

**Schedule of Rule Actions Anticipated in FY 07-08 that Could Affect  
Local Government Finances,  
State Government Finances or  
Pose a Substantial Economic Impact**

**Compiled by the Office of State Budget and Management, Office of the Governor  
March 2007**

# Table of Contents

<b>Introduction</b> .....	<b>i</b>
<b>Summary</b> .....	<b>ii</b>
<b>Department of Agriculture and Consumer Services</b> .....	<b>1</b>
Veterinary Division.....	1
<b>Department of Environment and Natural Resources</b> .....	<b>1</b>
Division of Air Quality .....	1
Ecosystem Enhancement Program.....	1
Division of Environmental Health.....	1
Division of Waste Management.....	3
Division of Water Quality.....	5
<b>Department of Health and Human Services</b> .....	<b>6</b>
Division of Mental Health .....	6
Division of Public Health.....	6
Division of Vocational Rehabilitation .....	6
<b>Department of Insurance</b> .....	<b>7</b>
NC Building Code Council.....	7
<b>Department of Justice</b> .....	<b>8</b>
Division of Law Enforcement Training and Standards .....	8
<b>Department of Labor</b> .....	<b>8</b>
Elevator and Amusement Device Bureau.....	8

## **Introduction**

The APA (G.S. 150B-21.28) charges the Office of State Budget and Management (OSBM) to prepare a schedule of anticipated rule actions in the upcoming fiscal year. The schedule lists rules that would require a fiscal note with OSBM approval under the APA. These include rules with a financial impact on local government, a financial impact on state government, or that pose a substantial economic impact (greater than \$3 Million total financial impact on all persons in a 12 month period).

The APA requires that OSBM provide a copy of the schedule to the Governor, the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities by March 1 of each year. The OSBM based the schedule on a survey of all rule-making departments, boards, and commissions in state government.

## Summary

Seven different agencies anticipate 67 different rule changes, in FY 07-08, that would financially affect local government, state government, or pose a substantial economic impact. Rules may have more than one affect. Specifically:

- 18 rules are expected to impose a substantial economic impact and 16 others may pose a substantial economic impact.
- 41 rules are expected to impact local governments financially and 10 others may do so.
- 38 rules are expected to impact the state financially and 14 others may do so.

The schedule of rules follows.

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
NCDA&CS	Veterinary	2NCAC52J .0400	Euthanasia standards for animal shelters; some local governments may have to replace equipment, requires training of employees who perform euthanasia.	A	NA	N	Y	N	David McLeod / 733-7125
Board of Examiners for Engineers and Surveyors	NA	21-56.1608	Allow choice of accuracy standards for Geographic Information System surveys	A	NA	U	Y	U	David S. Tuttle 919-791-2000x111
DENR	Air Quality	15A NCAC 02Q .0207	Annual Emission Reporting	A	NA	N	Y	N	Paul Grable 919-733-1468
DENR	Ecosystem Enhancement Program	15A NCAC 02R .0402	Fee revision for voluntary mitigation program	A	NA	Y	Y	Y	Suzanne Klimek 919-715-1835
DENR	Environmental Health	15A NCAC 18A .1935-.1970	Rules for Sewage Treatment and Disposal System	A	NA	U	Y	Y	Connie Pixley 919-715-3273
DENR	Environmental Health	Well Construction Rules	Well permitting, and inspection	AD	NA	U	Y	Y	Connie Pixley 919-715-3273
DENR	Environmental Health	15A NCAC 11 .0117	Adopt by reference Mammography Regulations from FDA to allow Radiation Protection to Certify NC Mammography Facilities	A	42 U.S.C. 263b	Y	N	Y	Jon Granger 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0502	Radiography Definitions	AD	NA	N	Y	Y	Jeff Bethea 919-571-4141

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DENR	Environmental Health	15A NCAC 11 .0510	Requirements for a radiographer	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0518	Requirements for radiography employing radiation machines	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0526	New requirements for X-ray density gauges	AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11.0602	X-ray Definitions	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0603	Requirements for X-ray registrants	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11.0604	General requirement for X-ray systems	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0605	Requirements for fluoroscopic units	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0606	Radiographic X-ray requirements and exclusions	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0607	Requirements for dental inoral X-ray units	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0611	Requirements for Computed Tomography (CT) units	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0612	Requirements for Bone Density units	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0802	Analytical X-ray Definitions	A	NA	N	Y	Y	Jeff Bethea 919-571-4141

