NORTH CAROLINA REGISTER

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Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER

Publication Schedule for January 2018 – December 2018

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270th day from publication in the Register
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	10/13/18
32:15	02/01/18	01/10/18	02/16/18	04/02/18	04/20/18	05/17/18	06/01/18	10/29/18
32:16	02/15/18	01/25/18	03/02/18	04/16/18	04/20/18	05/17/18	06/01/18	11/12/18
32:17	03/01/18	02/08/18	03/16/18	04/30/18	05/21/18	06/21/18	07/01/18	11/26/18
32:18	03/15/18	02/22/18	03/30/18	05/14/18	05/21/18	06/21/18	07/01/18	12/10/18
32:19	04/02/18	03/09/18	04/17/18	06/01/18	06/20/18	07/19/18	08/01/18	12/28/18
32:20	04/16/18	03/23/18	05/01/18	06/15/18	06/20/18	07/19/18	08/01/18	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	02/09/19
32:23	06/01/18	05/10/18	06/16/18	07/31/18	08/20/18	09/20/18	10/01/18	02/26/19
32:24	06/15/18	05/24/18	06/30/18	08/14/18	08/20/18	09/20/18	10/01/18	03/12/19
33:01	07/02/18	06/11/18	07/17/18	08/31/18	09/20/18	10/18/18	11/01/18	03/29/19
33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	04/12/19
33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/13/18	01/01/19	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/13/18	01/01/19	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	06/28/19
33:08	10/15/18	09/24/18	10/30/18	12/14/18	12/20/18	01/17/19	02/01/19	07/12/19
33:09	11/01/18	10/11/18	11/16/18	12/31/18	01/22/19	02/21/19	03/01/19	07/29/19
33:10	11/15/18	10/24/18	11/30/18	01/14/19	01/22/19	02/21/19	03/01/19	08/12/19
33:11	12/03/18	11/07/18	12/18/18	02/01/19	02/20/19	03/21/19	04/01/19	08/30/19
33:12	12/17/18	11/26/18	01/01/19	02/15/19	02/20/19	03/21/19	04/01/19	09/13/19

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) text of proposed rules;
(3) text of permanent rules approved by the Rules Review Commission;
(4) emergency rules
(5) Executive Orders of the Governor;
(6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
(7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

State of North Carolina

ROY COOPER
GOVERNOR

August 28, 2018

EXECUTIVE ORDER NO. 49

DEVELOP AN ACTION PLAN TO IMPROVE EARLY CHILDHOOD OUTCOMES

WHEREAS, North Carolina is a nationally-recognized leader in high-quality, evidence-based early childhood development policy and programs; and

WHEREAS, improving outcomes for young children and their families in North Carolina continues to be a priority; and

WHEREAS, in North Carolina, almost half of all children live in low-income households, nearly a quarter face food insecurity, and the infant mortality rate is high compared to most states; and

WHEREAS, ensuring all children get a healthy and nurturing start provides the foundation needed for a more educated and skilled workforce, lower health care costs, and reduced rates of incarceration; and

WHEREAS, the North Carolina Early Childhood Advisory Council ("NCECAC") was re-established by Exec. Order No. 40, 32 N.C. Reg. 1737-1739 (March 15, 2018), ***Re-establishing the North Carolina Early Childhood Advisory Council***, and was tasked with establishing a state early childhood action plan; and

WHEREAS, partnerships among government, businesses, and philanthropic organizations contribute to the well-being of young children across the state; and

WHEREAS, an early childhood action plan built on robust public-private partnerships in North Carolina can improve children's healthy development, grow and strengthen our workforce, and reduce public costs for poor health, education, economic and social outcomes.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Early Childhood Action Plan

a. The North Carolina Department of Health and Human Services ("NCDHHS"), in collaboration with the NCECAC, shall develop a North Carolina Early Childhood Action Plan ("the NCECAP").

b. The NCECAP shall recommend statewide and local efforts for improving young children's health, supporting safe and nurturing environments for children and families, and providing high-quality early childhood learning opportunities. It shall include goals as well as strategies and timeframes for achieving these goals. The NCECAP shall also include

metrics that will be publicly reported on an annual basis to track progress toward improving early childhood outcomes.

c. NCDHHS shall consult with stakeholders, including, but not limited to, experts in maternal and pediatric health, child welfare, and early learning, as it develops the NCECAP.

Section 2. Submission of NCECAP

NCDHHS shall make a draft NCECAP available for public feedback no later than November 1, 2018.

Section 3. Effect and Duration

This Executive Order shall be effective immediately. It shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh this 28th day of August in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

State of North Carolina

ROY COOPER
GOVERNOR

September 7, 2018

EXECUTIVE ORDER NO. 50

DISASTER DECLARATION FOR THE TOWN OF HILDEBRAN (BURKE COUNTY), THE TOWN OF GRANITE FALLS (CALDWELL COUNTY), THE TOWN OF MARSHALL (MADISON COUNTY), THE TOWN OF BLOWING ROCK (WATAUGA COUNTY), AND THE TOWNS OF NORTH WILKESBORO AND WILKESBORO (WILKES COUNTY)

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.21(b), the North Carolina Emergency Management Act authorizes the Governor to issue a disaster declaration for a defined emergency area in the event of a Type I disaster, as defined in N.C. Gen. Stat. 166A-19.21(b)(1); and

WHEREAS, a Type I disaster is present if the following apply: (1) the Secretary of the Department of Public Safety ("Secretary of Public Safety") has provided a preliminary damage assessment to the Governor pursuant to N.C. Gen. Stat. § 166A-19.21(a); (2) the relevant municipality or county has declared a local state of emergency pursuant to N.C. Gen. Stat. § 166A-19.22; (3) the preliminary damage assessment meets or exceeds the State infrastructure criteria set forth in N.C. Gen. Stat. § 166A-19.41(b)(2)a; and (4) a major disaster declaration by the President of the United States, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 ("Stafford Act"), has not been declared; and

WHEREAS, on October 23, 2017, communities in Western North Carolina were impacted by tornadoes and severe rain; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.22 and in response to the above weather-related events, the Town of Hildebran in Burke County declared a state of emergency for the incorporated areas of the town; the Town of Granite Falls in Caldwell County declared a state of emergency for all areas within the jurisdiction of the town; the Town of Marshall in Madison County declared a state of emergency for all areas within the jurisdiction of the town; the Town of Blowing Rock in Watauga County declared a state of emergency for the incorporated areas of the town; and Wilkes County declared states of emergency for the Towns of Wilkesboro and North Wilkesboro, with those towns' consent; the aforementioned emergency areas are hereinafter and collectively referred to as the "Emergency Area"; and

WHEREAS, following these emergency declarations, a joint preliminary damage assessment for the Emergency Area was conducted by local, state, and federal emergency management officials, and that assessment was provided to the Governor on or about August 28, 2018; and

WHEREAS, the damage assessment for the Emergency Area exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a, because (1) damages in each affected municipality exceed $10,000 in uninsurable losses, and (2) these uninsurable losses exceed 1% of the annual operating budgets of each affected municipality; and

WHEREAS, the President of the United States has not issued a major disaster declaration for the events described herein; and

WHEREAS, due to the foregoing, I have determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the Emergency Area; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41(b), if a disaster is declared, the Governor may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the residents of the state.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), the impact of the weather-related events of October 23, 2017 on the Emergency Area constitutes a Type I disaster.

Section 2. State disaster assistance in the form of public assistance grants shall be made available to the eligible governments located within the Emergency Area, in accordance with N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

a. Debris clearance.
b. Emergency protective measures.
c. Roads and bridges.

Section 3. I hereby order that this declaration: (a) be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) be promptly filed with the Secretary of Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) be distributed to others as necessary to ensure its proper implementation.

Section 4. This Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in thirty (30) day increments, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7th day of September in the year of our Lord two thousand eighteen.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

State of North Carolina

ROY COOPER
GOVERNOR

September 7, 2018

EXECUTIVE ORDER NO. 51

DECLARATION OF A STATE OF EMERGENCY

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

WHEREAS, the State of North Carolina is under imminent threat from Tropical Storm Florence, which has the potential to make landfall next week; and

WHEREAS, it is expected that the people of North Carolina in the storm's path will be exposed to a substantial risk of injury or death; and

WHEREAS, it is expected that the tropical storm will cause significant damage to public and private property and may seriously disrupt essential utility services and systems; and

WHEREAS, the potential impacts from Tropical Storm Florence constitute a state of emergency as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in the State of North Carolina.

The emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b), is the State of North Carolina. ("the Emergency Area").

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

Section 3.

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

I further direct Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

I hereby order that this declaration be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the state of emergency would prevent or impede this; and (3) distributed to others as necessary to ensure proper implementation of this declaration.

Section 7.

This declaration does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 8.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 9.

This declaration is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7th day of September in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

State of North Carolina

ROY COOPER

GOVERNOR

September 7, 2018

EXECUTIVE ORDER NO. 52

TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE RESTORATION OF UTILITY SERVICES AND TRANSPORTING ESSENTIALS

WHEREAS, the potential impacts from Tropical Storm Florence will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal, carrying essentials such as food and medicine, transporting livestock and poultry and feed for livestock and poultry, and transporting poultry and crops ready to be harvested through North Carolina highways; and

WHEREAS, I have declared that a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) exists due to the potential of flooding, road closures and landslides impact on this State; and

WHEREAS, the emergency area as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is the entire State of North Carolina; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, livestock and poultry feed, and medical supplies to residential and commercial establishments is essential before, during, and after the storm and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles engaging in debris removal, bearing equipment and supplies for utility restoration, and carrying essentials are exempt from certain size and weight registration requirements set forth in N.C. Gen. Stat. §§ 20-86.1 and 20-382, the fuel tax requirements of N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49, and the size and weight requirements of N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119; and

WHEREAS, I have found that the State's residents may suffer losses and will likely suffer imminent further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists: and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested and (3) vehicles used in the restoration of utility services.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

For purposes of this Executive Order, the emergency area is the State of North Carolina ("the Emergency Area").

Section 2.

DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

Section 3.

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles transporting equipment and supplies for the restoration of utility services and transportation facilities, and vehicles carrying essentials and equipment for any debris removal.

Pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops ready to be harvested and feed to livestock and poultry in the Emergency Area.

Section 4.
Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total, overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (1) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters 1.5 inches wide and (2) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.

Section 5.

Vehicles referenced in Sections 3 and 4 of this Executive Order shall be exempt from the following registration requirements:

a. The requirement to obtain a temporary trip permit and pay the associated $50.00 fee listed in N.C. Gen. Stat. § 105-449.49. No filing of a quarterly fuel tax return is required as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
b. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for-hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority, however, vehicles shall maintain the required limits of insurance as required.

Additionally, non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 6.

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 7.

The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 8.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2 through 7 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 9.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are bearing equipment and supplies for utility restoration, being used for debris removal, carrying essentials in commerce, carrying feed for livestock and poultry, or transporting livestock, poultry or crops ready to be harvested in the State of North Carolina.

Section 10.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 11.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 12.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 7th day of September in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

State of North Carolina

ROY COOPER
GOVERNOR

September 10, 2018

EXECUTIVE ORDER NO. 53

WAIVER OF FUEL VAPOR REGULATIONS TO ENSURE ADEQUATE SUPPLY OF FUEL AS HURRICANE FLORENCE APPROACHES

WHEREAS, Executive Order No. 51 declared a State of Emergency on September 7, 2018; and

WHEREAS, Tropical Storm Florence became a hurricane on September 9, 2018, and now Hurricane Florence is approaching the State of North Carolina; and

WHEREAS, in the coming days, the state and many counties are likely to order mandatory or voluntary evacuations to ensure the safety of populations in the Emergency Area as defined in Section 1 of Executive Order No. 51; and

WHEREAS, large-scale evacuations, should they be ordered, will require an enhanced supply of gasoline in the Emergency Area, and an adequate supply of gasoline will be necessary for response and recovery operations; and

WHEREAS, the maintenance of adequate motor fuel supplies for these purposes is necessary for the protection of residents in the Emergency Area; and

WHEREAS, the waiver of the gasoline truck tank and vapor system requirements of 15A N.C. Admin. Code 02D.0932(c) will allow trucks from out-of-state haulers to transport additional fuel to North Carolina without undue delay, ensuring the necessary supply of motor fuel to respond to the above challenges; and

WHEREAS, every county in North Carolina is in compliance with all federal air quality standards; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

The gasoline truck tank and vapor system requirements of 15A N.C. Admin. Code 02D.0932(c) shall be waived during this event, as long as the U.S. Environmental Protection Agency's Method 27 Rule is followed by gasoline haulers.

Section 2.

This waiver is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10th day of September in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

DEPARTMENT OF INSURANCE
RESCHEDULED PUBLIC HEARINGS

The Department of Insurance is canceling the October 9th public hearing for 11 NCAC 20 .0101 Scope and Definitions.

This rule was published in the NC Register on September 4, 2018, Volume 33, Issue 05, pages 498-500. The hearing has been rescheduled for October 23rd at 10:00 AM in the 1st Floor Hearing Room, room 131 at the Department of Insurance located at 325 N. Salisbury Street, Raleigh North Carolina 27603.

Due to the impending weather from Hurricane Florence, the Department of Insurance is canceling the September 13th hearing for the following rules:

11 NCAC 07 .0401 DEFINITIONS
11 NCAC 07 .0402 PROOF OF INSURANCE COVERAGE

The rules were published in the NC Register on August 15, 2018, Volume 33, Issue 04, page 336. The hearing has been rescheduled for October 16th 10:00 AM in the 1st Floor Hearing Room, room 131 at the Department of Insurance located at 325 N. Salisbury Street, Raleigh North Carolina 27603. The comment period for the rules has also been extended until October 16th at 5:00 PM.

Due to the impending weather from Hurricane Florence, the Department of Insurance is canceling the September 14th hearing for the following rules:

11 NCAC 10 .0602 CONSENT TO RATE PROCEDURES: RATE BUREAU COVERAGES
11 NCAC 10 .0603 CONSENT TO RATE PROCEDURES: COMMERCIAL COVERAGES
11 NCAC 10 .0605 CONSENT TO RATE AUTO LIABILITY COVERAGE
11 NCAC 10 .0606 CONSENT TO RATE PROCEDURES

The rules were published in the NC Register on August 15, 2018, Volume 33, Issue 04, pages 336-338. The hearing has been rescheduled for October 16th at 10:00 AM in the 1st Floor Hearing Room, room 131 at the Department of Insurance located at 325 N. Salisbury Street, Raleigh North Carolina 27603. The comment period for the rules has also been extended until October 16th at 5:00 PM.

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.*

TITLE 19A – DEPARTMENT OF TRANSPORTATION

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Transportation intends to readopt with substantive changes the rules cited as 19A NCAC 02B .0143, .0145, .0202, .0208, .0240, .0316; 02D .0415, and readopt without substantive changes the rules cited as 19A NCAC 02B .0432, .0433, .0507; 02D .0102, .0104, .0408; 02E .0412-.0422, and .1006.*

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncdot.gov/about-us/how-we-operate/policy-process/rules/Pages/default.aspx*

Proposed Effective Date: *February 1, 2019*

Public Hearing:
Date: *November 8, 2018*
Time: *3:00 p.m.-4:30 p.m.*
Location: *Transportation Mobility and Safety Conference Room 161, 750 Greenfield Parkway, Garner, NC 27529*

Reason for Proposed Action: *Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of Subchapter 19A NCAC 02B, 02D and 02E these proposed rules were determined as "Necessary With Substantive Public Interest" thus necessitation readoption. Upon review for the readoption process, the agency deemed the following rules to be necessary without substantive changes and are recommended for readoption; 02B .0432, .0433, and .0507; 02D .0102, .0104, and .0408; and 02E .0412-.0422, and .1006. Upon review for the readoption process, the agency deemed the following rules to be unnecessary and is recommending repeal: 02B, .0143, .0145, .0202, .0208, .0240, and .0316; and 02D .0415.*

Comments may be submitted to: *Hannah D. Jernigan, 1501 Mail Service Center, Raleigh, NC 27699-1501; phone (919) 707-2821; email Rulemaking@ncdot.gov*

Comment period ends: *December 3, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).
☐ **State funds affected**
☐ **Environmental permitting of DOT affected**
Analysis submitted to Board of Transportation
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☐ **No fiscal note required by G.S. 150B-21.4**
☒ **No fiscal note required by G.S. 150B-21.3A(d)(2)**

CHAPTER 02 - DIVISION OF HIGHWAYS

SUBCHAPTER 02B - HIGHWAY PLANNING

SECTION .0100 - RIGHT OF WAY

19A NCAC 02B .0143 THE SALE OF SURPLUS LANDS

Authority G.S. 136-18(2); 136-19; 143B-350(f),(g); 150B-21.3A.

19A NCAC 02B .0145 COPIES OF FORMS

Authority G.S. 136-18(2); 136-19; 143B-350(f),(g); 150B-21.3A.

SECTION .0200 - TRAFFIC ENGINEERING

19A NCAC 02B .0202 DEFINITIONS

Authority G.S. 136-18; 136-20; 136-45; 136-66.1; 150B-21.3A.

19A NCAC 02B .0208 UNIFORM TRAFFIC CONTROL DEVICES

Authority G.S. 20-158; 20-169; 136-18(5); 136-30; 150B-21.3A.

19A NCAC 02B .0240 CHANNELIZATION FOR ENTRANCES AND EXITS TO PROPERTY

Authority G.S. 136-18(5).

SECTION .0300 - CHIEF ENGINEER - PROGRAMS

19A NCAC 02B .0316 PERSONAL PROPERTY NOT TO BE ACQUIRED

Authority G.S. 136-18(2); 136-19; 143B-350(f),(g); 150B-21.3A.

SECTION .0400 - RELOCATION ASSISTANCE PROCEDURES

19A NCAC 02B .0432 RELOCATION ASSISTANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02B .0433 APPLICABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - UTILITY ENCROACHMENTS

19A NCAC 02B .0507 EXECUTION OF UTILITY AGREEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 02D - HIGHWAY OPERATIONS

SECTION .0100 - HIGHWAY OPERATIONS

19A NCAC 02D .0102 MINIMUM SIZE OF SURFACE DRAINAGE PIPELINE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02D .0104 GUIDELINES - CURB CUTS AND RAMPS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - FIELD OPERATIONS - MAINTENANCE AND EQUIPMENT

19A NCAC 02D .0408 TEMPORARY BRIDGE WEIGHT LIMITS AND CLOSINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02D .0415 GENERAL REGULATIONS FOR DRAWBRIDGES

Authority G.S. 136-18(5); 150B-21.3A.

SUBCHAPTER 02E - MISCELLANEOUS OPERATIONS

SECTION .0400 – GENERAL ORDINANCES

19A NCAC 02E .0412 AIRCRAFT LANDING AND TAKING OFF ON HIGHWAYS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0413 PARADES ON HIGHWAY SYSTEM ROADS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0414 PARKING VEHICLE FOR SALE OR DISTRIBUTION OF GOODS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0415 ADVERTISING SIGNS WITHIN RIGHT OF WAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0416 PRIVATE DRIVES OR ROADS INTERSECTING HIGHWAYS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0417 COMMERCIAL ENTRANCES INTERSECTING WITH RIGHT OF WAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0418 FENCING WITHIN RIGHT OF WAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0419 CULTIVATING CROPS AND MAINTAINING PASTURES WITHIN ROW (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0420 CONSTRUCTION WITHIN RIGHT OF WAY (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0421 UTILITY WIRES OR CABLES OVER HIGHWAYS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

19A NCAC 02E .0422 USE OF RUNAWAY TRUCK RAMPS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1000 - SCENIC BYWAYS

19A NCAC 02E .1006 APPLICATION FOR DESIGNATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on August 16, 2018 Meeting.

