

15A NCAC 02H .0106 FILING APPLICATIONS

(a) Permit applications shall be filed with the Director, Division of Water Resources. The Director's mailing address is 1617 Mail Service Center, Raleigh, North Carolina, 27699-1617.

(b) All NPDES permit applications, except those addressed in Paragraph (d) of this Rule, shall be filed at least 180 days before the date on which the discharge is to commence and, thereafter, at least 180 days before the expiration date of the existing permit. The director may grant permission for a later date on a case-by-case basis.

(c) All Authorization to Construct applications shall be filed at least 90 days in advance of the proposed commencement date of construction of water pollution control facilities but no earlier than the establishment of effluent limitations.

(d) All NPDES stormwater construction permit applications shall be filed in advance of the proposed commencement date of land disturbing activity that results in a stormwater discharge.

(e) Permit applications filed with the Director shall be signed as follows:

- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or his or her authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit application form originates;
- (2) in the case of a partnership or a limited partnership, by a partner;
- (3) in the case of a sole proprietorship, by the proprietor; and
- (4) in the case of a municipal, state, or other public entity by either a principal executive officer, elected official, or other duly authorized employee.

(f) The following discharges are deemed to be permitted pursuant to G.S. 143-215.1(c) provided that no water quality standards are contravened, or expected to be contravened, and it shall not be necessary for the Division to issue separate permits for these activities:

- (1) filter backwash and draining associated with swimming pools;
- (2) filter backwash from raw water intake screening devices;
- (3) condensate from residential or commercial air conditioning units;
- (4) individual non-commercial vehicle washing operations;
- (5) flushing and hydrostatic testing water associated with utility distribution systems;
- (6) discharges associated with emergency removal and treatment activities for spilled oil authorized by the federal or state on-scene coordinator when such removals are undertaken to minimize overall environmental damage due to an oil spill;
- (7) groundwaters generated by well construction or other construction activities;
- (8) landscape irrigation, foundation or footing drains, or water from crawl space pumps;
- (9) street wash water;
- (10) flows from fire fighting; and
- (11) excluding the provision in Subparagraph (f)(6) of this Rule, discharges associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management and that are conducted by or under the direct supervision of the federal or state on-scene coordinator and that meet the following specific conditions:
 - (A) the volume of discharge produced by the decontamination activity is too large to be contained on-site;
 - (B) the Division of Water Resources is informed prior to commencement of the discharge from the decontamination activity;
 - (C) overland flow or other non-discharge options are deemed to be impractical by the authorities conducting the decontamination activity; and
 - (D) the discharge is not radiologically contaminated.

(g) A wastewater treatment facility or treatment unit that is taken out of service but contains waste or residuals that could be discharged to surface waters or otherwise present an environmental or public health risk under foreseeable circumstances, including severe weather events, shall remain subject to NPDES permit requirements until the waste or residuals of concern are disposed in accordance with applicable standards and the permit is rescinded by the Director.

*History Note: Authority G.S. 106-399.4; 143-215.1(b)(3); 143-215.1(c); 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. March 1, 1993; November 1, 1987; January 1, 1984; November 1, 1978;*

Temporary Amendment Eff. May 11, 2001;
Temporary Amendment Expired on February 26, 2002;
Amended Eff. April 1, 2003;
Readopted Eff. May 1, 2020.