

SECTION .0200 - WASTE NOT DISCHARGED TO SURFACE WATERS

.0201 PURPOSE

These regulations implement G.S. 143-215.1(d) by setting forth the requirements and procedures for application and issuance of permits for sewer systems, sewer system extensions, disposal systems and treatment works which do not discharge to surface waters of the state. The regulations of this Section will apply to all permit applications and renewals received on or after February 1, 1976.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1;
Eff. February 1, 1976.

.0202 SCOPE

These regulations apply to all persons proposing to construct, alter, or extend any sewer system, treatment works or disposal system which does not discharge to surface waters of the state; or operating or proposing to operate any sewer system, treatment works, or disposal system which does not discharge to surface waters of the state.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1; 130-160;
Eff. February 1, 1976.

.0203 DEFINITION OF TERMS

The terms used herein shall be as defined in G.S. 143-213 except for G.S. 143-213(15) and as follows:

- (1) The term "director" means the Director of the Division of Environmental Management, Department of Natural and Economic Resources or his delegate.
- (2) The term "person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this state or any other state or country.
- (3) The term "sewer system" means gravity flow pipelines or conduits eight inches in diameter or greater, pumping stations, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal.
- (4) "Treatment works or disposal system which does not discharge to surface waters" means any treatment works or disposal system which is designed to:

- (a) operate as closed system with no discharge to waters of the state, or
 - (b) dispose of wastes after treatment to the surface of the land, or
 - (c) dispose of wastes through a ground absorption system.
- (5) Ground absorption sewage disposal system means a sewage disposal method relying primarily on the soil for leaching and removal of dissolved and suspended organic or mineral materials from human wastes. Included are ground absorption sanitary sewage disposal systems serving multiple-family residences, places of business, or places of public assembly, and having a design capacity in excess of 3,000 gallons, and ground absorption systems of any capacity which are designed for the disposal of industrial wastes.
- (6) The term "staff" means the water quality section of the division of environmental management, Department of Natural and Economic Resources.
- (7) Underground waters or groundwaters means any and all waters beneath the land surface of the state, including the land surface beneath surface waters of the state.
- (8) Surface waters means all waters of the state as defined in G.S. 143-213(20) except underground waters.
- (9) Pollutant means waste as defined in G.S. 143-213(18).

History Note: Statutory Authority G.S. 143-215.3(a) (1);
 143-213; 130-160;
 Eff. February 1, 1976.

.0204 ACTIVITIES WHICH REQUIRE A PERMIT

No person shall do any of the following things or carry out any of the following activities until or unless such person shall have applied for and shall have received from the Environmental Management Commission a permit therefor, and shall have complied with such conditions, if any, as are prescribed by such permit:

- (1) make any outlets into the waters of the state;
- (2) construct or operate any sewer system, treatment works, or disposal system which does not discharge to surface waters;
- (3) alter, extend, or change the construction or method of operation of any sewer system, treatment works, or disposal system which does not discharge to surface waters;
- (4) increase the quantity of waste discharged through any outlet or processed in any treatment works or disposal system which does not discharge to the surface waters to any extent which would result in any violation of the

- effluent standards or limitations established for any point source or which would adversely affect the condition of the receiving ground waters to the extent of violating any of the standards applicable to such waters, or to an extent beyond such minimum limits as the commission may prescribe, by way of general exemption from the provisions of this Subdivision, by its official regulations;
- (5) change the nature of the wastewater not discharged to surface waters in any way which would contravene any applicable water quality standards for underground waters;
 - (6) cause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the ground waters of the state in violation of water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order, or other appropriate instrument issued or entered into by the commission pursuant to G.S. 143-211 et seq.;
 - (7) cause or permit any wastes for which pretreatment is required by pretreatment standards to be discharged, directly or indirectly from a pretreatment facility to any disposal system which does not discharge to the surface waters, or to alter, extend, or change the construction or method of operation or increase the quantity or change the nature of the waste discharged from or processed in such facility;
 - (8) enter into a contract for the construction and installation of any outlet, sewer system, pretreatment facility, treatment works, or disposal system which does not discharge to surface waters, or for the alteration or extension of any such facilities.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.1; 130-160;
Eff. February 1, 1976.