		REGISTER CITATION TO THE NOTICE OF TEXT
BANKING COMMISSION		
Withdrawal/Termination of Authorization as Reverse Mtg. L...	04 NCAC 03K .0404*	32:19 NCR
ELECTIONS AND ETHICS ENFORCEMENT, BOARD OF		
Actions of County Board as to Election Protests	08 NCAC 02 .0110*	31:23 NCR
Election Protest Form	08 NCAC 02 .0111*	31:23 NCR
Absentee Ballot Delivery	08 NCAC 18 .0101*	31:23 NCR
HHS - MEDICAL ASSISTANCE, DIVISION OF		
Prevention	10A NCAC 22F .0104*	32:13 NCR
Investigation	10A NCAC 22F .0302*	32:13 NCR
Administrative Sanctions and Remedial Measures	10A NCAC 22F .0602*	32:13 NCR
Provider Lock-Out	10A NCAC 22F .0603*	32:13 NCR
Withholding of Medicaid Payments	10A NCAC 22F .0604*	32:13 NCR
Payment Status	10A NCAC 22J .0105*	32:13 NCR
ENVIRONMENTAL MANAGEMENT COMMISSION		
Scope and Purpose	15A NCAC 02S .0101	32:16 NCR
Definitions	15A NCAC 02S .0102*	32:16 NCR
Applicability	15A NCAC 02S .0201	32:16 NCR
Required Minimum Management Practices	15A NCAC 02S .0202*	32:16 NCR
Filing	15A NCAC 02S .0301*	32:16 NCR
Purpose and Applicability	15A NCAC 02S .0501	32:16 NCR
Abatement of Imminent Hazard	15A NCAC 02S .0502*	32:16 NCR
Prioritization of Certification Facilities and Sites	15A NCAC 02S .0503	32:16 NCR
Tiered Risk Assessment	15A NCAC 02S .0506*	32:16 NCR
Remedial Action Plan	15A NCAC 02S .0507*	32:16 NCR
Land-Use Restrictions	15A NCAC 02S .0508	32:16 NCR
No Further Action Criteria	15A NCAC 02S .0509	32:16 NCR
Purpose	15A NCAC 02T .0101	32:06 NCR
Scope	15A NCAC 02T .0102*	32:06 NCR
Definitions	15A NCAC 02T .0103*	32:06 NCR
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General Requirements	15A NCAC 02T .0105*	32:06 NCR
Submission of Permit Applications	15A NCAC 02T .0106*	32:06 NCR
Staff Review and Permit Preparation	15A NCAC 02T .0107*	32:06 NCR
Final Action on Permit Applications to the Division	15A NCAC 02T .0108*	32:06 NCR
Permit Renewals	15A NCAC 02T .0109	32:06 NCR
Modification and Revocation of Permits	15A NCAC 02T .0110*	32:06 NCR

Conditions for Issuing General Permits	15A NCAC 02T .0111*	32:06 NCR
Delegation of Authority	15A NCAC 02T .0112*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .0113*	32:06 NCR
Wastewater Design Flow Rates	15A NCAC 02T .0114*	32:06 NCR
Operational Agreements	15A NCAC 02T .0115*	32:06 NCR
Certificate of Completion	15A NCAC 02T .0116*	32:06 NCR
Treatment Facility Operation and Maintenance	15A NCAC 02T .0117*	32:06 NCR
Demonstration of Future Wastewater Treatment Capacities	15A NCAC 02T .0118*	32:06 NCR
Historical Consideration in Permit Approval	15A NCAC 02T .0120*	32:06 NCR
Scope	15A NCAC 02T .0201*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .0203*	32:06 NCR
Permitting	15A NCAC 02T .0204*	32:06 NCR
Scope	15A NCAC 02T .0301	32:06 NCR
Definitions	15A NCAC 02T .0302*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .0303*	32:06 NCR
Application Submittal	15A NCAC 02T .0304*	32:06 NCR
Design Criteria	15A NCAC 02T .0305*	32:06 NCR
Local Programs for Sewer Systems	15A NCAC 02T .0306*	32:06 NCR
Scope	15A NCAC 02T .0401*	32:06 NCR
Definitions	15A NCAC 02T .0402*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .0403*	32:06 NCR
Multiple Collection Systems Under Common Ownership	15A NCAC 02T .0404*	32:06 NCR
Implementation	15A NCAC 02T .0405*	32:06 NCR
Scope	15A NCAC 02T .0501	32:06 NCR
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Design Criteria	15A NCAC 02T .0505*	32:06 NCR
Setbacks	15A NCAC 02T .0506*	32:06 NCR
Operation and Maintenance	15A NCAC 02T .0507*	32:06 NCR
Residuals Management	15A NCAC 02T .0508*	32:06 NCR
Scope	15A NCAC 02T .0601*	32:06 NCR
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Design Criteria	15A NCAC 02T .0605*	32:06 NCR
Setbacks	15A NCAC 02T .0606*	32:06 NCR
Connection to Regional System	15A NCAC 02T .0607*	32:06 NCR
Operation and Maintenance	15A NCAC 02T .0608*	32:06 NCR
Scope	15A NCAC 02T .0701*	32:06 NCR
Definitions	15A NCAC 02T .0702*	32:06 NCR
Application Submittal	15A NCAC 02T .0704*	32:06 NCR
Design Criteria	15A NCAC 02T .0705*	32:06 NCR
Setbacks	15A NCAC 02T .0706*	32:06 NCR
Operation and Maintenance	15A NCAC 02T .0707*	32:06 NCR
Residuals Management	15A NCAC 02T .0708*	32:06 NCR
Scope	15A NCAC 02T .0801	32:06 NCR
Application Submittal	15A NCAC 02T .0804*	32:06 NCR
Design Criteria	15A NCAC 02T .0805*	32:06 NCR
Setbacks	15A NCAC 02T .0806*	32:06 NCR
Operation and Maintenance	15A NCAC 02T .0807*	32:06 NCR

Residuals Management	15A NCAC 02T .0808*	32:06 NCR
Scope	15A NCAC 02T .1101*	32:06 NCR
Definitions	15A NCAC 02T .1102*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .1103*	32:06 NCR
Application Submittal	15A NCAC 02T .1104*	32:06 NCR
Pollutant Limits	15A NCAC 02T .1105*	32:06 NCR
Pathogen Reduction Requirements	15A NCAC 02T .1106*	32:06 NCR
Vector Attraction Reduction Requirements	15A NCAC 02T .1107*	32:06 NCR
Setbacks	15A NCAC 02T .1108*	32:06 NCR
Residuals Management Practices	15A NCAC 02T .1109*	32:06 NCR
Operation and Maintenance	15A NCAC 02T .1110*	32:06 NCR
Monitoring and Reporting	15A NCAC 02T .1111*	32:06 NCR
Scope	15A NCAC 02T .1201	32:06 NCR
Definitions	15A NCAC 02T .1202*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .1203*	32:06 NCR
Application Requirements	15A NCAC 02T .1204*	32:06 NCR
Pollutant Limits	15A NCAC 02T .1205*	32:06 NCR
Setbacks	15A NCAC 02T .1206*	32:06 NCR
Management Practices	15A NCAC 02T .1207*	32:06 NCR
Operation and Maintenance Plan	15A NCAC 02T .1208*	32:06 NCR
Monitoring and Reporting	15A NCAC 02T .1209*	32:06 NCR
Scope	15A NCAC 02T .1301*	32:06 NCR
Definitions	15A NCAC 02T .1302*	32:06 NCR
Permitting by Regulation	15A NCAC 02T .1303*	32:06 NCR
State Permitting Requirements	15A NCAC 02T .1304*	32:06 NCR
NPDES Permitting Requirements	15A NCAC 02T .1305*	32:06 NCR
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Swine Waste Management System Performance Standards	15A NCAC 02T .1307*	32:06 NCR
Evaluation and Approval of Swine Waste Management Systems	15A NCAC 02T .1308*	32:06 NCR
Lagoon Conversion Requirements	15A NCAC 02T .1309*	32:06 NCR
Animal Waste Residuals Management	15A NCAC 02T .1310*	32:06 NCR
Scope	15A NCAC 02T .1401*	32:06 NCR
Definitions	15A NCAC 02T .1402*	32:06 NCR
Permitting by Regulations	15A NCAC 02T .1403*	32:06 NCR
Annual Reports	15A NCAC 02T .1404*	32:06 NCR
Scope	15A NCAC 02T .1601*	32:06 NCR
Definitions	15A NCAC 02T .1602*	32:06 NCR
Application Submittal	15A NCAC 02T .1604*	32:06 NCR
Design Criteria	15A NCAC 02T .1605*	32:06 NCR
Setbacks	15A NCAC 02T .1606*	32:06 NCR
Monitoring and Reporting Requirements	15A NCAC 02T .1607*	32:06 NCR
Requirements for Closure	15A NCAC 02T .1608*	32:06 NCR
Purpose	15A NCAC 02U .0101*	32:06 NCR
Scope	15A NCAC 02U .0102*	32:06 NCR
Definitions	15A NCAC 02U .0103*	32:06 NCR
Activities which Require a Permit	15A NCAC 02U .0104	32:06 NCR
General Requirements	15A NCAC 02U .0105	32:06 NCR

Submission of Permit Applications	15A NCAC 02U .0106	32:06 NCR
Staff Review and Permit Preparation	15A NCAC 02U .0107	32:06 NCR
Final Action on Permit Applications to the Division	15A NCAC 02U .0108	32:06 NCR
Permit Renewals	15A NCAC 02U .0109*	32:06 NCR
Modification and Revocation of Permits	15A NCAC 02U .0110	32:06 NCR
Conditions for Issuing General Permits	15A NCAC 02U .0111*	32:06 NCR
Delegation of Authority	15A NCAC 02U .0112	32:06 NCR
Wastewater Design Flow Rates	15A NCAC 02U .0114*	32:06 NCR
Operational Agreements	15A NCAC 02U .0115*	32:06 NCR
Certification of Completion	15A NCAC 02U .0116*	32:06 NCR
Treatment Facility Operation and Maintenance	15A NCAC 02U .0117*	32:06 NCR
Demonstration of Future Wastewater Treatment Capacities	15A NCAC 02U .0118*	32:06 NCR
Historical Consideration in Permit Approval	15A NCAC 02U .0120	32:06 NCR
Application Submittal	15A NCAC 02U .0201*	32:06 NCR
Application Submittal for Dedicated Reclaimed Water Systems	15A NCAC 02U .0202*	32:06 NCR
Reclaimed Water Effluent Standards	15A NCAC 02U .0301*	32:06 NCR
Design Criteria for Reclaimed Water Treatment Facilities	15A NCAC 02U .0401*	32:06 NCR
Design Criteria for Dedicated Reclaimed Water Treatment F...	15A NCAC 02U .0402*	32:06 NCR
Design Criteria for Closed-Loop Recycle Systems	15A NCAC 02U .0404*	32:06 NCR
Reclaimed Water Utilization	15A NCAC 02U .0501*	32:06 NCR
Bulk Distribution of Reclaimed Water	15A NCAC 02U .0601*	32:06 NCR
Operation and Maintenance	15A NCAC 02U .0801*	32:06 NCR
Residuals Management	15A NCAC 02U .0802*	32:06 NCR
Local Program Approval	15A NCAC 02U .0901*	32:06 NCR
Wetlands Augmentation	15A NCAC 02U .1101*	32:06 NCR
Irrigation to Food Chain Crops	15A NCAC 02U .1401*	32:06 NCR

WATER POLLUTION CONTROL SYSTEM OPERATOR CERTIFICATION COMMISSION

Definitions	15A NCAC 08F .0102*	32:18 NCR
Duties and Requirements of Owners	15A NCAC 08F .0201*	32:18 NCR
Duties and Requirements of Certified Operators	15A NCAC 08F .0202*	32:18 NCR
Duties and Requirements of an Operator in Charge	15A NCAC 08F .0203*	32:18 NCR
Classification of Animal Waste Management	15A NCAC 08F .0301*	32:18 NCR
Qualifications for Examination	15A NCAC 08F .0401*	32:18 NCR
Application Form	15A NCAC 08F .0402*	32:18 NCR
Application Procedures	15A NCAC 08F .0403*	32:18 NCR
Examination Procedures	15A NCAC 08F .0404*	32:18 NCR
Renewal of Certification	15A NCAC 08F .0405	32:18 NCR
Recertification Following Revocation or Relinquishment	15A NCAC 08F .0407*	32:18 NCR
Who May Assess	15A NCAC 08F .0501	32:18 NCR
When Assessable	15A NCAC 08F .0502*	32:18 NCR
Standards	15A NCAC 08F .0503*	32:18 NCR
Assessment	15A NCAC 08F .0504*	32:18 NCR
Payment and Hearing	15A NCAC 08F .0505*	32:18 NCR
Referrals	15A NCAC 08F .0506*	32:18 NCR
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Responsibility of System Owners to Designate Certified Op...	15A NCAC 08G .0201*	32:18 NCR
Responsibilities of An Operator In Responsible Charge (ORC)	15A NCAC 08G .0204*	32:18 NCR

Responsibilities of a Back-Up Operator In Responsible Cha...	15A NCAC 08G .0205*	32:18 NCR
Applicability	15A NCAC 08G .0301*	32:18 NCR
Classification of Biological Water Pollution Control Trea...	15A NCAC 08G .0302	32:18 NCR
Classification of Surface Irrigation Water Pollution Cont...	15A NCAC 08G .0304	32:18 NCR
Classification of Land Application of Residuals Systems	15A NCAC 08G .0305*	32:18 NCR
Classification of Physical/Chemical Water Pollution Contr...	15A NCAC 08G .0306	32:18 NCR
Classification of Subsurface Water Pollution Control Systems	15A NCAC 08G .0307	32:18 NCR
Eligibility Requirements for Land Application of Residual...	15A NCAC 08G .0404*	32:18 NCR
Eligibility Requirements for Physical/Chemical Water Poll...	15A NCAC 08G .0405	32:18 NCR
Eligibility Requirements for Surface Irrigation Water Pol...	15A NCAC 08G .0406	32:18 NCR
Eligibility Requirements for Subsurface Water Pollution C...	15A NCAC 08G .0407*	32:18 NCR
Reciprocity Certification	15A NCAC 08G .0410*	32:18 NCR
Applying for Examination	15A NCAC 08G .0501*	32:18 NCR
Examination Reviews	15A NCAC 08G .0505*	32:18 NCR
Requirements	15A NCAC 08G .0701*	32:18 NCR
Grounds for Disciplinary Actions	15A NCAC 08G .0801*	32:18 NCR
Certification Following Disciplinary Actions	15A NCAC 08G .0803*	32:18 NCR

WILDLIFE RESOURCES COMMISSION

Atlantic Beach	15A NCAC 10F .0302*	32:14 NCR
Catawba: Iredell: Lincoln and Mecklenburg Counties	15A NCAC 10F .0307*	32:19 NCR
Clay County	15A NCAC 10F .0308*	32:14 NCR
Polk County	15A NCAC 10F .0315*	32:14 NCR
Onslow County	15A NCAC 10F .0320*	32:19 NCR
Pender County	15A NCAC 10F .0321*	32:14 NCR
Swain County	15A NCAC 10F .0335*	32:14 NCR
Currituck County	15A NCAC 10F .0340*	32:14 NCR
Catawba County	15A NCAC 10F .0342*	32:19 NCR
John H. Moss Lake	15A NCAC 10F .0349*	32:14 NCR
Mountain Island Lake: Mecklenburg, Gaston and Lincoln Cou...	15A NCAC 10F .0353*	32:19 NCR
Cherokee County	15A NCAC 10F .0359*	32:14 NCR
Graham County	15A NCAC 10F .0360*	32:19 NCR
Macon County	15A NCAC 10F .0366*	32:19 NCR
Hoke County	15A NCAC 10F .0367*	32:14 NCR
Hertford County	15A NCAC 10F .0372*	32:14 NCR
Transylvania County	15A NCAC 10F .0373*	32:19 NCR
Duke Energy Corporation Hydroelectric Station Safety Zones	15A NCAC 10F .0375*	32:19 NCR

WATER TREATMENT FACILITY OPERATORS CERTIFICATION BOARD

Definitions	15A NCAC 18D .0105*	32:18 NCR
Grades of Certification	15A NCAC 18D .0201*	32:18 NCR
Rating Values to Determine Various Classes of Certification	15A NCAC 18D .0203*	32:18 NCR
Public Water System Treatment, Distribution, and Cross-Co...	15A NCAC 18D .0205*	32:18 NCR
Expiration and Revocation of Certificate	15A NCAC 18D .0307*	32:18 NCR
Professional Growth Hours	15A NCAC 18D .0308*	32:18 NCR
Certification Reinstatement	15A NCAC 18D .0309*	32:18 NCR
Operator in Responsible Charge	15A NCAC 18D .0701*	32:18 NCR

REVENUE, DEPARTMENT OF			
Car Wash Businesses	17 NCAC 07B	.3703*	G.S. 150B-1(d)(4)
Gift Wrapping	17 NCAC 07B	.3911*	G.S. 150B-1(d)(4)
Photo Tinting	17 NCAC 07B	.4103*	G.S. 150B-1(d)(4)
GENERAL CONTRACTORS, LICENSING BOARD FOR			
Qualifier	21 NCAC 12	.0205	32:22 NCR
Application	21 NCAC 12	.0209*	32:22 NCR
COSMETIC ART EXAMINERS, BOARD OF			
Definitions	21 NCAC 14A	.0101*	32:21 NCR
Water	21 NCAC 14H	.0301	32:21 NCR
Bathroom Facilities	21 NCAC 14H	.0303*	32:21 NCR
Systems of Grading Beauty Establishments	21 NCAC 14H	.0504*	32:21 NCR
DENTAL EXAMINERS, BOARD OF			
Continuing Education Required	21 NCAC 16R	.0201*	32:21 NCR

The following rules are subject to Legislative Review.

ENVIRONMENTAL MANAGEMENT COMMISSION			
Permitting by Regulation	15A NCAC 02U	.0113*	32:06 NCR
Design Criteria for Distribution Lines	15A NCAC 02U	.0403*	32:06 NCR
Setbacks	15A NCAC 02U	.0701*	32:06 NCR

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 03K .0404 WITHDRAWAL/TERMINATION OF AUTHORIZATION AS REVERSE MORTGAGE LENDER

History Note: Authority G.S. 53-259; 53-271;
Eff. January 1, 1995;
Repealed Eff. September 1, 2018.

TITLE 08 - BOARD OF ELECTIONS AND ETHICS ENFORCEMENT

08 NCAC 02 .0110 ACTIONS OF COUNTY BOARD AS TO ELECTION PROTESTS

(a) The county board shall deliver any filed election protest, including any attachments, to the State Board as follows:

(1) if hand delivered or mailed, within 24 hours after the election protest is filed;
(2) if faxed, the same day the election protest is filed; or
(3) if emailed, the same day the election protest is filed.

(b) The county board shall not consider election protests not timely filed, but shall refer all such untimely protests, along with copies of the protest and attachments, to the State Board office for consideration under G.S. 163A-1180. For the purposes of this Rule, timely means within time specified in G.S. 163A-1178.

(c) Upon receipt of a timely filed election protest, the county board of elections shall hold a preliminary consideration hearing in accordance with G.S. 163A-1178. If the county board determines that a hearing is necessary, the board shall set the hearing no later than ten business days from the date of the preliminary consideration, and shall start no earlier than 8:00 a.m. and no later than 8:00 p.m. at any location set by the county board of elections. The county board may continue hearings for good cause as determined by the county board. Only for good cause and upon informing the State Board office, may a hearing be set on or continued to a weekend day or holiday. Examples of good cause include, but are not limited to, procuring documentary evidence or securing witness testimony necessary to conclude the hearing.

(d) Notice of hearing as required by G.S. 163A-1178(b) shall be given at least three business days prior to the day of the hearing, and the notice required shall be notice by any means chosen by the county board. Any oral notice of the hearing shall be followed with a written notice sent prior to the hearing date. The oral notice shall constitute valid notice meeting the three-day notice requirement.

(e) Required procedures include:

(1) Upon request by a protester or interested person, the chair or any two members of the county board may issue subpoenas for persons or documents. Such subpoenas shall be served

in the same matter as allowed in the North Carolina Rules of Civil Procedure.

(2) The county board shall notify the person protesting, any affected candidate, and any affected officeholder of its decision in a protest hearing no later than 5:00 p.m. the next day after the conclusion of the hearing itself. The board shall file at the board office a written decision within the mandates of G.S. 163A-1178(d) by 5:00 p.m. five business days after the oral decision is given to the person filing the protest. Such written decision shall be served by any means of delivery upon the protestor and any affected candidate or officeholder within 24 hours after being filed at the board office. Nothing herein shall discourage more prompt decisions and written orders.

(3) All election protest hearings before county boards shall be recorded by a court reporter. The hearing need not be transcribed unless the board's decision is appealed. Upon notice of appeal to the State Board of an election protest, the county board shall cause the record of the hearing to be transcribed and delivered to the State Board, at the county board's expense, within seven business days of the notice of appeal. Transcripts of hearings shall be kept for two years after their creation.

(4) If the State Board sets an appeal for hearing, it shall designate who shall appear on behalf of the county board.

(f) A county board of elections shall timely hear and decide all protests, unless:

(1) the protest is administratively dismissed pursuant to 08 NCAC 02 .0114; or

(2) the county board of elections receives alternative instructions from the State Board issued under G.S. 163A-1180.

If a protest does not concern the manner in which votes were counted or results tabulated, a county board of elections shall not delay canvass in order to hear the protest. A protest that alleges the occurrence of an election law violation regarding an insufficient number of votes to change the outcome of a contest within the jurisdiction of a county board of elections shall not delay canvass by a county board of elections.

History Note: *Authority G.S. 163A-741; 163A-1178;*
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. September 1, 2018.

08 NCAC 02 .0111 ELECTION PROTEST FORM

All persons bringing an election protest under Part 4 of Article 20 shall complete and timely file the following form. For the purposes of this Rule, "timely" means within the time required by G.S. 163A-1177(b). Please note this form shall not be used to challenge the registration of an individual voter or to report an incident other than an irregularity affecting the outcome of an election.

ELECTION PROTEST

(Use of this form is required by G.S. 163A-1177(c))

This form must be filed with the county board of elections within the timeframes set out in G.S. 163A-1177(b)(4). Please print or type your answers. Use additional sheets if needed to answer the below questions fully. Number the pages of all additional sheets. Please note that filings will be a public record. Please redact all confidential information, such as date of birth, Social Security number, and driver's license number.

Respond to all prompts. Failure to complete this form as required may result in the dismissal of your protest. Attach additional sheets as necessary, including all exhibits and supplemental documents. All attachments are deemed incorporated and covered under the Protest Certification.

PROTESTOR

1. Provide your preferred contact information:

Name: _____County of Residence: _____
Email: _____Phone: _____
Mailing Address: _____

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel? □ Yes □ No

NOTE: If you answered *Yes*, above, your counsel must complete and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

□ Candidate for the office of _____

□ Registered voter eligible to participate in the protested election contest
□ Neither of the above*
**If you select this option, you are not eligible to file a protest.*

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	**Current Vote Margin** (subtract runner-up totals from apparent winner's totals)
Example: Mayor of Townsville	***75***

5. This protest alleges (*select at least one*):
□ A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
□ A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

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7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.
_____
_____
_____

8. Cite any statute or case, administrative rule or decisions, and election policy or procedure that supports your claim set out under Prompt 5.
_____

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.
□ The electoral outcome of the protested contest(s) will change.
□ The electoral outcome of the protested contest(s) will not change.
□ I am uncertain whether the outcome of the contest(s) will change.
□ Other _____

10. What relief do you seek?
□ Correct the vote count
□ A new election
□ Other: _____

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:
_____
_____
_____
_____

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. *See* 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?
□ Yes
□ No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?
□ Yes
□ No

AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at www.ncsbe.gov.

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

Affected Party	*Service Address*
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROTESTOR CERTIFICATION

15. By signing this protest application, you affirm the following:

I, _____ (*full name*), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(*initial*)

____ I have reviewed the statutes and administrative rules governing election protests, including all deadlines.
____ My protest must originate with a filing at the county board of elections.
____ I must timely serve all Affected Parties.
____ I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.
____ It is a crime to interfere unlawfully with the conduct and certification of an election.
____ It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.
____ The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163A of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

Signature of Protestor: _____ Date:_____
(*This signature must be signed in the presence of a notary*)

State of North Carolina, County of _____

Sworn to (or affirmed) and subscribed before me this the _____ day of _____, 20____.

(Official Seal)

_____
Official Signature of Notary

_____, Notary Public
Printed Name

My commission expires: _____

.....

Date/Time Filed with County Board
_____
(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

COUNSEL OF RECORD ADDENDUM

If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.

Attorney Must complete all of the following:

Protestor Name: _____ Protestor County:_____
Attorney Name: _____
Attorney Email: _____ Attorney Phone: _____

□ I am a member in good standing with the North Carolina State Bar
□ I am not licensed to practice law in North Carolina but am a member in good standing in _____ (State or District of Columbia), and do hereby apply to appear *pro hac vice* and certify that I have or will file all appropriate documents required under G.S. 84-4.1.

Law Firm: _____
Bar Number: _____

I (choose one) □ am □ am not:
Subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.
_____
_____
_____
_____

I represent the Protestor whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163A and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.

