

15A NCAC 18E .1708 MODIFICATION, SUSPENSION, AND REVOCATION OF APPROVALS

- (a) The Department may modify the PIA Approval of a system as provided for in G.S. 130A-343(c) and as follows:
- (1) to comply with subsequent changes in laws or rules which affect their approval;
 - (2) based upon a written application from the manufacturer of an approved Provisional or Innovative System that seeks to modify their system or its conditions of approval, including siting or sizing criteria. If the manufacturer demonstrates that the modified system will perform in a manner equal or superior to the approved system in terms of structural integrity, chemical durability, hydraulic performance, and wastewater treatment, the Department shall approve the modified system with the same status as the previously approved system; or
 - (3) based upon a written application from the manufacturer of an approved Accepted System that seeks to modify their system or its conditions of approval, including siting or sizing criteria. The manufacturer shall demonstrate that the modified system will perform in a manner equal or superior to the approved system in terms of structural integrity, chemical durability, hydraulic performance, and wastewater treatment. The Commission shall approve proposed modifications to Accepted Systems when it finds based on the information provided in accordance with this Rule that the standards set forth by G.S. 130A-343(a)(1) and G.S. 130A-343(h) have been met.
- (b) The Department shall suspend or revoke the PIA Approval of a system as provided for in G.S. 130A-343(c) and as follows:
- (1) the advanced pretreatment system fails to comply with the compliance criteria in Rule .1710 of this Section;
 - (2) the modified system fails to perform in a manner equal or superior to the previously approved PIA System;
 - (3) the system fails to comply with the conditions of its PIA Approval or comply with applicable laws and rules; or
 - (4) the manufacturer loses their approval or discontinues their listing by any nationally recognized certification body, if applicable. The manufacturer shall notify the Department in writing within 30 days of any changes in their approval status with a nationally recognized certification body.
- (c) The Commission shall modify, suspend, or revoke its approval of a modified Accepted System if the modified system or component fails to perform in a manner equal or superior to the previously approved system. The Department shall notify the Commission of any action required for Commission approval of any modifications to the status of an Accepted System.
- (d) Modification, suspension, or revocation of a PIA Approval shall not affect systems previously installed in accordance with the approval.
- (e) All modifications, suspensions, and revocations of approvals shall include notice of the right to appeal under G.S. 130A-24 and 150B.

History Note: Authority G.S. 130A-335(e) and (f); 130A-343; S.L. 2014-120, s. 47; Eff. January 1, 2024.