</u>
<u>333922</u>	<u>Conveyor and Conveying Equipment Manufacturing</u>
<u>333924</u>	<u>Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing</u>
<u>333998</u>	<u>All Other Miscellaneous General Purpose Machinery Manufacturing</u>
<u>334210</u>	<u>Telephone Apparatus Manufacturing</u>
<u>334220</u>	<u>Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing</u>
<u>334290</u>	<u>Other Communications Equipment Manufacturing</u>
<u>334310</u>	<u>Audio and Video Equipment Manufacturing</u>
<u>334418</u>	<u>Printed Circuit Assembly (Electronic Assembly) Manufacturing</u>
<u>334419</u>	<u>Other Electronic Component Manufacturing</u>
<u>334515</u>	<u>Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals</u>
<u>334610</u>	<u>Manufacturing and Reproducing Magnetic and Optical Media</u>
<u>335131</u>	<u>Residential Electric Lighting Fixture Manufacturing</u>
<u>335210</u>	<u>Small Electrical Appliance Manufacturing</u>
<u>336110</u>	<u>Automobile and Light Duty Motor Vehicle Manufacturing</u>
<u>336120</u>	<u>Heavy Duty Truck Manufacturing</u>
<u>336211</u>	<u>Motor Vehicle Body Manufacturing</u>
<u>336310</u>	<u>Motor Vehicle Gasoline Engine and Engine Parts Manufacturing</u>
<u>336320</u>	<u>Motor Vehicle Electrical and Electronic Equipment Manufacturing</u>
<u>336330</u>	<u>Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing</u>
<u>336340</u>	<u>Motor Vehicle Brake System Manufacturing</u>
<u>336350</u>	<u>Motor Vehicle Transmission and Power Train Parts Manufacturing</u>
<u>336360</u>	<u>Motor Vehicle Seating and Interior Trim Manufacturing</u>
<u>336390</u>	<u>Other Motor Vehicle Parts Manufacturing</u>
<u>336412</u>	<u>Aircraft Engine and Engine Parts Manufacturing</u>
<u>336415</u>	<u>Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing</u>
<u>336612</u>	<u>Boat Building</u>
<u>336991</u>	<u>Motorcycle, Bicycle, and Parts Manufacturing</u>
<u>336992</u>	<u>Military Armored Vehicle, Tank, and Tank Component Manufacturing</u>
<u>337127</u>	<u>Institutional Furniture Manufacturing</u>
<u>337215</u>	<u>Showcase, Partition, Shelving, and Locker Manufacturing</u>
<u>339113</u>	<u>Surgical Appliance and Supplies Manufacturing</u>
<u>339930</u>	<u>Doll, Toy, and Game Manufacturing</u>
<u>339999</u>	<u>All Other Miscellaneous Manufacturing</u>
<u>424720</u>	<u>Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)</u>
<u>425120</u>	<u>Wholesale Trade Agents and Brokers</u>
<u>541420</u>	<u>Industrial Design Services</u>
<u>541713</u>	<u>Research and Development in Nanotechnology</u>

**PROPOSED RULES**

NAICS	Industry Title
<u>562211</u>	<u>Hazardous Waste Treatment and Disposal</u>
<u>562212</u>	<u>Solid Waste Landfill</u>
<u>562213</u>	<u>Solid Waste Combustors and Incinerators</u>
<u>562219</u>	<u>Other Nonhazardous Waste Treatment and Disposal</u>
<u>562920</u>	<u>Materials Recovery Facilities</u>
<u>812320</u>	<u>Drycleaning and Laundry Services (except Coin-Operated)</u>
<u>924110</u>	<u>Administration of Air and Water Resource and Solid Waste Management Programs</u>

*Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(b); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(2); 143-215.3(a)(14); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.65; 143-215.66; 143-215.67; 143-215.69.*

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 16 - DENTAL EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16B .0501; and 16U .0204.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** [www.ncdentalboard.org](http://www.ncdentalboard.org)

**Proposed Effective Date:** *August 1, 2026*

**Public Hearing:**

**Date:** *April 16, 2026*

**Time:** *6:30 p.m.*

**Location:** *2000 Perimeter Park Drive, #160, Morrisville, NC 27560*

**Reason for Proposed Action:** *21 NCAC 15B .0501 is proposed for amendment to provide clarification on requirements for individuals applying for licensure by credentials pursuant to G.S. 90-36(b1)(2).*

*21 NCAC 16U .0204 is proposed for amendment to update requirements and procedures related to settlement conferences.*

**Comments may be submitted to:** *Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

**Comment period ends:** *May 15, 2026*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the

Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

**SUBCHAPTER 16B - LICENSURE DENTISTS**

**SECTION .0500 – LICENSURE BY CREDENTIALS**

**21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS**

(a) Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101;
- (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
  - (A) the dates that and locations where the applicant has practiced dentistry;
  - (B) that the applicant has provided at least 5,000 hours of clinical care to patients, not including postgraduate training, residency programs, or an ~~internship~~; internship, except that applicants applying under G.S. 90-36(b1)(2) may rely upon the hours of clinical care provided to patients during their participation in an advanced dental

education program to meet the 5,000-hour requirement of this Part:

- (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state or U.S. territory, without any period of interruption; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall request the applicable entity to send the following required information or documents, in a sealed envelope or via secure electronic transmission, directly from the entity to the Board office:

- (1) the applicant's official transcripts from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association ("CODA") showing the applicant graduated with a DDS or DMD ~~degree; degree,~~ except that for applicants applying under G.S. 90-36(b1)(2), a copy of the applicant's general dental degree and the applicant's official transcripts from an advanced dental education program accredited by CODA that issued either a certificate or a degree to the applicant;
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and a disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) scores from:
  - (A) the National Board Dental Examination administered by the Joint Commission on National Dental Examinations; and
  - (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d) of this Subchapter;
- (4) a report of any pending or final malpractice actions against the applicant verified by any malpractice insurance carrier covering the applicant; and
- (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.

(c) An application shall be complete when the Board receives all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by this Rule. Partial applications that are not completed within one year of the date the first document is submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and jurisprudence as

set out in Rule .0303(a) of this Subchapter. Individuals who do not pass either written examination after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.

(e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program, the applicant shall be subject to all the requirements of this Rule, except:

- (1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and
- (2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope or via secure electronic transmission:
  - (A) official transcripts from any school or college showing the applicant graduated with a general dental degree; and
  - (B) official transcripts from a school or college showing the applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program in the school.

(f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(g) Any license obtained through fraud or by any false representation shall be revoked.

*Authority G.S. 90-28; 90-36; 90-41.*

**SUBCHAPTER 16U - INVESTIGATIONS**

**SECTION .0200 - COMPLAINTS**

**21 NCAC 16U .0204 SETTLEMENT CONFERENCES**

(a) A settlement conference shall not be conducted unless the Respondent agrees to participate and to waive any objection to the Board ~~members~~ being ~~exposed to~~ provided a forecast of the evidence.

(b) A settlement conference shall be conducted before the Board or a panel of the Board appointed by the President. At the settlement conference, ~~a Board investigator~~ the Board's investigative panel shall summarize the ~~circumstances~~ information obtained during the course of the investigation and present a forecast of the Board's evidence. The Respondent shall have an opportunity to forecast his or her evidence. ~~Forecasts of the evidence may be presented orally or in writing and exhibits may be presented. Witnesses may forecast their own testimony but shall not be sworn nor cross examined.~~ The settlement conference shall not be recorded nor open to the public. ~~The allowed time for initial presentations shall be agreed upon by counsel ten days prior to the conference, subject to approval by the presiding Board member.~~

(c) If the Board ~~deems~~ determines that sanctions ~~sanctions,~~ discipline, or other action is ~~are appropriate~~ necessary, a Consent

Order or ~~letter of reprimand~~ other written disposition shall be prepared and proposed to Respondent. Should If the Respondent reject rejects the terms of the proposed Consent Order or other disposition ~~letter of reprimand~~, a contested case hearing may shall be scheduled.

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

SUBCHAPTER 16H - DENTAL ASSISTANTS

SECTION .0100 - CLASSIFICATION AND TRAINING

Authority G.S. 90-28; 90-41; 90-41.1; 90-48; 90-223; 90-229; 90-231; 150B-41.

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CHAPTER 16 - DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to adopt the rule cited as 21 NCAC 16H .0106, and amend the rule cited as 21 NCAC 16H .0105.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncdentalboard.org

Proposed Effective Date: August 1, 2026

Public Hearing:

Date: April 16, 2026

Time: 6:30 pm

Location: 2000 Perimeter Park Drive, #160, Morrisville, NC 27560

Reason for Proposed Action: 21 NCAC 16H .0105 is proposed for amendment and 21 NCAC 16H .0106 is proposed for adoption to set forth requirements for dental radiology instructors.

Comments may be submitted to: Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Comment period ends: May 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

State funds affected

21 NCAC 16H .0105 DENTAL RADIOLOGY COURSE AND EXAMINATION REQUIREMENTS

(a) If a dental radiology course and the course's final examination meet the requirements of this Rule, the Board will recognize the course and final examination as satisfying the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

(b) For the Board to recognize a dental radiology course and its final examination:

- (1) The course shall include at least 7 hours of didactic, lecture-based instruction and at least 14 hours of laboratory instruction.
- (2) The course curriculum shall include instruction and training in clinical dental radiology, in the production and use of dental x-rays, and on digital x-ray equipment. The course shall enable the student to:
  - (A) identify in sequence the steps necessary for operating dental x-ray equipment;
  - (B) identify the requirements of a diagnostic digital image;
  - (C) differentiate the effect of variations in amperage, kilo-voltage, distance, and exposure time on the resulting digital images;
  - (D) identify the terms used to measure radiation;
  - (E) establish guidelines for maintaining radiation safety and the ALARA ("as low as reasonably achievable") principle;
  - (F) follow principles of radiologic health practices and radiation biology;
  - (G) identify radiation safety techniques and monitoring devices;
  - (H) identify the parts and identification marks on dental x-ray sensors;
  - (I) identify and compare intraoral sensors according to size and customary usage;
  - (J) identify methods of sensor handling and storage;
  - (K) identify and perform in sequence the steps in processing digital images;
  - (L) differentiate between preliminary interpretation and diagnosis of the digital images;
  - (M) identify the anatomical landmarks of the face and skull;