_____ _____
Attorney Signature Date

History Note: Authority G.S. 163A-741; 163A-1177;
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. September 1, 2018.

* * * * * * * * * * * * * * * * * * * *

08 NCAC 18 .0101 ABSENTEE BALLOT DELIVERY

(a) A qualified individual with a disability who, due to a disability, requires assistance mailing his or her return envelope containing an executed absentee ballot may direct that the sealed envelope be taken directly to the closest U.S. mail depository or mailbox by a person selected by the voter, so long as the individual is not disqualified from assisting the voter under G.S. 163A-1298(a)(4) or G.S. 163A-1317(c). For purposes of this Rule, "directly" means taken to the depository or mailbox without stopping or making any detour. For the purposes of this Rule, "closest" means the location the shortest distance away from the voter.
(b) Any individual who assists in the manner described in this Rule shall indicate that he or she assisted the voter by marking the space provided for assistors on the return envelope containing the executed absentee ballot.
(c) This Rule is adopted in accord with Title II of the Americans with Disabilities Act of 1990, which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

History Note: Authority G.S. 163A-741; 163A-1308(g); 163A-1310(b)(1); 42 U.S.C. 12132; Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494 (4th Cir. 2016);
Eff. September 1, 2018.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 22F .0104 PREVENTION

(a) Provider Education. Upon the request of a provider, the Division may conduct on-site educational visits to assist a provider in complying with requirements of the Medicaid Program.
(b) Provider Manuals. The Division shall prepare and make available a provider manual containing at least the following information:
(1) amount, duration, and scope of assistance;
(2) participation standards;
(3) penalties;
(4) reimbursement rules; and
(5) claims filing instructions.
(c) Prepayment Claims Review. The Division shall check eligibility, duplicate payments, third party liability, and unauthorized or uncovered services by means of prepayment review, computer edits and audits, and investigation.
(d) Prior Approval. The Division shall require prior approval for certain specified covered services as set forth in the Medicaid State Plan.
(e) Claims. The following terms and conditions shall apply to the submission of claims:
(1) Medicaid payment shall constitute payment in full;
(2) charges to Medicaid recipients for the same items and services shall not be higher than for private paying patients;

(3) the provider shall keep all records as necessary to support the services claimed for reimbursement;
(4) the provider shall disclose the contents of his Medicaid financial and medical records to the Division and its agents; and
(5) Medicaid reimbursement shall only be made for medically necessary care and services as defined in 10A NCAC 25A .0201.

(f) Provider Administrative Participation Agreements. All providers shall execute a written participation agreement as a condition for participating in the N.C. State Medicaid Program.

(g) The Recipient Management LOCK-IN System. The Division shall establish a lock-in system to control recipient overutilization of provider services. A lock-in system restricts an overutilizing recipient to the use of one physician and one pharmacy, of the recipient's choice, provided the recipient's physician is able to refer the recipient to other physicians as medically necessary, as defined in 10A NCAC 25A .0201.

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108A-63; 108A-64; 108C; 42 C.F.R. Part 455; 42 CFR 455.23; 42 C.F.R. 447.15;
Eff. May 1, 1984;
Readopted Eff. September 1, 2018.

10A NCAC 22F .0302 INVESTIGATION

(a) Fraud, waste, abuse, error, or practices not conforming to state and federal Medicaid laws and regulations, clinical coverage policies, or the Medicaid State Plan shall be investigated according to the provisions of Rule .0202 of this Subchapter.

(b) A Provider Summary Report shall be prepared by the Division furnishing the full investigative findings of fact, conclusions, and recommendations.

(c) The Division shall review the findings, conclusions, and recommendations and make a tentative decision for disposition of the case. The Division shall seek full restitution of any improper provider payments as required by 10A NCAC 22F .0601. In addition, upon determination that program abuse has occurred and based on the factors set out in Rule .0602(b) of this Subchapter, the Division may also take one or more administrative actions pursuant to Rule .0602 of this Subchapter.

(d) The tentative decision shall be subject to the review procedures described in Section .0400 of this Subchapter.

(e) If the investigative findings show that the provider is not licensed or certified as required by federal and State law, then the provider shall not participate in the North Carolina State Medical Assistance Program (Medicaid). The Division is required to verify provider licensure pursuant to 42 C.F.R. 455.412, which is adopted and incorporated by reference with subsequent changes or amendments and available free of charge at https://www.ecfr.gov/.

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108A-63; 108C-5; 108C-7; 42 C.F.R. 455, Subpart A; 42 CFR 455.412;
Eff. April 15, 1977;
Readopted Eff. October 31, 1977;
Amended Eff. July 1, 1988; May 1, 1984;
Readopted Eff. September 1, 2018.

10A NCAC 22F .0602 ADMINISTRATIVE ACTIONS

(a) The following types of administrative actions may be imposed in any particular order by the Division in instances of program abuse by providers:
(1) warning letters for instances of abuse that can be settled by issuing a warning to cease the specific abuse. The letter shall state that any further violations shall result in administrative or legal action initiated by the Division;
(2) suspension of a provider from further participation in the Medicaid Program for a specified period of time, subject to appeal rights under G.S. 150B, Article 3, provided that findings have been made by the Divison that this action shall not deprive recipients of access to reasonable service of adequate quality as set out in 42 C.F.R. 440.230, 440.260, and 455.23, which are adopted and incorporated by reference with subsequent changes or amendments and available free of charge at https://www.ecfr.gov/;
(3) termination of a provider from further participation in the Medicaid Program, subject to appeal rights under G.S. 150B, Article 3, provided that findings have been made by the Division that this action shall not deprive recipients of access to reasonable services of adequate quality as set out in 42 C.F.R. 440.230, 440.260, and 455.23, which are adopted and incorporated by reference with subsequent changes or amendments and available free of charge at https://www.ecfr.gov;
(4) probation whereby a provider's participation is monitored for a specified period of time not to exceed one year, subject to appeal rights under G.S. 150B, Article 3. At the termination of the probation period the Division shall conduct a follow-up review of the provider's Medicaid practice to ensure compliance with all applicable laws, regulations, and conditions of participation in Medicaid;
(5) negotiation of a financial settlement with the provider;
(6) placing the provider on prepayment review in accordance with G.S. 108C-7; or
(7) establishing a monitoring program not to exceed one year whereby the provider shall comply with pre-established conditions of participation to allow review and evaluation of the provider's Medicaid claims.

(b) The following factors are illustrative of those to be considered in determining the kind and extent of administrative actions to be imposed:
(1) seriousness of the offense;
(2) extent of violations found;
(3) history of prior violations;

(4) prior imposition of sanctions;
(5) length of time provider practiced violations;
(6) provider willingness to obey program rules;
(7) recommendations by the investigative staff or Peer Review Committees; and
(8) effect on health care delivery in the area.

(c) When the Division has taken administrative action against a provider under Paragraphs (a)(2), (a)(3), or (a)(4) of this Rule, the Division shall notify the licensing board or other certifying group governing the sanctioned provider, federal and state agencies, and departments of social services in the counties where beneficiaries served by the provider reside of the findings made and the sanctions imposed.

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108C-5; 108C-7; 42 C.F.R. 440.230; 42 C.F.R. 440.260; 42 C.F.R. Part 431; 42 C.F.R. Part 455; 42 C.F.R. 455.23; 42 C.F.R. 455.101; 42 C.F.R. 1002.3;
Eff. May 1, 1984;
Amended Eff. December 1, 1995; May 1, 1990;
Readopted Eff. September 1, 2018.

10A NCAC 22F .0603 PROVIDER LOCK-OUT

(a) The Division may suspend the provider, based on the factors set out in Rule .0602(b) of this Subchapter, from participating in the Medicaid program, provided that the Division meets the requirements of 42 C.F.R. 431.54(f), which is adopted and incorporated by reference with subsequent changes or amendments and available free of charge at https://www.ecfr.gov/.

(b) Suspension or termination from participation of any provider shall preclude the provider from submitting claims for payment to the Division. No claims may be submitted by or through any clinic, group, corporation, or other association for any services or supplies provided by a person within such organization who has been suspended or terminated from participation in the Medicaid program, except for those services or supplies provided prior to the suspension or termination effective date.

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 42 C.F.R. 440.230; 42 C.F.R. 440.260; 42 C.F.R. Part 431; 42 C.F.R. 431.54; 42 C.F.R. Part 455;
Eff. May 1, 1984;
Amended Eff. December 1, 1995;
Readopted Eff. September 1, 2018.

10A NCAC 22F .0604 WITHHOLDING OF MEDICAID PAYMENTS

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108C-5; 150B-21.6; 42 C.F.R. Part 431; 42 C.F.R. 455.23;
Eff. May 1, 1984;
Amended Eff. December 1, 1995;
Repealed Eff. September 1, 2018.

10A NCAC 22J .0105 PAYMENT STATUS

History Note: Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396b(d)(2);
Eff. January 1, 1988;
Repealed Eff. September 1, 2018.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 02S .0101 SCOPE AND PURPOSE

The purpose of this Subchapter is to establish the criteria for determining eligibility for certification into the North Carolina Dry-Cleaning Solvent Cleanup Fund program, minimum management practices, a risk-based approach for assessment and remediation of certified facilities, and the criteria for the disbursement of funds from the North Carolina Dry-Cleaning Solvent Cleanup Fund.

History Note: Authority G.S. 143-215.104D(b); 143-215.104F; 143-215.104N;
Eff. August 1, 2000;
Amended Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0102 DEFINITIONS

The definition of any word or phrase used in this Subchapter shall be the same as given in G.S. 143-215.104B and the following words and phrases shall have the following meanings:

(1) "Act" means the Dry-Cleaning Solvent Cleanup Act of 1997.
(2) "Apparel and household fabrics" means apparel and fabrics that have been purchased at retail or have been purchased at wholesale for rental at retail.
(3) "Business" means "business" as defined in G.S. 59-102.
(4) "Chemicals of concern" means the specific compounds and their breakdown products that are identified for evaluation in the risk-based corrective action process. Identification may be based on their historical and current use at the site, detected concentrations in environmental media, and their mobility, toxicity, and persistence in the environment.
(5) "Closed container solvent transfer system" means a device or system designed to fill a dry-cleaning machine with dry-cleaning solvent through a mechanical valve or sealed coupling in order to prevent spills or other loss of solvent liquids or vapors to the environment.
(6) "Complete exposure pathway" means an exposure pathway where a chemical of concern has reached a receptor.
(7) "Contaminated site" or "site" means the area defined by the current and future location of the chemicals of concern from a facility or abandoned site. A contaminated site may be an entire property or facility, a defined area or

portion of a facility or property, or multiple facilities or properties.

(8) "Discovery Site" means the physical site or area where dry-cleaning solvent contamination has been discovered. A discovery site may or may not be the same property as the facility site.

(9) "Division" means the Division of Waste Management of the Department of Environmental Quality.

(10) "Dry-Cleaning Business" means a business having engaged in dry-cleaning operations or the operation of a wholesale distribution facility at a facility site.

(11) "Environmental media" means soil, sediment, surface water, groundwater, air, or other physical substance.

(12) "Engineering controls" means physical modifications to a site to reduce or eliminate the potential for exposure to chemicals of concern.

(13) "Exposure pathway" means the course that a chemical of concern takes or may take from a source area to a receptor. Each exposure pathway includes a source or release from a source of a chemical of concern, a point of exposure, an exposure route, and the receptor.

(14) "Facility site" means the physical location of a dry-cleaning facility, a wholesale distribution facility, or an abandoned site.

(15) "Hazard Index" means the sum of two or more hazard quotients for chemicals of concern or multiple exposure pathways to a particular receptor.

(16) "Hazard quotient" means the ratio of level of exposure of a chemical of concern over a specified time period to a reference dose for that chemical of concern derived for a similar exposure period.

(17) "Individual excess lifetime cancer risk" means the increase over background in an individual's probability of getting cancer over a lifetime due to exposure to a chemical.

(18) "Institutional controls" means nonengineered measures, including land-use restrictions, used to prevent unsafe exposure to contamination.

(19) "Material impervious to dry-cleaning solvent" means a material that has been certified by the manufacturer or an independent testing laboratory to maintain its chemical and structural integrity in the presence of the applicable dry-cleaning solvent and prevent the movement of dry-cleaning solvent for a period of a least 72 hours.

(20) "Monitored natural attenuation" means an approach to the reduction in the concentration of chemicals of concern in environmental media due to naturally occurring physical, chemical, and biological processes.

(21) "Non-residential land use" means a use that is not a residential land use.

(22) "Number of full time employees" means the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility, as calculated pursuant to 15A NCAC 02S .0103.

(23) "Person" means "person" as defined in G.S. 143-215.77(13).

(24) "Petitioner" means a potentially responsible party who submits a petition for certification of a facility site.

(25) "Point of demonstration" means the location selected between the source area and a point of exposure where levels of chemicals of concern are measured to ensure that site-specific target levels are being met.

(26) "Point of exposure" means the location at which an individual or population may come in contact with a chemical of concern originating from a site.

(27) "Receptor" means any human, plant, or animal that is, or has the potential to be, adversely affected by the release or migration of chemicals of concern.

(28) "Reference dose" means a toxicity value for evaluating potential non-carcinogenic effects in humans resulting from exposure to a chemical of concern.

(29) "Remedial action plan" means a plan that outlines activities to be undertaken to clean up a contaminated site and to reduce or eliminate current or potential exposures to receptors.

(30) "Representative concentrations" means a typical or average concentration to which the receptor is exposed over the specified exposure duration, within a specified geographical area, and for a specific route of exposure.

(31) "Residential land use" means use for human habitation, including dwellings such as single family houses and multi-family apartments, children's homes, nursing homes, and residential portions of government-owned lands (local, State or federal). Because of the similarity of exposure potential and the sensitive nature of the potentially exposed human population, use for day care facilities, educational facilities, hospitals, and parks (local, State or federal) shall be considered residential land use for the purpose of land use classification.

(32) "Risk-based screening level" means chemical-specific, risk-based values for chemicals of concern that are protective of human health. The risk-based screening levels shall be as follows:

(a) For known or suspected carcinogens, except for those chemicals of concern that have groundwater standards or interim standards established in 15A NCAC 02L, risk-based screening

levels shall be established for each chemical of concern at exposures that represent an individual excess lifetime cancer risk of one in 1,000,000.

(b) For systemic toxicants, except for those chemicals of concern that have groundwater standards or interim standards established in 15A NCAC 02L, risk-based screening levels shall be established using a hazard quotient for each chemical of concern of 0.2.

(c) For chemicals of concern in groundwater that have 15A NCAC 02L standards, the risk-based screening level shall be the standards and interim standards established in 15A NCAC 02L.

(33) "Site-specific target level" means risk-based values for chemicals of concern that are protective of human health for specified exposure pathways and are derived from a consideration of site-specific information. The site-specific target levels shall be consistent with the Department's risk-based corrective action standards under G.S. 130A-310.68.

(34) "Source" means non-aqueous phase liquid chemical, the locations of highest soil or ground water concentrations of the chemicals of concern, or the location releasing the chemical of concern.

(35) "Systemic toxicant" means a substance or agent that may enter the human body and have an adverse health effect other than causing cancer.

(36) "Unsaturated zone" means that part of the subsurface where interconnected voids are not all filled with water.

History Note: Authority G.S. 143-215.104B; 143-215.104D(b);
Eff. August 1, 2000;
Temporary Amendment Eff. June 1, 2001;
Amended Eff. October 1, 2007; August 1, 2002;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0201 APPLICABILITY

The provisions contained in this Section set forth the minimum management practices for the storage and handling of dry-cleaning solvents required to be implemented at all dry-cleaning facilities, dry-cleaning solvent wholesale distribution facilities, and abandoned sites. The provisions contained in this Section are applicable only to owners and operators of dry-cleaning facilities, dry-cleaning solvent wholesale distribution facilities, and abandoned sites.

History Note: Authority G.S. 143-215.104D(b);
Eff. August 1, 2000;
Amended Eff. August 1, 2002;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0202 REQUIRED MINIMUM MANAGEMENT PRACTICES

(a) No abandoned sites shall use underground storage tanks for solvents or waste.

(b) All dry-cleaning facilities and wholesale distribution facilities shall comply with the following minimum management practices:

(1) At no time shall any dry-cleaning solvent, wastes containing dry-cleaning solvent, or water containing dry-cleaning solvent be discharged onto land or into waters of the State, sanitary sewers, storm drains, floor drains, septic systems, boilers, or cooling- towers. All invoices generated as a result of disposal of all dry-cleaning solvent waste shall be made available for review upon request by the Department. If a dry-cleaning facility uses devices such as atomizers, evaporators, carbon filters, or other equipment for the treatment of wastewater containing solvent, all records, including invoices for the purchase, maintenance, and service of the devices, shall be made available upon request by the Department. Records shall be kept for a period of three years.

(2) Spill containment shall be installed and maintained under and around dry-cleaning machines, filters, dry-cleaning solvent pumps, stills, vapor adsorbers, solvent storage areas, and waste solvent storage areas. Spill containment shall have a volumetric capacity of 110 percent of the largest vessel, tank, or container within the spill containment area and shall be capable of preventing the release of the liquid dry-cleaning solvent beyond the spill containment area for a period of at least 72 hours. All floor drains within or beneath the spill containment area shall be removed or sealed with materials impervious to dry-cleaning solvents. Emergency adsorbent spill clean-up materials shall be on the premises. Facilities shall maintain an emergency response plan that is in compliance with federal, State and local requirements.

(3) All perchloroethylene dry-cleaning machines installed at a dry-cleaning facility after August 1, 2000, shall meet air emissions that equal or exceed the standards that apply to a comparable dry-to-dry perchloroethylene dry-cleaning machine with an integrated refrigerated condenser. All perchloroethylene dry-cleaning facilities shall be in compliance with the EPA Perchloroethylene Dry Cleaner NESHAP: 40 CFR, Part 63, Subpart M to be eligible for certification.

(4) Facilities that use perchloroethylene shall use a closed container solvent transfer system by January 1, 2002.

(5) No dry-cleaning facility shall use underground storage tanks for solvents or waste.

History Note: Authority G.S. 143-215.104D(b);
Eff. August 1, 2000;
Temporary Amendment Eff. June 1, 2001;
Amended Eff. August 1, 2002;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0301 FILING

(a) Any potentially responsible party petitioning for certification of a facility site shall file a petition with the Division using the DSCA Petitioner Questionnaire Form provided by the Division. The petition shall include a laboratory analysis demonstrating the presence of dry-cleaning solvent in environmental media at the discovery site. In addition to the requirements of G.S. 143-215.104F(b), the DSCA Petitioner Questionnaire Form shall include the following:

(1) petitioner contact information, their corporate status, and their relationship to the facility site;
(2) property owner contact information;
(3) location of the facility site;
(4) status of the facility; and
(5) facility size pursuant to 15A NCAC 02S .0103.

(b) Petition forms may be obtained from the Dry-Cleaning Solvent Cleanup Act Program of the Superfund Section of the Division at https://deq.nc.gov/about/divisions/waste-management/dry-cleaning-solvent-cleanup-act-program.

History Note: Authority G.S. 143-215.104D(b); 143-215.104F; 143-215.104G;
Temporary Adoption Eff. June 1, 2001;
Eff. August 1, 2002;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0501 PURPOSE AND APPLICABILITY

The purpose of this Section is to establish a risk-based corrective action approach for assessment and remediation of contamination at certified dry-cleaning facilities or abandoned sites. This Rule applies to risk-based corrective action undertaken pursuant to the terms of assessment and remediation agreements between petitioners and the Division.

History Note: Authority G.S. 143-215.104D; 143-215.104H; 143-215.104I;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0502 ABATEMENT OF IMMINENT HAZARD

If the Division determines from factors such as chemical concentrations, exposure pathways, and receptors that contamination or conditions at a site constitute an imminent hazard as defined in G.S. 143-215.104B(b)(16), the Division shall require the development and implementation of a plan to abate the imminent hazard. Actions taken to abate the imminent hazard may include alternate sources of drinking water, soil excavation, vapor mitigation, and well abandonment.

History Note: Authority G.S. 143-215.104C; 143-215.104D; 143-215.104N;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0503 PRIORITIZATION OF CERTIFIED FACILITIES AND SITES

(a) The Division shall determine the priority ranking of certified facilities and abandoned sites for the initiation and scheduling of assessment and remediation activities.

(b) The Division shall consider the following factors in determining the priority ranking of a facility or site:

(1) proximity of contamination to public and private water supply wells and surface water;
(2) existing or potential impacts to public and private water supply wells and surface water;
(3) existing or potential vapors from contamination entering buildings and other structures;
(4) existing or potential exposure to contaminated soils;
(5) the degree of contamination in soil, groundwater, and surface water; and
(6) any other factor relevant to the degree of harm or risk to public health and the environment posed by the existence or migration of contamination at the facility or site.

(c) The priority ranking of facilities and sites shall be revised annually to reflect updated information.

History Note: Authority G.S. 143-215.104C; 143-215.104D;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0506 TIERED RISK ASSESSMENT

(a) A tiered risk assessment shall be conducted to establish risk-based screening levels or site-specific target levels for a site.

(b) A site conceptual model shall be developed including the following elements:

(1) the type and distribution of chemicals of concern;
(2) the geology and hydrogeology;
(3) an exposure model that identifies the receptors, including sensitive subgroups, and the exposure pathways; and
(4) land use classification as either residential or non-residential.

(c) Tier 1. A Tier 1 risk assessment is based on chemical-specific risk-based screening levels. The representative concentrations of chemicals of concern that exist at a site shall be compared to these risk-based screening levels for all complete and potentially complete exposure pathways. If the concentrations exceed the risk-based screening levels, the Division may require remediation of the site to risk-based screening levels or the performance of a Tier 2 risk assessment to establish site-specific target levels. Factors considered by the Division when determining if remediation or a Tier 2 assessment is warranted shall include:

(1) whether the assumptions on which the risk-based screening levels are based are representative of the site-specific conditions;
(2) whether the site-specific target levels developed under Tier 2 either are likely to be

different than the risk-based screening levels or will modify remediation activities; or

(3) whether the cost of remediation to achieve risk-based screening levels will likely be greater than the cost of further tier evaluation and subsequent remediation.

