



**Rules that Affected Local  
Governments in  
SFY 2006-2007**

**and**

**Schedule of Rule Actions  
Anticipated in  
SFY 2008-2009**

Prepared by the  
North Carolina Office of State Budget and  
Management,  
Office of the Governor

March, 2008

## **2008 Rules that Affected Local Governments and Schedule of Anticipated Rule Actions**

On May 17, 1994, Governor James B. Hunt Jr. issued Executive Order No. 49 entitled “Fiscal Notes on Administrative Rules Affecting Local Governments.” The Executive Order set forth policies and procedures for state agencies to follow when proposing permanent rules with an impact on local governments. In 1995, the General Assembly incorporated these policies as well as other changes in the Administrative Procedure Act (APA). The revised APA enables local governments to be more involved in estimating the fiscal impact of permanent rules on local budgets. State agencies also must be more aware of a proposed rule’s impact on local governments.

Each year, the North Carolina Office of State Budget and Management (OSBM) prepares an schedule of rule actions anticipated in the upcoming fiscal year, as required in the APA, G.S. 150B-21.28 (see Appendix). The APA also requires OSBM to summarize the rules adopted during the preceding fiscal year that affect local governments. OSBM is required to provide a copy of this report to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities.

**Rule Changes Adopted in FY 2006-2007 Impacting Local Governments**

**Department of Environment and Natural Resources**

**Rule Title: Annual Emissions Reporting**

Division: Division of Air Quality  
Citation(s): 15A NCAC 2Q .0207  
Contact Name: Michael Abraczinskas  
Contact Phone: 919/715-3743  
Adoption Date: 5/10/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$7,020	\$7,020	\$7,800	\$7,800

**Rule Title: Public Beach and Coastal Waterfront Access Program**

Division: Division of Coastal Management  
Citation(s): 15A NCAC 07M .0303, 15A NCAC 07M .0306, 15A NCAC 07M .0307  
Contact Name: Tancred Miller  
Contact Phone: 252-808-2808  
Adoption Date: 5/18/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
(\$6,375)	(\$25,500)	(\$25,500)	(\$25,500)	(\$25,500)

**Rule Title: Technical Standards for Beach Fill Projects**

Division: Division of Coastal Management  
Citation(s): 15A NCAC 07H .0312  
Contact Name: Tancred Miller  
Contact Phone: 252-808-2808  
Adoption Date: 11/17/2006

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$1,830	\$1,830	\$1,830	\$1,830	\$1,830

**Rule Title:** Land Use Plan Public Hearing, Local Adoption, and Presentation to CRC

Division: Division of Coastal Management  
Citation(s): 15A NCAC 07B .0801  
Contact Name: Tancred Miller  
Contact Phone: 252-808-2808  
Adoption Date: 11/17/2006

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$60	\$60	\$60	\$60	\$60

**Rule Title:** Public Notification Requirements

Division: Division of Environmental Health  
Citation(s): 15A NCAC 18C .1523  
Contact Name: Linda Raynor  
Contact Phone: 919/715-3225  
Adoption Date: 8/16/2006

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$23,730	\$23,730	\$23,730	\$23,730	\$23,730

**Rule Title:** Fees

Division: Division of Environmental Health  
Citation(s): 15A NCAC 11 .1106, 15A NCAC 11 .1102, 15A NCAC 11 .1104, 15A NCAC 11 .1105, 15A NCAC 11 .1423  
Contact Name: Beverly Hall  
Contact Phone: 919/571-4141  
Adoption Date: 5/1/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$3,800	\$3,800	\$3,800	\$3,800

**Rule Title:** Rules Governing Food Service Establishments  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 18A .2609, 15A NCAC 18A .2620, 15A NCAC 18A .2638  
**Contact Name:** Kristi Nixon  
**Contact Phone:** 252/482-1952  
**Adoption Date:** 8/22/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$49,700	\$0	\$0	\$0