- (N) identify any dental radiograph according to its location in the maxilla or mandible, and position it on a digital image mount;
  - (O) identify the types of radiographic errors caused by faulty exposure techniques;
  - (P) identify the types of radiographic errors caused by incorrect digital mount positioning and angulation of the central ray;
  - (Q) identify the types of radiographic errors caused by faulty digital processing techniques;
  - (R) identify the conditions that cause digital images to be fogged;
  - (S) identify the advance preparations necessary before exposing digital images;
  - (T) carry out the task of digital image exposure to completion;
  - (U) use the paralleling technique to produce digital images of diagnostic quality addressing contrast, density, and definition;
  - (V) explain the principles of digital imaging and quality assurance;
  - (W) identify errors when using digital imaging in technique and processing;
  - (X) explain the utilization of beam aligning devices; and
  - (Y) describe the use of hand-held radiation exposure devices following guidelines from the Radiation Protection Section of the Department of Health and Human Services, Radiology Compliance Branch ("Radiation Protection Section"), which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at [www.ncradiation.net/Xray/dentdose.htm](http://www.ncradiation.net/Xray/dentdose.htm).
- (3) The laboratory portion of the course shall have no more than six students per instructor, and shall include practice on dental radiography manikins. Students shall not practice on peer students unless the unit is turned off and all requirements of the Board's sterilization and infection control rule, 21 NCAC 16J .0103, are satisfied. Students shall be required to achieve a passing score of at least 80 percent on a written examination on radiation safety prior to taking radiographs.
- (4) To complete the course, students shall be required to achieve a passing score of at least 80 percent on a written examination upon completion of the didactic, lecture-based portion of the course and to achieve a passing score of at least 80 percent on a final laboratory examination. The final laboratory examination shall be conducted on a manikin and include completion of a full mouth series.
- (5) The facility used as the training location for the course shall:
- (A) assume all overhead costs involved in offering the course;
  - (B) comply with the Board's rules regarding sanitation, sterilization, and infection control set out in 21 NCAC 16J, the applicable guidelines of the Radiation Protection Section, and the OSHA guidelines and standards related to dentistry, which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at [www.osha.gov/dentistry/standards](http://www.osha.gov/dentistry/standards);
  - (C) provide access to a room large enough to accommodate the number of participants for lecture purposes;
  - (D) have the number of x-ray machines necessary based on the course curriculum and enrollment to ensure there are no more than two students per machine; and
  - (E) have facilities for digital radiography.
- (6) The didactic and laboratory portions of the course shall be taught by:
- (A) an instructor of dental radiography at an institution accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at [www.ada.org/coda](http://www.ada.org/coda) and is incorporated by reference, including subsequent amendments and editions; or
  - (B) an instructor who has successfully completed a Board-approved radiology instructor course set forth in 21 NCAC 16H .0106 ~~an instructor who has received a certification to teach dental radiography from a CODA-accredited institution~~, and has completed three hours of continuing education in the area of radiology every other year. The continuing education courses shall be offered by Board-approved continuing education course sponsors as set out in 21 NCAC 16I .0202 or 21 NCAC 16R .0202.
- (7) The course sponsor shall provide students with all supplies.
- (8) Course advertising shall comply with the Board's rules regarding advertisement of dental services set out in 21 NCAC 16P.
- (c) A course sponsor seeking Board recognition of a dental radiology course shall submit to the Board office:

- (1) the course outline, syllabus, and handouts;
- (2) slides and other lecture materials;
- (3) examinations and grading criteria; and
- (4) the name, resume, and verification of credentials satisfying Subparagraph (b)(6) of this Rule for all course instructors.

(d) After the course sponsor submits all the information and documents required by Paragraph (c) of this Rule, the course will be reviewed by the Board for compliance with this Rule at the next scheduled Board meeting. The Board may delay reviewing a course until a later meeting if the Board's workload makes the review impracticable. If the Board delays reviewing a course, it shall notify the course sponsor. A course shall be recognized by a majority vote of the Board. A list of recognized courses is available on the Board's website at [www.ncdentalboard.org](http://www.ncdentalboard.org).

(e) Upon receipt of evidence that a previously recognized course is not in compliance with this Rule, the Board will notify the course sponsor in writing of each item of noncompliance. Within 30 days from the date of the notice of noncompliance, the course sponsor shall provide a written response to the Board office which shall respond to each item of noncompliance. The response shall provide documentation of corrections made, and shall show each item is in compliance with this Rule. If the course sponsor fails to respond or correct noncompliance, the Board's recognition of the course shall be withdrawn. As of the date recognition is withdrawn, the course and its examination shall not satisfy the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

Authority G.S. 90-29(c)(12); 90-48.

**21 NCAC 16H .0106 DENTAL RADIOLOGY INSTRUCTOR COURSE REQUIREMENTS**

(a) All instructors of a dental radiology course shall successfully complete a Board-approved instructor's course that covers the following topics:

- (1) foundational concepts of teaching including developing a syllabus, establishing course objectives, adjusting to different learning styles, and developing grading criteria;
- (2) a review of basic radiography, including:
  - (A) radiation history and physics;
  - (B) radiography techniques;
  - (C) radiography errors;
  - (D) radiography equipment, including hand-held devices;
  - (E) patient protection; and
  - (F) anatomy;
- (3) a review of sanitation, sterilization, and infection control standards and techniques, including the Rules in Subchapter 16J;
- (4) guidance on educational activities designed for the laboratory portion of the dental radiography course including demonstrations of shadow casting, paralleling technique, patient shielding and safe operator distancing; evaluation of occupational dose limits, and labeling diagrams of radiography equipment;

- (5) administration of written examinations to students;
- (6) examination of students' clinical skills in the laboratory including:

- (A) evaluation and correction of student errors in radiographs;
- (B) explanation of the physics and geometry of bisecting and paralleling techniques; and
- (C) demonstration and explanation to students of inaccuracies in angulation;

(7) a review of the requirements set forth in the following:

- (A) 21 NCAC 16H .0105;
- (B) 10A NCAC 15;
- (C) The Radiation Protection Guide for medical, dental and veterinary arts published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/healartsprog.pdf>;
- (D) The Hand-Held Dental X-Ray Guide published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/handhelddentgud.pdf>; and
- (E) Entrance Skin Exposure Facts - Dental published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/eseguide.pdf>

(b) The instructor course may apply toward fulfillment of the continuing education requirements, including the requirements of 21 NCAC 16H.0105(b)(6)(B), and all existing dental radiology instructors must successfully complete the instructor course on or before December 31, 2028.

(c) Beginning on January 1, 2029, all instructors must complete a Board-approved instructor's course before teaching a dental radiology course.

Authority G.S. 90-29(c)(12); 90-48.

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**CHAPTER 57 - APPRAISAL BOARD**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Appraisal Board intends to amend the rules cited as 21 NCAC 57A .0201, .0204, .0207, .0402, .0403, .0405, .0407, .0601, .0604;*

57B .0207, .0306, .0603, .0614; 57D .0204, .0304, .0305, .0401, and repeal the rule cited as 21 NCAC 57A .0605.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncappraisalboard.org](http://www.ncappraisalboard.org)

Proposed Effective Date: July 1, 2026

Public Hearing:

Date: April 7, 2026

Time: 9:00 am

Location: 5830 Six Forks Road, Raleigh, NC 27609

Reason for Proposed Action: In rules 21 NCAC 57A .0201, .0407, .0601, and .0604, the changes that were made are primarily as a result of recent revisions to N.C. Gen. Stat. 93E-1-6. In rule 57A .0204, the changes remove the requirement of completing the USPAP course by May 31st of even numbered years. In rules 57A .0207 and 57D .0204, the changes that were made were to include all types of payments. In rule 57A .0402, the changes remove the requirement of having a license displayed at each place of business. In rule 57A .0403, the changes made remove the requirements for firms. In rule 57A .0405, the changes made are to add requirements to retain all versions of any appraisal reports. In rule 57B .0207, the change adds the exception for the Valuation Bias and Fair Housing course. In rule 57B .0306, the changes outline the instructor's requirements to teach the 8-hour Valuation Bias and Fair Housing course. In rule 57B .0614, the changes made are for consistency in the title, to update the requirements for becoming an instructor, and to update the education workshop requirement. In rules 57D .0304 and 57D .0401, the changes were made to be consistent with federal law. In rule 57D .0305, the changes are made to the terminology.

Comments may be submitted to: Mindy Sealy, North Carolina Appraisal Board, 5830 Six Forks Road, Raleigh, NC 27609; email [mindy@ncab.org](mailto:mindy@ncab.org)

Comment period ends: May 15, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

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

SUBCHAPTER 57A – REGISTRATION, LICENSING, CERTIFICATION AND PRACTICE

SECTION .0200 – TRAINEE REGISTRATION AND APPRAISER LICENSING AND CERTIFICATION

21 NCAC 57A .0201 QUALIFICATIONS FOR TRAINEE REGISTRATION AND APPRAISER LICENSURE AND CERTIFICATION

(a) Applicants for ~~registration as a trainee registration, real estate appraiser,~~ licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser shall satisfy the qualification requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at [www.appraisalfoundation.org](http://www.appraisalfoundation.org) at no cost.

(b) Applicants for licensure or certification who apply through the supervisor and trainee method, and who are currently registered trainees shall submit a copy of their complete appraisal log in accordance with Rule .0407(d) of this Subchapter. ~~Applicants for certification who are currently licensed or certified appraisers shall submit an appraisal log showing that they possess the amount and length of experience as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board.~~ All applicants for licensure or certification shall provide to the Board copies of appraisal reports and ~~work files~~ workfiles, as requested, in order for an appraisal to be given experience credit.

(c) As an alternative to the requirements in Paragraph (b) of this Rule, applicants for licensure or certification shall complete the requirements of ~~the~~ a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in ~~of~~ the Real Property Appraiser Qualification Criteria ~~as implemented and approved~~ and approved by The Appraisal Foundation's Appraiser Qualifications Board, ~~and~~ shall submit a certificate of ~~completion~~ completion, and any additional requirements set forth in Rule .0601.

(d) When a ~~trainee or a licensed trainee,~~ licensed or certified real estate appraiser ~~becomes a certified real estate appraiser,~~ upgrades his or her registration, license, or certificate, ~~his or her the~~ previous ~~registration or licensure~~ registration, license, or certificate shall be canceled by the Board. ~~When a certified residential real estate appraiser becomes certified as a general real~~

~~estate appraiser, his or her previous certification shall be canceled by the Board.~~

(e) In the event that the Board requests that an applicant submit updated information or provide further information that the Board determines is necessary in order for the applicant to complete the application and the applicant fails to submit the requested information within 90 days following the Board's request, the Board will void the application. An applicant whose application has been voided shall start the licensing process over by filing a complete application with the Board and paying all required fees, as set forth in G.S. 93E-1-6.

(f) If an applicant has an open complaint before the North Carolina Appraisal Board or an appraiser licensing board from any other state, the application shall be accepted but no further action shall be taken on the application until the complaint is resolved. If the applicant has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1.

(g) An applicant may request that his or her application be withdrawn at any time before final action is taken by the Appraisal Board on the application.

*Authority G.S. 93E-1-6; 93E-1-10; 93B-8.1.*

#### **21 NCAC 57A .0204 CONTINUING EDUCATION**

(a) All registered trainees, real estate appraiser licensees, and certificate holders shall, upon the renewal of their registration, license, or certificate in every odd-numbered year, have obtained continuing education, as required by this Rule. Trainees and appraisers who initially registered with the Board after January 1 of an odd-numbered year are not required to obtain continuing education for renewal of their registration in that odd-numbered year.