.0205 APPLICATION, SUPPORTING INFORMATION, REQUIREMENTS

(a) Applications. Application for a permit must be made in duplicate on official form completely filled out, where applicable, and fully executed in the manner set forth in Regulation .0206 of this Section. The signature of the consulting engineer or other agent will be accepted only if accompanied by a letter of authorization.

(b) Supporting Documents and Information

- (1) This Subdivision outlines those supporting documents and information which must be submitted for sewers,

- sewer extensions, and disposal systems and wastewater treatment works which do not discharge to the surface waters of the state;
- (2) For sewers and sewer extensions:
 - (A) design flow including flows from branch sewers;
 - (B) rate of infiltration in gallons per mile of pipe per day;
 - (C) letter of agreement from owner or proper official of treatment works accepting the wastewater, if application is not submitted by owner or proper official having charge of treatment works;
 - (D) plan and profile of sewers;
 - (E) specifications describing all materials to be used, methods of construction and means for assuring the quality and integrity of the finished project;
 - (3) For pumping stations:
 - (A) design data;
 - (B) plan and profile of force main;
 - (C) plot plan;
 - (D) specifications describing all materials to be used, methods of construction and means for assuring the quality and integrity of the finished project;
 - (4) For septic tank -- ground absorption systems:
 - (A) percolation data on soil;
 - (B) design data;
 - (C) plans of complete system including plans for septic tank, system layout and cross-section profile of nitrification lines;
 - (5) For spray irrigation or land application disposal systems and treatment works:
 - (A) topographic map of disposal area;
 - (B) test borings and subsurface data adequate for site evaluation;
 - (C) soil evaluation of the disposal site conducted by a recognized soils scientist and his recommendations concerning application rates of liquids, solids, minerals and other constituents of the wastewater;
 - (D) a project evaluation conducted by a recognized agronomist and his recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals and other constituents of the wastewater;
 - (E) complete plans and specifications for the entire system;

- (6) For closed system or recycle disposal systems and treatment works:
 - (A) complete description of wastewater including chemical composition and chemical reactions which may occur within the system;
 - (B) plans and specifications of the entire system;
 - (C) soils evaluation to determine load bearings capacity, porosity, compactability and other features necessary to determine the potential for ground water contamination.
- (c) Miscellaneous Requirements
 - (1) Required sets of plans and specifications:
 - (A) regular projects -- two sets of detailed plans and specifications,
 - (B) federal and state grants projects -- three sets of detailed plans and specifications plus federal assurances required by appropriate federal agency;
 - (2) For pumping stations:
 - (A) no by-pass or overflow lines,
 - (B) dual pumps,
 - (C) dual power supply where waters classified as A-II-B-SB are involved,
 - (D) high water alarms;
 - (3) Compliance with commission regulations on "coastal waste treatment disposal" found in Section .0400 of this Subchapter;
 - (4) Compliance with commission regulations on "septic tank systems" found in Section .0300 of this Subchapter, by a system above 3,000 gallons design capacity, which does not discharge to the surface waters of the state;
 - (5) When an application for a permit is filed for wastewater facilities for a condominium, a copy of the properly executed "tri-party agreement" must be submitted;
 - (6) Where applicable, evidence must be submitted to show that application has been filed with the State Utilities Commission for approval of utility rate structures;
 - (7) When required, a statement should be submitted that the wastewater treatment facility involved will be properly disconnected, and the wastewater discharged into an adequate district or municipal system when it becomes available.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1;
Eff. February 1, 1976.

.0206 FILING APPLICATIONS

(a) Permit applications and supporting information shall be filed with the Director, Division of Environmental Management, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, North Carolina, 27611.

(b) Complete application and supporting information shall be filed at least 90 days in advance of the date on which construction is to begin or contracts for construction awarded.

(c) Permit applications shall be signed as follows:

- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or his duly authorized representative;
- (2) in the case of a partnership, by a general partner and in the case of a limited partnership, by a general partner;
- (3) in the case of a sole proprietorship, by the proprietor;
- (4) in the case of a municipal, state, or other public entity by either a principal executive officer, ranking elected official or other duly authorized employee.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1;
Eff. February 1, 1976.