**Rule Title:** Construction and Demolition Landfill Requirements

**Division:** Division of Waste Management  
**Citation(s):** 15A NCAC 13B .0532- .0547  
**Contact Name:** Ed Mussler  
**Contact Phone:** 919/508-8495  
**Adoption Date:** 8/16/2006

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$436,750	\$436,750	\$436,750	\$436,750	\$436,750

**Rule Title:** Standards for New and Replacement Underground Storage Tank Systems

**Division:** Division of Waste Management  
**Citation(s):** 15A NCAC 2N .0201, .0203, .0304, .0502, .0503, .0907, .0301, .0302, .0901, .0902, .0903, .0904, .0905, .0906  
**Contact Name:** Ruth Strauss  
**Contact Phone:** 919/733-1330  
**Adoption Date:** 7/14/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$45,800	\$47,675	\$49,550	\$51,425

**Rule Title: Surface Water Quality Standards for Biological and Toxic Substances**

Division: Division of Water Quality  
Citation(s): 15A NCAC 02B .0204, .0208, .0211, .0212, .0214, .0215, .0216, .0218, .0220, .0221, .0222  
Contact Name: Connie Brower  
Contact Phone: 919-733-5083  
Adoption Date: 3/8/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$8,264	\$11,848	\$17,672	\$21,256	\$24,840

**Rule Title: Revision of Fee Schedule for Compensatory Mitigation<sup>1</sup>**

Division: Ecosystem Enhancement Program  
Citation(s): 15A NCAC 2R.0101; 15A NCAC 2R.0201; 15A NCAC 2R.0203; 15A NCAC 2R.0401; 15A NCAC 2R.0402  
Contact Name: Suzanne Klimek  
Contact Phone: 919/715-1835  
Adoption Date: 9/13/2007

Local Impact by Fiscal Year

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$152,500	\$152,500	\$152,500	\$152,500

**Totals for Department of Environment and Natural Resources**

**Number of Rules: 11**

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$464,259	\$707,538	\$665,537	\$671,776	\$677,235

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<sup>1</sup> The "Revision of Fee Schedule for Compensatory Mitigation" rule is pending legislative review.

**Department of Insurance**

**Rule Title:** 2003 International Codes with 2006 NC Amendments  
**Division:** State Building Code Council  
**Citation(s):** 2006 NC Fire Code Section 903.2.7, 2006 NC Building Code Section 903.2.7  
**Contact Name:** Barry Gupton  
**Contact Phone:** 919-661-5880  
**Adoption Date:** 9/4/2006

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$2,878,562	\$2,951,965	\$3,027,240	\$3,104,435	\$3,183,598

**Totals for Department of Insurance**

**Number of Rules:** 1

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$2,878,562	\$2,951,965	\$3,027,240	\$3,104,435	\$3,183,598

**Department of Labor**

**Rule Title:** Certificate of Operation Reinstatement Fee  
**Division:** Elevator and Amusement Device Bureau  
**Citation(s):** 13 NCAC 15 .0706  
**Contact Name:** Erin T. Gould  
**Contact Phone:** (919) 733-7885  
**Adoption Date:** 6/6/2007

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$12,400	\$6,200	\$5,580	\$5,022

**Totals for Department of Labor**

**Number of Rules:** 1

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$0	\$12,400	\$6,200	\$5,580	\$5,022

**Total Local Impact of Rules Approved in FY 06-07**

Number of Rules: 13

**Local Impact by Fiscal Year**

<i>FY 06-07</i>	<i>FY 07-08</i>	<i>FY 08-09</i>	<i>FY 09-10</i>	<i>FY 10-11</i>
\$3,342,821	\$3,671,903	\$3,698,977	\$3,781,791	\$3,865,855

**Rule Changes Anticipated in FY 2008-2009**

**Board of Sanitarian Examiners**

**Rule Title: Fee Increases**

Division:

Citation(s): 21 NCAC 62 .0405

Contact Name: Malcolm Blalock

Contact Phone: 919-341-2739

Rule Summary: The proposal intends to increase several existing fees and create one new fee. Specifically, it is proposed to change (in .0405 (1)) to increase the fee for applications from \$35.00 to \$50.00. In paragraph .0405 (2), the proposal would establish a new \$50.00 administrative fee for taking the examination. In paragraph .0405 (3) increase the fee for reciprocity from \$35.00 to \$50.00. In paragraph .0405 (4) increase the fee for annual renewal from \$35.00 to \$50.00. The Board is seeking legislation in the 2008 Short Session to allow increases in fees, along with other technical changes. The current fees have not changed since 1982, and expenses are currently exceeding income.

