

**15A NCAC 02T .0115 OPERATIONAL AGREEMENTS**

(a) Prior to issuance or reissuance of a permit pursuant to this Subchapter for a wastewater facility or sewer extension as specified in G.S. 143-215.1(d1), a private applicant shall:

- (1) demonstrate that the applicant has been designated as a public utility by the North Carolina Utilities Commission and is authorized to provide service to the specific project area. This may be a Certificate of Public Convenience and Necessity or letter from the Public Staff; or
- (2) enter into and submit an executed Operational Agreement pursuant to G.S. 143-215.1(d1) with the Division.

(b) If the applicant is a developer of lots to be sold, an executed Operational Agreement shall be submitted with the permit application. A copy of the Articles of Incorporation, Declarations, and By-laws, with the engineer's certification, shall be submitted prior to operation of the permitted facilities to the Division, as required by 15A NCAC 02T .0116.

(c) If the applicant is a legally formed Homeowners' or Property Owner's Association, an executed Operational Agreement and a copy of the Articles of Incorporation, Declarations, and By-laws shall be submitted to the Division with the permit application.

*History Note: Authority G.S. 143-215.1(d1);  
Eff. September 1, 2006;  
Readopted Eff. September 1, 2018.*