

15A NCAC 02B .0228 EFFLUENT CHANNELS

The standards of water quality contained in this Section shall not apply to waters within effluent channels, as defined in Rule .0202 of this Section, except that said waters shall be maintained at a quality that shall prevent the occurrence of offensive conditions, protect public health, and allow maintenance of the standards applicable to all downstream waters. Effluent channels shall be designated by the Director on a case-by-case basis prior to permit issuance. To be designated as such, effluent channels shall:

- (1) be contained entirely on property owned (or otherwise controlled) by the discharger, as demonstrated by land records, deeds, contracts, written agreements, or other legal instruments;
- (2) not contain natural waters except when such waters occur in direct response to rainfall events by overland runoff; and
- (3) be so constructed or modified as to minimize the migration of fish into said channel.

*History Note: Authority G.S. 143-214.1;
Eff. October 1, 1995;
Amended Eff. January 1, 1996;
Readopted Eff. November 1, 2019.*