

15A NCAC 02U .0113 PERMITTING BY REGULATION

(a) The following utilizations of reclaimed water and closed-loop recycle activities shall be deemed to be permitted pursuant to G.S. 143-215.1(b), and it is not necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of the following utilization systems provided the system does not result in any violations of surface water or groundwater standards, there is no unpermitted direct discharge to surface waters, and all criteria required for the specific system are met:

- (1) 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;
- (2) Overflow from elevated and covered or enclosed reclaimed water storage facilities if no viable alternative exists and all reasonable measures are taken to reduce the risk of overflow;
- (3) Any de minimus runoff from reclaimed water used during fire fighting or extinguishing, dust control, soil compaction for construction purposes, street sweeping, overspray on yard inlets, overspray on golf cart paths, or vehicle washing provided the use is approved in a permit issued by the Division;
- (4) Incidental discharge to a municipal separate storm sewer system (MS4) that occurs as a result of reclaimed water utilization activities provided such activity is approved in a reclaimed water utilization permit issued by the Division, and the discharge does not violate water quality standards. This does not exempt the reclaimed water user from complying with any applicable local ordinances that may prohibit such discharges;
- (5) Rehabilitation, repair, or replacement of reclaimed water lines in kind with the same horizontal and vertical alignment;
- (6) In accordance with 15A NCAC 02H .0106(f)(5), flushing, including air release valve discharge, and hydrostatic testing water discharges associated with reclaimed water distribution systems if no water quality standards are violated;
- (7) Utilization of reclaimed water received from a reclaimed water bulk distribution program permitted under Rule .0601 of this Subchapter;
- (8) Irrigation of residential lots or commercial application areas less than two acres in size that are supplied with reclaimed water as part of a conjunctive reclaimed water system meeting the requirements of Rules .0301, .0401, .0403, .0501, and .0701 of this Subchapter; Chapter 89G of the General Statutes; approved by the local building inspection department; and installed by a North Carolina Licensed Irrigation Contractor pursuant to G.S. 89G. A scaled site map showing the location of the reclaimed water irrigation system and all features necessary to show compliance with applicable setbacks in Rule .0701 of this Subchapter shall be submitted to the reclaimed water provider;
- (9) Irrigation of agricultural crops, including irrigation of ornamental crops by field nurseries and aboveground container nurseries, supplied with reclaimed water as part of a conjunctive reclaimed water system meeting the requirements of this Subchapter and approved by the reclaimed water provider;
- (10) Drip irrigation sites supplied with reclaimed water as part of a conjunctive reclaimed water system generated from an onsite wastewater treatment facility meeting the criteria of this Subchapter and the conjunctive system has been approved by the Department of Health and Human Services and is permitted under 18A .1900;
- (11) Reuse of produced waters and flowback waters from oil and gas wells regulated by Article 27 of G.S. 113 for reuse in accordance with water and waste management plans approved pursuant to rules of the Mining and Energy Commission as set forth in 15A NCAC 05H;
- (12) Toilet and urinal flushing systems supplied by reclaimed water as part of a conjunctive reclaimed water system meeting the applicable requirements of Rules .0301, .0401, .0403, .0501, and .0701 of this Subchapter; Chapter 89G of the General Statutes; approved by the local building inspection department; and installed by a North Carolina Licensed Plumbing Contractor pursuant to G.S. 89;
- (13) Return of wastewater within an industrial or commercial process where there is no anticipated release of wastewater provided the facility develops and maintains a spill control plan in the event of a release, no earthen basins are used, and the system is contained and under roof;
- (14) Recycling of rinse water at concrete mixing facilities for concrete mix removal from equipment provided the wastewater is contained within concrete structures, there is sufficient storage capacity to contain the runoff from a 24-hour, 25-year storm event plus one foot freeboard and the facility develops and maintains a spill control plan in the event of a wastewater release. The facility shall

notify the appropriate Division regional office in writing noting the owner, location, and that the design complies with the above criteria;

- (15) Recycling of wash and rinse water at vehicle wash facilities provided the wastewater is contained within concrete, steel or synthetic structures, all vehicle washing is conducted under roof or there are no direct or indirect precipitation inputs, and the facility develops and maintains a spill control plan in the event of a wastewater release;
 - (16) The reuse or return of wastewater within the treatment works of a permitted wastewater treatment system;
 - (17) Recycle systems that are part of a stormwater management systems permitted under 15A NCAC 02H .1000, and the wastewater is recycled back through the process in which the waste was generated; and
 - (18) Recycling of rinse water for separating gems from gravel, sand, or rock in a flume at commercial gem mine facilities with total system flow of less than 100,000 gpd, provided the wastewater is contained within storage structures, no biological or chemical additives are used, and the facility develops and maintains a spill control plan in the event of a wastewater release. The facility shall notify the appropriate Division regional office in writing noting the owner, location, and that the design complies with the required criteria.
- (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 is a violation of a condition of a permit.
- (c) The reclaimed water user shall report any violation of this Rule or any discharge to surface waters from the utilization systems listed in Paragraph (a) of this Rule to the Division and in accordance with 15A NCAC 02B .0506.
- (d) Utilization 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 utilization system shall not be deemed to be permitted in accordance with this Rule and require the utilization 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 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),(d);
Eff. June 18, 2011 (See S.L. 2011-48);
Amended Eff. March 19, 2015;
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