.0207 SUBMISSION OF PERMIT APPLICATION

(a) Applications for permits shall be submitted to the director.

(b) The director is authorized to accept applications for the commission and shall refer all applications to the staff for review and evaluation.

(c) The director shall acknowledge receipt of a complete application, or if not complete, shall return the application to the applicant with a statement of what additional information is required.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1(d); 143-215.3(a) (4);
Eff. February 1, 1976.

.0208 STAFF REVIEW AND PERMIT PREPARATION

(a) The staff shall conduct a review of plans, specifications and other project data accompanying the application and shall determine if the application or accompanying supporting data or both are complete.

(b) If the staff's preliminary determination in Subdivision (a) of this Regulation is that the application or accompanying

supporting data or both are incomplete, the staff shall advise the applicant by mail:

- (1) that the application or accompanying supporting data or both are incomplete;
- (2) how the application or accompanying supporting data or both may be modified to make them acceptable or complete;
- (3) that the 90 day processing period required in G.S. 143-215.1 and Regulation .0209 of this Section begins upon receipt of corrected or complete application or accompanying supporting data or both;
- (4) that, if acceptable or complete plans are not resubmitted within 60 days, the application packet will be returned to the applicant as "incomplete."

(c) In addition to the determination in Subdivision (a) of this Regulation, the staff shall determine for sewer system construction or sewer system extensions, whether the treatment works or the sewer system to which the new system will connect is adequate to receive waste which will be discharged to the new system.

(d) Coordination With the Ground Water Section

- (1) Upon receipt of applications and supporting data, the staff will forward copies to the appropriate field office representative of the ground water section for comment.
- (2) For disposal systems or treatment works, the staff shall conduct an on-site evaluation jointly with the ground water section of the division of resource planning and evaluation, Department of Natural and Economic Resources.
- (3) The staff will consider the comments of the ground water section in deciding:
 - (A) whether the application and supporting information is adequate,
 - (B) whether to issue or deny the permit application, or
 - (C) on conditions to include in the permit.

(e) If the staff recommends issuance of the permit, the staff shall prepare the permit and letter of transmittal for the director's signature. The permit shall contain terms and conditions necessary to achieve the purposes of Article 21, Chapter 143 of the N.C. General Statutes.

(f) If the staff recommends denial of the permit application, the staff shall prepare an appropriate letter of denial for the director's action and signature. Preparation of a letter of denial shall be deemed to be the staff's recommendation for denial. Such a letter shall state the reason or reasons for

denial and measures which the applicant may take to make the application approvable.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1(b); 143-215.1(d); 143-215.3(a) (4);
Eff. February 1, 1976.

.0209 FINAL ACTION ON PERMIT APPLICATIONS

(a) The director shall take final action on all applications not later than 90 days following receipt of an adequate application and required supporting documents. All permits or renewals of permits and decisions denying permits or renewals shall be in writing.

(b) The director is authorized to:

- (1) issue a permit containing such conditions as are necessary to effectuate the purposes of Article 21, Chapter 143, N.C. General Statutes;
- (2) issue permit containing time schedules for achieving compliance with applicable effluent standards and limitations, water quality standards and other legally applicable requirements;
- (3) modify or revoke any permit upon giving 60 days notice to the person affected pursuant to Regulation .0212(a) of this Section;
- (4) suspend a permit pursuant to Regulation .0212(a) of this Section;
- (5) deny a permit application:
 - (A) where necessary to effectuate the purposes of Article 21, Chapter 143;
 - (B) where necessary to effectuate the purposes of N.C.G.S. 143-215.67;
 - (C) where necessary to effectuate commission regulations on coastal waste treatment, disposal, found in Section .0400 of this Subchapter;
 - (D) where necessary to effectuate commission regulations on "septic tank systems," found in Section .0300 of this Subchapter.

(c) The director shall submit to the commission at its regular meetings a report which contains the action taken with respect to any permit application since the last commission meeting.

