

15A NCAC 02H .0907 PROCEDURES FOR PRETREATMENT PROGRAM APPROVAL, REVISION AND WITHDRAWAL

(a) Procedures for approval of a control authority pretreatment program and for removal credit authorization are as follows:

- (1) Except where specified differently in part of this Section, the approval procedures for control authority pretreatment programs and applications for removal credit authorization promulgated by the EPA and codified as 40 CFR 403.11 are hereby incorporated by reference, including any subsequent amendments and editions. A copy of the reference material can be found at <http://www.ecfr.gov/cgi-bin/text-idx?SID=002b8fe78be0d299d7289c36ef66652d&mc=true&tpl=/ecfrbrowse/Title40/40CISubchapN.tpl>, free of charge; and
- (2) Upon program approval, a control authority is delegated, subject to the provisions of Rules .0916 and .0917 of this Section, the authority to issue the construction, operation, and discharge permits required by G.S. 143-215.1(a) for those significant industrial users discharging or proposing to discharge to the POTW.

(b) Either the Division or the control authority may initiate program revisions. The control authority shall submit a request to the Division for approval of modifications to its approved pretreatment program, including its legal authority (SUO or ILA), HWA, LTMP or STMP, ERP, summary of IWS activities, and revisions to the list of SIUs. Revisions to an approved pretreatment program shall be accomplished as follows:

- (1) the control authority shall submit a modified program description, an attorney's statement if the legal authority of the program is being modified, and other documents as the Division Director determines to be necessary under the circumstances. The attorney's statement may consist of verification that the North Carolina model pretreatment sewer use ordinance is proposed for adoption by the control authority, if that is the case;
- (2) whenever the Division Director determines that the proposed program modifications are substantial as defined in 40 CFR 403.18(b), the Division shall issue public notice and provide an opportunity for public comment as described in Rules .0109 and .0110 of this Subchapter. Public notices issued by the control authority are deemed sufficient notice;
- (3) the Division Director or his or her delegate shall approve or disapprove program revisions based on the requirements of this Section, G.S. 143-215.1, G.S. 143-215.3 and the National Pollutant Discharge Elimination System Memorandum of Agreement between the State of North Carolina and the United States Environmental Protection Agency Region 4; and
- (4) A pretreatment program revision shall become effective upon written approval of the Division Director, except as follows:
 - (A) Pretreatment permits shall become effective as set forth in in Rule .0917(d) of this Section; and
 - (B) The Division shall have 30 days from the receipt of a request for deletion of SIUs from the SIU list to make comments upon, objections to, or recommendations with respect to the request. Unless such an objection or request for more information is made, the request shall be final and binding.

(c) The Division Director may withdraw pretreatment program approval when a control authority no longer complies with requirements of this Section and the control authority fails to take corrective action. The following procedures apply when the Division Director determines that program withdrawal may be needed:

- (1) The Division Director shall give the control authority 180 days notice of the program withdrawal;
- (2) the control authority shall submit within 60 days of the notice a plan for the transfer of all relevant program information not in the possession of the Division (such as permit files, compliance files, reports, and permit applications) necessary for the Division to administer the pretreatment program;
- (3) within 60 days of the receipt of the control authority transfer plan, the Division Director shall evaluate the control authority plan and shall identify any additional information needed by the Division for program administration or identify any other deficiencies in the plan; and
- (4) at least 30 days before the program withdrawal, the Division Director shall publish public notice of the program transfer and shall mail notice to all pretreatment permit holders of the control authority.

(d) Applications for removal credit authorization shall be made in accordance with procedures established by this Rule. Approval shall become effective upon written approval of the Division Director.

(e) A pretreatment program shall be considered inactive by the Division when significant industrial users no longer discharge to the POTW, based on modifications of the control authority pretreatment program approved by the Division. Inactive approved pretreatment programs shall notify the Division when a significant industrial user proposes to discharge to the POTW. When required by the Division to return to active status, a control authority shall be required to update any or all of the requirements listed in Rule .0906 of this Section that no longer meet the standards of these Rules. The control authority shall obtain Division approval of the reactivation under this Rule prior to commencement of discharge of the significant industrial user.

History Note: Authority G.S. 143-215(a); 143-215.1(a); 143-215.1(c); 143-215.3(a)(3) ; 143-215.3(a)(14); 143-215.3(e);
Eff. March 28, 1980;
Amended Eff. April 1, 2011; November 1, 1994; October 1, 1987; December 1, 1984;
Readopted Eff. July 1, 2019.