(d) Tier 2. A Tier 2 assessment shall allow consideration of site-specific information in order to calculate site-specific target levels. This information includes the locations of actual points of exposure and points of demonstration as well as site-specific geologic, hydrogeologic, and contaminant fate and transport parameters. The representative concentrations of chemicals of concern that exist at a site shall be compared to these Tier 2 site-specific target levels for all complete and potentially complete exposure pathways. If the concentrations exceed the Tier 2 site-specific target levels, the Division may require remediation of the site to Tier 2 site-specific target levels or the performance of a Tier 3 risk assessment to establish alternative site-specific target levels. Factors considered by the Division when determining if remediation or a Tier 3 assessment is warranted shall include:

(1) whether the assumptions on which the Tier 2 site-specific target levels are based are representative of the site-specific conditions;

(2) whether the alternative site-specific target levels developed under Tier 3 either are likely to be different than the Tier 2 site-specific target levels or will modify remediation activities; or

(3) whether the cost of remediation to achieve Tier 2 site-specific target levels will likely be greater than the cost of further tier evaluation and subsequent remediation.

(e) Tier 3. A Tier 3 risk assessment shall allow consideration of additional site-specific and toxicological data in order to calculate alternative site-specific target levels. This data may include alternative, technically defensible toxicity factors, physical and chemical properties, site-specific exposure factors, and alternative fate and transport models. The representative concentrations of chemicals of concern that exist at a site shall be compared to these Tier 3 site-specific target levels for all complete and potentially complete exposure pathways. If the concentrations exceed the Tier 3 site-specific target levels, the Division shall consider the results of the Tier 2 and Tier 3 assessments to determine the site-specific target levels.

(f) The determination of risk-based screening levels and site-specific target levels shall be based on the following assumptions and requirements:

(1) concentrations of chemicals of concern in soil shall not exceed Tier 1 residential risk-based screening levels on land classified as residential land use. Concentrations in soil may exceed Tier 1 residential risk-based screening levels on property containing both residential and non-residential land use if the ground-level uses are non-residential and the potential for exposure to contaminated soil has been eliminated;

(2) an ecological risk evaluation shall be conducted to determine the risk to plant and animal receptors and habitats;

(3) the most recent versions of the following references, in order of preference, shall be used to obtain the quantitative toxicity values necessary to calculate risk to identified receptors:

(A) Integrated Risk Information System (IRIS);

(B) provisional peer reviewed toxicity values (PPRTVs); and

(C) published health risk assessment data, and scientifically valid peer-reviewed published toxicological data;

(4) all current and probable future use of groundwater shall be protected. If groundwater has been contaminated or is likely to be contaminated, a point of exposure shall be established to quantitatively evaluate the groundwater use pathway. The point of exposure shall be established at the nearest to the source of the following locations:

(A) closest existing water supply well;

(B) likely nearest future location of a water supply well;

(C) hypothetical point of exposure located at a distance of 500 feet from the downgradient property boundary of the facility site; or

(D) hypothetical point of exposure located at a distance of 1000 feet downgradient from the source;

(5) for chemicals of concern for which there is a groundwater quality standard in 15A NCAC 02L, concentrations at the point of exposure shall not exceed the groundwater quality standards as specified in 15A NCAC 02L. For chemicals of concern for which there are no groundwater quality standards, concentrations at the point of exposure shall not exceed the risk-based screening levels or site-specific target levels for these chemicals of concern that assume ingestion based on domestic water use;

(6) concentrations of chemicals of concern shall be measured and evaluated at a point of demonstration well to ensure that concentrations are protective of any point of exposure;

(7) surface water is protected. The standards for surface water shall be the water quality standards in 15A NCAC 02B.

History Note: Authority G.S. 143-215.104D;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0507 REMEDIAL ACTION PLAN

(a) If the level of contamination of any chemical of concern exceeds risk-based screening levels or site-specific target levels, a remedial action plan shall be developed and implemented at the site.

(b) A remedial action plan shall be sufficient to meet the risk-based screening levels or site-specific target levels established for the site and shall include, if applicable:

(1) a summary of the results of all assessment and interim remedial activities conducted at the site;

(2) justification for the remediation method selected based on an analysis of each of the following factors:

(A) results from any pilot studies or bench tests;

(B) the remediation methods considered and why other alternatives were rejected;

(C) practical considerations in implementing the remediation, including ease of construction, site access, and required permits;

(D) operation and maintenance requirements;

(E) the risks and effectiveness of the proposed remediation including an evaluation of the type, degree, frequency, and duration of any post-remediation activity that may be required, including operation and maintenance, monitoring, inspection, reporting, and other activities necessary to protect public health or the environment;

(F) long-term reliability and feasibility of engineering and institutional controls;

(G) technical feasibility of the proposed method to reduce the concentrations of chemicals of concern at the site;

(H) estimated time required to achieve risk-based screening levels or site-specific target levels;

(I) cost-effectiveness of installation, operation and maintenance, when compared to other remediation alternatives; and

(J) community acceptance;

(3) an evaluation of the expected breakdown chemicals or by-products resulting from natural processes;

(4) a discussion of the proposed treatment or disposition of contaminated media that may be produced by the remediation system;

(5) an operation and maintenance plan and schedule for the remediation system;

(6) design drawings of the proposed remediation system;

(7) a groundwater monitoring plan to monitor plume stability and effectiveness of the remediation;

(8) a plan to evaluate the effectiveness of the remedial efforts and the achievement of risk-based screening levels or site-specific target levels;

(9) a plan that addresses the health and safety of nearby residential and business communities;

(10) a discussion of how the remedial action plan will protect ecological receptors;

(11) all required land-use restrictions and notices prepared in accordance with G.S. 143-215.104M and 15A NCAC 02S. 0508; and

(12) measures necessary to protect plant and animal receptors and habitats.

(c) Monitored natural attenuation of chemicals of concern may be approved as an acceptable remediation method, provided:

(1) all free product has been removed or controlled to the maximum extent practicable;

(2) contaminated soil is not present in the unsaturated zone above risk-based screening levels or site-specific target levels for the soil-to-groundwater pathway for the site unless it is demonstrated that the soil does not constitute a continuing source of contamination to groundwater at concentrations that pose a threat to human health, safety or the environment, and it is demonstrated that the rate of natural attenuation of chemicals of concern in groundwater exceeds the rate at which the chemicals of concern are leaching from the soil;

(3) the physical, chemical and biological characteristics of each chemical of concern and its by-products are conducive to degradation or attenuation under the site-specific conditions;

(4) the travel time and direction of migration of chemicals of concern can be predicted with reasonable certainty;

(5) available data shows an apparent or potential decrease in concentrations of chemicals of concern;

(6) the chemicals of concern will not migrate onto adjacent properties that are not served by an existing public water supply system, unless the owners have consented to the migration of chemicals of concern onto their property;

(7) if any of the chemicals of concern are expected to intercept surface waters, the groundwater discharge will not exceed the standards for surface water contained in 15A NCAC 02B .0200;

(8) all necessary access agreements needed to monitor groundwater quality have been or can be obtained; and

(9) a monitoring program, sufficient to track the degradation and attenuation of chemicals of concern and by-products within and down-gradient of the plume and detect chemicals of concern and by-products at least one year's travel time prior to their reaching any existing or foreseeable receptor, is developed and implemented. Analytical data collected during monitored natural attenuation shall be evaluated on an annual basis to determine if the

annual rate of expected progress is being achieved.

(d) If the Division determines that it is technically impracticable to achieve a risk-based screening level or site-specific target level for a specific chemical of concern due to geological conditions, remediation technology limitations, site conditions, physical limitations, or other factors, the Division shall approve or modify the remedial action plan to provide for the use of institutional controls, engineering controls, and long-term monitoring until the risk-based screening levels or site-specific target levels are met. Methods that may be used to demonstrate that remediation is technically impracticable include the following:

(1) a full-scale field demonstration consisting of an operating remediation system;
(2) a pilot study applying a remediation technology on a small portion of the contaminated site;
(3) predictive analyses or modeling that shows the potential for the migration and remediation of chemicals of concern to occur at the site;
(4) comparison of specific conditions at the subject site to those of similar sites in case studies or peer-reviewed and published research papers;
(5) a combination of the above methods; or
(6) other equivalent methods that demonstrate that remediation is technically impracticable.

History Note: Authority G.S. 143-215.104D;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0508 LAND-USE RESTRICTIONS

The Division, pursuant to the risk assessment procedures of 15A NCAC 02S .0506, may require the imposition, recordation, and enforcement of land-use restrictions pursuant to G.S. 143-215.104M.

History Note: Authority G.S. 143-215.104D; 143-215.104M;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02S .0509 NO FURTHER ACTION CRITERIA

(a) A "No Further Action" notice documents the Division's decision that the site has been assessed and remediated, and that the site conditions pose no unacceptable risks as long as the recorded land-use restrictions are maintained. The Division shall issue a "No Further Action" notice if each of the following criteria is met:

(1) risk-based screening levels or site-specific target levels for each chemical of concern have been achieved, and, if applicable, plant and animal receptors and their habitats have been protected;
(2) monitoring of the groundwater plume for at least one year following a complete site characterization as described in 15A NCAC 02S .0504 shows that the plume is not expanding, and concentrations of chemicals of concern in groundwater exhibit a stable or decreasing trend based on all available data representative of the entirety of the groundwater plume; and
(3) all required land-use restrictions and notices pursuant to G.S. 143-215.104M have been filed in the office of the register of deeds of the county or counties in which the property described is located.

(b) The Division shall not issue a "No Further Action" notice if the Division has determined that it is technically impracticable pursuant to 15A NCAC 02S .0507 to remediate the site to risk-based screening levels or site-specific target levels.

(c) If site conditions change or additional information becomes available to the Division to indicate that the "No Further Action" notice no longer applies, the site poses an unacceptable risk to human health, safety, or the environment, or the land-use restrictions imposed in accordance with G.S. 143-215.104M are violated, the Division may rescind the "No Further Action" notice and require further remedial action at the site.

History Note: Authority G.S. 143-215.104D; 143-215.104M;
Eff. September 1, 2007;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0101 PURPOSE

The rules in this Subchapter shall govern application for and issuance of permits for the following systems that do not discharge to surface waters of the state:

(1) sewer systems;
(2) disposal systems;
(3) treatment works;
(4) residual and residue disposal/utilization systems;
(5) animal waste management systems;
(6) treatment of contaminated soils; and
(7) stormwater management systems pursuant to 15A NCAC 02H .1000.

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

15A NCAC 02T .0102 SCOPE

The rules in this Subchapter shall apply to all persons proposing to construct, alter, extend, or operate any sewer system, treatment works, disposal system, contaminated soil treatment system, animal waste management system, stormwater management system, or residual management system, that does not discharge to surface waters of the State. However, these Rules shall not apply to sanitary sewage systems or solid waste management facilities that are permitted under the authority of the Commission for Public Health. The provisions for stormwater NPDES systems that discharge to waters of the State are codified in 15A NCAC 02H .1000. The rules in this Section are general requirements that shall apply to all program rules in this Subchapter.

History Note: Authority G.S. 130A-335; 143-215.1; 143-215.3(a)(1);
Eff. September 1, 2006;

Readopted Eff. September 1, 2018.

15A NCAC 02T .0103 DEFINITIONS

The terms used in this Subchapter shall have the meanings set forth in G.S. 143-212 and G.S. 143-213, in this Rule, and in program-specific rules in this Subchapter:

(1) "Agronomic rate" means the amount of waste and other materials applied to soil to meet the nitrogen needs of the crop, but does not overload the soil with nutrients or other constituents that cause or contribute to a contravention of surface water or groundwater standards, limit crop growth, or adversely impact soil quality. Nitrogen needs of the crop shall be based on realistic yield expectations (RYE) established for a soil series through published Cooperative Extension Service bulletins, Natural Resources Conservation Service publications, county soil surveys, or site specific agronomist reports.

(2) "Animal waste" means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter or other materials generated at a feedlot.

(3) "Bedrock" is defined in 15A NCAC 02L .0102.

(4) "Buffer" means a natural or vegetated area as defined in 15A NCAC 02B .0202.

(5) "CFR" means Code of Federal Regulations.

(6) "Commission" is defined in G.S. 143-212 or their delegate.

(7) "Compliance boundary" is defined in 15A NCAC 02L .0102.

(8) "Deemed permitted" means that a facility is considered to have a needed permit and to be compliant with the permitting requirements of G.S. 143-215.1(a), even though it has not received an individual permit for its construction or operation.

(9) "Department" is defined in G.S. 143-212.

(10) "Director" means the Director of the Division or its delegate.

(11) "Division" means the Division of Water Resources in the Department.

(12) "Effluent" means wastewater discharged from a water pollution control facility following all treatment processes or from other point source whether treated or untreated.

(13) "Engineer" means an individual who is currently licensed by the North Carolina Board of Examiners For Engineers and Land Surveyors or is authorized to practice under G.S. 89C as an engineer.

(14) "EPA" means the United States Environmental Protection Agency.

(15) "Ephemeral (stormwater) stream" is defined in 15A NCAC 02B .0233.

(16) "Essential treatment unit" means any unit associated with the wastewater treatment process whose loss would likely render the facility incapable of meeting the required performance criteria, including aeration units or other main treatment units, clarification equipment, filters, disinfection equipment, pumps and blowers.

(17) "General Permit" means a permit issued pursuant to G.S. 143-215.1(b)(3), 143-215.1(b)(4) or 143-215.10C.

(18) "Groundwaters" is defined in 15A NCAC 02L .0102.

(19) "Groundwater standards" means groundwater standards as established in 15A NCAC 02L .0200.

(20) "Industrial wastewater" means all wastewater other than sewage or animal waste, and includes:

(a) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;

(b) wastewater resulting from processes of trade or business, including wastewater from laundromats and vehicle or equipment washes, but excluding wastewater from restaurants;

(c) stormwater that is contaminated with an industrial wastewater;

(d) any combination of sewage and industrial wastewater;

(e) municipal wastewater, unless it can be demonstrated that the wastewater contains no industrial wastewater; and

(f) contaminated groundwater extracted as part of an approved groundwater remediation system approved by the Division in accordance with 15A NCAC 02L .0100.

(21) "Intermittent stream" is defined in 15A NCAC 02B .0233.

(22) "NPDES" means National Pollutant Discharge Elimination System.

(23) "Perennial stream" is defined in 15A NCAC 02B .0233.

(24) "Perennial waterbody" is defined in 15A NCAC 02B .0233.

(25) "Pollutant" means waste as defined in G.S. 143-213.

(26) "Potable waters" is defined in 15A NCAC 02L .0102.

(27) "Private well" means any potable or irrigation well not directly controlled by a public authority or a public utility authorized by the North Carolina Public Utilities Commission. This may include a private individual or community well as defined in the public water supply rules codified in 15A NCAC 18C.

(28) "Professional engineer" means a person who is presently registered and licensed as a

professional engineer by the North Carolina Board of Examiners For Engineers and Land Surveyors.

(29) "Public or community sewage system" means a single system of sewage collection, treatment, or disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county, a municipality, or a public utility authorized to operate by the North Carolina Utilities Commission.

(30) "Residuals" means any solid, semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a wastewater treatment facility, water supply treatment facility, or air pollution control facility permitted under the authority of the Commission.

(31) "Residues from agricultural products and processing" means solids, semi-solids, or liquid residues from food and beverage processing and handling, silviculture, agriculture, and aquaculture operations permitted under the authority of the Commission that are non-toxic, non-hazardous, and contain no domestic wastewater.

(32) "Restrictive horizon" is the layer in a soil profile that is capable of reducing the downward water movement to the minimum rate, as evidenced by lowest saturated hydraulic conductivity among all the soil layers. Restrictive horizon is often capable of perching ground water or wastewater effluent and is characterized by accumulation of finer soil particles (such as aluminum, clay, iron, silica, organic matter, or other compounds) or compaction due to heavy equipment.

(33) "Review boundary" is defined in 15A NCAC 02L .0102.

(34) "Seasonal High Water Table" or "SHWT" is the highest level to which the soil is saturated, as may be determined through the identification of redoximorphic features in the soil profile, including low chroma mottling. This does not include temporary perched conditions. Alternatively, the SHWT can also be determined from water level measurements or via soil or groundwater modeling.

(35) "Secretary" is defined in G.S. 143-212 and includes the Secretary's delegate.

(36) "Setback" means the separation in linear feet, measured on a horizontal plane, required between a treatment works, disposal system, or utilization system and physical features such as buildings, roads, property lines, or water bodies.

(37) "Sewage" means the liquid and solid human waste and liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly. Sewage does not include wastewater that is totally or partially industrial wastewater or any other wastewater that is not domestic waste.

(38) "Soil scientist" means an individual who is currently licensed or authorized to practice soil science pursuant to G.S. 89F by the North Carolina Board for Licensing of Soil Scientists.

(39) "Staff" means the staff of the Division.

(40) "Surface waters" means all waters as defined in G.S. 143-212 except underground waters.

(41) "Surface water standards" means surface water standards established in 15A NCAC 02B .0200.

(42) "Technical specialist" means an individual designated by the Soil and Water Conservation Commission to certify that the planning, design, and implementation of Best Management Practices, including all or part of an animal waste management plan, meet the standards and specifications of the Soil and Water Conservation Commission or the U.S. Department of Agriculture, Natural Resources Conservation Service.

(43) "Toxicity test" means a test for toxicity conducted using the procedures contained in 40 CFR 261.24, which is incorporated by reference including any subsequent amendments and editions.

(44) "Treatment works or disposal system that does not discharge to surface waters" means any treatment works, facility, utilization system, or disposal system that is designed to:

(a) operate as closed system with no discharge to waters of the State; or

(b) dispose of or use wastes, including residuals, residues, contaminated soils and animal waste, on the surface of the land; or

(c) dispose of wastes through a subsurface disposal system pursuant to G.S. 143-215.1(a4).

(45) "Waste oil" means any used nonhazardous petroleum product other than crankcase oil. Crankcase oil mixed with other used nonhazardous petroleum products shall be deemed to be waste oil.

(46) "Wetlands" are waters as defined in G.S. 143-212 and are areas that are inundated or saturated by an accumulation of surface or ground water as defined in 15A NCAC 02B .0202.

History Note: Authority G.S. 130A-335; 143-213; 143-215.3(a)(1);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0104 ACTIVITIES WHICH REQUIRE A PERMIT

History Note: Authority G.S. 130A-335; 143-215.1; 143-215.3(a)(1);
Eff. September 1, 2006;
Repealed Eff. September 1, 2018.

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.

15A NCAC 02T .0106 SUBMISSION OF PERMIT APPLICATIONS

(a) Permit applications, supporting information, and processing fees for permits issued by the Division shall be filed with the Division. Applications for permits from a Division-approved local permitting program shall be submitted to the local program director. Division permit processing fees shall not be required for permits issued by delegated local permitting programs.

(b) 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 authorized representative;
(2) in the case of a partnership or 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 an executive officer, elected official in the highest level of elected office, or other authorized employee.

(c) Delegation of authority to sign permit applications to other authorized employees or any employee in a specific position shall be provided in writing to the Division and signed by an authorized person pursuant to Paragraph (b) of this Rule. The delegation may be for a specific permit application or for certain or all types of water quality permits. The letter shall identify the extent of delegation.

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

15A NCAC 02T .0107 STAFF REVIEW AND PERMIT PREPARATION

(a) The staff of the Division shall conduct a review of plans, specifications, and other project data accompanying the application and shall determine if the application and required information are complete. The staff shall acknowledge receipt of a complete application except for fast-track sewer applications. The local government unit or units having jurisdiction over specific residential projects shall be notified of permit applications in accordance with G.S. 143-215.1(d1).

(b) If the application does not include all required information and the application fee, the application shall be returned to the applicant. The staff shall advise the applicant:

(1) how the application or accompanying supporting information may be modified to make it acceptable for review; and
(2) that the 90 day processing period required in G.S. 143-215.1 and Rule .0108 of this Section begins upon receipt of a corrected application with required supporting information.

(c) In reviewing a permit application for sewer system construction or sewer system extensions, the staff of the Division shall determine whether the treatment works or the sewer system to which the proposed system will discharge is adequate to receive waste which will be discharged from the proposed system, pursuant to G.S. 143-215.67(a).

(d) In reviewing a permit application for new and expanding treatment works and disposal systems, the staff shall make a site-specific evaluation to determine the potential impacts of the proposed project on surface and ground water quality. The applicant shall make the site accessible to the Division.

(e) If an application is accepted and later found to be incomplete, the applicant shall be advised how the application or accompanying supporting information may be modified to make it complete. The staff shall advise the applicant:

(1) that the 90 day processing period required in G.S. 143-215.1(d) and Rule .0108 of this Section begins on the date the additional information is received; and

(2) that if all required information is not submitted within 30 days, the project will be returned as incomplete. Any resubmittal of a returned application shall be accompanied with a new application fee.

History Note: Authority G.S. 143-215.1(b); 143-215.1(d); 143-215.3(a)(1); 143-215.3(a)(4);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0108 FINAL ACTION ON PERMIT APPLICATIONS TO THE DIVISION

(a) The Director shall take final action on all applications not later than 90 days following receipt of a complete application together with all required information. All permits, renewals of permits, and decisions denying permits or renewals shall be in writing.

(b) The Director shall:

(1) issue a permit:

(A) containing such conditions as are necessary to effectuate the purposes of Article 21, Chapter 143 of the General Statutes; and

(B) containing time schedules for achieving compliance with applicable effluent standards and limitations, surface water or groundwater standards and other legally applicable requirements;

(2) deny a permit application if necessary to effectuate:

(A) the purposes of Article 21, Chapter 143;

(B) the purposes of G.S. 143-215.67(a); or

(C) rules on groundwater quality standards found in Subchapter 02L of this Chapter; or

(3) hold public meetings if necessary to obtain additional information needed to complete the review of the application. The application shall be considered as incomplete until the close of the meeting record.

(c) The Division may require monitoring and reporting requirements, including of groundwater, surface water or wetlands, waste, wastewater, residuals, soil, treatment processes, lagoon or storage ponds, and plant tissue, if necessary to determine the source, quantity, and quality of the waste and its effect upon the surface water, ground waters, or wetlands. All reports shall be submitted on Division-supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.

(d) If a permit is denied, the letter of denial shall state the reason for denial and reasonable measures that the applicant may take to make the application approvable.

(e) All permits requiring an annual fee shall be issued for a time period not to exceed eight years, except for those permits subject to Sections .1300 and .1400 of this Subchapter, which shall not exceed five years.

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

15A NCAC 02T .0109 PERMIT RENEWALS

Requests for permit renewals shall be submitted to the Director at least 180 days prior to expiration unless the permit has been revoked by the Director in accordance with Rule .0110 of this Section or a request has been made to rescind the permit. Renewal requests shall be made in accordance with Rule .0105 and Rule .0106 of this Section.

