

## **15A NCAC 02H .0109 PUBLIC NOTICE**

### **(a) Notice of Application**

- (1) The Director shall provide public notice of each tentative determination to issue or deny an individual or general NPDES permit as follows:
  - (A) by publishing the notice one time in a newspaper having general circulation in said county, in accordance with G.S. 143-215.1(c)(2); and
  - (B) by mailing the notice or transmitting the notice electronically to all persons or agencies listed in Paragraphs (c) and (d) of this Rule.
- (2) The notice shall allow at least 30 days for public comment on the draft permit and the proposed final action.
- (3) The notice shall set forth at least the following:
  - (A) name, address, and phone number of the agency issuing the public notice;
  - (B) name and address of each applicant;
  - (C) a summary of each applicant's activities or operations that result in the discharge described in the NPDES application;
  - (D) name of waterway to which each discharge is made and a description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;
  - (E) a statement of the tentative determination to issue or deny an NPDES permit for the discharge described in the NPDES application or general permit;
  - (F) a summary of the procedures for the formulation of final determinations, including a 30-day comment period and any other means by which interested persons may influence or comment upon the determinations; and
  - (G) address and phone number of state agency premises at which interested persons may obtain further information, request a copy of the draft permit, request a copy of the fact sheet, and inspect and copy NPDES application forms and related documents. Copies of the fact sheet shall be made available free upon request. Copies of the information on file, other than fact sheets, shall be made available upon request and payment of the cost of reproduction.
- (4) Public notice for those activities covered by Certificates of Coverage issued pursuant to a general permit and for Authorizations to Construct shall not be required.

### **(b) Notice of Public Hearing**

- (1) The Director shall provide public notice of each public hearing on any NPDES permit application:
  - (A) by publishing the notice one time in a newspaper having general circulation in said county, in accordance with G.S. 143-215.1(c)(3), provided that, to the extent publication by electronic means is lawful, such publication may be substituted for newspaper publication;
  - (B) by mailing the notice or transmitting the notice electronically to all persons and government agencies that received a copy of the notice or the fact sheet for the NPDES application; and
  - (C) by mailing the notice or transmitting the notice electronically to any person or group upon request.
- (2) The notice of any public hearing shall include at least the following:
  - (A) name, address, and phone number of agency holding the public hearing;
  - (B) name and address of each applicant whose application will be considered at the hearing;
  - (C) name of waterway to which each discharge is made and a description of the location of each discharge on the waterway;
  - (D) a reference to the public notice issued for each NPDES application including identification number and date of issuance;
  - (E) information regarding the time and location for the hearing;
  - (F) the purpose of the hearing;
  - (G) address and phone number of premises at which interested persons may obtain further information, request a copy of each draft NPDES permit, request a copy of each fact sheet, and inspect and copy NPDES forms and related documents; and
  - (H) a summary of the nature of the hearing including the procedures to be followed. The notice shall also state that additional information is on file with the Department of

Environmental Quality, Division of Water Resources, at the Archdale Building at 512 North Salisbury Street, Raleigh, North Carolina, and may be inspected at any time during normal business hours, 8 a.m. to 5 p.m. Copies of the information on file shall be made available upon request and payment of cost of reproduction.

- (c) The Director shall also give notice of draft NPDES permits and related public hearings to the following:
- (1) state water pollution control agency for the States of Virginia, South Carolina, Tennessee, and Georgia;
  - (2) appropriate district engineer, U.S. Army Corps of Engineers;
  - (3) lead agency responsible for preparation of plan pursuant to Section 208(b) of the Clean Water Act, 33 U.S.C. Section 1251 et seq.; in approved 208 areas;
  - (4) state agency responsible for the preparation of plans pursuant to Section 303(e) of the Clean Water Act, 33 U.S.C. Section 1251 et seq.;
  - (5) any user identified in the permit application of a privately owned treatment works; and
  - (6) any other federal, state, or local agency upon request.
- (d) Mailing Lists. Any person may request to receive copies of all notices required under this Rule, and the Director shall provide such copies to any such person. The Director shall establish and maintain an NPDES mailing list for this purpose. The Director may distribute notices, or otherwise make them available, by electronic means at no charge.

*History Note:* Authority G.S. 143-215.1(a)(1); 143-215.1(c); 143-215.4(a); 143-215.4(c);  
Eff. February 1, 1976;  
Amended Eff. March 1, 1993; August 1, 1988; October 1, 1987; December 1, 1984;  
Readopted Eff. May 1, 2020.