

15A NCAC 02C .0211 GENERAL PERMITTING REQUIREMENTS APPLICABLE TO ALL INJECTION WELL TYPES

(a) A permit shall be obtained from the Director prior to constructing, operating, or using any well for injection unless the well is deemed permitted in accordance with the rules of this Section. No permit shall be granted for the injection of wastes or any substance of a composition and concentration such that, if it were discharged to the land or waters of the state, it would adversely affect human health or would otherwise render those waters unsuitable for their best intended usage unless specifically provided for by statute or by the rules in this Section.

(b) No person shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water if the presence of that contaminant would cause a violation of any applicable groundwater quality standard specified in Subchapter 02L or would otherwise adversely affect human health.

(c) If at any time the Director learns that any injection well may cause a violation of any applicable groundwater quality standard specified in 15A NCAC 02L that is not authorized by the rules of this Section, the Director shall do one of the following:

- (1) require an individual permit for injection wells that are otherwise permitted by rule;
- (2) require such actions as may be necessary to prevent the violation, including corrective action as required in Rule .0206 of this Section; or
- (3) take enforcement action as provided for in G.S. 87-91, G.S. 87-94, or G.S. 87-95.

(d) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purposes of this Section, a "responsible corporate officer" means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- (3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official; and
- (4) For all other persons: by the well owner, or his or her agent.

(e) The person signing the permit application shall certify that the data furnished on the application is accurate and that the injection well will be operated in accordance with the approved specifications and conditions of the permit.

(f) All reports shall be signed by a person described in Paragraph (d) of this Rule. All records, reports, and information required to be submitted to the Director and all public comment on these records, reports, or information shall be disclosed to the public unless the person submitting the information can show that such information, if made public, would disclose methods or processes entitled to protection as trade secrets as defined in G.S. 66-152. The Director shall determine which information is entitled to confidential treatment. If the Director determines that such information is entitled to be treated as confidential information as defined in G.S. 132-1.2, the Director shall take steps to protect such information from disclosure.

(g) The Director shall consider the cumulative effects of drilling and construction of multiple wells and operation of all proposed wells during evaluation of permit applications.

(h) All permits shall be issued for a period not to exceed five years from the date of issuance. Permits shall be deemed active until all permit requirements have been met and documentation has been received indicating that the wells meet one of the following conditions:

- (1) the wells are temporarily or permanently abandoned in accordance with Rule .0240 of this Section;
- (2) the wells have been converted to some other use; or
- (3) the wells are permitted under another permit issued by the appropriate permitting authority for that activity.

(i) All facilities shall be operated and maintained to comply with the rules of this Section.

(j) The permittee shall allow the Director or an authorized representative, upon their presentation of credentials and other documents as may be required by law, to:

- (1) enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records are required to be kept under the conditions of the permit;
- (2) have access to and copy, during normal business hours of the establishment, any records that are required to be kept under the conditions of the permit;
- (3) inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

- (4) sample or monitor for the purposes of assuring permit compliances or as otherwise authorized, any substances or parameters.
- (k) The permit may be modified, revoked and reissued, or terminated by the Director in whole or part for actions that would adversely affect human health or the environment. Such actions may include:
 - (1) violation of any terms or conditions of the permit;
 - (2) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
 - (3) refusal of the permittee to allow authorized employees of the Division upon proper presentation of credentials to:
 - (A) enter upon permittee's premises on which a system is located where any records are required to be kept under terms and conditions of the permit;
 - (B) have access to and copy any records required to be kept under terms and conditions of the permit;
 - (C) inspect any monitoring equipment or method required in the permit; or
 - (D) collect any sample from the injection facility.
- (l) The filing of an application by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance shall not stay any permit condition.
- (m) The permittee shall furnish to the Director any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the Director, upon request, copies of records required by the permit to be kept.
- (n) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit for a period of at least three years from the date of the sample, measurement, report, or application. Records of monitoring information shall include the:
 - (1) date, place, and time of sampling or measurements;
 - (2) individuals who performed the sampling or measurements;
 - (3) dates analyses were performed;
 - (4) individuals who performed the analyses;
 - (5) analytical techniques or methods used;
 - (6) results of any such sampling, measurements, and analyses; and
 - (7) description and date of any maintenance activities performed, including the name and contact information of the individuals performing such activities.
- (o) The permit shall not be transferred to any person without the approval of the Director. A permit ownership or name change request shall be submitted to the Director.
- (p) The permittee shall report any monitoring or other information that indicates:
 - (1) noncompliance with a specific permit condition;
 - (2) a contaminant may cause a violation of applicable groundwater quality standards specified in 15A NCAC 02L; and
 - (3) a malfunction of the injection system may cause the injected fluids to migrate outside the approved injection zone or area.

The information shall be provided to the Director orally within 24 hours of the permittee becoming aware of the occurrence and as a written submission within five days of the occurrence. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including dates and times, the anticipated time it is expected to continue if the noncompliance has not been corrected, and all steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 40 CFR 144.52(a)(7); 40 CFR 145.11(a)(20); Eff. August 1, 1982; Amended Eff. May 1, 2012; February 1, 1997; October 1, 1996; March 1, 1984; Readopted Eff. September 1, 2019.