

## **15A NCAC 02H .0127 GENERAL PERMITS**

(a) In accordance with the provisions of G.S. 143.215.1 (b)(3) and (4), general permits may be developed by the Division and issued by the Director for categories of activities as described in Paragraph (d) of this Rule.

(b) General permits shall be issued in accordance with G.S. 143-215.1, using the procedures specified in this Section for individual NPDES permits, including those for application and public notice.

(c) Each general permit shall establish conditions that apply to all discharges covered by the permit, such as effluent standards and limits, management practices, enforcement authorities, and rights and privileges as specified in the general permit.

(d) General permits may be issued for discharges from categories or subcategories of minor activities such as the following:

- (1) once-through non-contact cooling waters with no biocidal additives;
- (2) mine dewatering facilities;
- (3) water filtration facilities;
- (4) swimming pool filter backwash facilities;
- (5) seafood packing facilities;
- (6) oil terminal storage facilities;
- (7) tourist gem mines;
- (8) sand dredges;
- (9) trout farms;
- (10) aquifer restoration;
- (11) stormwater discharges;
- (12) single-family residences;
- (13) other minor activities, provided that their discharges:
  - (A) involve the same or substantially similar operations;
  - (B) have similar discharge characteristics;
  - (C) require the same effluent limitations or operating conditions; and
  - (D) require the same or similar monitoring.

(e) General permits shall only be granted for discharge into waters classified either WS or SA following review and approval by the Shellfish Sanitation Program, Division of Marine Fisheries, and the Public Water Supply Section, Division of Water Resources, both of the Department of Environmental Quality. For the purposes of this Rule, "approval" means that the Program or Section either determines that the proposed discharge is acceptable pursuant to its regulations or specifies the conditions under which the discharge would be acceptable.

(f) Notwithstanding any provision of a general permit, permittees shall not violate state water quality standards or other applicable environmental standards.

(g) General permits shall be effective for a term not to exceed five years.

(h) Upon issuance of a general permit, any person may request coverage under the permit by completing and submitting to the Director a Notice of Intent that establishes its eligibility for coverage. The Notice of Intent shall be submitted using forms provided by the Division on the Division's website at <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/npdes-permitting-process-1> in accordance with this Rule and applicable application procedures and fee specified in Rules .0105 and .0106 of this Section.

(i) The Notice of Intent shall include the following:

- (1) name and address of owner and operator;
- (2) location of the facility or site;
- (3) nature of the business or regulated entity and of its operations and production processes;
- (4) other permits held by the applicant;
- (5) description of the type of discharge and its characteristics;
- (6) description of treatment provided;
- (7) outfall locations;
- (8) for new or proposed discharges, a scale map, such as a 7.5 minute series USGS topographic map or copy of a portion thereof, showing the location of the facility and its outfalls;
- (9) receiving stream name and classification;
- (10) certification and signature of the applicant;
- (11) supporting documentation; and
- (12) other information, as specified in the general permit, necessary to determine the impacts of the discharge and its eligibility for the general permit;

(j) If a Notice of Intent is submitted in accordance with Paragraphs (h) and (i) of this Rule, the Director shall grant coverage under the general permit by issuing a Certificate of Coverage that specifies the general permit, the applicant's name and address, the name or type of facility, the issuance date of the Certificate, its effective date, and its expiration date, if any. If all requirements are not met, or if the Director determines the activity does not satisfy the eligibility criteria established in the general permit, the Director shall notify the applicant in writing, and the applicant shall submit an application for an individual permit.

(k) Dischargers that receive a Certificate of Coverage shall be authorized to discharge subject to the terms and conditions of that general permit and payment of an annual fee in accordance with Rules .0105 and .0106 of this Section.

(l) Dischargers covered by general permits are not required to submit new Notices of Intent or renewal requests unless so directed by the Division, such as may occur if eligibility criteria for permit coverage are modified.

(m) All previous state water quality permits issued to a facility that can be covered by a general permit, whether for construction or operation, shall be revoked upon request of the permittee, termination of the individual permit, and issuance of the Certification of Coverage.

(n) Any person covered or considering coverage under a general permit may choose to pursue an individual permit for any facility subject to the rules of this Section.

(o) The Director may require any person, otherwise eligible for coverage under a general permit, to apply for an individual NPDES permit by notifying that person that an application for an individual permit is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and application instructions, a statement establishing the required date for submission of the application, and a statement informing the person that coverage by the general permit shall automatically terminate upon issuance of the individual permit. Reasons for requiring application for an individual permit include:

- (1) a determination that the discharge is not consistent with that of a "minor activity" as set forth in G.S. 143-215.1(4)(d.);
- (2) a change in conditions at the permitted site that alters the constituents or characteristics of the discharge such that the discharge no longer qualifies for coverage under a general permit;
- (3) noncompliance with the general permit;
- (4) noncompliance with Division Rules;
- (5) a change in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- (6) promulgation of effluent limitations for the point sources covered by the general permit;
- (7) approval of a water quality management plan containing the requirements applicable to such point sources after the issuance of the general permit;
- (8) a determination that the water of the stream receiving the discharge is not meeting applicable water quality standards;
- (9) a determination that the discharge is no longer eligible for coverage under the general permit; or
- (10) a decision by the Division to not renew the general permit.

(p) Any interested person may petition the Director in writing to take an action in accordance with this Rule to require an individual NPDES permit. The petition shall identify the affected facility, the applicable general permit, the action proposed, and the rationale for the action. The Director shall acknowledge receipt of the petition and shall provide his or her decision in the matter in writing to the petitioner and the affected permittee.

(q) General permits may be modified, terminated, or revoked and reissued in accordance with the authority and requirements of Rules .0112 and .0114 of this Section.

*History Note: Authority G.S. 143-215(1); 143-215.3(a)(1);  
Eff. October 1, 1987;  
Amended Eff. March 1, 1993; August 1, 1991; August 1, 1988;  
Readopted Eff. May 1, 2020.*