(b) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall complete 28 hours of continuing education before June 1 of every odd-numbered year. Specific topics required as part of the 28 hours of continuing education are outlined in Paragraph (d) of this Rule. Except as provided in Paragraphs (g) and (h) of this Rule, such education shall have been obtained by taking courses approved by the Board for continuing education credit, at schools approved by the Board to offer such courses, as set forth in 21 NCAC 57B .0603. Such education shall relate to real estate appraisers maintaining and increasing their skill, knowledge, and competency in real property appraising. There is no exemption from the continuing education requirement for trainees or appraisers whose status has been upgraded to the level of licensed residential, certified residential, or certified general appraiser, since the issuance or most recent renewal of their registration, license, or certificate. Trainees, licensees, and certificate holders shall not take the same continuing education course more than once during the two-year continuing education cycle.

(c) Each appraisal continuing education course shall include a minimum of two classroom hours of instruction on real estate appraisal or related topics, as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at [www.appraisalfoundation.org](http://www.appraisalfoundation.org), at no cost.

(d) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall, as part of the 28 hours of continuing education required in Paragraph (b) of this Rule, complete the seven-hour National Uniform Standards of Professional Appraisal Practice (USPAP) Continuing Education course, as required by the Appraiser Qualifications Board of the Appraisal Foundation, ~~between October 1 of an odd-numbered year and June 1 of an even-numbered year.~~ Foundation. Beginning June 1, 2025, each Each trainee, licensee, and certificate holder shall complete a course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations outline, as set forth in the Real Property Appraiser Qualification Criteria, every continuing education cycle. The course length must be at least seven-hours the first time a trainee, licensee, or certificate holder completes the continuing education requirements of the Valuation Bias and Fair Housing Laws and Regulations requirement. If an appraiser completes the seven-hour (plus one hour exam) course as part of their qualifying education, they have met this requirement. Each continuing education cycle thereafter, the course length shall be at least four-hours.

(e) A trainee, licensee, or certificate holder who completes approved continuing education courses in excess of the requirement shall not carry over any continuing education credits from those courses into the subsequent years.

(f) Course sponsors shall provide a certificate of course completion to each trainee, licensee, and certificate holder who completes a course, as set forth in 21 NCAC 57B .0603. Course sponsors shall send to the Board a roster of all who completed the course. This roster shall be sent within 15 days of completion of the course. In order to renew a registration, license, or certificate in a timely manner, the Board shall receive proof of completion of the continuing education requirement prior to processing a registration, license, or certificate renewal application. Proof of completion shall be receipt by the Board of a roster from a school or course sponsor showing the courses completed by the applicant. If proof of having completed the continuing education requirement is not provided, the registration, license, or certificate shall expire and the trainee, licensee, or certificate holder shall be subject to the provisions of Rules .0203(e) and .0206 of this Section.

(g) A current or former trainee, licensee, or certificate holder may request that the Board grant continuing education credit for a course that has been completed but is not approved by the Board, or for appraisal education activity equivalent to a Board approved course, by making such request and submitting a non-refundable fee of fifty dollars (\$50.00) as set out in G.S. 93E-1-8(d) for each course or type of appraisal education activity to be evaluated. Such requests shall be received before June 15 of an odd-numbered year to be credited towards the continuing education requirement for that odd-numbered year. Continuing education credit for a non-approved course shall be granted only if the trainee, licensee, or certificate holder provides proof of course completion and the Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with regard to subject matter, course length, instructor qualifications, and student attendance, as set forth in 21 NCAC 57B .0603. Appraisal education activities for which credit may be awarded include teaching appraisal courses, authorship of

appraisal textbooks, and development of instructional materials on appraisal subjects. Up to 14 hours of continuing education credit may be granted in each continuing education cycle for participation in appraisal education activities. Trainees, and licensed or certified appraisers who have taught an appraisal course approved by the Board for continuing education credit, are deemed to have taken an equivalent course and are not subject to the fee prescribed in G.S. 93E-1-8(d), provided they submit verification of having taught the course(s). A trainee, licensee, or certificate holder who teaches a Board approved continuing education course shall not receive continuing education credit for the same course more than once every two years, regardless of how often he or she teaches the course.

(h) A trainee, licensee, or certificate holder may receive continuing education credit by taking any of the Board approved precertification courses, other than Basic Appraisal Principles and Basic Appraisal Procedures, or their approved equivalents. Trainees, licensees, and certificate holders who wish to use a precertification course for continuing education credit shall comply with the provisions of 21 NCAC 57B .0604.

(i) A licensee or certificate holder who resides in another state, and is currently credentialed in another state, may satisfy the continuing education requirements in an odd-numbered year by submitting an affidavit prior to renewal which lists the course provider, title, hours, and date of completion of all continuing education completed within the current continuing education cycle. The affidavit form may be found on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org). The Board will audit no less than ten percent of licensees who renew with an affidavit. A licensee or certificate holder selected for a continuing education audit shall make the certificates available to the Board upon request. A licensee or certificate holder who became licensed in North Carolina by licensure or certification with another state and now resides in North Carolina, may renew by affidavit for his or her first renewal as a resident of North Carolina only if the appraiser moved to North Carolina on or after January 1 of an odd-numbered year. If an appraiser was a resident of this state before January 1 of an odd-numbered year, the appraiser shall comply with the requirements of this section regardless of how the license or certificate was obtained.

(j) A trainee, licensee, or certificate holder who returns from active military duty on or after February 1 of an odd-numbered year, may renew his or her registration, license, or certificate in that odd-numbered year even if the required continuing education is not completed before June 1 of that year. When a trainee, licensee, or certificate holder returns from active duty, all required continuing education shall be completed pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. The Board shall immediately place any licensee or certificate holder enrolled in the Appraisal Subcommittee's National Registry in an inactive status and may revoke the registration, license, or certificate, in accordance with G.S. 93E-1-12, if the required continuing education is not completed pursuant to the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. This Paragraph applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

*Authority G.S. 93B-15; 93E-1-7(a); 93E-1-10.*

**21 NCAC 57A .0207 PAYMENT OF REGISTRATION, LICENSE AND CERTIFICATE FEES**

~~Checks given~~ Payments to the Board ~~in payment of~~ for registration, license and certificate fees which are returned unpaid shall be cause for registration, license or certificate denial, suspension or revocation.

*Authority G.S. 93E-1-10; 93E-1-12(a)(9).*

**SECTION .0400 – GENERAL APPRAISAL PRACTICE**

**21 NCAC 57A .0402 DISPLAY OF REGISTRATIONS, LICENSES AND CERTIFICATES**

~~(a) The original or a copy of the registration, license, or certificate shall be displayed at each of the trainee's or appraiser's places of business.~~

~~(b)~~ The annual registration, license, or certificate renewal issued by the Board to each trainee, licensed, or certified real estate appraiser shall be retained by the trainee, licensee, or certificate holder as evidence of registration, licensure, or certification.

*Authority G.S. 93E-1-10.*

**21 NCAC 57A .0403 ADVERTISING**

(a) When advertising or otherwise holding himself or herself out as a trainee or real estate appraiser, a trainee shall identify himself or herself either as a "registered trainee" or as a "trainee real estate appraiser," a licensed residential real estate appraiser shall identify himself or herself as a "licensed residential real estate appraiser," a certified residential real estate appraiser shall identify himself or herself as a "certified residential real estate appraiser," and a certified general real estate appraiser shall identify himself or herself as a "certified general real estate appraiser".

(b) A registered trainee, licensed or certified real estate appraiser doing business as a partnership, association, corporation or other business entity shall not represent in any manner to the public that the partnership, association, corporation or other business entity is registered, licensed or certified by the State of North Carolina to engage in the business of real estate appraising.

~~(c) In the event that any trainee, licensee or certificate holder shall advertise in any manner using a firm name, corporate name, or an assumed name which does not set forth the surname of the trainee, licensee or certificate holder, he shall first notify the Board in writing of such name and furnish the Board with a copy of each registration of assumed name certificate filed with the office of the county register of deeds in compliance with Section 66-68, North Carolina General Statutes.~~

*Authority G.S. 93E-1-10.*

**21 NCAC 57A .0405 APPRAISAL REPORTS**

(a) Each written appraisal report prepared by or under the supervision of a licensed or certified real estate appraiser shall bear the signature of the licensed or certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the designation "licensed

residential real estate appraiser," "certified residential real estate appraiser," or "certified general real estate appraiser," as applicable. Each appraisal report shall also state whether or not the licensed or certified appraiser has personally inspected the property, and shall identify in the body of the report any other person who assisted in the appraisal process other than by providing clerical assistance. Appraisers shall personally affix their signature to their appraisal reports and shall not allow any other person or entity to affix their signature. Trainees are not required to affix their signatures to appraisal reports, but if they do so, they must personally affix their signature and shall not allow any other person or entity to affix their signature. Trainees and appraisers shall sign their reports with the same name and in the same manner as it is printed on their license or certification.

(b) A licensed or certified real estate appraiser who signs an appraisal report prepared by another person, in any capacity, is responsible for the content and conclusions of the report.

(c) A written appraisal report shall be issued on all real estate appraisals performed in connection with federally related transactions.

(d) Appraisers shall keep a log of all appraisals performed. The log shall contain the appraiser's license or certificate number, the street address of the subject property, the date the report was signed, the name of anyone assisting in the preparation of the report, and the name of the client. These logs shall be updated at least every 30 days.

(e) Any appraiser who signs an appraisal report is entitled to make or retain a copy of that appraisal report, as long as the copy is made at the time the report is prepared. Any appraiser who signs or is listed as providing significant real property assistance in an appraisal report shall be given a copy of the appraisal report reports and the work file workfiles, by the appraiser that has custody of the workfiles, upon request for purposes of: submission of the report and ~~work file~~ workfile to the Appraisal Board; compliance with due process of law, such as a subpoena; submission to a peer review committee; or in accordance with retrieval arrangements made by the appraiser and the person or entity retaining the report and ~~work file~~ workfile.

(f) Appraisal reports transmitted electronically to clients shall be sent in a secure format, such as Adobe PDF.

(g) An appraiser shall retain each version of an appraisal report transmitted to the client, to any intended user, or to any other party authorized by the client.

Authority G.S. 93E-1-10.

**21 NCAC 57A .0407 SUPERVISION OF TRAINEES**

(a) A certified real estate appraiser may engage a registered trainee to assist in the performance of real estate appraisals. In the alternative, applicants for licensure or certification may complete the requirements of ~~the~~ a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in ~~of~~ the Real Property Appraiser Qualification Criteria ~~as implemented and approved~~ by The Appraisal Foundation's Appraiser Qualifications Board, ~~and shall~~ submit a certificate of ~~completion.~~ completion, and any additional requirements set forth in Rule .0601 of this Subchapter. Individuals choosing PAREA or Practicum are not required to register as a trainee.

