

15A NCAC 02T .0306 LOCAL PROGRAMS FOR SEWER SYSTEMS

(a) Jurisdiction. Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may apply to the Commission for certification of local programs for permitting construction, modification, and operation of public and private sewer systems in their utility service areas pursuant to G.S. 143-215.1(f). Permits issued by certified local programs serve in place of permits issued by the Division except for projects involving an Environmental Impact Statement, projects that do not meet all applicable sewer related rules and minimum design criteria, or if the certified local program has not been certified such as alternative sewer systems, which shall continue to be permitted by the Division. The Division may choose to cede permitting authority to the certified local program after review of Environmental Assessment projects and issuance of a Finding of No Significant Impact.

(b) An application for certification of a local program shall provide adequate information to assure compliance with the requirements of G.S. 143-215.1 (f) and the following requirements:

- (1) Applications for certified local programs shall be submitted to the Director.
- (2) The program application shall include:
 - (A) the intended permit application forms;
 - (B) permit shells;
 - (C) design criteria and specifications;
 - (D) sewer ordinance;
 - (E) flow chart of permitting;
 - (F) staffing;
 - (G) inspection and certification procedures;
 - (H) intended permit application fees; and
 - (I) downstream capacity assurance methods.

The applicant shall specify in a cover letter which permits the certified local program desires to issue. The options are any of the following: gravity sewers, pump stations, force mains, or pressure sewers. The applicant shall also specify whether these permits will be issued to sewer systems that are publicly or privately owned.

- (3) Local ordinances and rules governing processing permit applications, setting permit requirements, enforcement, and penalties shall be compatible with rules and statutes governing permits issued by the Division.
- (4) If the treatment and disposal system receiving the wastewater from the sewer line extension permitted under the certified local program is under the jurisdiction of another local unit of government, the program application shall contain a written statement from the other local unit of government that the proposed program complies with all its requirements and that the applicant has entered into a satisfactory contract that assures continued compliance.
- (5) All future amendments to the requirements of this Section shall be incorporated into certified local program within 60 days of the effective date of the amendments.
- (6) A Professional Engineer shall be on the staff of the certified local program or be retained as a consultant to review unusual situations or designs and to answer questions that arise in the review of proposed projects.
- (7) Each project permitted by the certified local program shall be inspected for compliance with the requirements of the certified local program at least once during construction.

(c) Approval of Certified Local Programs. The staff of the Division shall acknowledge receipt of an application for a certified local program in writing, review the application, notify the applicant of additional information that may be required, and make a recommendation to the Commission regarding certification of the proposed certified local program.

(d) Conditions of Local Program Approval. Once approved by the Commission, the certified local program shall adhere to the following:

- (1) Adequacy of Receiving Facilities. Certified local programs shall not issue a permit for a sewer project that would increase the flow or change the characteristics of waste to a treatment works or sewer system unless the certified local program has received a written determination from the Division that, pursuant to G.S. 143-215.67 (a), the treatment works or sewer system can adequately treat the waste. The Division staff may, when appropriate, provide one written determination that covers all local permits for domestic sewage sewer projects with total increased flow to a particular treatment works less than a specified amount and that are issued within a specified period of time. The certified local program shall not issue a permit for additional

wastewater if the receiving wastewater treatment is in noncompliance with its Division issued permit unless the additional flow is allowed as part of a special order pursuant to G.S. 143-215.2. The certified local program shall not issue a permit for additional wastewater without documenting capacity assurance along the tributary wastewater path to the wastewater treatment plant.

- (2) All permitting actions shall be summarized and submitted to the Division and the appropriate Division Regional Office annually on Division forms unless more frequent reporting is required by the Division. The report shall also provide a listing and summary of all enforcement actions taken or pending during the reporting period. The report shall be submitted by February 1 of each year. Reporting forms are available at: <https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/collection-systems/local-programs>.
 - (3) A copy of all program documents, such as specifications, permit applications, permit shells, shell certification forms, and ordinance pertaining to permitting, shall be submitted to the Division annually along with a summary of all other program changes. Program changes shall include staffing changes, processing fees, and ordinance revisions. After initial submittal of such documents and if no further changes occur in subsequent years, a letter stating such may be submitted in lieu of the required documentation.
 - (4) Modification of a Certified Local Program. Modifications to certified local programs, including the expansion of permitting authority, shall not be required to be approved by the Commission, but shall be subject to approval by the Director.
- (e) Appeal of Local Decisions. Appeal of individual permit denials or issuance with conditions the permit applicant finds unacceptable shall be made according to the approved local ordinance. The Commission shall not consider individual permit denials or issuance with conditions to which a permittee objects. This Paragraph does not alter the enforcement authority of the Commission as specified in G.S. 143-215.1(f).
- (f) The Division may audit the certified local program for compliance with this Rule and with G.S. 143-215.1(f) at any time with a scheduled appointment with the certified local program.
- (g) The Division shall maintain a list of all local units of government with certified local programs and make copies of the list available to the public upon request and payment of reasonable costs for reproduction. The list may be obtained from the Division.

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