

SECTION .0900 - LOCAL PROGRAM APPROVAL

15A NCAC 02U .0901 LOCAL PROGRAM APPROVAL

(a) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may apply to the Division for approval of programs for permitting construction, modification, and operation of reclaimed water distribution lines and permitting users under their authority, unless prohibited by Rule .0120 of this Subchapter. Construction of and modifications to treatment works, including pump stations for reclaimed water distribution, require Division approval. Permits issued by approved local programs shall serve in place of permits issued by the Division. Local program approval shall not be granted for dedicated reclaimed water systems.

(b) Applications. Applications for approval of local programs shall provide information to assure compliance with the requirements of this Subchapter and the following:

- (1) Include two copies of the permit application forms, intended permits, including types of uses, design criteria, flow chart of permitting, inspection, and certification procedures, and other relevant documents to be used in administering the local program; and
- (2) Documentation that the local authority has procedures in place for processing permit applications, setting permit requirements, enforcement, and penalties that are compatible with those for permits issued by the Division.

(c) Any amendments to the requirements of this Subchapter shall be incorporated into the local program within 60 days of the effective date of the amendments.

(d) If required by G.S. 89C, a North Carolina registered Professional Engineer shall be on the staff of the local program or retained as a consultant to review designs and to answer questions that arise in the review of proposed projects. The local program shall also provide staff or retain a consultant to review all other non-engineering related program areas.

(e) Each project permitted by the local program shall be inspected for compliance with the requirements of the local program at least once during construction.

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

(g) All permitting actions, enforcement actions, and monitoring of the distribution system shall be summarized and submitted to the Division on an annual basis on Division-approved forms. . The report shall also provide a listing and summary of all enforcement actions taken or pending during the year. The report shall be submitted within 30 days after the end of each year.

(h) A summary of any program changes shall be submitted to the Division on an annual basis. Program changes include staffing, processing fees, and ordinance revisions.

(i) Modification of a Local Program. After a local program has been approved by the Commission, any modification of the program procedures or requirements specified in this Rule shall be approved by the Director to assure that the procedures and requirements remain as stringent as the State-wide requirements in this Subchapter.

(j) 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).

*History Note: Authority G.S. 143-215.1; 143-215.1(f); 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.*