Federal Citation (if rule required by federal law):

**Anticipated**

State Government: N  
Local Governments: Y  
Substantial Economic: N

**Anticipated Rule Action:**

Adopt: N  
Amend: Y  
Repeal: N

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**Totals for Board of Sanitarian Examiners**

**Number of Anticipated Rules: 1**

**Department of Correction**

**Rule Title:** Cost for Copies

Division:

Citation(s): 05 NCAC 01F .0101; .0102 and .0201

Contact Name: Joan Elizabeth Taylor (Joanie Taylor)

Contact Phone: 919-716-3368

Rule Summary: 05 NCAC 01F .0101 - Location (no fiscal impact); 05 NCAC 01F .0102 - Cost for Copies (copying charges will affect the entities requesting copies from the Department of Correction, which includes both State and Local governments; and 05 NCAC 01F .0201 - Filing a Petition for Rule-Making (establishes procedures for requesting the initiation of a rule from the Department of Correction) - no fiscal impact.

Federal Citation (if rule required by federal law):

**Anticipated**

State Government: Y

Local Governments: Y

Substantial Economic N

**Anticipated Rule Action:**

Adopt: Y

Amend: N

Repeal: N

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**Totals for Department of Correction**

Number of Anticipated Rules: 1

**Department of Environment and Natural Resources**

**Rule Title:** Title V Annual Permit Fees  
**Division:** Division of Air Quality  
**Citation(s):** 15A NCAC 02Q .0203 and 02Q .0204  
**Contact Name:** Mike Abraczinskas  
**Contact Phone:** 919-715-3743  
**Rule Summary:** This rule amendment raises the Title V annual permit fees and tonnage fees on a phased approach through 2011. During the phase-in period, no inflation adjustments will be made to the Title V fees. There are three State government facilities (steam plants at universities) that hold Title V permits. There are six local government facilities (typically city/county landfills) that hold Title V permits.  
**Federal Citation (if rule required by federal law):** The Federal Clean Air Act requires that Title V expenses be covered by Title V fees in Section 502(b)(3)(A).

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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**Rule Title:** Conditional Exception to the Static Line  
**Division:** Division of Coastal Management  
**Citation(s):** 15A NCAC 07J .1200  
**Contact Name:** Tancred Miller  
**Contact Phone:** 252-808-2808  
**Rule Summary:** The Coastal Resources Commission currently has rules requiring the creation of a static development setback line along oceanfront beaches that have undergone large-scale nourishment projects. The Commission is revising those rules to allow for a conditional exception to the static line if a town meets certain requirements. 7J.1200 is being adopted to define those requirements, as well as the procedures for requesting the exception, and conditions under which the exception may expire or be revoked.  
**Federal Citation (if rule required by federal law):**

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	U	Repeal:	N

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**Rule Title:** **New fee for mammography facilities**  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .1105  
**Contact Name:** Jon Granger  
**Contact Phone:** 919-571-4141  
**Rule Summary:** Although we are creating a new fee for mammography facilities, we expect the facilities to have at least a 20% reduction in their total fees. Our new fees will replace the current fees paid by the facility to the FDA which are higher than we expect to charge. We have state government facilities that will be impacted by this change. There should be no economic impact since all facilities have to comply with these rules on the federal level.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** **Analytical x-ray facilities**  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .0808, 15A NCAC 11 .0809, 15A NCAC 11 .0810, 15A NCAC 11 .0811, 15A NCAC 11 .0812  
**Contact Name:** Jon Granger  
**Contact Phone:** 919-571-4141  
**Rule Summary:** These rules are for analytical x-ray facilities. We have a few state government educational registrants that will be impacted by these rules.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

