

**10A NCAC 13C .1404 EQUIVALENCY AND CONFLICTS WITH REQUIREMENTS**

(a) The Division may grant an equivalency to allow an alternate design or functional variation from the requirements in the rules contained in this Section. The equivalency may be granted by the Division if a governing body submits a written equivalency request to the Division that indicates the following:

- (1) the rule citation and the rule requirement that will not be met;
- (2) the justification for the equivalency;
- (3) how the proposed equivalency meets the intent of the corresponding rule requirement; and
- (4) a statement by the governing body that the equivalency request will not reduce the safety and operational effectiveness of the facility design and layout.

The governing body shall maintain a copy of the approved equivalence issued by the Division.

(b) If the rules, codes, or standards contained in this Subchapter conflict, the most restrictive requirement shall apply.

*History Note: Authority G.S. 131E-149;  
Eff. October 14, 1978;  
Amended Eff. November 1, 1989; December 24, 1979;  
Readopted Eff. January 1, 2020.*