(b) If a certified real estate appraiser engages a registered trainee to assist in the performance of real estate appraisals, the appraiser shall:

- (1) have been certified for at least three years;
- (2) have no more than three trainees working under his or her supervision at any one time;
- (3) prior to the date any trainee begins performing appraisals under his or her supervision, the supervisor shall inform the Board of the name of the trainee by filing a Supervisor Declaration Form with the Board. The form may be found on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org). The supervisor shall also inform the Board when a trainee is no longer working under his or her supervision by submitting a new Supervisor Declaration Form. The form shall include the following information:
  - (A) the name and registration number of trainee;
  - (B) the name and certification number of supervisor;
  - (C) the date the trainee completed the supervisor/trainee course;
  - (D) the date the supervisor completed the supervisor/trainee course;
  - (E) whether the supervisor has had any disciplinary action within the past three years or pending complaints against his or her ~~certification;~~ certification in any state; and
  - (F) the signature of both the supervisor and trainee (only required for association).
- (4) actively and personally supervise the trainee on all appraisal reports and appraisal related activities until the trainee is no longer under his or her supervision;
- (5) review all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee is utilized, and assures that research of general and specific data has been conducted and reported, application of appraisal principles and methodologies has been applied, and that any analysis, opinions, or conclusions are developed and reported so that the appraisal report is not misleading;
- (6) comply with all provisions of Rule .0405 of this Section regarding appraisal reports;
- (7) review and sign the trainee's log of appraisals prepared in accordance with Paragraph (d) of this Rule. The supervisor shall make available to the trainee a copy of every appraisal report where the trainee documents appraisal experience on their experience log and the trainee's contribution is noted in the appraisal report, or the trainee signs the appraisal report; and

(8) not have received any disciplinary action against his or her appraisal certificate from the State of North Carolina or any other state within the previous three years. For the purposes of this Subparagraph, "disciplinary action" means an active suspension, a downgrade of a credential, a revocation, or any other action that restricts a supervisor's ability to engage in appraisal practice.

(c) "Active and personal supervision" includes direction, guidance, and support from the supervisor. The supervising appraiser shall have input into and knowledge of the appraisal report prior to its completion, and shall make any changes to the report before it is transmitted to the client. In addition, the supervisor shall accompany the trainee on the inspections of the subject property on the first 25 appraisal assignments or the first 750 hours of experience, whichever comes first for which the trainee either signs the appraisal report or is noted as providing significant appraisal assistance in the report, in compliance with Standard Rule 2(a) and Standard Rule 2(b) of the Uniform Standards of Professional Appraisal Practice. After that point, the trainee may perform the inspections without the presence of the supervisor provided that the supervisor is satisfied that the trainee is competent to perform those inspections.

(d) An appraisal experience log shall be maintained jointly by the supervisor and the trainee. Both the supervisor and the trainee are responsible for maintaining the experience log and ensuring that it is accurate, current, and includes the following:

- (1) the applicant's name and signature;
- (2) the supervisor's name and signature;
- (3) the supervisor's certificate number;
- (4) the date the supervisor signed the log;
- (5) the subject property address;
- (6) the date the appraisal report was signed;
- (7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (8) the client's name;
- (9) the applicant's file number for the appraisal assignment, if any;
- (10) the number of actual work hours by the trainee applicant on the assignment;
- (11) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and
- (12) a description of the work performed by the applicant and the level of review and supervision of his or her supervisor on each assignment.

The log shall be updated at least every 30 days. A separate log shall be maintained for each supervising appraiser. A log form is available on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org).

(e) An appraiser shall complete the supervisor trainee course developed by the North Carolina Appraisal Board ~~Board~~, within the past 10 years, prior to supervising ~~any trainees~~, a trainee. This course shall be taught only by instructors approved by the Board in accordance with 21 NCAC 57B .0614.

(f) Trainees shall ensure that the Appraisal Board has received the Supervisor Declaration Form on or before the day the trainee

begins assisting the supervising appraiser by contacting the Board by telephone or email at [ncab@ncab.org](mailto:ncab@ncab.org). The form may be found on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org). Trainees shall not receive appraisal experience credit for appraisals performed in violation of this Paragraph.

(g) Supervising appraisers shall not be employed by a trainee or by a company, firm, or partnership in which the trainee has a controlling interest.

~~(h) If more than one appraiser signs the report, the appraiser with the highest level of credential shall be the declared supervisor for the trainee. If all appraisers signing the report have the same level of credential, at least one of them shall be declared as the trainee's supervisor before the report is signed.~~

~~(i)(h)~~ Only one trainee may receive credit for providing real property appraisal assistance on an appraisal report.

Authority G.S. 93E-1-6.1; 93E-1-10; 93E-1-12.

**SECTION .0600 - EXPERIENCE CREDIT**

**21 NCAC 57A .0601 REPORTING EXPERIENCE CREDIT TO UPGRADE**

(a) Applicants for licensure or certification shall meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. An applicant shall obtain the required experience by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers and shall comply with the edition of the USPAP Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal, in addition to meeting the applicable requirements set forth in this Section.

(b) Except as provided in Paragraphs (d) through (j) of this Rule, applicants shall use the Appraisal Board's appraisal experience log to report appraisal experience. The appraisal experience log is available on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org).

(c) The Log shall contain the following:

- (1) the applicant's name and signature;
- (2) the supervisor's name and signature;
- (3) the supervisor's certificate number;
- (4) the date the supervisor signed the log;
- (5) the subject property address;
- (6) the date the appraisal report was signed;
- (7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (8) the client's name;
- (9) the applicant's file number for the appraisal assignment, if any;
- (10) the number of actual work hours by the trainee applicant on the assignment;
- (11) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and
- (12) a description of the work performed by the applicant and the level of review and supervision by his or her supervisor on each assignment.

(d) In the alternative, applicants for licensure or certification may complete the requirements of ~~the~~ a Practical Applications of Real Estate Appraisal (PAREA) program as established in ~~of~~ the Real Property Appraiser Qualification Criteria as ~~implemented and approved~~ by The Appraisal Foundation's Appraiser Qualifications Board, and shall submit a certificate of completion.

(e) In the alternative, applicants for residential certification may complete the requirements of a PAREA program, shall submit a certificate of completion along with an experience log demonstrating they have completed at least 15 appraisal reports. The Appraisal Board shall select five reports and workfiles to review for compliance with USPAP.

(f) Applicants shall use the Appraisal Board's PAREA experience log to report appraisal experience. The PAREA experience log is available on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org).

(g) The PAREA experience log shall contain the following:

- (1) the applicant's name and signature;
- (2) the date the log was signed;
- (3) the date the report was signed;
- (4) the subject property address;
- (5) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (6) the property type; and
- (7) a description of the work performed by the applicant.

(h) In the alternative, applicants for licensure or certification may complete a Practicum course as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal Foundation's Appraisal Qualifications Board, and shall submit a certificate of completion along with an experience log demonstrating they have completed at least 15 appraisal reports. The Board will select five reports to review for compliance with USPAP.

(i) Applicants shall use the Appraisal Board's Practicum experience log to report appraisal experience. The Practicum appraisal experience log is available on the Board's website at [www.ncappraisalboard.org](http://www.ncappraisalboard.org).

(j) The Practicum experience log shall contain the following:

- (1) the applicant's name and signature;
- (2) the instructor's name and signature;
- (3) the instructor's certificate number;
- (4) the date the log was signed;
- (5) the subject property address;
- (6) the date the appraisal report was signed;
- (7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (8) the client's name, if any;
- (9) the applicant's file number for the appraisal assignment, if any;
- (10) the number of actual work hours by the trainee applicant on the assignment;
- (11) whether the instructor accompanied the applicant on the inspection of the subject property; and
- (12) a description of the work performed by the applicant and the level of review and

supervision of his or her instructor on each assignment.

(k) Applicants shall retain all versions of all appraisal reports and their associated workfiles to support all appraisal experience reported on the log.

Authority G.S. 93E-1-6.1; 93E-1-10.

**21 NCAC 57A .0604 TYPES OF APPRAISAL EXPERIENCE**

(a) An applicant may receive experience credit for standard appraisals, review appraisals, and demonstration appraisals. In the alternative, applicants for licensure or certification may complete the requirements of ~~the~~ a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in ~~of~~ the Real Property Appraiser Qualification Criteria as ~~implemented and approved~~ by The Appraisal Foundation's Appraiser Qualifications Board, and shall submit a certificate of ~~completion~~ completion, and any additional requirements set forth in Rule .0601.

(b) A "standard appraisal" is the process of developing an appraisal in accordance with ~~Standard Rule 1 of~~ USPAP and preparing a written or oral appraisal report or file memorandum describing the appraisal and reporting the estimate of value.

(c) A "review appraisal" is the process of reviewing an appraisal report in accordance with USPAP that is prepared by another appraiser and preparing a separate written or oral appraisal report or file memorandum setting forth the results of the review process.

(d) A "demonstration appraisal" is an appraisal performed without a ~~client~~ client in accordance with USPAP. If a trainee performs a demonstration appraisal, the trainee's supervisor shall sign the appraisal in order for the trainee to receive experience credit for it.

Authority G.S. 93E-1-10.

**21 NCAC 57A .0605 REPORTING APPRAISAL EXPERIENCE**

Authority G.S. 93E-1-6.1; 93E-1-10.

**SUBCHAPTER 57B - REAL ESTATE APPRAISAL EDUCATION**

**SECTION .0200 – COURSE SPONSOR STANDARDS FOR PRELICENSING AND PRECERTIFICATION EDUCATION**

**21 NCAC 57B .0207 ADMINISTRATION**

One person shall be designated as the Director for each approved school or course sponsor and shall be responsible for administrative matters such as program development, scheduling of classes, advertising, maintenance of facilities and equipment, record keeping, and general supervision of the instruction program. The director shall ensure that the policies and general operations of the school or course sponsor comply with the provisions of Sections .0200 and .0300 of this Subchapter. Except for those offering only the 8-hour Valuation Bias and Fair Housing course, The the Director shall meet the fitness standards

for applicants for trainee registration or appraiser licensure or certification. The Director shall:

- (1) have a baccalaureate or higher degree in the field of education; or
- (2) have at least two years full time experience within the past 10 years as an instructor or school administrator; or
- (3) meet the minimum appraisal education and experience qualifications listed in 21 NCAC 57B .0306 to teach either the residential or general appraisal precertification courses; or
- (4) possess qualifications which are found by the Board to be substantially equivalent to Item (1), (2), or (3) of this Rule.

Authority G.S. 93E-1-8(a); 93E-1-10.