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**Rule Title:** Industrial radiography facilities  
 Division: Division of Environmental Health  
 Citation(s): 15A NCAC 11 .0526  
 Contact Name: Jon Granger  
 Contact Phone: 919-571-4141  
 Rule Summary: These rules are for industrial radiography facilities. We have a few state government medical, educational and law enforcement registrants that will be impacted by these rules.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

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**Rule Title:** FDA rules for mammography facilities  
 Division: Division of Environmental Health  
 Citation(s): 15A NCAC 11 .0117  
 Contact Name: Jon Granger  
 Contact Phone: 919-571-4141  
 Rule Summary: We plan to incorporate by reference FDA rules for mammography facilities. These rules have been enforced for all mammography facilities since 10-1-1994 on an interim basis and were finalized on 4-28-1999. We have state government facilities that will be impacted by this change.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** Analytical x-ray facilities  
 Division: Division of Environmental Health  
 Citation(s): 15A NCAC 11 .0802, 15A NCAC 11 .0803, 15A NCAC 11 .0805, 15A NCAC 11 .0806, 15A NCAC 11 .0807  
 Contact Name: Jon Granger  
 Contact Phone: 919-571-4141  
 Rule Summary: These rules are for analytical x-ray facilities. We have a few state government educational registrants that will be impacted by these rules.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** Healing arts x-ray facilities  
 Division: Division of Environmental Health  
 Citation(s): 15A NCAC 11 .0602, 15A NCAC 11 .0603, 15A NCAC 11 .0604, 15A NCAC 11 .0605, 15A NCAC 11 .0606, 15A NCAC 11 .0607, 15A NCAC 11 .0610  
 Contact Name: Jon Granger  
 Contact Phone: 919-571-4141  
 Rule Summary: These rules are for healing arts x-ray facilities. We have a few state government medical, educational and law enforcement registrants that will be impacted by these rules.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** **Industrial radiography facilities**  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .0502, 15A NCAC 11 .0510, 15A NCAC 11 .0518, 15A NCAC 11 .0520, 15A NCAC 11 .0521, 15A NCAC 11 .0524  
**Contact Name:** Jon Granger  
**Contact Phone:** 919-571-4141  
**Rule Summary:** These rules are for industrial radiography facilities. We have a few state government medical, educational and law enforcement registrants that will be impacted by these rules.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

**Rule Title:** **Tracking of certain radioactive sources via web-based database system.**  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .1654  
**Contact Name:** J. Marion Eaddy III, MSEH, Health Physicist  
**Contact Phone:** 919.571.4141 ext. 236  
**Rule Summary:** System will be developed by Federal Government (US NRC) and available to NC licensees at no charge. Unsure how many hours will be required to comply with this regulation. NRC's regulatory analysis (71 FR65685) indicates most of the burden will fall on manufacturers of these sources. There are no licensees in NC who manufacture these sources; therefore, the cost to licensees will be directly related to the amount of time entering information in to the tracking system and performing an annual reconciliation of the data.

Federal Citation (if rule required by federal law): Section 274 of the Atomic Energy Act of 1954, as amended

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	U	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

**Rule Title:** Security Requirements for Portable Nuclear Gauge  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .0338  
**Contact Name:** J. Marion Eaddy III, MSEH, Health Physicist  
**Contact Phone:** 919.571.4141 ext. 236  
**Rule Summary:** Adding additional security requirements for portable nuclear gauge licensees. NC DOT has a number of the portable gauge devices for use in road construction; county health departments and city street maintenance departments may have these devices, though the number is declining. NRC estimated in their analysis (70 FR 2001) that the cost would average to \$200.00 per gauge.

