

15A NCAC 02H .0105 APPLICATION: PERMIT FEES: ASSESSMENT FOR NEW SOURCES

(a) Permit Applications.

- (1) Except as provided in Paragraphs (d) and (e) of this Rule, any person who discharges or who proposes to discharge pollutants to the surface waters of the state or to a POTW when pretreatment of the wastewater is required shall complete, sign, and submit to the Director three copies of its permit application as described in this Rule or one copy of the application if submitted electronically in accordance with 40 CFR Parts 3 and 127.
- (2) Application for state NPDES or pretreatment permits shall be made on EPA application forms. EPA forms can be accessed free of charge at <https://www.epa.gov/npdes/npdes-applications-and-forms>.
- (3) Notice of Intent to seek coverage under a general NPDES permit shall be made in accordance with Rule .0127 of this Section.
- (4) Where the Division is the control authority, application for pretreatment permits shall be made in accordance with 15A NCAC 02H .0916(b) and shall include the information required in Subparagraph (c)(1) of that Rule.
- (5) Application for Authorization to Construct permits shall be made in accordance with Rule .0138 of this Section.

(b) Permit Fees.

- (1) **Application Fees.** Every application for a new NPDES permit or major modification of an existing NPDES permit, every Notice of Intent to be covered by a general permit, and every application for a special order by consent shall be accompanied by a nonrefundable application fee in the amount stated in G.S. 143-215.3D and in accordance with Parts (A)-(D) of this Subparagraph.
 - (A) Each application or notice of intent shall be considered incomplete until the application fee is received.
 - (B) For a facility with multiple discharges under a single permit, the application fee shall be set by the single discharge to the waters of the state with the highest applicable fee in the fee schedule.
 - (C) No application fee shall be charged for modification of unexpired permits when the modifications are initiated by the Director.
 - (D) No application fee shall be charged for renewal of an existing NPDES permit except that, if the permittee also requests a major modification for new or increased flows or other change that requires a substantial evaluation of permit conditions, such as in Paragraph (c) of this Rule, an application fee for such major modification shall be charged.
- (2) **Annual Fees.** Except as provided in this Subparagraph, an annual fee shall be charged in each year of the term of every NPDES permit, according to the fee schedule in G.S. 143-215.3D.
 - (A) Annual fees shall be billed each year in the calendar month in which the original permit was issued. The Director may change the billing month at the request of or with the consent of the permittee and shall prorate the ensuing annual fee to account for the added or reduced length of the affected billing period.
 - (B) When a new permit or major modification requested by the permittee is issued, the application fee shall be accepted as payment for the ensuing annual fee for that permit; if the permit or the modification is not issued, the application fee shall not be refunded.
 - (C) If an existing permit expires but qualifies for administrative extension under Rule .0112 of this Section, annual fees shall continue to be charged as long as the permit remains in effect.
 - (D) For a facility with multiple discharges under a single permit, the annual fee shall be set by the single discharge to the waters of the state with the highest applicable fee in the fee schedule.
 - (E) A person with multiple permits may have annual fees consolidated into one annual bill.
 - (F) Each application or notice of intent submitted pursuant to Paragraph (a) of this Rule shall be considered incomplete until annual fees due at the time of application, if any, are received by the Division.
 - (G) Permit Application Fees and Annual Fees for pretreatment facilities permitted by the Division shall be at the same rate as provided in G.S. 143-215.3D for NPDES facilities.
- (3) No fees shall be required to be paid under this Rule by a farmer who submits an application or receives a permit that pertains to farming operations.

- (4) Failure to pay an annual fee within 30 days after being billed is grounds for the Division to initiate action to revoke the permit in accordance with G.S. 143-215.1(b)(4)(c).
- (5) Payment of fees shall be made in the form of a check or money order made payable to N.C. Department of Environmental Quality.
- (6) Any applicant whose facility qualifies for a general permit under Rule .0127 of this Section shall be charged the amount provided in G.S. 143-215.3D for the appropriate general permit.