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DENR	Environmental Health	15A NCAC 11 .0803	Equipment Requirements for analytical x-ray equipment	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0804	Analytical X-ray area requirements	AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0805	Analytical X-ray operating requirements	AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0806	Analytical X-ray personnel requirements	A, AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 11 .0807	Requirements for hand-held analytical x-ray equipment	AD	NA	N	Y	Y	Jeff Bethea 919-571-4141
DENR	Environmental Health	15A NCAC 18A .2400	School Rules are being reviewed to assure compliance with current standards	AD, A, R	NA	U	Y	U	Ed Norman 919-715-3293
DENR	Environmental Health	15A NCAC 18A .3600	Resident Camp Rules are being adopted to have their individual set of standards	AD	NA	N	Y	N	Bart Campbell 919-715-7148
DENR	Waste Management	15A NCAC 13A .0109, .0110, and .0113	Revisions to Commercial TSD rules - financial assurance for cleanup & offsite	A	40 CFR 264, 265 & 270	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Contingency Plan Changes	A	40 CFR 264 & 270	N	Y	Y	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Maintain hazardous waste info offsite	A	40 CFR 264 & 270	U	Y	Y	Lillie Hinnant 919 508-8543

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Inspection frequency for changes in surrounding land use & population	A	40 CFR 264 & 270	Y	N	Y	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Twenty four - seven site security	A	40 CFR 264 & 270	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - More in-depth evaluation of siting standards	A	40 CFR 264 & 270	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Permits issued for 5 years instead of 10 years	A	40 CFR 264 & 270	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Change in siting design & operating requirements	A	NA	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13A .0109 and .0113	Revisions to Commercial TSD rules - Installation of on site wind monitors	AD	40 CFR 264 & 270	Y	N	N	Lillie Hinnant 919 508-8543
DENR	Waste Management	15A NCAC 13B .0400	Transfer stations	A, AD	NA	Y	Y	U	Ellen Lorscheider 919 508-8499
DENR	Waste Management	15A NCAC 13B .0300	Treatment and Processing Facilities	A, AD	NA	Y	Y	U	Ted Lyon 919-508-8508
DENR	Waste Management	15A NCAC 13B .1400	Compost Facilities	A	NA	N	Y	U	Ted Lyon 919-508-8509

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DENR	Waste Management	15A NCAC 02N	Underground Storage Tanks	A	40 CFR 280	Y	Y	Y	Ruth Strauss 919-733-1330
DENR	Water Quality	15A NCAC 02B .0225 and within .0300	Reclassification of Deep Creek to Outstanding Resource Waters	A	NA	U	Y	Y	E. Kountis 919-733-5083, ext 369
DENR	Water Quality	15A NCAC 02B .0225, and within .0300	Reclassification of Big Laurel/Spring Creeks to Outstanding Resource Waters	A	NA	N	Y	Y	E. Kountis 919-733-5083, ext 369
DENR	Water Quality	15A NCAC 02B .0300s	Reclassification of Boylston and Fines Creeks to Trout Waters	A	NA	N	U	Y	A. Weaver 919-733-5083, ext 370
DENR	Water Quality	15A NCAC 02B .0262-0272., 02B .0311	Jordan Reservoir Site Specific Management Strategy	A, AD	NA	Y	Y	Y	R. Gannon 919-733-5083, ext 356
DENR	Water Quality	15A NCAC 02B .0227	Goose Creek Watershed Site Specific Management Strategy	A	NA	Y	Y	Y	J. Manning 919-733-5083, ext 579
DENR	Water Quality	15A NCAC 02H .1000	Coastal Storm water Rule Clarifications and Revisions	A	NA	Y	Y	Y	T. Reeder 919-733-5083, ext 528
DENR	Water Quality	15A NCAC 02H .1100	Biological Laboratory Certification Rule Updates and Revisions	A	NA	N	Y	Y	C. Moore 919-733-2136
DENR	Water Quality	15A NCAC 02L .0202	Revision of Groundwater Quality Standard for Arsenic	A	NA	U	Y	Y	J. Manning 919-733-5083, ext 579

