

15A NCAC 02H .1041 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 covered in this Section. Each of the general permits shall be issued separately pursuant to G.S. 143-215.1, using all procedural requirements specified for State permits including application and public notice.

(b) General permits may be written to regulate categories of activities that:

- (1) involve the same or similar operations;
- (2) have similar characteristics;
- (3) require the same limitations or operating conditions;
- (4) require the same or similar monitoring; and
- (5) are controlled by a general permit as determined by the Director.

(c) General permit coverage shall be available to activities, such as the following:

- (1) construction of bulkheads and boat ramps;
- (2) installation of sewer lines with no proposed built-upon areas;
- (3) construction of an individual single family residence; and
- (4) other activities that, as determined by the Director, meet the criteria of Paragraph (b) of this Rule.

(d) General permits may be modified or revoked in accordance with the authority and requirements of Rule .1040 of this Section.

(e) Procedural requirements for application and permit approval, unless designated as applicable to persons proposed to be covered under the general permits, apply only to the issuance of the general permits.

(f) After issuance of the general permit by the Director, persons engaged in activities in the applicable categories may request coverage under the general permit, and if an activity falls within a category of activities governed by the general permit the Director or his designee shall grant coverage. All activities that receive a "Certificate of Coverage" for that category of activity shall be deemed governed by that general permit.

(g) No provision in any general permit issued under this Rule shall be interpreted to allow the permittee to violate state water quality standards or other applicable environmental standards.

(h) For a general permit to apply to an activity, a Notice of Intent to be covered by the general permit shall be submitted to the Division using forms provided by the Division on the Division's website at <http://portal.ncdenr.org/web/lr/stormwater> <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-program>. In addition to the application procedures set forth in Rules .1040 and .1042 of this Section, the Notice of Intent shall include the following:

- (1) project name and physical location;
- (2) receiving stream name and classification;
- (3) total project area above mean high water;
- (4) total amount of proposed built-upon area;
- (5) description of best management practices employed at the project site;
- (6) two sets of site and grading plans; if applicable, plans shall show wetland delineation and the "AEC" line as established by the North Carolina Coastal Resources Commission pursuant to Sections .0100 15A NCAC 07H .0100 - .0600; and
- (7) location of the project indicated on a U.S. Geological Survey (USGS) map.

If all requirements are met, coverage under the general permit may be granted. If all requirements are not met, or the Director determines the activity is not governed by the general permit, then the applicant shall be notified in writing and may apply for an individual permit pursuant to this Section.

(i) General permits may be modified and reissued by the Division as necessary. Activities covered under general permits need not submit new Notices of Intent or renewal requests unless so directed by the Division. If the Division chooses not to renew a general permit, all facilities covered under that general permit shall be notified to submit applications for individual permits.

(j) All previous state water quality permits issued to a facility that may 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.

(k) Any person engaged in the activities set forth in G.S. 143-215.1 and not permitted in accordance with this Section shall be in violation in G.S. 143-215.1.

(l) Any person covered or considering coverage under a general permit may choose to pursue an individual permit for any activity covered by this Section.

(m) The Director may require any person, otherwise eligible for coverage under a general permit, to apply for an individual permit by notifying that person that an individual permit application 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) the activity is a significant contributor of pollutants;
- (2) a change in the conditions at the permitted site, altering the constituents or characteristics of the site such that the activity no longer qualifies for coverage under a general permit;
- (3) noncompliance with the general permit;
- (4) noncompliance with other provisions of G.S. 143-215.1;
- (5) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the activity; or
- (6) a determination that the water of the stream receiving stormwater runoff from the site is not meeting applicable water quality standards.

(n) Any interested person may petition the Director to take an action under Paragraph (m) of this Rule to require an individual permit. A petition shall be submitted in writing by mail or email to the Director.

History Note: Authority G.S. 143-215.1; 143-215.3(a);143-215.3D;
Eff. January 1, 2017 (previously codified in 15A NCAC 02H .1013).