**SECTION .0300 – COURSE STANDARDS FOR PRELICENSING AND PRECERTIFICATION EDUCATION**

**21 NCAC 57B .0306 INSTRUCTOR REQUIREMENTS**

(a) Except for guest lecturers as set forth in Paragraph (b) of this Rule, all courses that qualify for credit pursuant to this Section shall be taught by instructors who meet the following minimum qualifications:

- (1) for residential appraiser courses, the instructor shall:
  - (A) have two years' full-time experience, consisting of 1500 hours per year, as a certified residential or general real estate appraiser within the previous five years, with at least one-half of the experience in residential property appraising; and
  - (B) be a current certified residential or general real estate appraiser.
- (2) for general appraiser courses, the instructor shall:
  - (A) have three years' full-time experience as a general real estate appraiser within the previous five years, with at least one-half of the experience in income property appraising; and
  - (B) currently be and has been a certified general real estate appraiser for at least five years.
- (3) for USPAP courses, the instructor shall:
  - (A) currently be a certified residential or a certified general appraiser; and
  - (B) be certified by the Appraiser Qualifications Board of the Appraisal Foundation as an instructor for the National USPAP Course. If a USPAP instructor fails to renew or loses his or her certification by the Appraiser Qualifications Board, the instructor shall stop teaching and notify the

Appraisal Board of the loss of certification.

- (4) for statistics, modeling and finance courses, the instructor shall:
  - (A) have previously completed this class; or
  - (B) have completed 3 semester hours of statistics from a regionally accredited college or university.
- (5) for the 8-hour Valuation Bias and Fair Housing Laws and Regulations courses that do not have course approval through The Appraisal Foundation's Appraisal Qualifications Board Course Approval Program, the instructor shall:
  - (A) have a bachelor's degree in any field and three years of experience directly related to the subject matter to be taught;
  - (B) have a master's degree in any field and one year of experience directly related to the subject matter to be taught;
  - (C) have a master's or higher degree in a field that is directly related to the subject matter to be taught;
  - (D) have five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
  - (E) be a certified residential or certified general appraiser and have previously completed this class within five years of application.

(b) Guest lecturers who do not possess the qualifications set forth in Paragraph (a) of this Rule may teach collectively up to one-fourth of any course, if each guest lecturer possesses education and experience in the subject area about which the lecturer is teaching.

(c) Instructors shall conduct their classes in a manner that demonstrates knowledge of the subject matter being taught and mastery of the following teaching skills:

- (1) The ability to utilize illustrative examples, and to respond to questions from students;
- (2) The ability to utilize varied instructive techniques other than straight lecture, such as class discussion;
- (3) The ability to utilize instructional aids to enhance learning;
- (4) The ability to maintain a learning environment and control of a class; and
- (5) The ability to interact with students in a professional and non-discriminatory manner.

(d) Upon request of the Board, an instructor or proposed instructor shall submit to the Board a recording that depicts the instructor teaching portions of a qualifying course, in order to ensure that all requirements of this Rule are being met.

(e) The inquiry into determining whether to approve an instructor shall include consideration of whether the instructor has ever had any disciplinary action taken or has a disciplinary action pending against his or her appraisal license or certificate or any other professional license or certificate in North Carolina or any other

state. If the instructor has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1 in determining whether to approve the instructor. An instructor shall not have received any disciplinary action against his or her appraisal license or certificate from the State of North Carolina or any other state within the previous two years. For the purposes of this Section, disciplinary action means a reprimand, suspension (whether active or inactive), or a revocation.

(f) Proposed qualifying course instructors who do not meet the minimum appraisal education and experience qualifications listed in Paragraph (a) of this Rule, and who seek to have their qualifications determined by the Board to be equivalent to the qualifications listed in Paragraph (a) of this Rule, shall supply the Board with copies of sample appraisal reports or other evidence of experience.

(g) Persons desiring to become instructors for qualifying courses shall file an instructor application for qualifying education and be approved by the Board. There is no fee for application for instructor approval. Once an instructor has been approved to teach a specific qualifying course, that person may teach the course at any school or for any course sponsor approved by the Appraisal Board to offer qualifying courses. The instructor application form shall include the following information:

- (1) the instructor's name, address, phone number, and email address;
- (2) a list of course provider(s) the instructor will be teaching for;
- (3) the programs the instructor is seeking approval for;
- (4) the instructor's licensing/certification history;
- (5) whether the instructor has ever been denied a trainee registration, or appraiser license, or certificate in NC or any other state;
- (6) whether the instructor has any disciplinary action taken against a trainee registration, appraiser license or certificate in NC or any other state;
- (7) whether the instructor has had any disciplinary action within the past three years or pending complaints or charges pending against any professional license in this State;
- (8) the instructor's college education, appraisal education, appraisal experience, and description of work experience; and
- (9) the signature of applicant.

(h) Current Appraisal Board members shall not be eligible to teach qualifying courses during their term of office on the Board.

(i) Approval of qualifying education course instructors expires on the next December 31 following the date of approval. Applications for renewal of Board approval, shall be filed with the Board annually on or before December 1.

Authority G.S. 93E-1-8(a); 93E-1-10.

**SECTION .0600 - CONTINUING EDUCATION COURSES**

**21 NCAC 57B .0603 CRITERIA FOR COURSE APPROVAL**

The following requirements shall be satisfied in order for course sponsors to obtain approval of a course for appraiser continuing education credit:

- (1) The subject matter of the course shall comply with the requirements of Rule .0204 of Subchapter 57A and the information to be provided in the course shall be both accurate and current.
- (2) The course shall involve a minimum of two hours of instruction on acceptable subject matter as outlined in 21 NCAC 57A .0204(c). A classroom hour consists of 50 minutes of classroom instruction and 10 minutes of break time. Instruction shall be given for the full number of hours for which credit is given. Instructors shall not accumulate unused break time to end the class early.
- (3) The course instructor(s) shall:
  - (a) possess the fitness for licensure required of applicants for trainee registration, real estate appraiser licensure, or certification; and
  - (b) either:
    - (i) two years' full-time experience that is related to the subject matter to be taught;
    - (ii) a baccalaureate or higher degree in a field that is related to the subject matter to be taught;
    - (iii) two years' full-time experience teaching the subject matter to be taught; or
    - (iv) an equivalent combination of such education and experience.
- (4) The course shall be one involving a qualified instructor who, except as noted in Item (5) of this Rule, shall be physically present in the classroom at all times, and shall personally provide the instruction for the course. The course instructor may utilize video instruction, or similar types of instruction by other persons to enhance or supplement his or her personal instruction; however, such other persons shall not be considered to be the course instructor and the course instructor shall be physically present when such indirect instruction by other persons is being utilized. ~~No portion of the course shall consist of correspondence instruction.~~ The instructor shall comply with Rule .0306(c) of this Subchapter. Instructors for the National USPAP courses shall be certified by the Appraiser Qualifications Board of the Appraisal Foundation. Current Appraisal Board

- (5) members shall not teach continuing education courses during their term of office on the Board. Course sponsors may offer all continuing education classes via distance education as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. A sponsor seeking approval of a computer-based education course shall provide the Board access to the course via the internet at a date and time satisfactory to the Board and the Board shall not be charged any fee for such access. A course completion certificate shall be forwarded to the student as stated in Rule .0607 of this Section, and a course roster shall be sent to the Appraisal Board in accordance with Rule .0608 of this Section.
- (6) The course shall be an educational program intended to improve the knowledge, skill and competence of trainees, and licensed and certified real estate appraisers.
- (7) The course sponsor shall certify that the course shall be conducted in accordance with the operational requirements stated in Rule .0606 of this Section and that the course sponsor will comply with all other applicable rules contained in this Section.
- (8) The course title shall not include the words "Uniform Standards of Professional Appraisal Practice" or "USPAP" unless the course is either the ~~15-hour~~ 15-hour National USPAP course or the ~~7-hour~~ 7-hour National USPAP Continuing Education course. If the course is the ~~7-hour~~ 7-hour National USPAP Continuing Education course, the course title shall state which edition of USPAP will be taught in that specific course.
- (9) Each course shall utilize a textbook or course materials that have been approved by the Board.
- (10) If the course content is related to technology, such as software, hardware, electronic devices, manuals, or databases, the course shall be developed specifically for utilization in the real estate appraisal business in order to be approved for continuing education credit. Such courses shall not require the student to purchase specific products, and the course shall not be used to sell or advertise particular products or software.

Authority G.S. 93E-1-8(c); 93E-1-10.

**21 NCAC 57B .0614 INSTRUCTORS FOR THE TRAINEE/SUPERVISOR SUPERVISOR/TRAINEE COURSE REQUIRED BY G.S. 93E-1-6.1**

(a) Instructors for the ~~trainee supervision~~ supervisor/trainee course set forth in G.S. 93E-1-6.1 shall be ~~real estate appraisers who have been certified residential or certified general appraisers~~

- ~~for at least three years. meet the requirements of a supervisor as outlined in 21 NCAC 57A .0407 (b1) and (b8).~~
- ~~(b) Instructors shall not have received any disciplinary action regarding their appraisal certificate from the State of North Carolina or any other state within the previous three years.~~
- ~~(e)(b) Persons who wish to teach the trainee supervision supervisor/trainee course shall be approved by the Board before they may teach this course. Approval of a trainee supervision supervisor/trainee course instructor authorizes the instructor to teach the course for any approved course sponsor.~~
- ~~(d)(c) Applicants who wish to become instructors for the trainee supervision supervisor/trainee course shall attend an educational workshop sponsored by the Board or shall, within three years of applying, complete the trainee supervision course with another a Board approved sponsor, before they may be approved. Applicants may check the Board's website for information regarding the date and location of the workshop. The website may be accessed at www.ncappraisalboard.org.~~
- ~~(e)(d) Approval of trainee supervision supervisor/trainee course instructors expires on the next December 31 following the date of approval. Applications for renewal of Board approval, shall be filed with the Board annually on or before December 1.~~

Authority G.S. 93E-1-6.1; 93E-1-8(c); 93E-1-10.

**SUBCHAPTER 57D – APPRAISAL MANAGEMENT COMPANIES**

**SECTION .0200 – APPRAISAL MANAGEMENT COMPANY REGISTRATION**

**21 NCAC 57D .0204 PAYMENT OF FEES TO THE BOARD**

~~Checks given~~ Payments to the Board ~~in payment of~~ for fees that are returned unpaid are cause for registration denial, suspension or revocation.

Authority G.S. 93E-2-3; 93E-2-8(a)(7).

**SECTION .0300 – APPRAISAL MANAGEMENT COMPANY PROCEDURES**

**21 NCAC 57D .0304 APPRAISER QUALIFICATIONS**

An appraisal management company shall assure that any appraiser being added to its appraiser panel to appraise properties in North Carolina holds a license in good standing in this State pursuant to the North Carolina Appraisers Act. The appraisal management company shall verify the status of the appraiser by contacting the North Carolina Appraisal Board or by utilizing the National Registry of the Appraisal Subcommittee. When an appraisal management company engages an appraiser, the appraisal management company shall select an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type. When an appraisal management company engages an appraiser for federally related transactions, the appraisal management company shall select an appraiser who is a licensed or certified appraiser, or who possesses a temporary practice

permit in compliance with any federally related transactions regulations.

*Authority G.S. 93E-2-3; 93E-2-4(f).*

**21 NCAC 57D .0305 APPRAISER COMPETENCY**

Before an appraiser is added to a panel, an appraisal management company shall require the appraiser to declare in writing the appraiser's areas of geographic competency, the types of properties the appraiser is competent to appraise, and the methodologies the appraiser is competent to perform. The appraisal management company shall ~~require~~ request the appraiser to update this information at least annually, and shall keep copies of ~~all~~ any such declarations for a period of five years from the date they are submitted.

