

15A NCAC 02H .0107 STAFF REVIEW AND EVALUATION

(a) The Director is authorized to accept applications for the Commission and shall refer all applications to the staff for review and evaluation. Additionally, the Director shall refer NPDES Permit applications for the discharge of waste into waters classified as sources of public water supply (WS classification) and shellfish waters classified SA to the Public Water Supply Section, Division of Water Resources, and the Shellfish Sanitation Program, Division of Marine Fisheries, respectively, both of the Department of Environmental Quality, and shall not take final action on such applications until receiving written confirmation that the proposed discharge is acceptable.

(b) The Director shall acknowledge receipt of an NPDES or Authorization to Construct permit application upon verifying that the application is administratively complete, that is, includes the completed and signed application forms specified in Rule .0105(a) of this Section, any necessary supplemental information, and any associated fees, in accordance with Rules .0105 and .0106 of this Section.

- (1) If an application is not administratively complete, the Director shall either return the application to the applicant as incomplete or request the additional information required. If additional information is requested, the applicant shall be given up to 60 days to provide the information to make the application complete.
- (2) If technical review of the application reveals that additional information is necessary for staff to evaluate the proposed discharge, the Director shall notify the applicant of the additional information required. The applicant may be given up to 60 days to provide the information to make the application complete.
- (3) If an application is submitted in accordance with 15A NCAC 02B .0206(g), then the following shall also apply:
 - (A) Within 30 days of the filing of an application for a wastewater discharge subject to 15A NCAC 02B .0206(g), the Director shall determine whether or not the application is complete and notify the applicant accordingly.
 - (B) If the Director determines an application is incomplete, the Director shall specify all such deficiencies in the notice to the applicant.
 - (C) The applicant may file an amended application or supplemental information within 60 days to cure the deficiencies identified by the Director for the Director's review.

(c) The staff shall review the application, supplemental information, and other pertinent information, such as monitoring data, compliance records, special studies, and water quality management plans, and shall make a tentative determination to issue, reissue, deny, modify, revoke, rescind, or deny the permit.

- (1) The staff shall conduct a site investigation of each facility prior to making its tentative determination regarding the NPDES permit. On-site investigations shall not be necessary for Authorization to Construct permits, activities covered under general permits, and renewal of individual permits when renewal does not require significant reevaluation of permit conditions such as to address expansion of treatment plant capacity, modification of the wastewater treatment process, or changes in the nature or source of wastewaters to be treated.
- (2) If the staff's tentative determination in Subparagraph (1) of this Paragraph is to issue the permit, it shall if necessary make the following additional determinations in writing:
 - (A) proposed effluent limitations for those pollutants proposed to be limited;
 - (B) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and
 - (C) a description of any other special conditions proposed in the draft permit.
- (3) The staff shall organize the determinations made pursuant to Subparagraphs (1) and (2) of this Paragraph into a draft permit.

(d) In the case of permits for which Notice of Intent is given in accordance with Rules .0105 and .0127 of this Section, a Certificate of Coverage under a general permit may be issued directly to the applicant in lieu of any other acknowledgment. If the discharge is not eligible for coverage under the general permit, or if the Notice of Intent is not complete and accompanied by the required application fee, the Notice of Intent shall be returned to the applicant with an explanation of the inadequacies.

History Note: Authority G.S. 130-161; 143-215.1(a); 143-215.1(c); 143-215.3(a)(1); 143-215.3(a)(4); SL 2024-44 s. 5.1; SL 2025-94 s. 23; Eff. February 1, 1976; Amended Eff. March 1, 1993; August 1, 1991; August 1, 1988; October 1, 1987; Redopted Eff. May 1, 2020;

Amended Eff. May 1, 2026.