

15A NCAC 02T .0113 PERMITTING BY REGULATION

(a) The following disposal systems as well as those in Permitting By Regulation rules in this Subchapter (i.e., Rules .0203, .0303, .0403, .1103, .1203, .1303, .1403, and .1503) shall be deemed to be permitted pursuant to G.S. 143-215.1(b), and it shall not be necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of the following disposal systems provided the system does not result in any violations of surface water or groundwater standards, there is no direct discharge to surface waters, and all criteria required for the specific system are met:

- (1) swimming pool and spa filter backwash and drainage, filter backwash from aesthetic fountains, and filter backwash from commercial or residential water features such as garden ponds or fish ponds, that is discharged to the land surface;
- (2) backwash from raw water intake screening devices that is discharged to the land surface;
- (3) condensate from residential or commercial air conditioning units that is discharged to the land surface;
- (4) discharges to the land surface from individual non-commercial car washing operations;
- (5) discharges to the land surface from flushing and hydrostatic testing water associated with utility distribution systems, new sewer extensions, or new reclaimed water distribution lines;
- (6) street wash water that is discharged to the land surface;
- (7) discharges to the land surface from firefighting activities;
- (8) discharges to the land surface 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;
- (9) discharges to the land surface 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, that are conducted by or under the direct supervision of the federal or state on-scene coordinator, and that meet the following criteria:
 - (A) the volume produced by the decontamination activity is too large to be contained onsite;
 - (B) the Division is informed prior to commencement of the decontamination activity; and
 - (C) the wastewater is not radiologically contaminated or classified as hazardous waste;
- (10) drilling muds, cuttings, and well water from the development of wells or from other construction activities, including directional boring, except such wastes generated in the construction and development of oil and gas wells regulated by Article 27 of G.S. 113;
- (11) purge water from groundwater monitoring wells;
- (12) composting facilities for animal mortality if the construction and operation of the facilities is approved by the North Carolina Department of Agriculture and Consumer Services; the facilities are constructed on an impervious, weight-bearing foundation, and are operated under a roof; and the facilities are approved by the State Veterinarian pursuant to G.S. 106-403. In the event of an imminent threat of a contagious animal disease, any emergency measure or procedure related to composting of animal mortality pursuant to G.S. 106-399.4(a);
- (13) overflow from elevated potable water storage facilities;
- (14) mobile carwashes if:
 - (A) all detergents used are biodegradable;
 - (B) no steam cleaning, engine or parts cleaning is being conducted;
 - (C) notification is made prior to operation by the owner to the municipality or, if not in a municipality, then the county where the cleaning service is being provided; and
 - (D) non-recyclable washwater is collected and discharged into a sanitary sewer or wastewater treatment facility, upon approval of the facility's owner, such that no ponding or runoff of the washwater occurs;
- (15) mine tailings if no chemicals are used in the mining process;
- (16) mine dewatering if no chemicals are used in the mining process;
- (17) wastewater created from the washing of produce, with no further processing on-site, on farms where the wastewater is irrigated onto fields so as not to create runoff or cause a discharge; and
- (18) discharges to the land surface of less than 5,000 gallons per week of backwash water from greensand filters at potable water wells, not including conventional filters, reverse osmosis, and ion exchange filters, provided ponding or runoff does not occur and the backwash does not exceed the Maximum Contaminant Level (MCL) for radionuclides or arsenic; and

- (19) discharges to the land surface of less than 350 gallons per week of backwash water from reverse osmosis, ion exchange filters, greensand filters at private drinking water wells, provided ponding or runoff does not occur.
- (b) Nothing in this Rule shall be deemed to allow the violation of any surface water, groundwater, or air quality standards and, in addition, any such violation shall be considered a violation of a condition of a permit. Further, nothing in this Rule shall be deemed to apply to or permit disposal systems for which a state National Pollutant Discharge Elimination System permit is otherwise required.
- (c) Any violation of this Rule or any discharge to surface waters from the disposal systems listed in Paragraph (a) of this Rule or the activities listed in other Permitted By Regulation rules in this Subchapter shall be reported in accordance with 15A NCAC 02B .0506.
- (d) Disposal systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any violations of surface water or groundwater standards or violations of this Rule or other Permitted By Regulation rules in this Subchapter, until such time as the Director determines that they shall not be deemed permitted in accordance with the criteria established in this Rule.
- (e) The Director may determine that a disposal system shall not be deemed to be permitted in accordance with this Rule or other Permitted By Regulation rules in this Subchapter and require the disposal system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of this Rule or other Permitted By Regulation rules in this Subchapter, and the compliance history of the facility owner.

History Note: Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a);
Eff. September 1, 2006;
Amended Eff. March 19, 2015; June 18, 2011;
Readopted Eff. September 1, 2018.