*Authority G.S. 93E-2-3; 93E-2-4(b).*

**SECTION .0400 – APPRAISAL MANAGEMENT  
COMPANY GENERAL PRACTICES**

**21 NCAC 57D .0401 BUSINESS PRACTICES**

(a) An appraisal management company ~~may~~ shall not:

- (1) prohibit an appraiser from stating on an appraisal the fee the appraiser was paid by the company for the appraisal;
- (2) prohibit an appraiser from stating on an appraisal the appraiser's primary business address; or
- (3) prohibit an appraiser from informing a property owner, lender, or any other person or entity the appraiser's primary business address.

(b) An appraisal management company shall conduct its appraisal management services in accordance with the requirements of section 129E(a)-(i) of the Truth in Lending Act, 15 U.S.C. 1639e(a)-(i), and regulations thereunder.

*Authority G.S. 93E-2-3; ~~93E-7~~; 93E-2-7.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission on March 26, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Bill Nelson (2<sup>nd</sup> Vice-Chair)  
Jeanette Doran  
John Hahn  
Jeff Hyde  
Wyatt Dixon, III

**Appointed by House**

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

**COMMISSION COUNSEL**

Seth M. Ascher            984-236-1934  
Travis Wiggs             984-236-1929  
Christopher S. Miller    984-236-1935

**RULES REVIEW COMMISSION MEETING DATES**

March 26, 2026                      May 28, 2026  
April 28, 2026                      June 25, 2026

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**AGENDA**

**RULES REVIEW COMMISSION**

***Thursday, March 28, 2026, 10:00 A.M.  
1711 New Hope Church Rd., Raleigh, NC 27609***

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. State Board of Education - 16 NCAC 06H .0102 (Ascher)
- IV. Review of Log of Filings (Permanent Rules) for rules filed January 21, 2025 through February 20, 2026
  1. Code Officials Qualification Board (Wiggs)
  2. Department of Insurance (Ascher)
  3. Private Protective Services Board (Ascher)
  4. Security Systems Licensing Board (Ascher)
  5. Wildlife Resources Commission (Ascher)
  6. Board of Chiropractic Examiners (Miller)
  7. Licensing Board for General Contractors (Wiggs)
  8. Board of Cosmetic Art Examiners 14A, B, C, D (Wiggs)
  9. Board of Cosmetic Art Examiners 14G, H, I, N, P, R (Ascher)
  10. Board of Cosmetic Art Examiners 14T (Miller)
  11. Board of Funeral Service (Miller)
  12. Real Estate Commission (Wiggs)
- V. Log of Filings (Temporary Rules) for any rule filed within 15 business days before the RRC Meeting
- VI. Existing Rules Review
  - Review of Reports
    1. 10A NCAC 14F - HHS - Division of Health Service Regulation (Ascher)
    2. 10A NCAC 70I - Social Services Commission (Ascher)
    3. 10A NCAC 70K - DHHS - Social Services Commission (Ascher)
    4. 11 NCAC 04, 12 – Department of Insurance (Wiggs)

5. 14B NCAC 10 - Boxing and Combat Sports Commission (Ascher)
6. 14B NCAC 11 - Department of Public Safety (Ascher)
7. 14B NCAC 13 - Public Safety - State Capitol Police (Ascher)
8. 20 NCAC 01, 07 - Department of State Treasurer (Ascher)

VII. Commission Business

1. Request for extension of the 2024 - 2027 Periodic Review Schedule
  - 21 NCAC 27 - Board of Dietetics/Nutrition (Ascher)
2. Incorporation Guidance
  - Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC
  - Next meeting: Thursday, April 28, 2026

**Commission Review**  
*Log of Permanent Rule Filings*  
**January 21, 2026 through February 20, 2026**

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other

**CODE OFFICIALS QUALIFICATION BOARD**

The rules in Chapter 8 are the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Nature of Probationary Certificate</u>	11	NCAC	08	.0602
Amend*				
<u>Required Qualifications</u>	11	NCAC	08	.0706
Amend*				
<u>Building Inspector Level I, II and III</u>	11	NCAC	08	.0737
Amend*				
<u>Electrical Inspector Level I, II and III</u>	11	NCAC	08	.0738
Amend*				
<u>Mechanical Inspector Level I, II and III</u>	11	NCAC	08	.0739
Amend*				
<u>Plumbing Inspector Level I, II and III</u>	11	NCAC	08	.0740
Amend*				
<u>Fire Inspector Level I, II and III</u>	11	NCAC	08	.0741
Amend*				

**INSURANCE, DEPARTMENT OF**

The rules in Chapter 12 cover life and health insurance including general provisions applicable to all rules and all life and health insurance policies (.0100 - .0300); general life insurance provisions (.0400); general accident and health insurance provisions (.0500); replacement of insurance (.0600); credit insurance (.0700); medicare supplement insurance (.0800); long-term care insurance (.1000); mortgage insurance consolidations (.1100); accelerated benefits (.1200); small employer group health coverage (.1300); HMO and point-of-service coverage (.1400); uniform claim forms (.1500); retained asset accounts (.1600); viatical settlements (.1700); preferred provider plan product limitations (.1800); and domestic violence - prohibited acts (.1900).

<u>Review/Audit of Third Party Administrators</u>	11	NCAC	12	.0332
Amend*				

The rules in Chapter 18 concern multiple employer welfare arrangements.

<u>General Eligibility</u>	11	NCAC	18	.0102
Amend*				

**PRIVATE PROTECTIVE SERVICES BOARD**

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); armed armored car service guards firearm registration permit (.1400); close personal protection (.1500); digital forensics examiner (.1600); and training and supervision for digital forensics examiner (D.F.E) associates (.1700).

<u>Renewal or Re-issue of Licenses and Trainee Permits</u>	14B	NCAC	16	.0203
Amend*				
<u>Company Business License</u>	14B	NCAC	16	.0205
Amend*				
<u>Minimum Standards for Unarmed Security Guard Registration</u>	14B	NCAC	16	.0703
Amend*				
<u>Renewal of Unarmed Security Guard Registration</u>	14B	NCAC	16	.0706
Amend*				
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B	NCAC	16	.0806
Amend*				
<u>Training Requirements for Armed Licensees and Registrants</u>	14B	NCAC	16	.0807
Amend*				
<u>Concealed Weapons</u>	14B	NCAC	16	.0808
Amend*				
<u>Application for Firearms Trainer Certificate</u>	14B	NCAC	16	.0902
Amend*				
<u>Renewal of a Firearms Trainer Certificate</u>	14B	NCAC	16	.0904
Amend*				
<u>Application for an Unarmed Trainer</u>	14B	NCAC	16	.0910
Amend*				
<u>Renewal of an Unarmed Trainer Certificate</u>	14B	NCAC	16	.0911
Amend*				
<u>Accreditation Standards</u>	14B	NCAC	16	.1203
Amend*				
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B	NCAC	16	.1306
Amend*				
<u>Renewal of Armed Armored Car Service Guard Firearm...</u>	14B	NCAC	16	.1406
Amend*				

**SECURITY SYSTEMS LICENSING BOARD**

The rules in Chapter 17 are from the N.C. Alarm Systems Licensing Board and cover the organization and general provisions (.0100); provisions for licensees (.0200); provisions for registrants (.0300); the recovery fund (.0400); and continuing education for licensees (.0500).

<u>Definitions</u>	14B	NCAC	17	.0103
Amend*				
<u>Prohibited Acts</u>	14B	NCAC	17	.0105

Amend*					
<u>Consumer Contract and Disclosure Requirements for Security...</u>	14B	NCAC	17	.0108	
Amend*					
<u>Application for License</u>	14B	NCAC	17	.0201	
Amend*					
<u>Experience Requirements for License</u>	14B	NCAC	17	.0202	
Amend*					
<u>Company Business License</u>	14B	NCAC	17	.0209	
Amend*					
<u>Electrical Contracting License Requirements</u>	14B	NCAC	17	.0210	
Amend*					
<u>Application for Registration</u>	14B	NCAC	17	.0301	
Amend*					
<u>Registration Identification Cards</u>	14B	NCAC	17	.0305	
Amend*					

**WILDLIFE RESOURCES COMMISSION**

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

<u>General Provisions</u>	15A	NCAC	10F	.0301	
Amend*					
<u>Beaufort County</u>	15A	NCAC	10F	.0303	
Amend*					
<u>Dare County</u>	15A	NCAC	10F	.0310	
Amend*					
<u>Rowan County</u>	15A	NCAC	10F	.0329	
Amend*					
<u>Pitt County</u>	15A	NCAC	10F	.0354	
Amend*					
<u>Town of Nags Head</u>	15A	NCAC	10F	.0368	
Repeal*					

**CHIROPRACTIC EXAMINERS, BOARD OF**

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

<u>Structure of Board</u>	21	NCAC	10	.0103	
Readopt without Changes*					
<u>Seal of the Board of Chiropractic Examiners</u>	21	NCAC	10	.0104	
Readopt with Changes*					
<u>Escrow Account</u>	21	NCAC	10	.0105	
Readopt with Changes*					
<u>Application for Licensure</u>	21	NCAC	10	.0202	
Readopt with Changes*					
<u>North Carolina Examination</u>	21	NCAC	10	.0203	
Readopt with Changes*					
<u>Licensure; Renewal of License</u>	21	NCAC	10	.0204	