**Federal Citation (if rule required by federal law):** Section 274 of the Atomic Energy Act of 1954, as amended

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	U	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** Healing arts x-ray facilities  
**Division:** Division of Environmental Health  
**Citation(s):** 15A NCAC 11 .0611, 15A NCAC 11 .0612  
**Contact Name:** Jon Granger  
**Contact Phone:** 919-571-4141  
**Rule Summary:** These rules are for healing arts x-ray facilities. We have a few state government medical, educational and law enforcement registrants that will be impacted by these rules.

**Federal Citation (if rule required by federal law):**

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

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**Rule Title:** **Amendment to alcohol prohibition rule**  
 Division: Division of Parks and Recreation  
 Citation(s): 15A NCAC 12B .1003  
 Contact Name: Bryan Dowdy, Parks Chief Ranger  
 Contact Phone: 919/715-7612  
 Rule Summary: The Division is considering requesting an amendment to our alcohol prohibition rule to allow it in designated parks and areas under a special use permit with strict parameters.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** **Transfer Stations and Storage Facilities**  
 Division: Division of Waste Management  
 Citation(s): 15A NCAC 13B .0400  
 Contact Name: Ellen Lorscheider  
 Contact Phone: 919-508-8499  
 Rule Summary: Transfer Stations and Storage Facilities will require additional safety requirements, such as concrete pads and enclosures, which will require increased construction costs for counties and local governments.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	N	Repeal:	N

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**Rule Title:** Treatment and Processing of wood, concrete and inert debris  
 Division: Division of Waste Management  
 Citation(s): 15A NCAC 13B .0300  
 Contact Name: Ellen Lorscheider  
 Contact Phone: 919-508-8499  
 Rule Summary: Treatment and Processing of wood, concrete and inert debris rules will affect existing operations at existing solid waste facilities at county and municipal facilities.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	U	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	U	Repeal:	N

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**Rule Title:** Stormwater control requirements for state and federal entities  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 02B .0271  
 Contact Name: Rich Gannon or Jason Robinson  
 Contact Phone: 919-733-5083 x356 or x537  
 Rule Summary: Would establish parallel stormwater control requirements for state and federal entities to those imposed on local governments under rules .0265 and .0266. Requirements address both new and existing development and call for education and illicit discharge elimination programs. Annual reports would be required.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

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**Rule Title:** Stormwater controls on new development activities in Jordan watershed

Division: Division of Water Quality

Citation(s): 15A 02B .0265

Contact Name: Rich Gannon or Jason Robinson

Contact Phone: 919-733-5083 x356 or x537

Rule Summary: Would require all local governments in the Jordan watershed to develop and implement programs to require stormwater controls on new development activities to meet sub watershed nutrient loading rate targets. Developers would control nutrient export to minimum levels onsite, and could meet remaining reduction needs through in-lieu fee payment to EEP, or to local governments with a Division-approved local offset plan. Control of flows for stream protection would also be required. Development in existing water supply watersheds would also be required to comply with density-related treatment thresholds and density caps designed to protect local water supplies where they are more stringent. Within one year of effective date, the Division would submit a model local program to the Commission for approval. Within another six months, local governments would submit programs for Division review and subsequent Commission approval. Within two and a half years after the effective date, local programs would be implemented. Annual reports would be required.

Federal Citation (if rule required by federal law):

**Anticipated**

State Government: N  
 Local Governments: Y  
 Substantial Economic: N

**Anticipated Rule Action:**

Adopt: Y  
 Amend: N  
 Repeal: N

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**Rule Title:** Loading reduction measures on existing developed lands  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 02B .0266  
**Contact Name:** Rich Gannon or Jason Robinson  
**Contact Phone:** 919-733-5083 x356 or x537  
**Rule Summary:** Would require all local governments to implement loading reduction measures on existing developed lands toward long-term load reduction targets for those lands. They would conduct feasibility studies, and then submit program proposals for Division and Commission approval within three years after effective date. Programs would propose implementation rate, nature and overall timeframes envisioned. Programs would be implemented within four years of rule effective date. Programs for public education and illegal discharge detection and elimination are to be implemented within two and a half years. Annual reports are required.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	Y	Repeal:	N

