

15A NCAC 02H .0917 PRETREATMENT PERMIT SUBMISSION AND REVIEW

(a) Each control authority shall transmit to the Division copies of all significant industrial user pretreatment permits 30 days prior to the effective date.

(b) Permits and permit renewal submissions to the Division for significant industrial users shall include the supporting information listed in this Paragraph. Permit modification submissions for significant industrial users shall include updated versions of this supporting information listed in this Paragraph, as applicable to that modification:

- (1) the rationale for limits and allocation table required by Rule .0916(c)(4) of this Section;
- (2) a copy of the completed application required in Rule .0916(c)(1) of this Section; and
- (3) a copy of the record of the inspection required in Rule .0916(c)(3)(C) of this Section.

(c) The Division Director may waive some or all of the requirements in Paragraphs (a) and (b) of this Rule. In making the decision to waive these requirements, the Division Director shall consider factors, including training levels of control authority staff, quality of previous pretreatment permit submissions, percent maximum allowable headworks loading capacity remaining, percent industrial user flow, industrial user waste characteristics, and compliance status of the POTW and its respective environmental permits.

(d) The Division shall have 30 days from the receipt of pretreatment permits to make comments upon, objections to, or recommendations with respect to the permit. Unless such an objection or request for more information in accordance with Paragraph (g) of this Rule is made, the permit shall be final and binding.

(e) Within 30 days of the receipt of a pretreatment permit the Division Director objected to, the Division staff shall set forth in writing and transmit to the control authority:

- (1) a statement of the reasons for the objection, including the rules or regulations that support the objection; and
- (2) the actions that shall be taken by the control authority to eliminate the objection, including the effluent limitations and conditions the permit would include if it were issued by the Division.

(f) The Division Director's objection to the issuance of a pretreatment permit shall be based upon one or more of the following grounds:

- (1) the permit fails to apply or to ensure compliance with any applicable requirement of this Section;
- (2) the procedures followed in connection with formulation of the pretreatment permit failed to comply with the procedures required by State statute or by the control authority's approved pretreatment program;
- (3) a finding made by the control authority in connection with the pretreatment permit misinterprets any categorical standard or pretreatment regulation or misapplies it to the facts; and
- (4) the provisions of the pretreatment permit relating to the maintenance of records, monitoring or sampling by the control authority and the industrial user are, in the judgment of the Division Director, inadequate to assure compliance with permit conditions or applicable pretreatment standards;

(g) Prior to notifying the control authority of an objection, the Division Director:

- (1) shall consider all data transmitted pursuant to Rule .0916 of this Section and this Rule;
- (2) if more information is needed to determine whether the permit is adequate, may request the control authority to make available to the Division staff the complete record of permit proceedings, or any portions of the record that the Division Director determines are necessary for review. Requests shall be made within 30 days of the Division's receipt of the permit under Rule .0916 of this Section, and shall suspend the 30-day review period in Paragraph (d) of this Rule. When the Division staff has obtained the requested records or portions of the record, the Division staff shall have an additional 30 days for review; and
- (3) to the extent feasible within the period of time available, may afford interested persons the opportunity to comment on the basis for the objection.

(h) If within 60 days of the receipt of the Division Director's objection, the control authority does not resubmit a permit revised to meet the Division Director's objection, the Division Director may issue the permit in accordance with Section .0100 of this Subchapter. Exclusive authority to issue the permit required by G.S. 143-215.1(a) passes to the Division when this time expires.

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