

## **15A NCAC 02H .0138 AUTHORIZATION TO CONSTRUCT PERMITS**

### **(a) Authorization Required.**

- (1) After an NPDES permit has been issued by the Division of Water Resources in accordance with this Section, construction of wastewater treatment facilities or additions thereto shall not begin until final plans and specifications have been submitted to and an Authorization to Construct has been issued to the permittee by the Division of Water Resources, except as provided in Subparagraph (2) of this Paragraph.
- (2) No Authorization to Construct shall be required for facilities intended to treat principally waste or sewage from an industrial facility whose discharge is authorized pursuant to an NPDES permit.
- (3) If an Authorization to Construct has not been applied for in accordance with the requirements of the NPDES permit during the term of the permit, the permit shall be considered void upon expiration and future actions shall be considered as a new application.

### **(b) Application.** The applicant for an Authorization to Construct shall submit two printed and signed copies and one electronic copy of each of the following:

- (1) A completed and signed ATC Application Form. The form is available at no cost on the Division's website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/npdes-wastewater/authorization-to-construct>. The signature of the consulting engineer or other agent shall be accepted as representing the permittee on the application only if accompanied by a letter of authorization from the permittee. The application form shall include the following information:
  - (A) Applicant's name, title, and contact information;
  - (B) Professional Engineer's name and contact information;
  - (C) Facility name and NPDES permit number;
  - (D) Project description;
  - (E) Project design information;
  - (F) Flows used for project design;
  - (G) Effluent quality used for project design;
  - (H) Summary of unit treatment processes and equipment;
  - (I) Setback of wastewater treatment/storage units required per 15A NCAC 02T .0506(b);
  - (J) Application certification signed by the professional engineer; and
  - (K) Application certification by the Applicant.
- (2) Plans and specifications. Signed, sealed, and dated engineering plans and specifications for the proposed facilities or facility modifications.
- (3) When a permittee proposes to cease operation of its wastewater treatment facility, it shall verify that its wastewater flows will first be connected to a wastewater district or municipal system with sufficient capacity to treat the added flows.
- (4) Documentation of the approval of a Sedimentation and Erosion Control Plan if it is required by the Division of Energy, Mineral and Land Resources or a delegated local government Sediment and Erosion Control Program.
- (5) Documentation that a 110 volt power source and a potable water supply, equipped with backflow prevention, are available at the treatment system to allow for maintenance, clean-up and sampling. In cases where this is not reasonable or economically achievable, the applicant may request and the Director may grant an exception. if the applicant documents how it will provide the necessary power and potable water at the facility.
- (6) For those wastewater disposal facilities that have the potential to cause a contravention of groundwater standards, hydrogeologic information as specified in Rule 15A NCAC 02T .0504.
- (7) A residuals management plan, if the wastewater treatment system generates residuals. The plan must include the following:
  - (A) An explanation as to how the residuals will be stabilized. In addition if the residuals are generated from a system treating sewage, the explanation must show that the stabilization process meets the Environmental Protection Agency's criteria for a Class B residual as defined in 40 CFR 503 or for a Process to Significantly Reduce Pathogens (PSRP) as defined in 40 CFR Part 257 Appendix II, hereby incorporated by reference including any subsequent amendments and editions. These regulations can be accessed free of charge at <http://www.gpo.gov/fdsys/>.

- (B) An evaluation of the residual storage requirements for the treatment facility. A minimum of 30 days storage shall be required on all facilities, except that the Director may waive this requirement on a case-by-case basis if the applicant demonstrates that this amount of storage is not necessary to prevent impacts to water quality and the public health. Storage shall be calculated based upon average sludge production rate and shall be process units that are separate from the treatment system, i.e., not the clarifiers or aeration basins. Additional storage may be required based upon the method of final disposal/utilization.
  - (C) No authorization to construct shall be issued unless the application package includes a commitment for the acceptance of the residual from a residuals management site approved in accordance with 15A NCAC 02T .0105 and .1109 and demonstrates that the approved site has adequate capacity to accept the residuals.
- (8) A construction sequence plan for any project that will modify existing wastewater treatment facilities. The plan must outline the construction sequence to ensure continuous operation of the treatment system.

*History Note: Authority G.S. 143-215.1(a6); 143-215.1(c)(1);  
Eff. October 1, 1987;  
Amended Eff. August 1, 2012; March 1, 1993; August 3, 1992;  
Readopted Eff. May 1, 2020.*