(c) Engineering Alternatives Analysis. In addition to applications required in Paragraph (a) of this Rule, applicants for NPDES permits for new or expanding discharges requiring construction of water pollution control facilities shall file with the Director two copies of an engineering proposal or, alternatively, one printed copy of the proposal and one complete copy if submitted electronically in accordance with 40 CFR Parts 3 and 127. The proposal shall set forth the following information:

- (1) a description of the origin, type and flow of waste that is proposed to be discharged. The proposal shall include a rationale and a demonstration of need for the projected flow volumes. Flow shall be determined in accordance with 15A NCAC 02T .0114;
- (2) a summary of the available waste treatment and disposal options that were considered and why the proposed system and point of discharge were selected; the summary shall have sufficient detail to establish that the most environmentally sound alternative was selected from the reasonably cost effective options;
- (3) a narrative description of the proposed treatment works, including type and arrangement of major components, in sufficient detail to ensure that the proposed facility has the capability to comply with the permit limits; plans and specifications shall be required with the permit application for any system or component without established treatment capabilities for the type of waste to be treated or the degree of treatment needed to meet the permit limits;
- (4) a location map, showing orientation of the facility with reference to at least two geographic references such as numbered roads, named streams and rivers, or landmarks;
- (5) a scale location plan of the site showing location of the proposed treatment works and the proposed point of discharge;
- (6) reports on special studies or modeling in cases where the impacts of the discharge have not yet been determined through computer modeling or other analysis of the proposed discharge; and
- (7) a statement to demonstrate financial qualification and substantial previous compliance with federal and state laws, regulations, and rules for the protection of the environment as required by G.S. 143-215.1(b)(4)(b).

(d) In addition to providing applications required in Paragraph (a) of this Rule, applicants for new individual NPDES permits requiring construction of stormwater control facilities shall design and construct the facilities in accordance with criteria set forth in 15A NCAC 02H .1050-.1062 or file an engineering proposal in accordance with Paragraph (c) of this Rule.

(e) Applications for permit renewals.

- (1) Applications for permit renewals shall be made by filing the required application form or forms, as listed in Paragraph (a) of this Rule, with the applicable fee, if any, as specified in Paragraph (b) of this Rule, at least 180 days prior to expiration of a permit.
- (2) The notice and public participation procedures set forth in Rules .0109 and .0111 of this Section shall be followed for each request for permit renewal.
- (3) A residuals management plan shall be submitted with the application for permit renewal in accordance with Rule .0138(b)(8) of this Section.
- (4) Authorizations to Construct permits for wastewater control facilities shall not be subject to the notice and public participation procedures set forth in Rules .0109 and .0111 of this Section. Authorizations to Construct may be issued for any length of time, however, the NPDES permit must be in effect at time of construction.
- (5) All applications are incomplete until required application fees are received, and incomplete applications may be returned to the applicant.

(f) Applications for permits for pretreatment facilities shall be made upon forms approved by the Director and submitted along with applicable supporting information to the Division of Water Resources. Applications may be submitted in printed form or submitted electronically in accordance with 40 CFR Parts 3 and 127. Applications shall include, at a minimum, the information specified in 15A NCAC 02H .0916.

(g) Applications for permits for new or modified discharges to the surface waters that meet the criteria established in or pursuant to G.S. 113A, Article 1, shall include, in addition to the application forms, fees, and supporting

documents required in Paragraphs (a) and (e) of this Rule, an environmental assessment that shall meet the requirements of 01 NCAC 25 .0500. Any assessment that is required by any other state agency or any federal agency shall be deemed to comply with requirements of this Paragraph so long as it considers the potential aquatic impacts of the proposed discharge.

(h) Permits that result in construction of facilities that will be funded by public monies may require environmental documentation pursuant to North Carolina Environmental Policy Act, G.S. 113A. NPDES permit applications for which such documentation is required shall be considered incomplete until supported by the required documentation.

(i) Applicants for permits for new nonmunicipal domestic wastewater discharges shall file a notarized statement indicating whether or not each city or county government having jurisdiction over any part of the lands on which the proposed facility is to be located has a zoning or subdivision ordinance in effect, and, if such an ordinance is in effect, whether or not the proposed facility is consistent with the ordinance.

(j) For NPDES permits, a full disclosure of all known toxic components that can be reasonably expected to be in the discharge, including but not limited to those contained in a priority pollutant analysis, must be submitted for all primary industrial direct discharges in accordance with 40 CFR 122.21 Appendix D, which is hereby incorporated by reference including any subsequent amendments and editions, and for other direct discharges as required by the Director. These regulations can be accessed free of charge at <http://www.gpo.gov/fdsys/>.

History Note: Authority G.S. 143-215.1(c); 143-215.1(c)(6); 143-215.3(a); 143-215.3(a); 143-215.3D;
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