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

15A NCAC 02T .0110 MODIFICATION AND REVOCATION OF PERMITS

A permit issued by the Division pursuant to this Subchapter shall be subject to revocation or modification upon 60 days notice by the Director in whole or part for the following reasons:

(1) violation of any terms or conditions of the permit or this Subchapter;

(2) obtaining a permit by misrepresentation or failure to disclose all relevant facts;

(3) refusal of the permittee to allow authorized employees of the Department upon presentation of credentials:

(a) to enter upon permittee's premises where a system is located or where any records are required to be kept under terms and conditions of the permit;

(b) to have access to any documents 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 pollutants;

(4) failure to pay the annual fee for administering and compliance monitoring; or

(5) a determination by the Division that the conditions of the permit are in conflict with the North Carolina Administrative Code or General Statutes.

History Note: Authority G.S. 143.215.1(b)(4)(c); 143-215.3(a)(1);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0111 CONDITIONS FOR ISSUING GENERAL PERMITS

(a) After issuance of a general permit by the Director pursuant to G.S. 143-215.1(b), (c), or (d), persons operating facilities described by the general permit may request coverage under it. An operation that receives a "Certificate of Coverage" under a general permit shall be permitted under the general permit for which the coverage was issued. A Certificate of Coverage shall mean that approval is given to facilities that meet the requirements of coverage under the general permit. Persons operating facilities covered under general permits developed in accordance with this Rule shall be subject to the same limits, conditions, management practices, enforcement authorities, and rights and privileges specified in the general permit.

(b) Upon development of a draft general permit, the Director shall publicly notice an intent to issue the general permit, pursuant to G.S. 143-215.4(b)(1) and (2), at least 30 days prior to final action. The notice shall provide the name, address, and phone number of the Division, a brief description of the intended action, and a brief description of the procedures for the formulation of final determinations, including a 30-day comment period and other means by which interested persons may comment upon the determinations.

(c) No provisions in any general permit issued under this Rule shall be interpreted to allow the permittee to violate state surface water standards, groundwater standards outside a Compliance Boundary established in accordance with 15A NCAC 02L .0107, or other applicable environmental Rules. Construction of new water supply wells for human consumption shall be prohibited within Compliance Boundaries for facilities covered under general permits issued pursuant to this Section. General permits issued pursuant to this Rule shall be considered individual permits for purposes of Compliance Boundaries established under 15A NCAC 02L .0107.

(d) To obtain a Certificate of Coverage, a Notice of Intent to be covered by the general permit shall be given by the applicant to the Division using Division-approved forms. Coverage pursuant to the general permit shall be granted unless the Director makes a determination under Paragraph (h) of this Rule that an individual permit is required. If all requirements of Paragraph (h) are not met, an individual permit application and full application review procedure shall be required.

(e) A general permit shall be effective for a term not to exceed eight years, at the end of which the Division may renew it pursuant to G.S. 143-215.1. The Division shall satisfy public notice requirements specified in Paragraph (b) of this Rule prior to renewal of a general permit. If the Division does not renew a general permit, all operations covered under that general permit shall be notified to submit applications for individual permits.

(f) Anyone engaged in activities covered by the general permit rules but not permitted in accordance with this Subchapter, shall be in violation of G.S. 143-215.1.

(g) Any individual covered or considering coverage under a general permit may choose to pursue an individual permit for any operation covered by this Rule.

(h) 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 application is required. Notification shall consist of a written description of the reason 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 shall include:

(1) the operation is a significant contributor of pollutants to the waters of the State;
(2) conditions at the permitted site change, altering the constituents or characteristics of the wastewater such that the operation no longer qualifies for coverage under a general permit;
(3) noncompliance with the general permit;
(4) noncompliance with the rules in this Chapter;
(5) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the operation;
(6) a determination by the Division that there has been or is the potential to have a direct discharge of wastewater or residuals to waters of the State; or
(7) the system has been allowed to deteriorate or leak such that it poses an immediate threat to the environment.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1); 143-215.10C;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0112 DELEGATION OF AUTHORITY

For permits issued by the Division, the Director is authorized to delegate any or all of the functions contained in the rules of this Subchapter except the following:

(1) denial of a permit application;
(2) revocation of a permit not requested by the permittee; and
(3) modification of a permit not requested by the permittee.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0113 PERMITTING BY REGULATION

(a) The following disposal systems as well as those in Permitting By Regulation rules in this Subchapter (i.e., Rules .0203, .0303, .0403, .1103, .1203, .1303, .1403, and .1503) shall be deemed to be permitted pursuant to G.S. 143-215.1(b), and it shall not be necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of the following disposal systems provided the system does not result in any violations of surface water or groundwater standards, there is no direct discharge to surface waters, and all criteria required for the specific system are met:

(1) swimming pool and spa filter backwash and drainage, filter backwash from aesthetic

fountains, and filter backwash from commercial or residential water features such as garden ponds or fish ponds, that is discharged to the land surface;

(2) backwash from raw water intake screening devices that is discharged to the land surface;

(3) condensate from residential or commercial air conditioning units that is discharged to the land surface;

(4) discharges to the land surface from individual non-commercial car washing operations;

(5) discharges to the land surface from flushing and hydrostatic testing water associated with utility distribution systems, new sewer extensions, or new reclaimed water distribution lines;

(6) street wash water that is discharged to the land surface;

(7) discharges to the land surface from firefighting activities;

(8) discharges to the land surface associated with emergency removal and treatment activities for spilled oil authorized by the federal or state on-scene coordinator when such removals are undertaken to minimize overall environmental damage due to an oil spill;

(9) discharges to the land surface associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management, that are conducted by or under the direct supervision of the federal or state on-scene coordinator, and that meet the following criteria:

(A) the volume produced by the decontamination activity is too large to be contained onsite;

(B) the Division is informed prior to commencement of the decontamination activity; and

(C) the wastewater is not radiologically contaminated or classified as hazardous waste;

(10) drilling muds, cuttings, and well water from the development of wells or from other construction activities, including directional boring, except such wastes generated in the construction and development of oil and gas wells regulated by Article 27 of G.S. 113;

(11) purge water from groundwater monitoring wells;

(12) composting facilities for animal mortality if the construction and operation of the facilities is approved by the North Carolina Department of Agriculture and Consumer Services; the facilities are constructed on an impervious, weight-bearing foundation, and are operated under a roof; and the facilities are approved by the State Veterinarian pursuant to G.S. 106-403. In the event of an imminent threat of a contagious animal disease, any emergency measure or procedure related to composting of animal mortality pursuant to G.S. 106-399.4(a);

(13) overflow from elevated potable water storage facilities;

(14) mobile carwashes if:

(A) all detergents used are biodegradable;

(B) no steam cleaning, engine or parts cleaning is being conducted;

(C) notification is made prior to operation by the owner to the municipality or, if not in a municipality, then the county where the cleaning service is being provided; and

(D) non-recyclable washwater is collected and discharged into a sanitary sewer or wastewater treatment facility, upon approval of the facility's owner, such that no ponding or runoff of the washwater occurs;

(15) mine tailings if no chemicals are used in the mining process;

(16) mine dewatering if no chemicals are used in the mining process;

(17) wastewater created from the washing of produce, with no further processing on-site, on farms where the wastewater is irrigated onto fields so as not to create runoff or cause a discharge; and

(18) discharges to the land surface of less than 5,000 gallons per week of backwash water from greensand filters at potable water wells, not including conventional filters, reverse osmosis, and ion exchange filters, provided ponding or runoff does not occur and the backwash does not exceed the Maximum Contaminant Level (MCL) for radionuclides or arsenic; and

(19) discharges to the land surface of less than 350 gallons per week of backwash water from reverse osmosis, ion exchange filters, greensand filters at private drinking water wells, provided ponding or runoff does not occur.

(b) Nothing in this Rule shall be deemed to allow the violation of any surface water, groundwater, or air quality standards and, in addition, any such violation shall be considered a violation of a condition of a permit. Further, nothing in this Rule shall be deemed to apply to or permit disposal systems for which a state National Pollutant Discharge Elimination System permit is otherwise required.

(c) Any violation of this Rule or any discharge to surface waters from the disposal systems listed in Paragraph (a) of this Rule or the activities listed in other Permitted By Regulation rules in this Subchapter shall be reported in accordance with 15A NCAC 02B .0506.

(d) Disposal systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any violations of surface water or groundwater standards or violations of this Rule or other Permitted By Regulation rules in this Subchapter, until

such time as the Director determines that they shall not be deemed permitted in accordance with the criteria established in this Rule.
(e) The Director may determine that a disposal system shall not be deemed to be permitted in accordance with this Rule or other Permitted By Regulation rules in this Subchapter and require the disposal system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of this Rule or other Permitted By Regulation rules in this Subchapter, and the compliance history of the facility owner.

History Note: Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a);
Eff. September 1, 2006;
Amended Eff. March 19, 2015; June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems governed by this Subchapter unless alternate criteria are provided by a program-specific rule or for flow used for the purposes of 15A NCAC 02H .0105. Higher flow rates shall be required where usage and occupancy are atypical, including those in Paragraph (e) of this Rule. Wastewater flow calculations shall take hours of operation and anticipated maximum occupancies and usage into account when calculating peak flows for design.
(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.
(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space
Specialty food stand or kiosk	50 gal/100 sq ft floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room

Cottages, cabins	200 gal/unit
Self service laundry facilities	500 gal/machine
Medical, dental, veterinary facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, preschools and day care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service stations, car wash facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq ft
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq ft
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, shopping centers, malls and flea markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq ft
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq ft
Stores and shopping centers without food service	100 gal/1000 sq ft
Transportation terminals – air, bus, train, ferry, port and dock	5 gal/passenger

(d) Design daily flow rates for proposed non-residential developments where the types of use and occupancy are not known shall be designed for a minimum of 880 gallons per acre, or the applicant shall specify an anticipated flow based upon anticipated or potential uses.

(e) Design daily flow rates for residential property on barrier islands and similar communities located south or east of the Atlantic Intracoastal Waterway and used as vacation rental as defined in G.S. 42A-4 shall be 120 gallons per day per habitable room. Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping, excluding kitchens and dining areas, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets, and storage spaces.

(f) An adjusted daily sewage flow design rate shall be granted for permitted but not yet tributary connections and future connections tributary to the system upon showing that the capacity of a sewage system is adequate to meet actual daily wastewater flows from a facility included in Paragraph (b) or (c) of this Rule without causing flow violations at the receiving wastewater treatment plant or capacity-related sanitary sewer overflows within the collection system as follows:

(1) Documented, representative data from that facility or a comparable facility shall be submitted by an authorized signing official in accordance with Rule .0106 of this Section to the Division for all flow reduction requests, as follows:

(A) dates of flow meter calibrations during the time frame evaluated and indication if any adjustments were necessary;

(B) a breakdown of the type of connections (e.g. two bedroom units, three bedroom units) and number of customers for each month of submitted data as applicable. Identification of any non-residential connections including subdivision clubhouses and pools, restaurants, schools, churches and businesses. For each non-residential connection, information identified in Paragraph (c) of this Rule (e.g. 200 seat church, 40 seat restaurant, 35 person pool bathhouse);

(C) a letter of agreement from the owner or an official, meeting the criteria of Rule .0106 of this Section, of the receiving collection system or treatment works accepting the wastewater and agreeing with the adjusted design rate;

(D) age of the collection system;

(E) analysis of inflow and infiltration within the collection system or receiving treatment plant, as applicable;

(F) if a dedicated wastewater treatment plant serves the specific area and is representative of the residential wastewater usage, at least the 12 most recent consecutive monthly average wastewater flow readings and the daily total wastewater flow readings for the highest average wastewater flow month per customers, as reported to the Division;

(G) if daily data from a wastewater treatment plant cannot be used or is not representative of the project area: 12 months worth of monthly average wastewater flows from the receiving treatment plant shall be evaluated to determine the peak sewage month. Daily wastewater flows shall then be taken from a flow meter installed at the most downstream point of the collection area for the peak month selected that is representative of the project area. Justification for the selected placement of the flow meter shall also be provided; and

(H) an estimated design daily sewage flow rate shall be determined by calculating the numerical average of the top three daily readings for the highest average flow month. The calculations shall also account for seasonal variations, excessive inflow and infiltration, age and suspected meter reading and recording errors.

(2) The Division shall evaluate all data submitted but shall also consider other factors in granting, with or without adjustment, or denying a flow reduction request including: applicable weather conditions during the data period (i.e. rainy or drought), other historical monitoring data for the particular facility or other similar facilities available to the Division, the general accuracy of monitoring reports and flow meter readings, and facility usage, such as whether the facility is in a resort area.

(3) Flow increases shall be required if the calculations required by Subparagraph (f)(1) of this Rule yield design flows higher than that specified in Paragraphs (b) or (c) of this Rule.

(4) The permittee shall retain the letter of any approved adjusted daily design flow rate for the life of the facility and shall transfer such letter to a future permittee.

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

15A NCAC 02T .0115 OPERATIONAL AGREEMENTS

(a) Prior to issuance or reissuance of a permit pursuant to this Subchapter for a wastewater facility or sewer extension as specified in G.S. 143-215.1(d1), a private applicant shall:

(1) demonstrate that the applicant has been designated as a public utility by the North Carolina Utilities Commission and is authorized to provide service to the specific project area. This may be a Certificate of Public Convenience and Necessity or letter from the Public Staff; or

(2) enter into and submit an executed Operational Agreement pursuant to G.S. 143-215.1(d1) with the Division.

(b) If the applicant is a developer of lots to be sold, an executed Operational Agreement shall be submitted with the permit application. A copy of the Articles of Incorporation, Declarations, and By-laws, with the engineer's certification, shall be submitted prior to operation of the permitted facilities to the Division, as required by 15A NCAC 02T .0116.

(c) If the applicant is a legally formed Homeowners' or Property Owner's Association, an executed Operational Agreement and a copy of the Articles of Incorporation, Declarations, and By-laws shall be submitted to the Division with the permit application.

History Note: Authority G.S. 143-215.1(d1);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0116 CERTIFICATION OF COMPLETION

(a) Prior to the operation of any sewer system, treatment works, utilization system, or disposal system for which an individual permit has been issued in accordance with this Subchapter and the application prepared by licensed professional, a certification shall be received by the Division from a professional certifying that the sewer system, treatment works, utilization system, or disposal system has been installed in accordance with the rules, all minimum design criteria except as noted, and approved plans and specifications. The professional certification shall be on Division-approved forms completely filled out, where applicable, and submitted to the Division. For facilities with phased construction or if there is a need to operate certain equipment under actual operating conditions prior to certification, additional certification shall be required as follow-ups to the initial, pre-operation certification. The Division may not acknowledge receipt of engineering certifications. The permittee and the professional shall track the submittal of certifications.

(b) To transfer ownership of a sewer extension, a change of ownership request shall be submitted on Division-approved forms after certifying completion of the project.

(c) All deeds, easements, and encroachment agreements necessary for installation, operation, and maintenance of the system shall be obtained prior to operation of the system.

(d) The permittee shall maintain a copy of the individual permit and a set of final record drawings for the life of the facility.

History Note: Authority G.S. 143-215.1;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0117 TREATMENT FACILITY OPERATION AND MAINTENANCE

(a) For facilities permitted under this Subchapter, the permittee shall designate an Operator in Responsible Charge and a back-up operator as required by the Water Pollution Control System Operators Certification Commission pursuant to 15A NCAC 08F .0200 and 15A NCAC 08G .0200.

(b) The Operator in Responsible Charge or a back-up operator when appropriate shall operate and visit the facility as required by the Water Pollution Control System Operators Certification Commission pursuant to 15A NCAC 08F .0200 and 15A NCAC 08G .0200.

History Note: Authority G.S. 143-215.3;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0118 DEMONSTRATION OF FUTURE WASTEWATER TREATMENT CAPACITIES

No permits for sewer line extensions shall be issued to wastewater treatment systems owned or operated by municipalities, counties, sanitary districts, or public utilities unless they meet the following requirements:

(1) Prior to exceeding 80 percent of the system's permitted hydraulic capacity (based on the average flow during the last calendar year), the permittee shall submit an engineering evaluation of their future wastewater treatment, utilization, and disposal needs. This evaluation shall outline plans for meeting future wastewater treatment, utilization, or disposal needs by either expansion of the existing system, elimination or reduction of extraneous flows, or water conservation and shall include the source of funding for the improvements. If expansion is not proposed or is proposed for a later date, a justification shall be made that wastewater treatment needs will be met based on past growth records and future growth projections and, as appropriate, shall include conservation plans or other measures to achieve waste flow reductions.

(2) Prior to exceeding 90 percent of the system's permitted hydraulic capacity (based on the average flow during the last calendar year), the permittee shall obtain all permits needed for the expansion of the wastewater treatment, utilization, or disposal system and, if construction is needed, submit final plans and specifications for expansion, including a construction schedule. If expansion is not proposed or is proposed for a later date, a justification shall be made that wastewater treatment needs will be met based on past growth records and future growth projections and, as appropriate, shall include conservation

plans or other specific measures to achieve waste flow reductions.

(3) The Director shall allow permits to be issued to facilities that are exceeding the 80 percent or 90 percent disposal capacity if the additional flow is not projected to result in the facility exceeding its permitted hydraulic capacity, the facility is in compliance with all other permit limitations and requirements, and adequate progress is being made in developing the required engineering evaluations or plans and specifications. In determining the adequacy of the progress, the Director shall consider the projected flows, the complexity and scope of the work to be completed, and any projected environmental impacts.

History Note: Authority G.S. 143-215.3;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0120 HISTORICAL CONSIDERATION IN PERMIT APPROVAL

(a) The Division shall consider an applicant's compliance history in accordance with G.S. 143-215.1(b)(4)b.2. and with the requirements contained in this Rule for environmental permits and certifications issued pursuant to Article 21.

(b) When any of the following apply, permits for new and expanding facilities shall not be granted unless the Division determines that the permit is specifically and solely needed for the construction of facilities to resolve non-compliance with any environmental statute or rule:

(1) The applicant or any parent, subsidiary, or other affiliate of the applicant has been convicted of environmental crimes under G.S. 143-215.6B or under Federal law that would otherwise be prosecuted under G.S. 143-215.6B and all appeals of this conviction have been abandoned or exhausted.

(2) The applicant or any parent, subsidiary, or other affiliate of the applicant has previously abandoned a wastewater treatment facility without properly closing the facility in accordance with its permit or this Subchapter.

(3) The applicant or any parent, subsidiary, or other affiliate of the applicant has not paid a civil penalty and all appeals of this penalty have been abandoned or exhausted.

(4) The applicant or any parent, subsidiary, or other affiliate of the applicant is currently not compliant with any compliance schedule in a permit, settlement agreement, or order.

(5) The applicant or any parent, subsidiary, or other affiliate of the applicant has not paid an annual fee in accordance with Rule .0105(e)(2) of this Section.

(c) Permits for renewing facilities shall not be granted if the applicant or any affiliation has not paid an annual fee in accordance with Rule .0105(e)(2) of this Section.

(d) Any variance to this Rule shall be subject to approval by the Director and shall be based on the current compliance status of the permittee's facilities and the magnitude of previous violations. Variance approval shall not be delegated to subordinate staff.

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

15A NCAC 02T .0201 SCOPE

This Section shall apply to all pump and haul activities of wastewater under the authority of the Division. This Section shall not apply to the transport of animal waste from animal waste management systems permitted under Section .1300 of this Subchapter and Section .1400 of this Subchapter. In addition, this Section shall not apply to the transport of wastewater residuals or biosolids permitted under Section .1100 of this Subchapter or Section .1200 of this Subchapter.

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

15A NCAC 02T .0203 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter if the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for that system in this Rule:

(1) washwater from single-beverage kiosks and similar operations not regulated under the authority of the Division of Public Health if the following criteria are met:

(A) the facility notifies the appropriate Division regional office in writing advising of the type of operation, type and quantity of wastewater generated, and the receiving wastewater treatment facility. A letter from the facility that is accepting the wastewater (type and quantity) agreeing to accept wastewater from the applicant shall be included;

(B) the wastewater does not contain any human waste; and

(C) the waste is collected and discharged into a sewer or treatment system designed and permitted to accept the type of wastewater being pumped and hauled.

(2) industrial wastewater if the following criteria are met:

(A) the facility notifies the appropriate Division regional office in writing advising of the type of operation, type, and quantity of wastewater generated, the location of wastewater generation, and the receiving wastewater treatment facility. A letter from the facility accepting the wastewater (type

and quantity) agreeing to accept wastewater from the applicant shall be included;

(B) the wastewater does not contain any human waste;

(C) the waste is collected and discharged into a sewer or treatment system designed and permitted to accept the type of wastewater being pumped and hauled;

(D) the pump and haul activity is not to alleviate a failing wastewater system; and

(E) the Division regional office concurs in writing that the activity meets the criteria in this Rule.

(3) pumping and hauling of waste from sewer cleaning activities.

(b) The Director may determine that a system shall 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.

15A NCAC 02T .0204 PERMITTING

(a) Permits for domestic wastewater shall only be issued in cases of environmental emergencies, nuisance conditions such as odors and vectors, health problems, or for unavoidable delays in construction of systems previously permitted under this Section. Applications for pump and haul permits for unavoidable construction delays shall include documentation demonstrating the delay could not be avoided. Failure to complete construction prior to the expiration of a pump and haul permit due to unavoidable construction delays shall subject the permittee to enforcement action by the Division if the delay could have been avoided by payment of additional costs. The permits shall be issued for a period of no more than six months unless the Director determines that conditions are such that the final waste management options cannot be implemented within six months.

(b) Applications shall include a letter from the facility accepting the wastewater, agreeing to accept both the type and quantity of wastewater from the applicant for the proposed activity.

(c) Pump and haul facilities shall include at a minimum 24 hours storage equipped with high-water alarms.

(d) Permitted pump and haul facilities or activities under this rule shall be inspected at least daily by the permittee or its representative.

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

15A NCAC 02T .0301 SCOPE

The rules in this Section shall apply to all sewer extensions, including gravity sewers, pump stations, force mains, vacuum sewers, pressure sewers including septic tank effluent pump (STEP) systems, or alternative sewer systems that discharge to another sewer s system, and to requirements for local delegated sewer extension permitting programs.

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

15A NCAC 02T .0302 DEFINITIONS

(a) The following definitions shall apply in this Section:

(1) "Alternative sewer system" means any sewer system or collection system other than a gravity system or standard pump station and force main. These include pressure sewer systems, septic tank with effluent pump (STEP) sewer systems, vacuum sewer system, and small diameter variable grade gravity sewers.

(2) "Building" means any structure occupied or intended for supporting or sheltering any occupancy.