**Rule Title:** Goose Creek Threatened and Endangered Species Site Specific Management Plan  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 2B  
**Contact Name:** Jeff Manning  
**Contact Phone:** 733-5083, ext 579  
**Rule Summary:** Goose Creek Threatened and Endangered Species Site Specific Management Plan, requires stream protection via buffers and stormwater control, prohibits new or expanded discharges, and prohibits ammonia toxicity to the endangered species.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	U	Repeal:	N

**Rule Title:** Existing vegetated riparian areas in the Jordan watershed  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 02B .0267  
**Contact Name:** Rich Gannon or Jason Robinson  
**Contact Phone:** 919-733-5083 x356 or x537  
**Rule Summary:** Would require local governments to protect existing vegetated riparian areas 50 feet wide adjacent to intermittent and perennial streams, lakes, and ponds in the Jordan watershed. The first 30 feet adjacent to waters would be largely undisturbed forest, while the outer 20 feet could be managed vegetation. Existing, ongoing activities within these buffers could continue, while a change in land use would invoke the protections. Certain uses of land within the buffer are identified as exempt, allowable, or allowable with mitigation, while uses not listed would be prohibited.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	Y	Repeal:	N

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**Rule Title:** Revise the groundwater standard for arsenic  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 2L  
**Contact Name:** Jeff Manning  
**Contact Phone:** 733-5083, ext 579  
**Rule Summary:** Revise the groundwater standard for arsenic, may require longer term treatment, or establishment of treatment at contaminated sites.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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**Rule Title:** Point source annual N and P mass loading goals  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 02B .0270  
**Contact Name:** Rich Gannon or Jason Robinson  
**Contact Phone:** 919-733-5083 x356 or x537  
**Rule Summary:** Would distribute the entire point source annual N and P mass loading goals for each arm in the form of annual mass allocations to existing dischargers within each of the three sub watersheds. Discharge concentration equivalents at full flow range from 3.04 mg/L TN and 0.23 mg/L TP in the Upper New Hope Arm to 5.30 mg/L TN and 0.67 mg/L TP in the Haw River Arm. By comparison, requirements for lower Neuse dischargers equate to 3.71 mg/L TN and 2.0 mg/L TP. As in the Neuse, includes provisions for new and expanding dischargers, an option for group compliance and in-lieu offset fees to EEP for exceeding the cap, and an option for transfer of allocation among individual dischargers. It would also require optimization of existing facilities, and would improve protections against localized water quality degradation.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	Y	Repeal:	N

**Rule Title:** Jordan Reservoir Nutrient Management Strategy  
**Division:** Division of Water Quality  
**Citation(s):** 15A NCAC 2B  
**Contact Name:** Rich Gannon  
**Contact Phone:** 733-5083, ext 356  
**Rule Summary:** Jordan Reservoir Nutrient Management Strategy. Requires local government watershed planning, state permitting, and DOT permitting to control and remediate pollution to Jordan Reservoir.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

**Rule Title:** **Reclassify surface waters**  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 2B  
 Contact Name: Elizabeth Kountis  
 Contact Phone: 733-5083, ext 369  
 Rule Summary: Reclassify surface waters for various uses including Outstanding Resource Waters, High Quality Waters, Trout waters, and Water Supply watersheds. Reclassifications require additional protections implemented via DOT permits, through local ordinance watershed planning, and/or through state permitting actions.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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**Rule Title:** **National Pollution Discharge Elimination System (NPDES) Permitting and Pretreatment**

Division: Division of Water Quality  
 Citation(s): 15A NCAC 2H  
 Contact Name: Mike Templeton  
 Contact Phone: 733-5083, ext 541  
 Rule Summary: National Pollution Discharge Elimination System (NPDES) Permitting and Pretreatment, establishing Best Available Technology treatment requirements for nutrients which will require capital improvements at wastewater treatment plants; prohibiting ocean discharges as recommended by the State Coastal Habitat Protection Plan; and, modifying pretreatment rules to be consistent with federal requirements.

