

15A NCAC 02T .0105 GENERAL REQUIREMENTS

(a) Jurisdiction. Applications for permits from the Division shall be made in accordance with this Rule. Applications for permits under the jurisdiction of a local program shall be made in accordance with the requirements of the Division-approved program.

(b) Applications. Application for a permit shall be made on Division-approved forms completely filled out, where applicable, and fully executed in the manner set forth in Rule .0106 of this Section. A processing fee as described in G.S. 143-215.3D shall be submitted with each application in the form of a check or money order made payable to the Department. Applications shall be returned if incomplete. Permits for sewer line extensions shall be applied for separately from treatment, utilization, and disposal systems. The applicant shall provide adequate documentation to the Division to ensure that the proposed system will meet all design and performance criteria as required under this Subchapter and other applicable rules, be operated as a non-discharge system, and protect surface water and groundwater standards. Variances to this Subchapter or adopted design criteria shall be specifically requested in the application and, if approved pursuant to Paragraph (n) of this Rule, incorporated into the permit. The Division shall accept certification that the design meets or exceeds minimum design criteria applicable to the project if the certification is provided by a licensed or certified professional, such as a professional engineer, licensed soil scientist, licensed geologist, or technical specialist. Division acceptance of certifications that were specifically requested by the Division to be provided with the application from the applicant or from licensed or certified professionals preparing reports for the application and that were approved in the permit shall constitute approval of a variance to this Subchapter or to applicable minimum design and performance criteria.

(c) Application packages for new and expanding facilities shall include the following items:

- (1) the number of executed copies necessary for each review office and one additional copy. Additional copies shall be required if needed for federal and state grant and loan projects;
- (2) reports, engineering plans, specifications, and calculations as required by the applicable rules of this Subchapter. If prepared by licensed or certified professionals these reports shall be submitted in accordance with the respective statutes and rules governing that profession;
- (3) operational agreements as required by Rule .0115 of this Section;
- (4) for projects that require environmental documentation pursuant to the North Carolina Environmental Policy Act, a final environmental document (Finding of No Significant Impact or Record of Decision);
- (5) a general scaled location map, showing orientation of the facility with reference to at least two geographic references (e.g. numbered roads, named streams or rivers);
- (6) documentation that other environmental permit or certification applications that are needed to properly construct and operate the facilities permitted under this Subchapter are being prepared, have been applied for, or have been obtained, such as 401 certifications, erosion and sedimentation control plans, and stormwater management plans;
- (7) a description of the project including the origin, type and flow of waste to be treated. For industrial processing facilities, a waste analysis extensive enough to allow a complete evaluation of the system's capability to treat the waste and any potential impacts on the waters of the state shall be included;
- (8) documentation of compliance with Article 21 Part 6 (Floodway Regulations) of Chapter 143 of the General Statutes;
- (9) documentation as required by other applicable rules in this Subchapter; and
- (10) documentation of the presence or absence of threatened or endangered aquatic species using information provided by the Natural Heritage Program of the Department. This shall only apply to the area whose boundary is encompassed by, and is for the purpose of, the installation, operation, and maintenance of facilities permitted herein (wastewater collection, treatment, storage, utilization, or disposal). This documentation shall provide information on the need for permit conditions pursuant to Paragraph (i) of this Rule.

(d) Application packages for renewals shall include updated site plans, if required as part of the original submittal.

(e) Application and annual Fees.

- (1) Application Fee. For every application for a new or major modification of a permit pursuant to this Section, a nonrefundable application processing fee in the amount provided in G.S. 143-215.3D shall be submitted to the Division by the applicant at the time of application. For a facility with multiple treatment units governed by a single permit, the application fee shall be set by the total design treatment capacity. Modification fees shall be based on the projected annual fee for the facility.

- (2) Annual Fees. An annual fee for administering and compliance monitoring shall be charged in each year of the term of every renewable permit according to the schedule in G.S. 143-215.3D(a). Annual fees shall be paid for any facility operating on an expired permit that has not been rescinded or revoked by the Division. Permittees shall be billed annually by the Division. A change in the facility that changes the annual fee shall result in the revised annual fee being billed effective with the next anniversary date.
- (f) Designs for facilities permitted under this Section shall use the practicable waste treatment and disposal alternative with the least adverse impact on the environment in accordance with G.S. 143-215.1(b)(2).
- (g) The Division shall incorporate pretreatment requirements under 15A NCAC 02H .0900 into the permit.
- (h) Setbacks and required separation distances shall be provided as required by the rules in this Subchapter. Setbacks to perennial and intermittent streams, perennial waterbodies, and wetlands shall be determined using the methodology set forth in 15A NCAC 02B .0233(4)(a). Setbacks to wells shall apply to those wells outside the compliance boundary. If wells and subsurface groundwater lowering drainage systems would otherwise be inside the compliance boundary as established in 15A NCAC 02L .0107, the applicant may request the compliance boundary be established closer to the waste disposal area and this shall be granted provided the groundwater standards can be met at the newly established compliance boundary.
- (i) Permits shall provide specific conditions to address the protection of threatened or endangered aquatic species, as provided in plans developed pursuant in 15A NCAC 02B .0110, if the construction and operation of the facility directly impacts such species.
- (j) Except as otherwise required by Rule .1306 in this Subchapter, the Permittee shall comply with all permit conditions and requirements until the waste treatment systems authorized by the permit are properly closed or subsequently permitted by another permit issued by the appropriate permitting authority for that activity.
- (k) Monitoring of waste and surface waters shall be in accordance with 15A NCAC 02B .0505 except as otherwise provided by applicable rules in this Subchapter.
- (l) Reporting shall be in accordance with 15A NCAC 02B .0506 except as otherwise provided by applicable rules in this Subchapter.
- (m) Monitoring of groundwater shall be in accordance with Sections 15A NCAC 02L .0100 and 15A NCAC 02C .0100 except as otherwise provided by applicable rules in this Subchapter.
- (n) The Director shall approve alternative Design Criteria and Application Submittal requirements if the applicant can demonstrate that the alternative will provide:
- (1) equal or better treatment of the waste;
 - (2) equal or better protection of the waters of the state; and
 - (3) no increased potential for nuisance conditions from noise, odor or vermin.
- (o) The Permittee shall retain the Division-approved plans and specifications for the life of the facility.

*History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.*