(3) "Building drain" means that part of the lowest piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes that extends 10 feet beyond the walls of the building and conveys the drainage to the building sewer.

(4) "Building sewer" means that part of the drainage system that extends from the end of the building drain and conveys the discharge from a single building to a public gravity sewer, private gravity sewer, individual sewage disposal system, or other point of disposal.

(5) "Fast-track" means a permitting process whereby a professional engineer certifies that a sewer design and associated construction documents conform to all applicable sewer related rules and design criteria.

(6) "Pressure sewer system" means an interdependent system of grinder pump stations, typically for residences, serving individual wastewater connections for single buildings that share a pressure pipe with a diameter of 1.5 inches through 6 inches. Duplex or greater pump stations connected to a common pressure pipe that can operate both independently and simultaneously with other pump stations while maintaining operation of the system within the operating constraints shall be excluded from the definition of a pressure sewer system.

(7) "Private sewer" means any part of a sewer system that collects wastewater from one building and crosses another property or travels along a street right of way or from more than one building and is not a public sewer.

(8) "Public sewer" means a sewer located in a dedicated public street, roadway, or dedicated public right-of-way or easement that is owned or operated by any municipality, county, water

or sewer district, or any other political subdivision of the state authorized to construct or operate a sewer system.

(9) "Sewer system" means pipelines or conduits, pumping stations including lift stations and grinder stations, alternative systems, and appurtenant appliances used for conducting wastewater to a point of ultimate treatment and disposal.

(10) "Small diameter, variable grade gravity sewer system" means a system of wastewater collection using an interceptor tank to remove solids and grease from the waste stream. Flow is transferred to the central gravity system in the public right-of-way by gravity or effluent pumps. With venting and design, inflected gradients may also be accommodated.

(11) "Septic tank with effluent pump (STEP) system" means a pressure sewer system in which the individual grinder pump is replaced with a septic tank and an effluent pump either in the second chamber of the septic tank or in a separate pump tank that follows the septic tank.

(12) "Vacuum sewer system" means a mechanized system of wastewater collection using differential air pressure to move the wastewater. Centralized stations provide the vacuum with valve pits providing the collection point from the source and also the inlet air required to move the wastewater. In conjunction with the vacuum pumps, a standard non-vacuum pump station and force main is used to transport the wastewater from the vacuum tanks to a gravity sewer or ultimate point of treatment and disposal.

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

15A NCAC 02T .0303 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter if the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for that system in this Rule:

(1) a building sewer documented by the local building inspector to be in compliance with the North Carolina State Plumbing Code and that serves a single building with the sole purpose of conveying wastewater from that building into a gravity sewer that extends onto or is adjacent to the building's property. A building sewer that contributes more than five percent of the existing wastewater treatment facility's design capacity or 50,000 gallons per day of flow as calculated using the wastewater design flow rates in Rule .0114 of this Subchapter shall not commence operations until a letter of agreement, meeting the requirements of 15A NCAC 02T .0304(g), has been submitted to and approved by the regional office;

(2) a gravity sewer serving a single building with less than 600 gallons per day of flow as calculated using rates in 15A NCAC 02T .0114 that crosses another property or parallels a right-of-way, provided that:

(A) an easement for crossing another property is obtained, a map is created, and both are recorded at the Register of Deeds office in the county of residence for both property owners and runs with the land or, in the case of a building sewer traveling along a right-of-way, documented permission from the dedicated right-of-way owner to use such right-of-way;

(B) the building inspector certifies the sewer to the point of connection to the existing sewer is in accordance with state or local plumbing code; and

(C) no other connections are made to the sewer without prior approval from the Division;

(3) a pump station and force main serving a single building with less than 600 gallons per day of flow as calculated using the wastewater design flow rates in Rule .0114 of this Subchapter provided that:

(A) an easement for crossing another property is obtained, a map is created, and both are recorded at the Register of Deeds office in the county of residence for both property owners and runs with the land or, in the case of a force main traveling along a right-of-way, documented permission form the dedicated right-of-way owner to use such right-of-way;

(B) if a force main is used, it ties into a non-pressurized pipe, manhole or wetwell;

(C) the system is approved by the local building inspector as being in complete compliance with the North Carolina Plumbing Code to the point of connection to the existing sewer; and

(D) no other connections are made to the sewer without prior approval from the Division;

(4) the following sewer operations, provided that the work conforms to all rules, setbacks and design standards; record drawings of the completed project are kept for the life of the project; and new sources of wastewater flow, immediate or future, are not planned to be connected to the sewer other than previously permitted but not yet tributary:

(A) rehabilitation or replacement of sewers of the same size and with the same horizontal and vertical alignment;
(B) rehabilitation or replacement of public 6-inch sewers with 8-inch sewers, provided that the rehabilitation or replacement is to correct deficiencies and bring the sewer up to current standards;
(C) line relocations of the same pipe size and within the same right-of-way or easement;
(D) parallel line installations of the same size and within the right-of-way or easement where the existing line will be abandoned;
(E) point repairs; and
(F) in-place pump station repairs or upgrades that maintain permitted capacity to within five percent of the original permitted capacity for pump replacement.

(b) The Director may determine that a system shall 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.

15A NCAC 02T .0304 APPLICATION SUBMITTAL

(a) Applications for permits pursuant to this Section shall be made on forms provided by the Division which may be found at https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/collection-systems/sewer-extension-permitting.
(b) Applications shall not be submitted unless the permittee has assured downstream sewer capacity.
(c) For pressure sewers, vacuum sewers, STEP systems, and other alternative sewer systems discharging into a sewer system, the Permittee, by certifying the permit application and receiving an issued permit, shall maintain in operable condition all pumps, tanks, service laterals, and main lines as permitted, excluding the line from a building to the septic or pump tank.
(d) For sewer extensions that have been designed in accordance with all applicable rules and design criteria, and if plans, calculations, specifications, and other supporting documents have been sealed by a professional engineer, application may be made according to the fast-track permitting process.
(e) An application for sewers involving an Environmental Assessment shall not be considered complete until either a Finding of No Significant Impact or an Environmental Impact Statement and Record of Decision has been issued.
(f) Sewer systems for which the design criteria has not been developed or that do not meet all applicable rules and design criteria shall be submitted for a full technical review using the official application form for those systems which may be found at https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/collection- systems/sewer-extension-permitting.
(g) If the application is not submitted by the owner of the receiving collection system or treatment works, the application shall include a letter of agreement from the owner or an official of the receiving collection system or treatment works that accepts the wastewater and that meets the criteria if Rule .0106 of this Subchapter. In addition, this letter shall:
(1) specifically refer to the project, regardless whether capacity has been purchased through an intergovernmental agreement of contract;
(2) signify that the owner of the receiving collection system or treatment works has adequate capacity to transport and treat the proposed new wastewater; and
(3) shall be dated within 12 months from the date of submitting the application.

This letter shall not obviate the need for the downstream sewer capacity calculations.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.67; Eff. September 1, 2006; Readopted Eff. September 1, 2018.

15A NCAC 02T .0305 DESIGN CRITERIA

(a) Sewer and sewer extensions shall not be constructed in the following areas:
(1) a natural area designated on the State Registry of Natural Heritage Areas by a protection agreement between the owner and the Secretary, unless no prudent, feasible, or technologically possible alternative exists; or,
(2) a natural area dedicated as a North Carolina Nature Preserve by mutual agreement between the owner and State of North Carolina represented by the Governor and Council of State, unless the Governor and Council of State agree that no prudent, feasible, or technologically possible alternative exists;

(b) Engineering design documents. The following documents shall be prepared prior to submitting a permit application to the Division. If submittal of such documents is not requested in the permitting process (i.e., fast-track), they shall be available upon request by the Division. If required by G.S. 89C, a professional engineer shall prepare these documents:
[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]
(1) a plan and profile of sewers, showing their proximity to other utilities and natural features such as water supply lines, water lines, wells, storm drains, surface waters, wetlands, roads and other trafficked areas;

(2) design calculations, including pipe and pump sizing, velocity, pump cycle times and level control settings, pump station buoyancy, wet well storage, surge protection, detention time in the wet well and force main, ability to flush low points in force mains with a pump cycle, and downstream sewer capacity analysis; and

(3) sewer system specifications describing all materials to be used, methods of construction, and means for assuring the quality and integrity of the finished project.

(c) All deeds, easements, and encroachment agreements necessary for installation, operation, and maintenance of the system shall be obtained prior to operation of the system.

(d) There shall be no by-pass or overflow lines designed in any new sewer system except for valved piping and appurtenances intended for emergency pumping operations.

(e) Two feet protection from a 100-year flood shall be provided unless there is a water-tight seal on all station hatches and manholes, with control panels and vents extending two feet above the 100-year flood elevation.

(f) The following separations shall be provided from the sewer system to the listed feature except as allowed by Paragraph (g) of this Rule:

Storm sewers and other utilities not listed below (vertical)	18 inches
Water mains (vertical-water over sewer including in benched trenches)	18 inches
or (horizontal)	10 feet
Reclaimed water lines (vertical – reclaimed over sewer)	18 inches
or (horizontal)	2 feet
Any private or public water supply source consisting of wells, WS-I waters, Class I, Class II, or Class III reservoirs used as a source of drinking water	100 feet
Waters classified WS-II, WS-III, WS-IV, B, SA, ORW, HQW, or SB from normal high water or tide elevation, wetlands that are directly abutting these waters, and wetlands classified as UWL or SWL	50 feet
Any other stream, lake, impoundment, wetlands classified as WL, waters classified as C, SC, or WS-V, or ground water lowering and surface drainage ditches	10 feet
Any building foundation	5 feet
Any basement	10 feet
Top slope of embankment or cuts of 2 feet or more vertical height	10 feet
Drainage systems and interceptor drains	5 feet
Any swimming pool	10 feet
Final earth grade (vertical)	36 inches

(g) The following separations shall be permitted if separations in Paragraph (f) of this Rule cannot be achieved, provided that nothing in this Paragraph shall supersede the allowable alternatives provided in the Commission for Public Health Public Water Supply Rules (15A NCAC 18C), Commission for Public Health Sanitation Rules (15A NCAC 18A) or the Groundwater Protection Rules (15A NCAC 02L and 15A NCAC 02C) that pertain to the separation of sewer systems from water mains or public or private wells:

(1) for storm sewers, engineering solutions such as ductile iron pipe or structural bridging to prevent crushing the underlying pipe;

(2) for public or private wells, piping materials, testing methods, and acceptability standards meeting water main standards shall be used where these separations cannot be maintained. All appurtenances shall be outside the 100-foot radius of the well. The separation shall however not be less than 25 feet from a private well or 50 feet from a public well;

(3) for public water main horizontal or vertical separations, alternatives as described in 15A NCAC 18C .0906(b) and (c);

(4) for less than 36-inches cover from final earth grade, ductile iron pipe shall be required in any alternative. Ductile iron pipe or other pipe with proper bedding to develop design supporting strength shall be provided where sewers are subject to traffic bearing loads; and

(5) for all other separations, materials, testing methods, and acceptability standards meeting water main standards (15A NCAC 18C) shall be required in any alternative.

(h) The following criteria shall be met for all pumping stations and force mains:

(1) Pump Station Reliability:

(A) Pump stations shall be designed with multiple pumps such that peak flow can be pumped with the largest pump out of service. Simplex pump stations, which are pump stations with only one pump, shall serve only a single building with an average daily design flow less than or equal to 600 gallons per day as calculated using Rule .0114 of this Subchapter.

(B) A standby power source or pump shall be required at all pump stations except for simplex pump stations. Controls shall be provided to automatically activate the standby source and signal an alarm condition.

(C) As an alternative to Part (B) of this Subparagraph for pump stations with an average daily design flow less than 15,000 gallons per day as calculated using Rule .0114 of this Subchapter, a portable power source or pumping capability may be used. The portable source shall be owned or contracted by the permittee and shall be compatible with the station. If the portable power source or pump is dedicated to multiple pump stations, an evaluation of all the pump stations' storage capacities and the rotation schedule of the portable power source or pump in a multiple station power outage, including travel timeframes, shall be provided.

(D) Simplex pump or vacuum stations connecting a single building to a sewer system shall provide 24-hours worth of wastewater storage or shall provide storage in excess of that needed during the greatest power outage over the last three years or the documented response time to replace a failed pump, whichever is greater. Documentation of wastewater storage shall be provided with the permit application. In no case shall less than 6 hours worth of wastewater storage be provided above the pump-on level.

(E) All pump stations designed for two pumps or more shall have a telemetry system to provide remote notification of a problem condition, including power failure and high water alarm.

(F) All pump stations shall have a high water audio and visual alarm.

(2) Pump stations shall have a permanent weatherproof sign stating the pump station identifier, 24-hour emergency number, and instructions to call in case of emergency. Simplex pump or vacuum stations serving a single-family residence shall have a placard or sticker placed inside the control panel with a 24-hour emergency contact number.

(3) Wet wells shall be equipped with screened vents.

(4) The public shall be restricted from access to the site and equipment.

(5) Air relief valves shall be provided at all high points along force mains where the vertical distance exceeds ten feet.

(i) The following criteria shall be met for gravity sewers:

(1) public gravity sewers shall be equipped with a minimum eight inch diameter pipe and private gravity sewers shall be equipped with a minimum six inch diameter pipe;

(2) the maximum separation between manholes shall be 425 feet unless documentation is submitted with the application that the owner has the capability to perform routine cleaning and maintenance of the sewer at the specified manhole separation; and

(3) drop manholes shall be provided where invert separations exceed 2.5 feet.

(j) The following criteria shall be met for low pressure sewers, vacuum sewers, STEP, and other alternative sewers discharging into another sewer system:

(1) Hydraulic modeling of the system shall be submitted using the statistically projected number of pumps running at one time. If computer modeling is provided by a pump manufacturer, it shall be indicated and shall be considered part of the design calculations pursuant to Subparagraph (b)(2) of this Rule.

(2) Simplex pump stations shall only serve a single building with an average daily design flow less than 600 gallons per day as calculated using Rule .0114 of this Subchapter. All other buildings connected to the system shall at a minimum have duplex pumps.

(3) Septic tanks shall adhere to the standards established in 15A NCAC 18A .1900.

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

15A NCAC 02T .0306 LOCAL PROGRAMS FOR SEWER SYSTEMS

(a) Jurisdiction. Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may apply to the Commission for certification of local programs for permitting construction, modification, and operation of public and private sewer systems in their utility service areas pursuant to G.S. 143-215.1(f). Permits issued by certified local programs serve in place of permits issued by the Division except for projects involving an Environmental Impact Statement, projects that do not meet all applicable sewer related rules and minimum design criteria, or if the certified local program has not been certified such as alternative sewer systems, which shall continue to be permitted by the Division. The Division may choose to cede permitting authority to the certified local program after review of Environmental Assessment projects and issuance of a Finding of No Significant Impact.

(b) An application for certification of a local program shall provide adequate information to assure compliance with the requirements of G.S. 143-215.1 (f) and the following requirements:

(1) Applications for certified local programs shall be submitted to the Director.

(2) The program application shall include:

(A) the intended permit application forms;

(B) permit shells;

(C) design criteria and specifications;

(D) sewer ordinance;

(E) flow chart of permitting;
(F) staffing;
(G) inspection and certification procedures;
(H) intended permit application fees; and
(I) downstream capacity assurance methods.

The applicant shall specify in a cover letter which permits the certified local program desires to issue. The options are any of the following: gravity sewers, pump stations, force mains, or pressure sewers. The applicant shall also specify whether these permits will be issued to sewer systems that are publicly or privately owned.

(3) Local ordinances and rules governing processing permit applications, setting permit requirements, enforcement, and penalties shall be compatible with rules and statutes governing permits issued by the Division.

(4) If the treatment and disposal system receiving the wastewater from the sewer line extension permitted under the certified local program is under the jurisdiction of another local unit of government, the program application shall contain a written statement from the other local unit of government that the proposed program complies with all its requirements and that the applicant has entered into a satisfactory contract that assures continued compliance.

(5) All future amendments to the requirements of this Section shall be incorporated into certified local program within 60 days of the effective date of the amendments.

(6) A Professional Engineer shall be on the staff of the certified local program or be retained as a consultant to review unusual situations or designs and to answer questions that arise in the review of proposed projects.

(7) Each project permitted by the certified local program shall be inspected for compliance with the requirements of the certified local program at least once during construction.

(c) Approval of Certified Local Programs. The staff of the Division shall acknowledge receipt of an application for a certified local program in writing, review the application, notify the applicant of additional information that may be required, and make a recommendation to the Commission regarding certification of the proposed certified local program.

(d) Conditions of Local Program Approval. Once approved by the Commission, the certified local program shall adhere to the following:

(1) Adequacy of Receiving Facilities. Certified local programs shall not issue a permit for a sewer project that would increase the flow or change the characteristics of waste to a treatment works or sewer system unless the certified local program has received a written determination from the Division that, pursuant to G.S. 143-215.67 (a), the treatment works or sewer system can adequately treat the waste. The Division staff may, when appropriate, provide one written determination that covers all local permits for domestic sewage sewer projects with total increased flow to a particular treatment works less than a specified amount and that are issued within a specified period of time. The certified local program shall not issue a permit for additional wastewater if the receiving wastewater treatment is in noncompliance with its Division issued permit unless the additional flow is allowed as part of a special order pursuant to G.S. 143-215.2. The certified local program shall not issue a permit for additional wastewater without documenting capacity assurance along the tributary wastewater path to the wastewater treatment plant.

(2) All permitting actions shall be summarized and submitted to the Division and the appropriate Division Regional Office annually on Division forms unless more frequent reporting is required by the Division. The report shall also provide a listing and summary of all enforcement actions taken or pending during the reporting period. The report shall be submitted by February 1 of each year. Reporting forms are available at: https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/collection-systems/local-programs.

(3) A copy of all program documents, such as specifications, permit applications, permit shells, shell certification forms, and ordinance pertaining to permitting, shall be submitted to the Division annually along with a summary of all other program changes. Program changes shall include staffing changes, processing fees, and ordinance revisions. After initial submittal of such documents and if no further changes occur in subsequent years, a letter stating such may be submitted in lieu of the required documentation.

(4) Modification of a Certified Local Program. Modifications to certified local programs, including the expansion of permitting authority, shall not be required to be approved by the Commission, but shall be subject to approval by the Director.

(e) Appeal of Local Decisions. Appeal of individual permit denials or issuance with conditions the permit applicant finds unacceptable shall be made according to the approved local ordinance. The Commission shall not consider individual permit denials or issuance with conditions to which a permittee objects. This Paragraph does not alter the enforcement authority of the Commission as specified in G.S. 143-215.1(f).

(f) The Division may audit the certified local program for compliance with this Rule and with G.S. 143-215.1(f) at any time with a scheduled appointment with the certified local program.

(g) The Division shall maintain a list of all local units of government with certified local programs and make copies of the list available to the public upon request and payment of reasonable costs for reproduction. The list may be obtained from the Division.

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

15A NCAC 02T .0401 SCOPE

The rules of this Section shall apply to system-wide collection systems pursuant to G.S. 143-215.9B, governing the issuance of system-wide permits for collection systems relating to operation and maintenance of sewers, pump stations, force mains, and all appurtenances.

History Note: Authority G.S. 143-215.1(a); 143-215.3(a); 143-215.9B;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0402 DEFINITIONS

The following definitions shall apply in this Section:

(1) "Collection system" means a public or private sewer system that conveys wastewater to a designated wastewater treatment facility or separately-owned sewer system. For purposes of permitting, the collection system shall include any existing or newly installed sewer system extension up to the wastewater treatment facility property or point of connection with a separately-owned sewer system.

(2) "High-priority sewer" means any aerial sewer, sewer contacting surface waters, siphon, sewer positioned parallel to streambanks that is subject to erosion that undermines or deteriorates the sewer, or sewer designated as a high priority in a Division-issued permit if the sewer does not meet minimum design requirements.

History Note: Authority G.S. 143-215.1(a); 143-215.3(a); 143-215.9B;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0403 PERMITTING BY REGULATION

(a) Collection systems having an actual, permitted or Division-approved average daily flow less than 200,000 gallons per day shall be deemed permitted, pursuant to Rule .0113 of this Subchapter if the system meets the criteria in Rule .0113 of this Subchapter and all criteria required in this Rule:

(1) The collection system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters and to prevent any contravention of groundwater standards or surface water standards.

(2) A map of the collection system shall have been developed and shall be maintained.

(3) An operation and maintenance plan, including pump station inspection frequency, preventative maintenance schedule, spare parts inventory, and overflow response shall have been developed and implemented.

(4) Pump stations that are not connected to a telemetry system shall be inspected by the permittee or its representative every day, 365 days per year, unless the permittee demonstrates that daily inspections are not necessary because the pump station has sufficient storage capacity, above the elevation at which the pump activates, to justify a longer inspection interval. In no case shall the inspection interval exceed seven days. Pump stations that are connected to a telemetry system shall be inspected once per week.

(5) High-priority sewers shall be inspected by the permittee or its representative once every six-months, and inspections shall be documented.

(6) A general observation by the permittee or its representative of the entire collection system shall be conducted once per year.

(7) Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 02B .0506(a), and public notice shall be provided as required by G.S. 143-215.1C.

(8) A Grease Control Program shall be in place as follows:

(A) For publicly owned collection systems, the Grease Control Program shall include bi-annual distribution of educational materials for both commercial and residential users and the legal means to require grease interceptors for new construction and retrofit and if necessary, of grease interceptors at existing establishments. The plan shall also include legal means for inspections of the grease interceptors, enforcement for violators and the legal means to control grease entering the system from other public and private satellite collection systems.

(B) For privately owned collection systems, the Grease Control Program shall include bi-annual distribution of grease education materials to users of the collection system by the permittee or its representative.

(C) Grease education materials shall be distributed more often than required in

Parts (A) and (B) of this Subparagraph if necessary to prevent grease-related sanitary sewer overflows.

(9) Right-of-ways and easements shall be maintained in the full easement width for personnel and equipment accessibility.

(10) Documentation of compliance with Subparagraphs (a)(1) through (a)(9) of this Rule shall be maintained by the collection system owner for three years with the exception of the map, which shall be maintained for the life of the system.

(b) Private collection systems on a single property serving an industrial facility from which the domestic wastewater contribution is less than 200,000 gallons per day shall be deemed permitted.