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DHHS	Mental Health	10A NCAC 26C .0600	Removal of LME Functions	AD	NA	U	U	U	Cindy Kornegay 919 715-2780
DHHS	Mental Health	10A NCAC 27G .0212	Disclosure of Financial Interest	AD	NA	U	U	U	Cindy Kornegay 919 715-2781
DHHS	Mental Health	10A NCAC 27I .0102 and .0201	LME Accreditation	AD	NA	U	U	U	Cindy Kornegay 919 715-2782
DHHS	Mental Health	10A NCAC 27G .0211	Provider Accreditation	AD	NA	U	U	U	Cindy Kornegay 919 715-2783
DHHS	Mental Health	10A NCAC 27I .0300	Uniform Portal	AD	NA	U	U	U	Cindy Kornegay 919 715-2784
DHHS	Mental Health	10A NCAC 26C .0700	Endorsement of Providers of MH/DD/SA Services	AD	NA	U	U	U	Cindy Kornegay 919 715-2785
DHHS	Public Health	10A NCAC 41C .0601-.0603; .0605-.0608	Updating of Asbestos Hazard Management rules	A	NA	N	Y	Y	Torrey McLean (919) 707-5951
DHHS	Vocational Rehabilitation	10A NCAC .0303	Clarification of eligibility for individuals requesting physical restoration services. The Division does not provide acute medical treatment. This could have an impact on local resources for indigent patients.	A	CFR 361.42(a)	N	Y	Y	Elizabeth Bishop 855-3566

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
DHHS	Vocational Rehabilitation	10 NCAC.0103 and .0304	The Division shall increase annual rate for assistance with tuition and fees for training. The impact will require additional spending by the Division.	A	34 CFR 361.42(a)	Y	N	Y	Elizabeth Bishop 855-3566
DHHS	Vocational Rehabilitation	NA	Personal Assistance Services-limit IL/VR reimbursement to two attendants, allow family member participation, clarify tax requirements and general procedure	AD	NA	Y	N	N	Elizabeth Bishop 855-3566
DHHS	Vocational Rehabilitation	10A NCAC .0203-0227	Appeals Hearings: Changes in general procedure	A	34 CFR 361.57	N	N	N	Elizabeth Bishop 855-3566
DHHS	Vocational Rehabilitation	10 NCAC .0316	The Division shall Increase the rate for residence and job site modification and make general changes in the procedures and policy for modifications' This would increase spending on these services.	A	NA	Y	N	N	Elizabeth Bishop 855-3566
DHHS	Vocational Rehabilitation	NA	Clarify eligibility criteria for the Independent Living Rehabilitation Program	AD	34CFR 364	N	N	N	Elizabeth Bishop 855-3566
DHHS	Vocational Rehabilitation	NA	Valid Client Signature	AD	NA	N	N	N	Elizabeth Bishop 855-3566
DOI	NC Building Code Council	2008 NC Building Codes	2006 International Codes (Building, Energy Conservation, Fire, Fuel Gas, Mechanical, Plumbing, Residential) with 2008 NC amendments	AD	NA	U	U	U	Barry Gupton 661-5880 x 232

Agency	Division	Proposed Rule Citation Number (s) (if known)	Rule Description	Proposed Action - Adopt (AD), Amend (A), Repeal (R)	Federal Law Citation	Substantial Economic Impact - Yes (Y), No (N), Unknown (U)	Local Gov. Impact - Yes (Y), No (N), Unknown (U)	State Impact - Yes (Y), No (N), Unknown (U)	Agency Contact / Phone No.
NCDOJ	Law Enforcement Training and Standards	12 NCAC 10B .0601; .0605; .0606; .0607	Detention Officer Certification Course State Examination	A	NA	N	Y	N	Julia Lohman 919 716 6459
NCDOJ	Law Enforcement Training and Standards	12 NCAC 10B .0204; .2000	Justice Officer In-Service Training	A	NA	N	N	Y	Julia Lohman 919 716 6460
NCDOL	Elevator and Amusement Device Bureau	13 NCAC 15.0702	Elevator, Escalator, Dumbwaiter, and Special Equipment Annual Inspection Fees Schedule	A	NA	U	U	U	Erin Gould (919) 733-7885
NCDOL	Elevator and Amusement Device Bureau	13 NCAC 15.0706	Elevator Certificate of Operation Reinstatement Fee	AD	NA	U	U	U	Erin Gould (919) 733-7885