

15A NCAC 02H .0916 PRETREATMENT PERMITS

(a) All significant industrial users who discharge waste into a POTW shall obtain a permit from the control authority.

(b) Where the Division is the control authority, permits shall be issued in accordance with Section .0100 of this Subchapter.

(c) Where the control authority is a POTW, significant industrial user permits shall be issued as follows:

- (1) Application: any significant industrial user required to obtain a permit in Paragraph (a) of this Rule shall be required to complete, sign, and submit to the control authority a permit application. Application fees and procedures may be prescribed by the control authority. All pretreatment permit applications shall include as a minimum:
 - (A) the name of industrial user;
 - (B) the address of industrial user;
 - (C) the standard industrial classification (SIC) code(s) or expected classification and industrial user category;
 - (D) the wastewater flow;
 - (E) the types and concentrations (or mass) of pollutants contained in the discharge;
 - (F) the products manufactured or services supplied;
 - (G) a description of existing on-site pretreatment facilities and practices;
 - (H) the locations of discharge points;
 - (I) the raw materials used or stored at the site;
 - (J) a flow diagram or sewer map for the industrial user;
 - (K) the number of employees; and
 - (L) the operation and production schedules.

The application shall include a written description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g). The written description shall not be considered part of the permit application and shall not serve as a basis for denial of a permit.

(2) Renewals: Applications for pretreatment permit renewals shall be accomplished by filing an application form as listed in Subparagraph (c)(1) of this Rule prior to permit expiration. The number of days prior to expiration by which the application shall be filed shall be established by the control authority.

(3) Review and Evaluation:

- (A) The POTW Director is authorized to accept applications for the Commission and shall refer all applications to the control authority staff for review and evaluation;
- (B) The POTW Director shall acknowledge receipt of a complete application, or if not complete, shall return the application to the applicant with a statement of what additional information is required;
- (C) The control authority staff shall include documentation of the most recent on-site inspection of the industrial user and any existing wastewater pretreatment system as part of the permit record for new and renewed permits; and
- (D) The control authority staff shall conduct an evaluation and make a tentative determination to issue or deny the permit. If the control authority staff's tentative determination is to issue the permit, it shall make the following additional determinations in writing and transmit them to the industrial user:
 - (i) proposed effluent limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and
 - (iii) a description of any other proposed special conditions;

The control authority staff shall organize the determinations made into a pretreatment permit.

(4) Permit supporting documentation. The control authority staff shall prepare the following documents for all significant industrial user permits:

- (A) An allocation table (AT) listing permit information for all significant industrial users, including permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format provided by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised;

- (B) The basis, or rationale, for the pretreatment limitations, including documentation of categorical determination, including documentation of any calculations used in applying categorical standards; and
 - (C) Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.1(e)(2).
- (5) Final Action on Permit Applications:
- (A) The POTW Director shall take final action on all applications by either issuing a pretreatment permit or by denying the discharge not later than 90 days following the receipt of a complete application. If, following the 30-day period required by Rules .0917(d) and .0922 of this Section, no written demand for hearing, objection, or request for more information under Rule .0917(g)(2) of this Section has been made, the permit shall become final and binding;
 - (B) The POTW Director is authorized to:
 - (i) issue a permit containing such conditions as are necessary to effectuate the purposes of G.S. 143-215.1;
 - (ii) issue a permit containing time schedules for achieving compliance with applicable pretreatment standards and limitations and other legally applicable requirements;
 - (iii) modify or revoke any permit pursuant to Subparagraph (c)(6) of this Rule;
 - (iv) deny a permit application; and
 - (v) issue permits to industrial users not identified as significant industrial users using procedures prescribed by the control authority;
 - (C) Permits shall be issued or renewed for a period of time deemed reasonable by the POTW Director but in no case shall the period exceed five years; and
 - (D) The POTW Director shall notify an applicant by certified or registered mail of the denial of his or her permit application. Notifications of denial shall specify the reasons for the denial and the proposed changes that in the opinion of the POTW Director will be required to obtain the permit.
- (6) Modification and Revocation of Permits:
- (A) Any permit issued pursuant to this Rule is subject to revocation or modification in whole or part as outlined in the control authority's sewer use ordinance; and
 - (B) Modifications of permits may be initiated by the control authority or the significant industrial user and shall be subject to the same procedural requirements as the issuance of permits. Permit modification requests made by the significant industrial user must be made in writing and can be by letter or by application form as determined by the control authority.
- (7) Permit effective dates and modification effective dates shall not be retroactive.

History Note: Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(c); 143-215.1(g); 143-215.3(a)(3); 143-215.3(a)(14); 143-215.3(e); Eff. October 1, 1987; Amended Eff. April 1, 2011; November 1, 1994; Readopted Eff. July 1, 2019.