

**15A NCAC 02T .1203 PERMITTING BY REGULATION**

(a) The following activities shall be deemed permitted in accordance with Rule .0113 of this Subchapter if the activity does not result in any violations of groundwater or surface water quality standards, there is no direct discharge to surface waters, the generator of the CCPs provides the information required by Rule .1207(a) of this Section to the recipient of the CCPs, and all other criteria required for the specific activity are met:

- (1) use of CCPs as fuel for combustion in boilers, furnaces, etc. for energy recovery;
- (2) use of CCPs as material for manufacturing concrete products, asphalt products, brick products, lightweight aggregate roofing materials, insulation products, plastics, paints, bowling balls, cosmetics and other manufactured products in which the CCPs are encapsulated in the manufactured product;
- (3) use or disposal of CCPs in a solid waste facility permitted by the Division of Waste Management that is approved to receive the CCPs;
- (4) use of CCPs as material for traction control during snow and ice events, if the CCPs do not exceed the leachate concentrations set forth in Rule .1205(a) of this Section;
- (5) use of CCPs as a substitute for blasting grit, roofing granules, and filter cloth precoat for residuals dewatering, if the CCPs do not exceed the leachate concentrations of concern in Rule .1205(a) of this Section;
- (6) use of CCPs in flowable fill for backfill of trenches for potable water mains as approved by the Division of Environmental Health, sanitary sewers, storm drainage structures, and other trenching uses if the CCPs do not exceed the leachate concentrations set forth in Rule .1205(a) of this Section;
- (7) use of CCPs as a raw product for the stabilization of residuals; and
- (8) land application of CCPs if the following criteria are met:
  - (A) the CCPs meet the pollutant limits in Rule .1205 of this Section;
  - (B) the land application activities meet all applicable conditions of Rule .1108(b)(1) and Rule.1109(b)(1) of this Subchapter; and
  - (C) less than 12,400 tons are applied to any one site.

(b) Unless otherwise specified Paragraph (a) of this Rule, CCPs that are used for the activities deemed permitted in this Rule are not subject to the pollutant limits in Rule .1205 of this Section.

(c) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

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