

15A NCAC 02T .0111 CONDITIONS FOR ISSUING GENERAL PERMITS

(a) After issuance of a general permit by the Director pursuant to G.S. 143-215.1(b), (c), or (d), persons operating facilities described by the general permit may request coverage under it. An operation that receives a "Certificate of Coverage" under a general permit shall be permitted under the general permit for which the coverage was issued. A Certificate of Coverage shall mean that approval is given to facilities that meet the requirements of coverage under the general permit. Persons operating facilities covered under general permits developed in accordance with this Rule shall be subject to the same limits, conditions, management practices, enforcement authorities, and rights and privileges specified in the general permit.

(b) Upon development of a draft general permit, the Director shall publicly notice an intent to issue the general permit, pursuant to G.S. 143-215.4(b)(1) and (2), at least 30 days prior to final action. The notice shall provide the name, address, and phone number of the Division, a brief description of the intended action, and a brief description of the procedures for the formulation of final determinations, including a 30-day comment period and other means by which interested persons may comment upon the determinations.

(c) No provisions in any general permit issued under this Rule shall be interpreted to allow the permittee to violate state surface water standards, groundwater standards outside a Compliance Boundary established in accordance with 15A NCAC 02L .0107, or other applicable environmental Rules. Construction of new water supply wells for human consumption shall be prohibited within Compliance Boundaries for facilities covered under general permits issued pursuant to this Section. General permits issued pursuant to this Rule shall be considered individual permits for purposes of Compliance Boundaries established under 15A NCAC 02L .0107.

(d) To obtain a Certificate of Coverage, a Notice of Intent to be covered by the general permit shall be given by the applicant to the Division using Division-approved forms. Coverage pursuant to the general permit shall be granted unless the Director makes a determination under Paragraph (h) of this Rule that an individual permit is required. If all requirements of Paragraph (h) are not met, an individual permit application and full application review procedure shall be required.

(e) A general permit shall be effective for a term not to exceed eight years, at the end of which the Division may renew it pursuant to G.S. 143-215.1. The Division shall satisfy public notice requirements specified in Paragraph (b) of this Rule prior to renewal of a general permit. If the Division does not renew a general permit, all operations covered under that general permit shall be notified to submit applications for individual permits.

(f) Anyone engaged in activities covered by the general permit rules but not permitted in accordance with this Subchapter, shall be in violation of G.S. 143-215.1.

(g) Any individual covered or considering coverage under a general permit may choose to pursue an individual permit for any operation covered by this Rule.

(h) The Director may require any person, otherwise eligible for coverage under a general permit, to apply for an individual permit by notifying that person that an application is required. Notification shall consist of a written description of the reason for the decision, appropriate permit application forms and application instructions, a statement establishing the required date for submission of the application, and a statement informing the person that coverage by the general permit shall automatically terminate upon issuance of the individual permit. Reasons for requiring application for an individual permit shall include:

- (1) the operation is a significant contributor of pollutants to the waters of the State;
- (2) conditions at the permitted site change, altering the constituents or characteristics of the wastewater such that the operation no longer qualifies for coverage under a general permit;
- (3) noncompliance with the general permit;
- (4) noncompliance with the rules in this Chapter;
- (5) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the operation;
- (6) a determination by the Division that there has been or is the potential to have a direct discharge of wastewater or residuals to waters of the State; or
- (7) the system has been allowed to deteriorate or leak such that it poses an immediate threat to the environment.

*History Note: Authority G.S. 143-215.1; 143-215.3(a)(1); 143-215.10C;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.*