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<u>Readopt with Changes*</u>					
<u>Continuing Education Seminars</u>	21	NCAC	10	.0207	
<u>Readopt without Changes*</u>					
<u>Acupuncture</u>	21	NCAC	10	.0208	
<u>Readopt with Changes*</u>					
<u>Nutritional Supplements</u>	21	NCAC	10	.0209	
<u>Readopt with Changes*</u>					
<u>Individual-Study Continuing Education</u>	21	NCAC	10	.0210	
<u>Readopt with Changes*</u>					
<u>Agreements to Provide Financing or Management Services</u>	21	NCAC	10	.0211	
<u>Readopt/Repeal*</u>					
<u>Medical College Transfer Credits</u>	21	NCAC	10	.0212	
<u>Readopt with Changes*</u>					
<u>Certified Chiropractic Assistants</u>	21	NCAC	10	.0213	
<u>Readopt with Changes*</u>					
<u>Petition for Predetermination</u>	21	NCAC	10	.0215	
<u>Readopt without Changes*</u>					
<u>Waiver</u>	21	NCAC	10	.0216	
<u>Readopt without Changes*</u>					
<u>Professional Entities</u>	21	NCAC	10	.0217	
<u>Readopt without Changes*</u>					
<u>Preceptors</u>	21	NCAC	10	.0218	
<u>Amend*</u>					
<u>Ethics of Advertising and Publicity</u>	21	NCAC	10	.0302	
<u>Readopt without Changes*</u>					
<u>Solicitation of Auto Accident Victims</u>	21	NCAC	10	.0303	
<u>Readopt without Changes*</u>					
<u>Designation of Specialties</u>	21	NCAC	10	.0304	
<u>Readopt with Changes*</u>					
<u>Prepaid Treatment Plans</u>	21	NCAC	10	.0305	
<u>Readopt without Changes*</u>					
<u>Publication of Non-Diplomate Credentials</u>	21	NCAC	10	.0306	
<u>Readopt with Changes*</u>					
<u>Petitions for Adoptions of Rules</u>	21	NCAC	10	.0401	
<u>Readopt without Changes*</u>					
<u>Procedure for Adoption of Rules</u>	21	NCAC	10	.0403	
<u>Readopt without Changes*</u>					
<u>Declaratory Rulings</u>	21	NCAC	10	.0406	
<u>Readopt without Changes*</u>					
<u>Filing Complaints</u>	21	NCAC	10	.0501	
<u>Readopt with Changes*</u>					
<u>Determination of Probable Cause</u>	21	NCAC	10	.0503	
<u>Readopt with Changes*</u>					
<u>Drug Testing</u>	21	NCAC	10	.0504	
<u>Readopt without Changes*</u>					
<u>Conduct of Board Hearing</u>	21	NCAC	10	.0706	
<u>Readopt without Changes*</u>					
<u>Continuances for Board Hearings</u>	21	NCAC	10	.0708	
<u>Readopt without Changes*</u>					
<u>Subpoenas</u>	21	NCAC	10	.0709	
<u>Readopt without Changes*</u>					
<u>Fee Schedule</u>	21	NCAC	10	.0803	

Readopt without Changes\*

**GENERAL CONTRACTORS, LICENSING BOARD FOR**

The rules in Subchapter 12A concern general provisions including organization and responsibilities of the board (.0100); licensing requirements (.0200); application procedure (.0300); examination (.0400); license (.0500); board disciplinary procedures (.0700); contested cases (.0800); and homeowners recovery fund (.0900).

<u>Classification</u>	21	NCAC	12A	.0202
Amend*				

**COSMETIC ART EXAMINERS, BOARD OF**

The rules in Subchapter 14A are the Cosmetic Art Board of Examiners departmental rules including organizational rules (.0100); and license renewal waiver for armed forces (.0400).

<u>Definitions</u>	21	NCAC	14A	.0101
Readopt without Changes*				
<u>Address</u>	21	NCAC	14A	.0104
Readopt without Changes*				
<u>License Renewal Waiver for Armed Forces</u>	21	NCAC	14A	.0401
Readopt without Changes*				
<u>Duplicate Licenses</u>	21	NCAC	14A	.0402
Readopt without Changes*				
<u>Additional Salon Chairs</u>	21	NCAC	14A	.0403
Readopt without Changes*				
<u>Fees</u>	21	NCAC	14A	.0404
Readopt without Changes*				

The rules in Subchapter 14B concern rule-making procedures including petitions for rule-making (.0100); notice (.0200); hearings (.0300); declaratory rulings (.0500); and fees (.0600).

<u>Petitions</u>	21	NCAC	14B	.0101
Readopt without Changes*				
<u>Contents of Petitions</u>	21	NCAC	14B	.0102
Readopt without Changes*				
<u>Granting or Denying Petitions</u>	21	NCAC	14B	.0105
Readopt without Changes*				
<u>Final Decision</u>	21	NCAC	14B	.0107
Readopt without Changes*				
<u>Notice to Public</u>	21	NCAC	14B	.0201
Readopt without Changes*				
<u>Procedure for Making Oral Presentation at Hearing</u>	21	NCAC	14B	.0302
Readopt without Changes*				
<u>Acknowledgement of a Request to Make an Oral Presentation</u>	21	NCAC	14B	.0304
Readopt without Changes*				
<u>Written Statement</u>	21	NCAC	14B	.0305
Readopt without Changes*				
<u>Acknowledgement</u>	21	NCAC	14B	.0306
Readopt without Changes*				
<u>Control of Hearings</u>	21	NCAC	14B	.0307
Readopt without Changes*				
<u>Request for Statement on Adopted Rule</u>	21	NCAC	14B	.0308
Readopt without Changes*				

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<u>Records</u>	21	NCAC	14B	.0309
Readopt without Changes*				
<u>Request for Declaratory Ruling</u>	21	NCAC	14B	.0501
Readopt without Changes*				
<u>Contents of Request</u>	21	NCAC	14B	.0502
Readopt without Changes*				
<u>Refusal to Issue Declaratory Ruling</u>	21	NCAC	14B	.0503
Readopt without Changes*				
<u>Procedure</u>	21	NCAC	14B	.0505
Readopt without Changes*				
<u>Circumstances</u>	21	NCAC	14B	.0506
Readopt without Changes*				
<u>Copying Charges</u>	21	NCAC	14B	.0601
Readopt without Changes*				
<u>Postage and Handling</u>	21	NCAC	14B	.0603
Readopt without Changes*				
<u>Cosmetologist License Fee and Staggered License Renewal S...</u>	21	NCAC	14B	.0605
Readopt without Changes*				
<u>Waivers</u>	21	NCAC	14B	.0607
Readopt without Changes*				
<u>Complaints</u>	21	NCAC	14B	.0608
Readopt without Changes*				

The rules in Subchapter 14C concern contested cases including general rules (.0100); request for a hearing (.0200); who shall hear contested cases (.0600); intervention (.0800); and hearing officers (.0900).

<u>Administrative Hearings</u>	21	NCAC	14C	.0101
Readopt without Changes*				
<u>Presiding Officer</u>	21	NCAC	14C	.0103
Readopt without Changes*				
<u>Request</u>	21	NCAC	14C	.0201
Readopt without Changes*				
<u>Written Request</u>	21	NCAC	14C	.0203
Readopt without Changes*				
<u>Contents of Request</u>	21	NCAC	14C	.0204
Readopt without Changes*				
<u>Acknowledgement</u>	21	NCAC	14C	.0205
Readopt without Changes*				
<u>Additional Information on Notices of Hearings</u>	21	NCAC	14C	.0503
Readopt without Changes*				
<u>Hearing Panel</u>	21	NCAC	14C	.0601
Readopt without Changes*				
<u>Intervention of Right</u>	21	NCAC	14C	.0801
Readopt without Changes*				
<u>Permissive Intervention</u>	21	NCAC	14C	.0802
Readopt without Changes*				
<u>Discretionary Intervention</u>	21	NCAC	14C	.0803
Readopt without Changes*				
<u>Advisability</u>	21	NCAC	14C	.0804
Readopt without Changes*				
<u>Written Motion</u>	21	NCAC	14C	.0805
Readopt without Changes*				
<u>Allowance</u>	21	NCAC	14C	.0807

Readopt without Changes*				
<u>Denial</u>	21	NCAC	14C	.0808
Readopt without Changes*				
<u>Bias of Board Member</u>	21	NCAC	14C	.0903
Readopt without Changes*				
<u>Bias Claimed by Party</u>	21	NCAC	14C	.0904
Readopt without Changes*				
<u>Filing Affidavit</u>	21	NCAC	14C	.0906
Readopt without Changes*				
<u>Disqualification</u>	21	NCAC	14C	.0907
Readopt without Changes*				
<u>New Hearing</u>	21	NCAC	14C	.0908
Readopt without Changes*				

The rules in Subchapter 14D concern failure to appear (.0100); subpoenas (.0300);

<u>Proceeding Without Party</u>	21	NCAC	14D	.0101
Readopt without Changes*				
<u>Continuances</u>	21	NCAC	14D	.0103
Readopt without Changes*				
<u>Petition to Reopen</u>	21	NCAC	14D	.0104
Readopt without Changes*				
<u>Criteria for Reopening a Case</u>	21	NCAC	14D	.0105
Readopt without Changes*				
<u>Issuance</u>	21	NCAC	14D	.0302
Readopt without Changes*				
<u>Service of Subpoenas</u>	21	NCAC	14D	.0303
Readopt without Changes*				
<u>Objections</u>	21	NCAC	14D	.0305
Readopt without Changes*				
<u>Statement of Reasons</u>	21	NCAC	14D	.0306
Readopt without Changes*				
<u>Service of Objections</u>	21	NCAC	14D	.0307
Readopt without Changes*				
<u>Responses to Objections</u>	21	NCAC	14D	.0308
Readopt without Changes*				
<u>Hearings on Subpoena</u>	21	NCAC	14D	.0309
Readopt without Changes*				
<u>Rulings</u>	21	NCAC	14D	.0310
Readopt without Changes*				

The rules in Subchapter 14G give the requirements for the establishment of cosmetic art schools.

<u>Space Requirements</u>	21	NCAC	14G	.0103
Readopt without Changes*				
<u>Re-Evaluation of Schools</u>	21	NCAC	14G	.0116
Readopt without Changes*				

The rules in Subchapter 14H are sanitation rules for both operators and facilities including sanitation (.0100); shop licensing and physical dimensions (.0200); cosmetic art shop and equipment (.0300); sanitation procedures and practices (.0400); and enforcement, maintenance of licensure (.0500).

<u>Application for Shop License</u>	21	NCAC	14H	.0201
Readopt without Changes*				
<u>Newly Established Shops</u>	21	NCAC	14H	.0203

Readopt without Changes*				
<u>Dimensions of Cosmetic Art Shops</u>	21	NCAC	14H	.0204
Readopt without Changes*				
<u>Water</u>	21	NCAC	14H	.0301
Readopt without Changes*				
<u>Ventilation and Light</u>	21	NCAC	14H	.0302
Readopt without Changes*				
<u>Bathroom Facilities</u>	21	NCAC	14H	.0303
Readopt without Changes*				
<u>Equipment</u>	21	NCAC	14H	.0304
Readopt without Changes*				
<u>Licensees and Students</u>	21	NCAC	14H	.0401
Readopt without Changes*				
<u>Cosmetic Art Shops and Schools</u>	21	NCAC	14H	.0402
Readopt without Changes*				
<u>Disinfection Procedures</u>	21	NCAC	14H	.0403
Readopt without Changes*				
<u>First Aid</u>	21	NCAC	14H	.0404
Readopt without Changes*				
<u>Inspection of Cosmetic Art Shops</u>	21	NCAC	14H	.0501
Readopt without Changes*				
<u>Failure to Permit Inspection</u>	21	NCAC	14H	.0502
Readopt without Changes*				
<u>Sanitary Ratings and Posting of Ratings</u>	21	NCAC	14H	.0503
Readopt without Changes*				
<u>Systems of Grading Beauty Establishments</u>	21	NCAC	14H	.0504
Readopt without Changes*				

The rules in Chapter 14 are from the Board of Cosmetic Art Examiners. The rules in Subchapter 14I govern the operation of cosmetic art schools including record keeping (.0100); the reception area (.0200); classrooms (.0300); and licensure of convicted felons (.0400).