(c) The Director may determine that a collection system shall not be deemed to be 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(a); 143-215.3(a); 143-215.9B;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0404 MULTIPLE COLLECTION SYSTEMS UNDER COMMON OWNERSHIP

If a public entity owns multiple but separate collection systems, such as those that are tributary to separate plants, and any one is subject to an individual permit, all of the collection systems shall be covered by one permit. This shall not be applicable to public utilities authorized to operate by the North Carolina Utilities Commission that own several individual systems within the state.

History Note: Authority G.S. 143-215.1(a); 143-215.3(a); 143-215.9B;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0405 IMPLEMENTATION

(a) Permit applications for the initial issuance of a collection system permit shall be completed and submitted to the Division within 60 days of the collection system owner's certified mail receipt of the Division's request for application submittal. Permit renewal requests shall be submitted to the Director at least 180 days prior to expiration, unless the permit has been revoked in accordance with 15A NCAC 02T .0110, a request has been made to rescind the permit, or the Director extends this deadline after a request from the permittee and based on factors such as the degree of delay in submission of the application or conditions out of the control of the permittee. All applications shall be submitted in duplicate, completed on official forms, and fully executed. Application forms are available at: https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/collection-systems/system-wide-collection-system-permitting.

(b) Collection systems subject to an individual permit shall comply with the standards in Rule .0403 of this Section and with conditions contained in an individual permit.

History Note: Authority G.S. 143-215.1(a); 143-215.3(a); 143-215.9B;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0501 SCOPE

The rules in this Section shall apply to all surface irrigation of wastewater systems not otherwise specifically governed by other rules of this Subchapter. Surface irrigation of wastewater shall include spray irrigation, drip irrigation, and any other application of wastewater to the ground surface.

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

15A NCAC 02T .0504 APPLICATION SUBMITTAL

(a) The requirements in this Rule shall apply to all new and expanding facilities.

(b) Soils report. A soil evaluation of the disposal site shall be provided to the Division by the applicant in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(1) a field description of the soil profile, based on examinations of excavation pits or auger borings, within seven feet of land surface or to bedrock, describing the following parameters by individual diagnostic horizons:
   (A) the thickness of the horizon;
   (B) the texture;
   (C) the color and other diagnostic features;
   (D) the structure;
   (E) the internal drainage;
   (F) the depth, thickness, and type of restrictive horizon; and
   (G) the presence or absence and depth of evidence of any seasonal high water table.

   Applicants shall dig pits when necessary for evaluation of the soils at the site;

(2) recommendations concerning loading rates of liquids, solids, other wastewater constituents, and amendments. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon for each soil mapping unit. Maximum irrigation precipitation rates shall be provided for each soil mapping unit;

(3) a field-delineated soil map delineating soil mapping units within each land application site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit; and

(4) a Standard Soil Fertility Analysis conducted on each land application site. The Standard Soil Fertility Analysis shall include the following parameters:
- (A) acidity;
- (B) base saturation (by calculation);
- (C) calcium;
- (D) cation exchange capacity;
- (E) copper;
- (F) exchangeable sodium percentage (by calculation);
- (G) magnesium;
- (H) manganese;
- (I) percent humic matter;
- (J) pH;
- (K) phosphorus;
- (L) potassium;
- (M) sodium; and
- (N) zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(c) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(1) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are necessary to understanding the complete process;

(2) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and

(3) engineering calculations, including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head, and system curve analysis for each pump, buoyancy calculations, and irrigation design.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(d) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of facility components including:

(1) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, showing:
- (A) all facility-related structures and fences within the treatment, storage, and disposal areas; and
- (B) soil mapping units on all disposal sites;

(2) the location of each of the following that are located within 500 feet of a waste treatment, storage, or disposal site, including a delineation of their review and compliance boundaries:
- (A) wells, including usage and construction details if available;
- (B) ephemeral, intermittent, and perennial streams;
- (C) springs;
- (D) lakes;
- (E) ponds; and
- (F) other surface drainage features;

(3) setbacks as required by Rule .0506 of this Section; and

(4) site property boundaries within 500 feet of all waste treatment, storage, and disposal sites.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(e) Hydrogeologic report. A hydrogeologic description prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C, respectively, shall be provided to the Division by the applicant for systems treating industrial waste and any system with a design flow over 25,000 gallons per day. Industrial facilities with a design flow less than 25,000 gallons per day of wastewater that demonstrate that the effluent will be of quality similar to domestic wastewater, including effluent requirements established in 15A NCAC 02T .0505(b)(1), shall, upon request, be exempted from this requirement. The hydrogeologic evaluation shall be of the subsurface to a depth of 20 feet or bedrock, whichever is less deep. An investigation to a depth greater than 20 feet shall be required if the respective depth is used in predictive calculations. This evaluation shall be based on sufficient numbers, locations, and depths of borings to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site, including geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components:

(1) a description of the regional and local geology and hydrogeology;

(2) a description, based on field observations of the site, of the site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;

(3) changes in the lithology underlying the site;

(4) the depth to bedrock and the occurrence of any rock outcrops;

(5) the hydraulic conductivity and transmissivity of the affected aquifer as determined by in-situ field testing, such as slug tests or pumping tests, in the intended area of irrigation;
(6) the depth to the seasonal high water table;
(7) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features;
(8) a discussion of the groundwater flow regime of the site prior to the operation of the proposed facility and the post operation of the proposed facility, focusing on the relationship of the system to groundwater receptors, groundwater discharge features, and groundwater flow media; and
(9) if the seasonal high water table is within six feet of the surface, a mounding analysis to predict the level of the seasonal high water table after wastewater application.

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology pursuant to G.S. 89E, soil science pursuant to G.S. 89F, or engineering pursuant to G.S. 89C.]

(f) Property Ownership Documentation shall be provided to the Division by the applicant consisting of:

(1) legal documentation of ownership, such as a contract, deed, or article of incorporation;
(2) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map; or
(3) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

(g) Public utilities shall submit to the Division a Certificate of Public Convenience and Necessity or a letter from the NC Utilities Commission stating that it has received a franchise application.

(h) A chemical analysis of the typical wastewater to be irrigated shall be provided to the Division by the applicant for industrial waste, which shall include:

(1) total organic carbon;
(2) 5-day biochemical oxygen demand (BOD_5);
(3) chemical oxygen demand (COD);
(4) nitrate nitrogen (NO_3-N);
(5) ammonia nitrogen (NH_3-N);
(6) total kjeldahl nitrogen (TKN);
(7) pH;
(8) chloride;
(9) total phosphorus;
(10) phenol;
(11) total volatile organic compounds;
(12) fecal coliform;
(13) calcium;
(14) sodium;
(15) magnesium;
(16) sodium adsorption ratio (SAR);
(17) total trihalomethanes; and
(18) total dissolved solids.

(i) A project evaluation and a receiver site agronomic management plan (if applicable) and recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals, and other constituents of the wastewater shall be provided to the Division by the applicant.

(j) A Residuals Management Plan as required by Rule .0508(a) of this Section shall be provided to the Division by the applicant.

(k) The applicant shall provide to the Division a water balance that determines the required effluent storage based on the most limiting factor from the following:

(1) hydraulic loading based on the most restrictive horizon;
(2) hydraulic loading based on the groundwater mounding analysis;
(3) nutrient management based on agronomic rates for the specified cover crop; or
(4) nutrient management based on crop management.

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

15A NCAC 02T .0505 DESIGN CRITERIA

(a) The requirements in this Rule shall apply to all new and expanding facilities.

(b) New and expanding systems:

(1) that are municipal, domestic, or commercial facilities, except systems subject to Subparagraph (b)(2) of this Rule, shall meet a monthly average of each of the following:
(A) five-day biochemical oxygen demand (BOD_5) $\leq$ 30 mg/L;
(B) total suspended solids (TSS) $\leq$ 30 mg/L;
(C) ammonia (NH_3-N) $\leq$ 15 mg/L; and
(D) fecal coliforms $\leq$ 200 colonies/100 mL;
(2) with lagoon treatment systems, except those permitted as new under Subparagraph (b)(1) of this Rule, shall meet a monthly average of each of the following:
(A) five-day biochemical oxygen demand (BOD_5) $\leq$ 30 mg/L;
(B) total suspended solids (TSS) $\leq$ 90 mg/L; and
(C) fecal coliforms $\leq$ 200 colonies/100 mL; or
(3) that are not described in Subparagraphs (b)(1) and (b)(2) of this Rule shall meet treatment

standards that assure that surface water or groundwater standards will not be exceeded.

(c) All wastes shall be applied at agronomic rates unless predictive calculations are provided that demonstrate State groundwater standards will be protected.

(d) All open-atmosphere treatment lagoons and ponds and open-atmosphere storage units shall have at least two feet of freeboard.

(e) Waste, including treated waste, shall not be placed directly into, or in contact with, GA classified groundwater unless such placement will not result in a contravention of GA groundwater standards, as demonstrated by predictive calculations or modeling.

(f) Treatment works and disposal systems using earthen basins, lagoons, ponds, or trenches, excluding holding ponds containing non-industrial treated effluent prior to irrigation, for treatment, storage, or disposal, shall have either a liner of natural material at least one foot in thickness and having a hydraulic conductivity of no greater than 1×10^{-6} centimeters per second when compacted, or a synthetic liner of sufficient thickness to exhibit structural integrity and an effective hydraulic conductivity no greater than that of the natural material liner.

(g) The bottoms of earthen impoundments, trenches, or other similar excavations shall be at least four feet above the bedrock surface, except that the bottom of excavations that are less than four feet above bedrock shall have a liner with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second. Liner thickness shall be that thickness necessary to achieve a leakage rate consistent with the sensitivity of classified groundwaters. Liner requirements may be reduced if the applicant demonstrates through predictive calculations or modeling that construction and use of these treatment and disposal units will not result in contravention of surface water or groundwater standards.

(h) Impoundments, trenches, or other excavations made for the purpose of storing or treating waste shall not be excavated into bedrock unless the placement of waste into such excavations will not result in a contravention of surface water or groundwater standards, as demonstrated by predictive calculations or modeling.

(i) Each facility, except for those using septic tanks or lagoon treatment, shall provide flow equalization with either a capacity based upon a representative diurnal hydrograph or a capacity of 25 percent of the daily system design flow.

(j) By-pass and overflow lines shall be prohibited.

(k) Multiple pumps shall be provided wherever pumps are used.

(l) Power reliability shall be provided, consisting of:

(1) automatically activated standby power supply, located onsite, and capable of powering all essential treatment units under design conditions; or

(2) approval by the Director that the facility:

(A) serves a private water distribution system that has automatic shut-off at power failure and no elevated water storage tanks;

(B) has sufficient storage capacity that no potential for overflow exists; and

(C) can tolerate septic wastewater during prolonged detention.

(m) A water-tight seal on all treatment and storage units or two feet of protection from the 100-year flood elevation shall be provided.

(n) Irrigation system design shall not exceed the recommended precipitation rates established in the soils report prepared pursuant to Rule .0504 of this Section.

(o) 30 days of residual storage shall be provided.

(p) Disposal areas shall be designed to maintain a one-foot vertical separation between the seasonal high water table and the ground surface.

(q) The public shall be prohibited access to the treatment, storage, and irrigation facilities.

(r) Influent pump stations shall meet the sewer design criteria set forth in Section .0300 of this Subchapter.

(s) Septic tanks shall adhere to the standards established in 15A NCAC 18A .1900.

(t) Facilities shall be provided with a flow meter to measure the volume of treated wastewater applied to each field.

(u) Coastal waste treatment facilities, defined in 15A NCAC 02H .0403, shall be equipped with noise and odor control devices that shall be enclosed.

(v) For coastal waste treatment facilities, defined in 15A NCAC 02H .0403, all essential treatment and disposal units shall be provided in duplicate.

(w) Facilities serving residential communities shall provide five days of effluent storage unless additional storage is determined to be necessary pursuant to the water balance requirements in Rule .0504(k) of this Section,

(x) Automatically activated irrigation systems shall be connected to a rain or moisture sensor to prevent irrigation during precipitation events or wet conditions that would cause runoff.

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

15A NCAC 02T .0506 SETBACKS

(a) The setbacks for irrigation sites shall be as follows:

	Spray (feet)	Drip (feet)
Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400	100
Each habitable residence or place of assembly owned by the permittee to be maintained as part of the project site	200	15
Each private or public water supply source	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	100	100

Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	100	100
Surface water diversions such as ephemeral streams, waterways, and ditches	25	25
Each well with exception of monitoring wells	100	100
Each property line	150	50
Top of slope of embankments or cuts of two feet or more in vertical height	15	15
Each water line from a disposal system	10	10
Subsurface groundwater lowering drainage systems	100	100
Public right of way	50	50
Nitrification field	20	20
Each building foundation or basement	15	15

(b) The setbacks for treatment and storage units shall be as follows: (feet)

Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	100
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	50
Each well with exception of monitoring wells	100
Each property line	50

(c) Achieving the reclaimed water effluent standards established in 15A NCAC 02U .0301 shall permit the system to use the setbacks set forth in 15A NCAC 02U .0701(d) for property lines, and the compliance boundary shall be at the irrigation area boundary.

(d) Setback waivers shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(e) Setbacks to property lines established in Paragraphs (a) and (b) of this Rule shall not be applicable if the permittee, or the entity from which the permittee is leasing, owns both parcels separated by the property line.

(f) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraphs (a) and (b) of this Rule.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. September 1, 2006;
Amended Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02T .0507 OPERATION AND MAINTENANCE

(a) An operation and maintenance plan shall be maintained for all systems. The plan shall:

(1) describe the operation of the system in sufficient detail to show what operations are necessary for the system to function and by whom the operations are to be conducted;
(2) describe the anticipated maintenance of the system;
(3) include provisions for safety measures, including restriction of access to the site and equipment, as appropriate; and
(4) include spill control provisions, including:
(A) response to upsets and bypasses, including control, containment, and remediation; and
(B) contact information for plant personnel, emergency responders, and regulatory agencies.

(b) Irrigation areas shall have a year-round vegetative cover.

(c) Irrigation shall not result in ponding or runoff of treated effluent.

(d) Irrigation and metering equipment shall be tested and calibrated annually or as established by permit.

(e) Vehicles and heavy machinery shall not be allowed on the irrigation area except during installation or maintenance activities.

(f) Water level gauges shall be provided for all open-atmosphere treatment lagoons and ponds and open-atmosphere storage units.

(g) Vegetative cover shall be maintained on all earthen embankments.

(h) The permittee shall keep a log of maintenance activities that occur at the facility.

(i) The permittee shall perform inspections and maintenance to ensure proper operation of the facility.

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

15A NCAC 02T .0508 RESIDUALS MANAGEMENT

(a) A Residuals Management Plan shall be maintained for all systems that generate residuals. The plan shall include the following:

(1) a detailed explanation as to how the residuals will be collected, handled, processed, stored, and disposed;
(2) an evaluation of the residuals storage requirements for the treatment facility, based upon the maximum anticipated residuals production rate and the ability to remove residuals;

(3) a permit for residuals management or a written commitment to the permittee of a Department-approved residuals management program accepting the residuals that demonstrates that the approved program has adequate capacity to accept the residuals or that an application for approval has been submitted; and

(4) if oil, grease, grit, or screenings removal and collection is a designed unit process, a detailed explanation as to how these materials will be collected, handled, processed, stored, and disposed.

(b) The permittee shall maintain a record of all residuals removed from the facility.

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

15A NCAC 02T .0601 SCOPE

The rules in this Section shall apply to all surface irrigation of wastewater systems designed for one building single-family residences. One building single-family residences generating and utilizing reclaimed water shall meet requirements established in 15A NCAC 02U. Surface irrigation systems serving single-family residences shall be deemed to be ground absorption systems in accordance with 15A NCAC 02L .0107.

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

15A NCAC 02T .0604 APPLICATION SUBMITTAL

(a) The requirements in this Rule shall apply to all new and expanding facilities.

(b) Soils report. A soil evaluation of the disposal site shall be provided to the Division by the applicant in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(1) a field description of the soil profile, based on examinations of excavation pits and auger borings, within seven feet of land surface or to bedrock, describing the following parameters by individual diagnostic horizons:
   (A) the thickness of the horizon;
   (B) the texture;
   (C) the color and other diagnostic features;
   (D) the structure;
   (E) the internal drainage;
   (F) the depth, thickness, and type of restrictive horizon; and
   (G) the presence or absence and depth of evidence of any seasonal high water table.

   Applicants may be required to dig pits when necessary for proper evaluation of the soils at the site.

(2) recommendations concerning loading rates of liquids, solids, other wastewater constituents, and amendments. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon for each soil mapping unit. Maximum irrigation precipitation rates shall be provided for each soil mapping unit.

(3) a field-delineated soil map delineating soil mapping units within each land application site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit; and

(4) a Standard Soil Fertility Analysis conducted on each land application site. The Standard Soil Fertility Analysis shall include the following parameters:
   (A) acidity;
   (B) base saturation (by calculation);
   (C) calcium;
   (D) cation exchange capacity;
   (E) copper;
   (F) exchangeable sodium percentage (by calculation);
   (G) magnesium;
   (H) manganese;
   (I) percent humic matter;
   (J) pH;
   (K) phosphorus;
   (L) potassium;
   (M) sodium; and
   (N) zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(c) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(1) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are necessary to understanding the complete process;

(2) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and

(3) engineering calculations, including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head, and system curve analysis for each pump, buoyancy calculations, and irrigation design.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that

preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(d) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of facility components including:

(1) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, showing:
  (A) all facility-related structures and fences within the treatment, storage, and disposal areas; and
  (B) soil mapping units on all disposal sites;
(2) the location of each of the following that are located within 500 feet of a waste treatment, storage, or disposal site, including a delineation of their review and compliance boundaries:
  (A) wells, including usage and construction details if available;
  (B) ephemeral, intermittent, and perennial streams;
  (C) springs;
  (D) lakes;
  (E) ponds; and
  (F) other surface drainage features;
(3) setbacks as required by Rule .0606 of this Section; and
(4) site property boundaries within 500 feet of all waste treatment, storage, and disposal sites.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(e) Property Ownership Documentation shall be provided to the Division consisting of:

(1) legal documentation of ownership, such as a contract, deed, or article of incorporation;
(2) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map; or
(3) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

(f) An Operation and Maintenance Plan addressing routine inspections, maintenance schedules, troubleshooting, and a layman's explanation about the wastewater treatment and irrigation disposal systems shall be submitted to the Division by the applicant.

(g) A letter from the local county health department denying the site for all subsurface systems shall be submitted to the Division by the applicant.

(h) A properly executed Operation and Maintenance Agreement shall be submitted to the Division by the applicant.

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

15A NCAC 02T .0605 DESIGN CRITERIA

(a) The requirements in this Rule shall apply to new and expanding facilities.

(b) Minimum degree of treatment for new and expanding systems shall meet a monthly average of each of the following:

(1) five-day biochemical oxygen demand (BOD_5) $\leq$ 30 mg/L;
(2) total suspended solids (TSS) $\leq$ 30 mg/L;
(3) ammonia (NH_3-N) $\leq$ 15 mg/L; and
(4) fecal coliforms $\leq$ 200 colonies/100 mL.

(c) Waste, including treated waste, shall not be placed directly into, or in contact with, GA classified groundwater unless such placement will not result in a contravention of GA groundwater standards, as demonstrated by predictive calculations or modeling.

(d) Excavation into bedrock shall be lined with a 10 millimeter synthetic liner.

(e) Earthen treatment and storage facilities shall be prohibited.

(f) By-pass and overflow lines shall be prohibited.

(g) A water-tight seal on all treatment and storage units or two feet of protection from the 100-year flood elevation shall be provided.

(h) Preparation of an operational management plan and, if appropriate, a crop management plan shall be provided.

(i) Fencing shall be provided to prevent access to the irrigation site and treatment units shall be lockable.

(j) Irrigation system design shall not exceed the recommended precipitation rates in the soils report prepared pursuant to Rule .0604 of this Section.

(k) Septic tanks shall adhere to 15A NCAC 18A .1900.

(l) Tablet chlorination or ultraviolet disinfection shall be provided.

(m) Five days of storage based on average daily flow between the pump off float and inlet invert pipe shall be provided.

(n) Pump and dosing tanks shall have audible and visual alarms external to any structure.

(o) A rain or moisture sensor shall be provided to prevent irrigation during precipitation events or wet conditions that would cause runoff.

(p) 18 inches of vertical separation between the apparent seasonal high water table and the ground surface shall be provided.

(q) One foot of vertical separation between any perched seasonal high water table and the ground surface shall be provided.

(r) Loading rates shall not exceed 50 inches per year.

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

15A NCAC 02T .0606 SETBACKS

(a) The setbacks for irrigation sites shall be as follows:

	Spray (feet)	Drip (feet)
Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400	100
Each habitable residence or place of assembly owned by the permittee to be maintained as part of the project site	200	15
Each private or public water supply source	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	100	100
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	100	100
Surface water diversions such as ephemeral streams, waterways, and ditches	25	25
Each well with exception of monitoring wells	100	100
Each property line	150	50
Top of slope of embankments or cuts of two feet or more in vertical height	15	15
Each water line from a disposal system	10	10
Subsurface groundwater lowering drainage systems	100	100
Public right of way	50	50
Nitrification field	20	20
Each building foundation or basement	15	15

(b) Treatment and storage facilities associated with systems permitted under this Section shall adhere to the setback requirements in Section .0500 of this Subchapter except as provided in this Rule.

(c) Setback waivers shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(d) Setbacks to property lines established in Paragraphs (a) and (b) of this Rule shall not be applicable if the permittee, or the entity from which the permittee is leasing, owns both parcels separated by the property line.

(e) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraphs (a) and (b) of this Rule.

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

15A NCAC 02T .0607 CONNECTION TO REGIONAL SYSTEM

If a public or community sewage system is or becomes available, the subject wastewater treatment facilities shall be closed and all wastewater shall be discharged into the public or community sewage system.

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

15A NCAC 02T .0608 OPERATION AND MAINTENANCE

(a) Irrigation areas shall have a year-round vegetative cover.

(b) Irrigation shall not result in ponding or runoff of treated effluent.

(c) Metering equipment shall be tested and calibrated annually or as established by permit.

(d) Vehicles and heavy machinery shall not be allowed on the irrigation area except during installation or maintenance activities.

(e) The permittee shall keep a log of maintenance activities that occur at the facility.

(f) The permittee shall perform inspections and maintenance to ensure proper operation of the facility.

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

15A NCAC 02T .0701 SCOPE

This Section shall apply to all high-rate infiltration facilities. High-rate infiltration facilities shall include all facilities that dispose of wastewater effluent onto the land at an application rate that meets or exceeds the rates provided in Rule .0702 of this Section.