Federal Citation (if rule required by federal law): Contact Dana Folley, ext 733-5083, x523

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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**Rule Title:** Non-discharge facility monitoring requirements  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 2T  
 Contact Name: Kim Colson  
 Contact Phone: 715-6165  
 Rule Summary: Non-discharge facility monitoring requirements, to add new environmental monitoring requirements.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	U	Repeal:	N

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**Rule Title:** Well Construction Standards  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 2C  
 Contact Name: Evan Kane  
 Contact Phone: 715-6182  
 Rule Summary: Well Construction Standards, modifies construction criteria for all wells by incorporating new well product standards. Total costs will be determined by the number of new wells constructed in future years. Current annual construction rate is approximately 20,000 wells.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	U	Repeal:	N

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**Rule Title:** Lagoon Conversion Rules  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 2T  
 Contact Name: Ted Bush  
 Contact Phone: 715-6172  
 Rule Summary: Lagoon Conversion Rules, in accordance with Senate Bill 1465, these rules will apply to facilities interested in upgrading old waste lagoon systems into innovative treatment systems. The State is offering to cost-share these systems to 90% up to \$500,000, and has \$2,000,000 for this purpose.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	U	Repeal:	N

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**Rule Title:** Reclaimed Wastewater Rules  
 Division: Division of Water Quality  
 Citation(s): 15A NCAC 2T  
 Contact Name: Kim Colson  
 Contact Phone: 715-6165  
 Rule Summary: Reclaimed Wastewater rules, will add or modify requirements for using reclaimed wastewater.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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**Totals for Department of Environment and Natural Resources**

**Number of Anticipated Rules:** 29

**Department of Health and Human Services**

**Rule Title:** Special Care Units for Adult Care home beds  
**Division:** Division of Health Service Regulation  
**Citation(s):** 10A 13D .3034, .3035, .3036, .3037, .3038, .3039, ..3040, .3041  
**Contact Name:** Nadine Pfeiffer  
**Contact Phone:** 919-855-3758  
**Rule Summary:** Adopting the rules for Special Care Units for Adult Care home beds in combination Nursing Homes. These rules contain the following: 3034: Definitions for Special Care Units. 3035: Information about the disclosure facilities with Special Care Units must submit and who may consider themselves as having Special Care Units. 3036: Information about the building requirements facilities with Special Care Units must comply with. 3037: Policies and procedures for the Special Care Units. 3038: Admission requirements for residents to the Special Care Units. 3039: Resident care plan and assessment in the Special Care Units. 3040: Staffing in the Special Care Units. 3041: Staff orientation and training in the Special Care Units. There would be more reimbursement from Medicaid for homes that had these units.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	N	Amend:	N
Substantial Economic	N	Repeal:	N

**Rule Title:** Special Care Unit designation on the Nursing Homes  
**Division:** Division of Health Service Regulation  
**Citation(s):** 10A 13D .2102  
**Contact Name:** Nadine Pfeiffer  
**Contact Phone:** 919-855-3758  
**Rule Summary:** Amending the rule for a Special Care Unit designation on the Nursing Homes license for this type of unit for Adult Care beds in combination nursing homes. There would be more reimbursement from Medicaid for homes with this licensure designation.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	N	Amend:	Y
Substantial Economic	N	Repeal:	N

**Rule Title:** Payment, reporting, and settlement of LME Systems Management funding.

Division: Division of Mental Health, Developmental Disabilities and  
 Citation(s): 10A NCAC 27A .0301-.0304  
 Contact Name: W. Denise Baker  
 Contact Phone: 919-715-2780  
 Rule Summary: The proposed rules are to establish the requirements of the payment, reporting, and settlement of Local Management Entity Systems Management funding.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	N	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	N	Repeal:	N

**Rule Title:** Uniform co-payment schedule for MH/DD/SAS.

Division: Division of Mental Health, Developmental Disabilities and  
 Citation(s): 10A NCAC 27A .0501-.0502  
 Contact Name: W. Denise Baker  
 Contact Phone: 919-715-2780  
 Rule Summary: The proposed rules are to create and ensure the implementation of a uniform co-payment schedule for MH/DD/SA services.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	U	Adopt:	Y
Local Governments:	U	Amend:	N
Substantial Economic	U	Repeal:	N