<u>Application/Licensure/Individuals Who Have Been Convicted...</u>	21	NCAC	14I	.0401
Readopt without Changes*				

The rules in Subchapter 14N deal with examinations including general provisions (.0100), cosmetologist exam (.0200), manicurist exam (.0300), cosmetologist teacher exam (.0400), and manicurist teach examination (.0500), esthetician examination (.0600), and esthetician teacher examination (.0700).

<u>Initial Application and Fees</u>	21	NCAC	14N	.0102
Readopt without Changes*				
<u>General Examination Instructions</u>	21	NCAC	14N	.0103
Readopt without Changes*				
<u>Special Arrangements for Disabled</u>	21	NCAC	14N	.0107
Readopt without Changes*				
<u>Passing Grades for Examination</u>	21	NCAC	14N	.0110
Readopt without Changes*				
<u>Notification of Examination Results</u>	21	NCAC	14N	.0111
Readopt without Changes*				
<u>Full Time and Part Time Equivalency</u>	21	NCAC	14N	.0115
Readopt without Changes*				

The rules in Subchapter 14P are civil penalty rules.

<u>Schedule of Civil Penalties</u>	21	NCAC	14P	.0101
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Readopt without Changes*				
<u>Qualifications for Licensing Teachers</u>	21	NCAC	14P	.0102
Readopt without Changes*				
<u>Licensing of Cosmetic Art Shops</u>	21	NCAC	14P	.0104
Readopt without Changes*				
<u>Renewals: Expired Licenses: Licenses Required</u>	21	NCAC	14P	.0105
Readopt without Changes*				
<u>Licenses Required</u>	21	NCAC	14P	.0106
Readopt without Changes*				
<u>Licenses to be Posted</u>	21	NCAC	14P	.0107
Readopt without Changes*				
<u>Revocation of Licenses and Other Disciplinary Measures</u>	21	NCAC	14P	.0108
Readopt without Changes*				
<u>Inspections</u>	21	NCAC	14P	.0109
Readopt without Changes*				
<u>Licensing of Beauty Salons</u>	21	NCAC	14P	.0110
Readopt without Changes*				
<u>Establishment of Cosmetic Art Schools</u>	21	NCAC	14P	.0111
Readopt without Changes*				
<u>Operations of Schools of Cosmetic Art</u>	21	NCAC	14P	.0113
Readopt without Changes*				
<u>Sanitary Ratings</u>	21	NCAC	14P	.0115
Readopt without Changes*				
<u>Civil Penalty Procedures</u>	21	NCAC	14P	.0116
Readopt without Changes*				
<u>Rule Compliance and Enforcement Measures</u>	21	NCAC	14P	.0117
Readopt without Changes*				

The rules in Subchapter 14R are continuing education rules.

<u>Continuing Education</u>	21	NCAC	14R	.0105
Readopt without Changes*				

The rules in Subchapter 14T concern cosmetic art schools including the scope of the rules and school applications (.0100); physical requirements for cosmetic art schools (.0200); school equipment and supplies (.0300); student equipment (.0400); record keeping (.0500); curricula for all cosmetic art disciplines (.0600); school licensure, operations, closing and relocating schools (.0700); school inspections (.0800); and disciplinary actions (.0900).

<u>Scope and Definitions</u>	21	NCAC	14T	.0101
Readopt without Changes*				
<u>New School Applications</u>	21	NCAC	14T	.0102
Readopt without Changes*				
<u>All Cosmetic Art Schools</u>	21	NCAC	14T	.0201
Readopt without Changes*				
<u>Equipment for All Cosmetic Art Schools</u>	21	NCAC	14T	.0301
Readopt without Changes*				
<u>Equipment for Cosmetology Schools</u>	21	NCAC	14T	.0302
Readopt without Changes*				
<u>Equipment for Esthetics Schools</u>	21	NCAC	14T	.0303
Readopt without Changes*				
<u>Equipment for Manicuring Schools</u>	21	NCAC	14T	.0304
Readopt without Changes*				
<u>Equipment for Natural Hair Care Styling Schools</u>	21	NCAC	14T	.0305
Readopt without Changes*				

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<u>Cosmetology and Apprentice Student Equipment</u> Readopt without Changes*	21	NCAC	14T	.0401
<u>Esthetics Student Equipment</u> Readopt without Changes*	21	NCAC	14T	.0402
<u>Manicuring Student Equipment</u> Readopt without Changes*	21	NCAC	14T	.0403
<u>Natural Hair Care Styling Student Equipment</u> Readopt without Changes*	21	NCAC	14T	.0404
<u>Submission of Records</u> Readopt without Changes*	21	NCAC	14T	.0501
<u>Permanent Records, Forms and Documentation</u> Readopt without Changes*	21	NCAC	14T	.0502
<u>Cosmetic Art Curricula</u> Readopt without Changes*	21	NCAC	14T	.0601
<u>Cosmetology Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0602
<u>Apprentice Cosmetology Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0603
<u>Esthetics Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0604
<u>Manicuring Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0605
<u>Natural Hair Care Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0606
<u>Cosmetology Teacher Trainee Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0607
<u>Esthetic Teacher Trainee Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0608
<u>Manicurist Teacher Trainee Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0609
<u>Natural Hair Care Teacher Curriculum</u> Readopt without Changes*	21	NCAC	14T	.0610
<u>Online Instruction</u> Readopt without Changes*	21	NCAC	14T	.0611
<u>Instruction Guidelines</u> Readopt without Changes*	21	NCAC	14T	.0612
<u>Uniforms and Identification</u> Readopt without Changes*	21	NCAC	14T	.0613
<u>Internships</u> Readopt without Changes*	21	NCAC	14T	.0614
<u>Field Trips</u> Readopt without Changes*	21	NCAC	14T	.0615
<u>Additional Hours</u> Readopt without Changes*	21	NCAC	14T	.0616
<u>Teacher Trainees</u> Readopt without Changes*	21	NCAC	14T	.0617
<u>School Operations/Licensure Maintenance</u> Readopt without Changes*	21	NCAC	14T	.0701
<u>Transfer of Credit</u> Readopt without Changes*	21	NCAC	14T	.0702
<u>Expiration of Student Credit</u> Readopt without Changes*	21	NCAC	14T	.0703

<u>School Performance Requirements</u> Readopt without Changes*	21	NCAC	14T	.0705
<u>School Approval Changes and School Closing</u> Readopt without Changes*	21	NCAC	14T	.0706
<u>School Infection Control Grades</u> Readopt without Changes*	21	NCAC	14T	.0802
<u>School Inspections</u> Readopt without Changes*	21	NCAC	14T	.0803
<u>School Probation</u> Readopt without Changes*	21	NCAC	14T	.0901

**FUNERAL SERVICE, BOARD OF**

The rules in Subchapter 34A concern board functions including general provisions (.0100); and fees and other payments (.0200).

<u>Character Affidavit Form</u> Repeal*	21	NCAC	34A	.0122
<u>Fees and Other Payments</u> Amend*	21	NCAC	34A	.0201

The rules in Subchapter 34B are funeral service rules including rules relating to resident trainees (.0100); examinations (.0200); licensing (.0300); continuing education (.0400); out-of-state licensees (.0500); funeral establishments (.0600); preparation of dead bodies (.0700); and transportation of dead human bodies (.0800).

<u>Authorized Practice: Supervision</u> Amend*	21	NCAC	34B	.0103
<u>Funeral Director Trainee Application Form</u> Amend*	21	NCAC	34B	.0105
<u>Embalmer Trainee Application Form</u> Amend*	21	NCAC	34B	.0106
<u>Funeral Service Trainee Application Form</u> Amend*	21	NCAC	34B	.0107
<u>Trainee Final Affidavit Form</u> Amend*	21	NCAC	34B	.0120
<u>National Board Certificate</u> Amend*	21	NCAC	34B	.0211
<u>Practice of Funeral Service or Funeral Directing Not as a...</u> Amend*	21	NCAC	34B	.0310
<u>Procedures for Provisional Licensure</u> Amend*	21	NCAC	34B	.0313
<u>Continuing Education Program</u> Amend*	21	NCAC	34B	.0408
<u>Application Form and Equivalent Examinations for...</u> Amend*	21	NCAC	34B	.0502
<u>Application Form for Funeral Establishment Permit</u> Amend*	21	NCAC	34B	.0608
<u>Funeral Establishment Permit Renewal Form</u> Amend*	21	NCAC	34B	.0610
<u>Body Identification Tags</u> Amend*	21	NCAC	34B	.0616
<u>Practicing During Disasters</u> Amend*	21	NCAC	34B	.0617
<u>Practicing During Emergencies</u>	21	NCAC	34B	.0618

Repeal*				
<u>Definitions</u>	21	NCAC	34B	.0801
Amend*				
<u>Initial Permit Application Form</u>	21	NCAC	34B	.0802
Amend*				
<u>Permit Renewal Application Form</u>	21	NCAC	34B	.0803
Amend*				
<u>Initial Transportation Service Permit Application Form</u>	21	NCAC	34B	.0807
Adopt*				
<u>Transportation Service Permit Renewal Application Form</u>	21	NCAC	34B	.0808
Adopt*				

The rules in Subchapter 34C concern crematories including general provisions (.0100); equipment and processing (.0200); and authorizations, reports, records (.0300).

<u>Election to Crematory Authority</u>	21	NCAC	34C	.0101
Repeal*				

The rules in Subchapter 34D are preneed funeral contract rules including general provisions (.0100); licensing (.0200); operations (.0300); and preneed recovery fund (.0400).

<u>Transfer of Trust Funds to Insurance Funded Product</u>	21	NCAC	34D	.0305
Adopt*				

**REAL ESTATE COMMISSION**

The rules in Chapter 58 are from the North Carolina Real Estate Commission. The rules in Subchapter 58A are rules relating to real estate brokers and salesmen including rules dealing with general brokerage (.0100); application for license (.0300); examinations (.0400); licensing (.0500); real estate commission hearings (.0600); petitions for rules (.0700); rulemaking (.0800); declaratory rulings (.0900); real estate education and recovery fund (.1400); discriminatory practices prohibited (.1600); mandatory continuing education (.1700); limited nonresident commercial licensing (.1800); post-licensure education (.1900); annual reports (.2000); brokers in military service (.2100); and broker price opinions and comparative market analyses (.2200).

<u>License Application and Fee</u>	21	NCAC	58A	.0302
Amend*				
<u>License Renewal</u>	21	NCAC	58A	.0503
Amend*				
<u>License Cancellation</u>	21	NCAC	58A	.0513
Adopt*				
<u>Requirements for Licensure Application and Fee</u>	21	NCAC	58A	.1803
Amend*				

The rules in Subchapter 58G concern the administration of the Real Estate Commission.

<u>Definitions</u>	21	NCAC	58G	.0103
Amend*				

The rules in Subchapter 58H concern real estate education including general rules (.0100); real estate schools (.0200); approved instructors (.0300); and real estate courses (.0400).

<u>Definitions</u>	21	NCAC	58H	.0101
Amend*				
<u>Limitation, Denial, Withdrawal, or Termination of Education...</u>	21	NCAC	58H	.0210
Amend*				

