

**15A NCAC 18D .0508 DECLARATORY RULINGS**

- (a) The Board shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to: Chairman, North Carolina Water Treatment Facility Operators Certification Board, 1635 Mail Service Center, Raleigh, North Carolina 27699-1635.
- (b) Every request for a declaratory ruling must include the following information:
- (1) the name and address of the petitioner;
  - (2) the statute or rule to which the petition relates;
  - (3) a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him; and
  - (4) the consequences of a failure to issue a declaratory ruling.
- (c) The Board shall notify in writing the petitioner of the Chairman's decision to refuse issue a declaratory ruling and state the reasons. The Chairman may refuse to consider a request for a declaratory ruling:
- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
  - (2) unless the rule making record evidences a failure by the agency to consider specified relevant factors;
  - (3) if there has been a similar controlling factual determination in a contested case, or if the factual context being raised for a declaratory ruling was specifically considered upon adoption of the rule being questioned as evidenced by the rule making record; or
  - (4) if circumstances stated in the request or otherwise known to the agency show that a contested case hearing would presently be appropriate.
- (d) Where a declaratory ruling is deemed appropriate, the Board shall issue the ruling within 60 days of the receipt of the petition.
- (e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedures as may be deemed appropriate, in the discretion of the chairman, in the particular case.
- (f) The chairman may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

*History Note: Authority G.S. 150B-4;  
Eff. February 1, 1976;  
Readopted Eff. March 1, 1979;  
Amended Eff. February 1, 2002; September 1, 1990; January 1, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*