**Totals for Department of Health and Human Services**

**Number of Anticipated Rules:** 4

## Department of Justice

**Rule Title:** Concealed handguns for retired law enforcement officers  
**Division:** Criminal Justice Education and Training Standards Commission  
**Citation(s):** 12NCAC 9H new section  
**Contact Name:** Teresa Marrella  
**Contact Phone:** 919-716-6470  
**Rule Summary:** Federal law requires us to create a program to allow retired law enforcement officers to qualify annually with a handgun that they wish to carry concealed. We have been given legislative authority to create the program and to establish reasonable fees for it. It will impact State government at the Dept of Justice, Criminal Justice Standards Division, because we must assign a staff member to manage the program.

**Federal Citation (if rule required by federal law):** Law Enforcement Officers Safety Act 18 U.S. Code 926B and 926C

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	U	Amend:	N
Substantial Economic	U	Repeal:	N

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**Rule Title:** In-service training  
**Division:** Sheriffs' Training & Standards Commission  
**Citation(s):** 12 NCAC 10B .2005 & .2007  
**Contact Name:** Julia A. Lohman  
**Contact Phone:** 919 716 6460  
**Rule Summary:** Annual revision of mandated in-service training for Deputy Sheriffs, Detention Officers, and Telecommunicators.

**Federal Citation (if rule required by federal law):**

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	N
Local Governments:	Y	Amend:	Y
Substantial Economic	Y	Repeal:	N

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## Totals for Department of Justice

**Number of Anticipated Rules:** 2

**Department of Labor**

**Rule Title:** Public Safety Divers  
**Division:** Occupational Safety & Health Division  
**Citation(s):** 13 NCAC 07F .0800 et seq.  
**Contact Name:** Erin T. Gould  
**Contact Phone:** (919) 733-7885  
**Rule Summary:** The proposed rule will set forth standards applicable to Public Safety Divers in order to provide a means of regulation for the same. Currently, there are federal standards applicable to commercial diving which exclude public safety operations and adoption of the proposed state specific rules will provide a safer, consistently regulated industry. The proposed rule will require unknown expenditures for the requisition of equipment, medical testing of employees, and additional training.

Federal Citation (if rule required by federal law):

<b>Anticipated</b>		<b>Anticipated Rule Action:</b>	
State Government:	Y	Adopt:	Y
Local Governments:	Y	Amend:	N
Substantial Economic	U	Repeal:	N

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**Totals for Department of Labor**

**Number of Anticipated Rules:** 1

**Office of State Personnel**

**Rule Title:** Salaries for Area Mental Health Directors.  
**Division:**  
**Citation(s):** 25 NCAC 11.2108  
**Contact Name:** E. D. Maynard, III  
**Contact Phone:** 919-807-4806  
**Rule Summary:** Because of a recent change to the enabling statute for Area Mental Health boards, the Legislature has now required the State Personnel Commission to adopt a salary range for the salaries for Area Mental Health Directors.

Federal Citation (if rule required by federal law):

**Anticipated**

State Government: N  
Local Governments: Y  
Substantial Economic: N

**Anticipated Rule Action:**

Adopt: Y  
Amend: N  
Repeal: N

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**Totals for Office of State Personnel**

**Number of Anticipated Rules:** 1

**Number of Rules Anticipated in FY 08-09:** 39

**Appendix: North Carolina Statute Requiring this Report**

**§ 150B-21.28. Role of the Office of State Budget and Management.**

The Office of State Budget and Management shall:

- (1) Compile an annual summary of the projected fiscal impact on units of local government of State administrative rules adopted during the preceding fiscal year.
- (2) Compile from information provided by each agency schedules of anticipated rule actions for the upcoming fiscal year.
- (3) Provide the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities with a copy of the annual summary and schedules by no later than March 1 of each year.