

## **15A NCAC 02B .0408 INCORPORATION BY REFERENCE**

(a) The following sections of Title 40 of the Code of Federal Regulations (CFR) are incorporated by reference, including subsequent amendments and editions, and shall apply throughout this Section except where procedural details of the federal regulations differ from procedures adopted elsewhere in this Section, in which case these Rules shall apply. These regulations can be accessed free of charge at <http://www.gpo.gov/fdsys/>.

- (1) 40 CFR 122.2, 124.2, and 125.2: Definitions;
- (2) 40 CFR 122.4: Prohibitions;
- (3) 40 CFR 122.5 (a) and (b): Effect of permit;
- (4) 40 CFR 122.7 (b) and (c): Confidential information;
- (5) 40 CFR 122.21 (a)-(b), (c)(2), (e)-(k), (m)-(p), (q), and (r): Application for a permit;
- (6) 40 CFR 122.22: Signatories;
- (7) 40 CFR 122.23: Concentrated animal feeding operations;
- (8) 40 CFR 122.24: Concentrated aquatic animal production facilities;
- (9) 40 CFR 122.25: Aquaculture projects;
- (10) 40 CFR 122.26: Storm water discharges;
- (11) 40 CFR 122.27: Silviculture;
- (12) 40 CFR 122.28: General permits;
- (13) 40 CFR 122.29 (a), (b), and (d): New sources and new dischargers;
- (14) 40 CFR 122.30: NPDES stormwater regulations for small MS4s: objectives;
- (15) 40 CFR 122.31: NPDES stormwater regulations: role of Tribes;
- (16) 40 CFR 122.32: NPDES stormwater regulations for small MS4s: applicability;
- (17) 40 CFR 122.33: NPDES stormwater regulations for small MS4s: application for permit;
- (18) 40 CFR 122.34: NPDES stormwater regulations for small MS4s: permit requirements;
- (19) 40 CFR 122.35: NPDES stormwater regulations for small MS4s: shared responsibilities;
- (20) 40 CFR 122.36: NPDES stormwater regulations for small MS4s: compliance;
- (21) 40 CFR 122.37: NPDES stormwater regulations for small MS4s: evaluation;
- (22) 40 CFR 122.41 (a)(1) and (b) through (n): Applicable permit conditions;
- (23) 40 CFR 122.42: Conditions applicable to specified categories of permits;
- (24) 40 CFR 122.43: Establishing permit conditions;
- (25) 40 CFR 122.44: Establishing NPDES permit conditions;
- (26) 40 CFR 122.45: Calculating permit conditions;
- (27) 40 CFR 122.46: Duration;
- (28) 40 CFR 122.47 (a): Schedules of compliance;
- (29) 40 CFR 122.48: Monitoring requirements;
- (30) 40 CFR 122.50: Disposal into wells;
- (31) 40 CFR 122.61: Permit transfer;
- (32) 40 CFR 122.62: Permit modification;
- (33) 40 CFR 122.64: Permit termination;
- (34) 40 CFR 124.3 (a): Application for a permit;
- (35) 40 CFR 124.5 (a), (c), (d), and (f): Modification of permits;
- (36) 40 CFR 124.6 (a), (c), (d), and (e): Draft permit;
- (37) 40 CFR 124.8: Fact sheets;
- (38) 40 CFR 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e): Public notice;
- (39) 40 CFR 124.11: Public comments and requests for hearings;
- (40) 40 CFR 124.12 (a): Public hearings;
- (41) 40 CFR 124.17 (a) and (c): Response to comments;
- (42) 40 CFR 124.56: Fact sheets;
- (43) 40 CFR 124.57 (a): Public notice;
- (44) 40 CFR 124.59: Comments from government agencies;
- (45) 40 CFR 124.62: Decision on variances;
- (46) 40 CFR Part 125, Subparts A (Technology-Based Treatment Requirements), B (Aquaculture), D (Fundamentally Different Factors), H (Alternative Limitations, CWA Section 316(a)), I (Cooling Water Intake Structures, New Facilities, CWA Section 316(b)), J (Cooling Water Intake Structures, Existing Facilities, CWA Section 316(b)), M (Ocean Discharge Criteria), and N (Cooling Water Intake Structures, Offshore Oil and Gas Facilities, CWA Section 316(b));

- (47) 40 CFR Parts 129 (Toxic Pollutant Effluent Standards) and 133 (Secondary Treatment Regulation), and Subchapter N (Effluent Guidelines and Standards);
  - (48) 40 CFR Parts 3 (Electronic Reporting) and 127 (NPDES Electronic Reporting);
  - (49) 40 CFR Part 136: Guidelines for establishing test procedures for the analysis of pollutants; and
  - (50) 40 CFR 401.15: List of toxic pollutants pursuant to CWA Section 307(a)(1).
- (b) This Rule is not an exclusive list of federal regulations adopted by reference in this Section. Other rules of the Section incorporate some of these same federal regulations for clarity or emphasis and may incorporate additional regulations not listed in Paragraph (a) of this Rule.

*History Note:* Authority G.S. 143-211(c); 143-215.1(b)(4); 143B-282(5);  
Eff. May 1, 2020.