(d) Permits shall be issued or renewed for a period of time deemed reasonable by the director.

History Note: Statutory Authority G.S. 143-215.3(a) (1);
143-215.1(a); 143-215.1(b); 143-215.1(d);
Eff. February 1, 1976.

.0210 NOTIFICATION OF APPLICANTS

The director shall notify an applicant by mail of the final decision on his permit application. Notification of denial shall specify the reasons therefor and the proposed changes which in the opinion of the director will be required to obtain the permit.

History Note: Statutory Authority G.S. 143-215.1(a);
143-215.3(a)(4);
Eff. February 1, 1976.

.0211 PERMIT RENEWALS

Requests for permit renewals are to be submitted to the director six months prior to expiration unless revoked in accordance with Regulation .0209(b)(3) of this Section.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
Eff. February 1, 1976.

.0212 ADMINISTRATIVE HEARINGS

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to an adjudicatory hearing upon giving written notice, identifying the specific issue to be contended, to the director within 30 days following notice of final decision to deny or grant the permit. Unless such notice is given, the decision on the application shall be final and binding. Administrative hearings shall be conducted in accordance with the procedure set forth in Subchapter 2I, Hearings, of this Title.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.4; 143-215.1(e);
Eff. February 1, 1976.

.0213 MODIFICATION, REVOCATION, AND SUSPENSION OF PERMITS

Any permit issued pursuant to these regulations is subject to revocation, suspension or modification in whole or part for good cause including but not limited to:

- (1) violation of any terms or conditions of the permit;
- (2) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
- (3) refusal of the permittee to permit authorized employees of the Department of Natural and Economic Resources upon presentation of credentials:
 - (a) to enter upon permittee's premises on which a system is located in which any records are required to be kept under terms and conditions of the permit,

- (b) to have access to any copy and records required to be kept under terms and conditions of the permit,
- (c) to inspect any monitoring equipment or method required in the permit, or
- (d) to sample any discharge of pollutants.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.1(b)(2);
Eff. February 1, 1976.

.0214 INVESTIGATIONS, MONITORING AND REPORTING

(a) Employees of the Department of Natural and Economic Resources are authorized to conduct any investigations as provided in G.S. 143-215.3(a)(2), (7), and (9) for the purpose of determining compliance with water quality standards, effluent limitations, permit conditions and any duly adopted regulations of the commission.

(b) Any person subject to the provisions of G.S. 143-215.1 shall comply with the monitoring and reporting requirements as may be included as a condition of the permit.

History Note: Statutory Authority G.S. 143-215.3(a);
143-215.1(b);
Eff. February 1, 1976.

.0215 DELEGATION OF AUTHORITY

The director is authorized to delegate processing of permit applications and issuance of permits to Chief, Water Quality Section, or to Head, Field Services Branch, Water Quality Section or to water quality regional engineers as he determines appropriate.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.3(a)(4);
Eff. February 1, 1976.

.0216 LIMITATION ON DELEGATION

The director is authorized to delegate any or all of the functions contained in these regulations except the following:

- (1) denial of a permit application,
- (2) suspension of a permit,
- (3) revocation of a permit,
- (4) modification of a permit.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.9(d); 143-215.3(a)(4);
Eff. February 1, 1976.

.0217 POLICY

Treatment works and disposal systems not discharging to surface waters and serving facilities raising and feeding animals and treatment works and disposal systems in the form of solid waste disposal sites approved in accordance with regulations of the commission for health services are deemed to be permitted pursuant to G.S. 143-215.1(d). It shall not be necessary for the commission or the division to issue a permit for such works and systems. The commission in its discretion may at any time rescind this policy and require individual permits for such works and systems. Nothing in this policy shall be deemed to allow the violation of any assigned water quality standard and in addition any such violation shall be considered a violation of a condition of a permit. Further, nothing in this policy shall be deemed to apply to or permit activities for which a state/NPDES permit is otherwise required. The term NPDES means National Pollutant Discharge Elimination System.

History Note: Statutory Authority G.S. 143-215.3(a)(1);
143-215.1(a), (d);
Eff. February 1, 1976.