

### 15A NCAC 02H .0103 DEFINITION OF TERMS

The terms used in this Section shall be as defined in G.S. 143-212 and 143-213; the federal Clean Water Act (33 U.S.C. 1251 et seq.); 40 CFR Parts 122, 124, and 125; and as follows:

- (1) "Authorization to Construct" means a permit required pursuant to Rule .0138 of this Section for the construction of water pollution control facilities necessary to comply with the terms and conditions of an NPDES permit.
- (2) "Certificate of Coverage" means the approval given dischargers that meet the requirements of coverage under a general permit.
- (3) "Commission" means the Environmental Management Commission.
- (4) "Committee" means the NPDES committee of the Environmental Management Commission.
- (5) "Decontamination" means the physical or chemical process of reducing contamination and preventing the spread of contamination from persons and equipment at biological or chemical agent incidents.
- (6) "Department" means the Department of Environmental Quality.
- (7) "Director" means the Director of the Division of Water Resources or Division of Energy, Mineral and Land Resources, in the Department of Environmental Quality, whichever is the permitting authority, or his or her designee.
- (8) "Discharges associated with biological or chemical decontamination" means the wastewater that is produced during activities intended to reduce potential biological or chemical contaminants and that are performed under the specific conditions listed in 15A NCAC 02H .0106(f)(11).
- (9) "Division" means the Division of Water Resources or the Division of Energy, Mineral and Land Resources, Department of Environmental Quality, whichever is the permitting authority.
- (10) "EPA" means the United States Environmental Protection Agency.
- (11) "Existing", with respect to implementing the NPDES permitting program, means:
  - (a) facilities that physically exist and have been legally constructed prior to the adoption of state or federal regulatory requirements for new facilities. For the purposes of this definition, "legally constructed" means that the facility obtained all necessary approvals for construction in accordance with local, state, and federal regulations;
  - (b) facilities that have received an NPDES Permit and have received an Authorization to Construct and have constructed or begun significant construction of any wastewater treatment facilities within the term of the current permit; or
  - (c) facilities that have received a phased NPDES Permit and have received an Authorization to Construct for a phase of the permitted flow and have constructed or begun significant construction of the phased wastewater treatment facilities.

For the purpose of this definition, significant construction shall be considered as more than a nominal investment of money or other resources in the construction of the wastewater treatment facility, based on the facility size, complexity, cost and the required construction time for completion, in accordance with 15A NCAC 02B .0407, Guidance for Determining a New Source.
- (12) "General Permit" means a "permit" issued under G.S. 143-215.1(b)(3) and (4) and 40 CFR 122.28 authorizing a category of similar discharges to surface waters.
- (13) "Mine dewatering" means discharges of uncontaminated infiltrate and stormwater from mine excavation and the water that is removed to lower the water table to allow mining in an area.
- (14) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or under State law.
- (15) "NPDES Permit" means a National Pollutant Discharge Elimination System permit required for the operation of point source discharges in accordance with the requirements of Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.
- (16) "New", with respect to implementing the NPDES permitting program, means:
  - (a) proposed facilities that do not have an NPDES Permit nor have any facilities constructed;
  - (b) facilities that physically exist, however are not legally constructed. For the purposes of this definition, "legally constructed" means that the facility obtained all necessary approvals for construction in accordance with local, state, and federal regulations;
  - (c) facilities that have received an NPDES Permit and, where necessary, an Authorization to Construct but have not begun significant construction of any wastewater treatment facilities within the term of the current Permit. For the purpose of this definition, construction shall be considered to be "significant" if more than a nominal investment of

money or other resources has been invested in the construction of the wastewater treatment facility, based on the facility size, complexity, cost, and the required construction time for completion, in accordance with 15A NCAC 02B .0407, Guidance for Determining a New Source; or

- (d) any facility that increases treatment plant hydraulic capacity without first obtaining an Authorization to Construct in accordance with Rule .0138 of this Section.
- (17) "New Source" means any industrial installation from which there may be a discharge, the construction or modification of which is commenced on or after the date of publication of new source performance standards or pretreatment standards for new sources by the Environmental Protection Agency.
- (18) "New Source Performance Standards" means those treatment performance standards applied to a "new source", such as standards set forth in Title 40, Subchapter N, of the Code of Federal Regulations (Effluent Guidelines and Standards).
- (19) "Notice of Intent" means written notification to the Division that a discharge, facility or activity is intended to be covered by a general permit in accordance with Rules .0105 and .0127 of this Section.
- (20) "Oil terminal storage facilities" means petroleum bulk storage, product transfer, loading, unloading, and related areas but does not include marinas or facilities engaged in the retail sale of petroleum products. For the purposes of determining eligibility for general permits per 15A NCAC 02H .0127, oil/water separators such as those at maintenance garages, gas stations, and National Guard and military reserve facilities shall be considered to be oil terminal storage facilities.
- (21) "Once-through non-contact cooling water" means water taken from wells, surface waters, or water supply systems and used in a non-contact cooling system without the addition of biocides or other chemical additives. Boiler blowdown waters are included in this definition. Nuclear and fossil fuel electric generating plants are not included in this definition.
- (22) "Point Source" means any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal-feeding operation, or vessel or other floating craft from which wastes are or may be discharged to the surface waters of the State.
- (23) "POTW" means Publicly Owned Treatment Works.
- (24) "Pretreatment standard" means any regulation containing pollutant discharge limits for indirect dischargers for ensuring compliance with Section 307(b) and (c) of the Clean Water Act, 33 U.S.C. Section 1251 et seq. This term includes prohibited discharge limits and local sewer use ordinance limits.
- (25) "Primary industry" means an industry listed in 40 CFR 122, Appendix A, which is hereby incorporated by reference including any subsequent amendments and editions. These regulations can be accessed free of charge at <http://www.gpo.gov/fdsys/>.
- (26) "Professional Engineer" means a person who is registered and licensed as a professional engineer by the North Carolina Board of Examiners For Engineers and Surveyors.
- (27) "Sand dredge" means a facility that removes sand from river bottoms. No other mining activities are included in this definition.
- (28) "Seafood packing facility" means a business that is engaged in the sorting and packing of fresh seafood and that has a discharge consisting entirely of washdown and rinse water. Trout packing facilities are included in this definition. Wastewaters from seafood processing plants are not included in this definition.
- (29) "Seafood processing facility" means a business that is engaged in the removal of heads, entrails, fins or scales, filleting, cooking, canning, or preparation of fresh seafood.
- (30) "Staff" means the Division, or its successor.
- (31) "Stormwater" is defined in G.S. 143, Article 21.
- (32) "Swimming pool filter backwash" means normal filter backwash water from both public and private swimming pools or from spas with filter backwash facilities.
- (33) "Tourist Gem Mine" means a business that is engaged in the recreational practice of removing gems and semi-precious stones from mined material.
- (34) "Trout farm" means a facility for the commercial production of trout.

- (35) "Water filtration facility" means backwash filters and sludge disposal systems associated with water treatment plants and backwash filters associated with wells.

*History Note: Authority G.S. 106-399.4; 143-215.1(a); 143-215.3(a)(1);  
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