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

15A NCAC 02T .0702 DEFINITIONS

As used in this Section, "High-rate infiltration" shall mean any application rate that exceeds 1.75 inches of wastewater effluent per week or 0.156 gallons per day per square foot of land.

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

15A NCAC 02T .0704 APPLICATION SUBMITTAL

(a) The requirements in this Rule shall apply to all new and expanding facilities.

(b) Soils report. A soil evaluation of the disposal site shall be provided to the Division by the applicant in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(1) a field description of the soil profile, based on examinations of excavation pits or auger borings, within seven feet of land surface or to bedrock, describing the following parameters by individual diagnostic horizons:
  (A) the thickness of the horizon;
  (B) the texture;
  (C) the color and other diagnostic features;
  (D) the structure;
  (E) the internal drainage;
  (F) the depth, thickness, and type of restrictive horizon; and
  (G) the presence or absence and depth of evidence of any seasonal high water table.

  Applicants shall dig pits when necessary for evaluation of the soils at the site;

(2) recommendations concerning loading rates of liquids, solids, other wastewater constituents, and amendments. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon for each soil mapping unit. Maximum infiltration rates shall be provided for each soil mapping unit.

(3) a field-delineated soil map delineating soil mapping units within each land application site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit; and

(4) a Standard Soil Fertility Analysis conducted on each land application site. The Standard Soil Fertility Analysis shall include the following parameters:
  (A) acidity;
  (B) base saturation (by calculation);
  (C) calcium;
  (D) cation exchange capacity;
  (E) copper;
  (F) exchangeable sodium percentage (by calculation);
  (G) magnesium;
  (H) manganese;
  (I) percent humic matter;
  (J) pH;
  (K) phosphorus;
  (L) potassium;
  (M) sodium; and
  (N) zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(c) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(1) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are necessary to understanding the complete process;

(2) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product including leakage testing; and

(3) engineering calculations, including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head, and system curve analysis for each pump, buoyancy calculations, and infiltration design.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(d) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of facility components including:

(1) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, showing:
  (A) all facility-related structures and fences within the treatment, storage, and disposal areas; and
  (B) soil mapping units on all disposal sites;

(2) the location of each of the following that are located within 500 feet of a waste treatment, storage, or disposal site, including a delineation of their review and compliance boundaries:
  (A) wells, including usage and construction details if available;
  (B) ephemeral, intermittent, and perennial streams;
  (C) springs;
  (D) lakes;
  (E) ponds; and
  (F) other surface drainage features;

(3) setbacks as required by Rule .0706 of this Section; and

(4) site property boundaries within 500 feet of all waste treatment, storage, and disposal sites.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview

of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(e) Hydrogeologic report. A hydrogeologic description prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C, respectively, shall be provided to the Division by the applicant for systems treating industrial waste and any system with a design flow over 25,000 gallons per day. Industrial facilities with a design flow less than 25,000 gallons per day of wastewater that demonstrate that the effluent will be of quality similar to domestic wastewater, including effluent requirements established in 15A NCAC 02T .0705(b) and 02T .0706(b) or (c) as applicable, may request and receive an exemption from this requirement. The hydrogeologic evaluation shall be of the subsurface to a depth of 20 feet or bedrock, whichever is less deep. An investigation to a depth greater than 20 feet shall be required if the respective depth is used in predictive calculations. This evaluation shall be based on sufficient numbers, locations, and depths of borings to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site, including, geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components:

(1) a description of the regional and local geology and hydrogeology;
(2) a description, based on field observations of the site, of the site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;
(3) changes in the lithology underlying the site;
(4) the depth to bedrock and the occurrence of any rock outcrops;
(5) the hydraulic conductivity and transmissivity of the affected aquifer as determined by in-situ field testing, such as slug tests or pumping tests, in the intended area of infiltration;
(6) the depth to the seasonal high water table;
(7) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features;
(8) a discussion of the groundwater flow regime of the site prior to the operation of the proposed facility and the post operation of the proposed facility, focusing on the relationship of the system to groundwater receptors, groundwater discharge features, and groundwater flow media; and
(9) a mounding analysis to predict the level of the seasonal high water table after wastewater application.

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology pursuant to G.S. 89E, soil science pursuant to G.S. 89F, or engineering pursuant to G.S. 89C.]

(f) Property Ownership Documentation shall be provided to the Division consisting of:

(1) legal documentation of ownership, such as a contract, deed, or article of incorporation;
(2) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map; or
(3) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

(g) Public utilities shall submit a Certificate of Public Convenience and Necessity or a letter from the NC Utilities Commission stating that it has received a franchise application.

(h) A chemical analysis of the typical wastewater to be infiltrated shall be provided to the Division by the applicant for industrial waste, which shall include:

(1) total organic carbon;
(2) 5-day biochemical oxygen demand (BOD_5);
(3) chemical oxygen demand (COD);
(4) nitrate nitrogen (NO_3-N);
(5) ammonia nitrogen (NH_3-N);
(6) total kjeldahl nitrogen (TKN);
(7) pH;
(8) chloride;
(9) total phosphorus;
(10) phenol;
(11) total volatile organic compounds;
(12) fecal coliform;
(13) calcium;
(14) sodium;
(15) magnesium;
(16) sodium adsorption ratio (SAR);
(17) total trihalomethanes; and
(18) total dissolved solids.

(i) A project evaluation and a receiver site agronomic management plan (if applicable) containing recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals, and other constituents of the wastewater shall be provided to the Division.

(j) A Residuals Management Plan as required by Rule .0708(a) of this Section is to be provided to the Division.

(k) The applicant shall provide to the Division a water balance that determines the required effluent storage based on the most limiting factor from the following:

(1) hydraulic loading based on the most restrictive horizon;
(2) hydraulic loading based on the groundwater mounding analysis;
(3) nutrient management based on agronomic rates for the specified cover crop; or

(4) nutrient management based on crop management.

(l) Facilities utilizing subsurface groundwater lowering drainage systems shall demonstrate that groundwater and surface water standards will be protected.

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

15A NCAC 02T .0705 DESIGN CRITERIA

(a) The requirements in this Rule shall apply to all new and expanding facilities.

(b) New and expanding systems:

(1) that are municipal, domestic, or commercial facilities, except systems subject to Subparagraph (b)(2) of this Rule, shall meet a monthly average of each of the following:

(A) five-day biochemical oxygen demand (BOD_5) ≤ 10 mg/L;

(B) total suspended solids (TSS) ≤ 15 mg/L;

(C) ammonia (NH_3-N) ≤ 4 mg/L;

(D) fecal coliforms ≤ 14 colonies/100 mL; and

(E) nitrate nitrogen (NO_3-N) ≤ 10 mg/L; or

(2) that are not described in Subparagraph (b)(1) of this Rule shall meet treatment standards that assure that surface water or groundwater standards will not be exceeded.

(c) All open-atmosphere treatment lagoons and ponds and open-atmosphere storage and basin infiltration units shall have at least two feet of freeboard.

(d) Waste, including treated waste, shall not be placed directly into, or in contact with, GA classified groundwater unless such placement will not result in a contravention of GA groundwater standards, as demonstrated by predictive calculations or modeling.

(e) Treatment works and disposal systems using earthen basins, lagoons, ponds, or trenches, excluding holding ponds containing non-industrial treated effluent prior to infiltration, for treatment, storage, or disposal, shall have either a liner of natural material at least one foot in thickness and having a hydraulic conductivity of no greater than 1×10^{-6} centimeters per second when compacted, or a synthetic liner of sufficient thickness to exhibit structural integrity and an effective hydraulic conductivity no greater than that of the natural material liner.

(f) The bottoms of earthen impoundments, trenches, or other similar excavations shall be at least four feet above the bedrock surface, except that the bottom of excavations that are less than four feet above bedrock shall have a liner with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second. Liner thickness shall be that thickness necessary to achieve a leakage rate consistent with the sensitivity of classified groundwaters. Liner requirements may be reduced if the applicant demonstrates through predictive calculations or modeling that construction and use of these treatment and disposal units will not result in contravention of surface water or groundwater standards.

(g) Impoundments, trenches, or other excavations made for the purpose of storing or treating waste shall not be excavated into bedrock unless the placement of waste into such excavations will not result in a contravention of surface water or groundwater standards, as demonstrated by predictive calculations or modeling.

(h) Each facility, except for those using septic tanks or lagoon treatment, shall provide flow equalization with either a capacity based upon a representative diurnal hydrograph or a capacity of 25 percent of the daily system design flow.

(i) By-pass and overflow lines shall be prohibited.

(j) Multiple pumps shall be provided wherever pumps are used.

(k) Power reliability shall be provided, consisting of:

(1) automatically activated standby power supply, located onsite and capable of powering all essential treatment units under design conditions; or

(2) approval by the Director that the facility:

(A) serves a private water distribution system that has automatic shut-off at power failure and no elevated water storage tanks;

(B) has sufficient storage capacity that no potential for overflow exists; and

(C) can tolerate septic wastewater during prolonged detention.

(l) A water-tight seal on all treatment and storage units or two feet of protection from the 100-year flood elevation shall be provided.

(m) Infiltration system design shall not exceed the recommended precipitation rates established in the soils report prepared pursuant to Rule .0704 of this Section.

(n) 30 days of residuals storage shall be provided.

(o) Disposal areas shall be designed to maintain a one-foot vertical separation between the seasonal high water table and the ground surface.

(p) The public shall be prohibited access to the treatment, storage and infiltration facilities.

(q) Influent pump stations shall meet the sewer design criteria set forth in Section .0300 of this Subchapter.

(r) Septic tanks shall adhere to 15A NCAC 18A .1900.

(s) Infiltration areas shall be designed to allow routine maintenance of the area without interruption of disposal.

(t) Subsurface groundwater lowering drainage systems permitted under this Subchapter shall be subject to the corrective action requirements in 15A NCAC 02L .0106.

(u) Waste treatment facilities shall be equipped with noise and odor control devices that shall be enclosed.

(v) All essential treatment and disposal units shall be provided in duplicate.

(w) The application rate shall not exceed 10 gallons per day per square foot (GPD/ft^2).

(x) Facilities shall be provided with a flow meter to measure the volume of treated wastewater applied to each infiltration site.

(y) Subsurface groundwater lowering drainage systems shall be prohibited within the compliance boundary.

(z) Facilities serving residential communities shall provide five days of effluent storage unless the applicant demonstrates that the

infiltrated effluent will not pond, runoff, or breakout regardless of weather or soil conditions.

(aa) Automatically activated infiltration systems, excluding basin, rotary, and spray bed infiltration systems, shall be connected to a rain or moisture sensor to prevent infiltration during precipitation events or wet conditions that would cause runoff.

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

15A NCAC 02T .0706 SETBACKS

(a) The setbacks for infiltration sites shall be as follows:

	Spray (feet)	Drip (feet)	Basin (feet)
Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400	100	100
Each habitable residence or place of assembly owned by the permittee to be maintained as part of the project site	200	15	50
Each private or public water supply source	100	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	200	200	200
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	200	200	200
Subsurface groundwater lowering drainage systems	200	200	200
Surface water diversions such as ephemeral streams, waterways, and ditches	50	50	50
Each well with exception of monitoring wells	100	100	100
Each property line	150	50	50
Top of slope of embankments or cuts of two feet or more in vertical height	100	100	100
Each water line from a disposal system	10	10	10
Public right of way	50	50	50
Nitrification field	20	20	20
Each building foundation or basement	15	15	15
Impounded public water supplies	500	500	500
Public shallow groundwater supply (less than 50 feet deep)	500	500	500

(b) Setbacks in Paragraph (a) of this Rule to surface waters, groundwater lowering ditches, and subsurface groundwater lowering drainage systems shall be 100 feet if the treatment units are designed to meet effluent limits of 7 mg/L of total nitrogen and 3 mg/L of total phosphorus.

(c) Setbacks in Paragraph (a) of this Rule to surface waters, groundwater lowering ditches, and subsurface groundwater lowering drainage systems shall be 50 feet if the treatment units are designed to meet effluent limits of 4 mg/L of total nitrogen and 2 mg/L of total phosphorus. This setback provision shall not apply to SA waters.

(d) Treatment and storage facilities associated with systems permitted under this Section shall adhere to the setback requirements in Section .0500 of this Subchapter, except as provided in this Rule.

(e) Setback waivers shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(f) Setbacks to property lines established in Paragraphs (a) and (d) of this Rule shall not be applicable if the permittee, or the entity from which the permittee is leasing, owns both parcels separated by the property line.

(g) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraphs (a) and (d) of this Rule.

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

15A NCAC 02T .0707 OPERATION AND MAINTENANCE

(a) An operation and maintenance plan shall be maintained for all systems. The plan shall:

(1) describe the operation of the system in sufficient detail to show what operations are necessary for the system to function and by whom the functions are to be conducted;

(2) describe the anticipated maintenance of the system;

(3) include provisions for safety measures including restriction of access to the site and equipment, as appropriate; and

(4) include spill control provisions including:

(A) response to upsets and bypasses including control, containment, and remediation; and

(B) contact information for plant personnel, emergency responders, and regulatory agencies.

(b) Infiltration areas, excluding basin, rotary, and spray bed infiltration systems, shall have a year-round vegetative cover.

(c) Infiltration, excluding basin infiltration systems, shall not result in ponding or runoff of treated effluent.
(d) Infiltration and metering equipment shall be tested and calibrated annually or as established by permit.
(e) Vehicles and heavy machinery shall not be allowed on the infiltration area except during installation or maintenance activities.
(f) Water level gauges shall be provided for all open-atmosphere treatment lagoons and ponds and all open-atmosphere storage and basin infiltration units.
(g) Vegetative cover shall be maintained on all earthen embankments.
(h) Basin, rotary, and spray bed infiltration systems shall be cleaned to remove deposited materials every permit cycle or as established by permit.
(i) The permittee shall keep a log of all maintenance activities that occur at the facility.
(j) The permittee shall perform inspections and maintenance to ensure proper operation of the facility.

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

15A NCAC 02T .0708 RESIDUALS MANAGEMENT
(a) A Residuals Management Plan shall be maintained for all systems that generate residuals. The plan shall include the following:

(1) a detailed explanation as to how the residuals will be collected, handled, processed, stored, and disposed;
(2) an evaluation of the residuals storage requirements for the treatment facility, based upon the maximum anticipated residuals production rate and the ability to remove residuals;
(3) a permit for residuals management or a written commitment to the permittee of a Department-approved residuals management program accepting the residuals that demonstrates that the approved program has adequate capacity to accept the residuals or that an application for approval has been submitted; and
(4) if oil, grease, grit, or screenings removal and collection is a designed unit process, a detailed explanation as to how these materials will be collected, handled, processed, stored, and disposed.

(b) The permittee shall maintain a record of all residuals removed from the facility.

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

15A NCAC 02T .0801 SCOPE
This Section shall apply to systems not specifically regulated by other rules in this Subchapter and governs waste that is disposed of by ground absorption systems or other non-discharge systems such as infiltration lagoons and evaporative systems, as well as authorizations to construct for NPDES facilities.

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

15A NCAC 02T .0804 APPLICATION SUBMITTAL
Submittal requirements shall be the same as systems permitted pursuant to 15A NCAC 02T .0504, except those that are not applicable to authorization to construct type permits.

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

15A NCAC 02T .0805 DESIGN CRITERIA
Design requirements shall be the same as systems permitted pursuant to 15A NCAC 02T .0505, except those that are not applicable to authorization to construct type permits or specifically addressed by Section 15A NCAC 02H .0100.

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

15A NCAC 02T .0806 SETBACKS
Setbacks shall be the same as those listed in 15A NCAC 02T .0506 except infiltration basins, which shall meet the setbacks listed in 15A NCAC 02T .0706.

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

15A NCAC 02T .0807 OPERATION AND MAINTENANCE
Operation and maintenance requirements shall be the same as systems permitted pursuant to 15A NCAC 02T .0707.

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

15A NCAC 02T .0808 RESIDUALS MANAGEMENT
Residuals management requirements shall be the same as systems permitted pursuant to 15A NCAC 02T .0708.

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

15A NCAC 02T .1101 SCOPE
This Section shall apply to the treatment, storage, transportation, use, and disposal of residuals. Not regulated under this Section shall be the treatment, storage, transportation, use, or disposal of:

(1) oil, grease, grit, and screenings from wastewater treatment facilities;
(2) septage from wastewater treatment facilities;
(3) ash that is regulated in accordance with Section .1200 of this Subchapter;

(4) residuals that are regulated in accordance with Section .1300 and Section .1400 of this Subchapter;
(5) residuals that are prepared for land application, used, or disposed of in a solid waste management facility permitted by the Division of Waste Management;
(6) residuals that are disposed of in an incinerator permitted by the Division of Air Quality;
(7) residuals that are transported out of state for treatment, storage, use, or disposal;
(8) residuals that meet the definition of a hazardous waste in accordance with 40 CFR 260.10 as adopted by reference in 15A NCAC 13A .0102(b) or that have a concentration of polychlorinated biphenyls equal to or greater than 50 milligrams per kilogram of total solids on a dry weight basis; and
(9) byproduct waste resulting from any process of industry, manufacturing, trade, business, or the development of any natural resource but not from a wastewater treatment, water supply treatment, or air pollution control facility permitted under the authority of the Commission.

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

15A NCAC 02T .1102 DEFINITIONS

As used in this Section:

(1) "Aerobic digestion" shall mean the biochemical decomposition of organic matter in residuals into carbon dioxide and water by microorganisms in the presence of air.
(2) "Agricultural land" shall mean land on which a food crop, feed crop, or fiber crop is grown.
(3) "Anaerobic digestion" shall mean the biochemical decomposition of organic matter in residuals into methane gas and carbon dioxide by microorganisms in the absence of air.
(4) "Bag and other container" shall mean a bag, bucket, bin, box, carton, vehicle, trailer, tanker, or an open or closed receptacle with a load capacity of 1.102 short tons or one metric ton, or less.
(5) "Base flood" shall mean a flood that has a one percent chance of occurring in any given year.
(6) "Biological residuals" shall mean residuals that have been generated during the treatment of domestic wastewater, the treatment of animal processing wastewater, or the biological treatment of industrial wastewater.
(7) "Biological treatment" shall mean treatment in a system that uses biological processes, including lagoons, activated sludge systems, extended aeration systems, and fixed film systems.
(8) "Bulk residuals" shall mean residuals that are transported and not sold or given away in a bag or other container for application to the land.
(9) "Class A residuals" shall mean residuals that are either bagged or bulk residuals meeting:
  (a) the pollutant limits in Rule .1105(a) and .1105(c) of this Section;
  (b) the pathogen reduction requirements in Rule .1106(a) of this Section; and
  (c) the vector attraction reduction requirements in Rule .1107 of this Section.
(10) "Class B residuals" shall mean residuals that are bulk residuals meeting;
  (a) the pollutant limits in Rule .1105(a) and .1105(b) of this Section;
  (b) the pathogen reduction requirements in Rule .1106(b) of this Section; and
  (c) the vector attraction reduction requirements in Rule .1107 of this Section.
(11) "Cover" shall mean soil or Division-approved material used to cover residuals placed in a surface disposal unit.
(12) "Cumulative pollutant loading rate" shall mean the maximum amount of a pollutant that is permitted to be applied to a unit area of land.
(13) "Dedicated program" shall mean a program involving the application of residuals in which any of the permitted land meets the definition of a dedicated land application site.
(14) "Dedicated land application site" shall mean land:
  (a) to which residuals are applied at greater than agronomic rates;
  (b) to which residuals are applied through fixed irrigation facilities or irrigation facilities fed through a fixed supply system; or
  (c) that is primarily used for the disposal of residuals and agricultural crop production is of secondary importance.
(15) "Density of microorganisms" shall mean the number of microorganisms per unit mass of total solids on a dry weight basis in the residuals.
(16) "Dry weight basis" shall mean the weight calculated after the residuals have been dried at 105 degrees Celsius until they reach a constant mass.
(17) "Feed crop" shall mean a crop produced for consumption by animals.
(18) "Fiber crop" shall mean a crop grown for fiber production, including flax and cotton.
(19) "Food crop" shall mean a crop produced for consumption by humans, including fruits, vegetables, and tobacco.

(20) "Grit" shall mean sand, gravel, cinders, or other materials with a high specific gravity generated during preliminary treatment of wastewater in a wastewater treatment facility.

(21) "Incorporation" shall mean the mixing of residuals with top soil to a depth of four inches by methods such as discing, plowing, and rototilling.

(22) "Injection" shall mean the subsurface application of liquid residuals to a depth of four to 12 inches.

(23) "Land application" shall mean the spraying or spreading of residuals onto the land surface, the injection of residuals below the land surface, or the incorporation of residuals into the soil so that the residuals can condition the soil or fertilize crops or vegetation grown in the soil.

(24) "Lower explosive limit for methane gas" shall mean the lowest percentage of methane gas in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

(25) "Monthly average" shall mean the arithmetic mean of all measurements taken during a month.

(26) "Pathogens" shall mean disease-causing organisms, including disease-causing bacteria, protozoa, viruses, and viable helminth ova.

(27) "Place residuals" shall mean to dispose of residuals in a surface disposal unit.

(28) "Person who prepares residuals" shall mean either the person who generates residuals during the treatment of waste in a wastewater treatment facility or the person who derives a material from residuals.

(29) "Pollutant limit" shall mean a numerical value that describes the amount of a pollutant allowed per unit amount of residuals or the amount of a pollutant that can be applied to a unit area of land.

(30) "Public contact site" shall mean land with a high potential for contact by the public as defined in 40 CFR 503.11(1), including public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

(31) "Runoff" shall mean rainwater, leachate, or other liquid that drains over the land surface.

(32) "Screenings" shall mean rags or other large materials generated during preliminary treatment of wastewater in a wastewater treatment facility.

(33) "Seismic impact zone" shall mean an area that has a 10 percent or greater probability that the horizontal ground level acceleration of the rock in the area exceeds 0.10 gravity once in 250 years.

(34) "Specific oxygen uptake rate (SOUR)" shall mean the mass of oxygen consumed per unit time per unit mass of total solids on a dry weight basis in the residuals.

(35) "Surface disposal unit" shall mean the land on which only residuals are placed for final disposal, including monofills, lagoons, and trenches, and not including land on which residuals are either treated or stored.

(36) "Surface disposal unit boundary" shall mean the outermost perimeter of a surface disposal unit.

(37) "Total solids" shall mean the materials that remain as residue after the residuals have been dried at between 103 and 105 degrees Celsius until they reach a constant mass.

(38) "Water treatment residuals" shall mean residuals that have been generated during the treatment of potable or process water.

(39) "Unstabilized residuals" shall mean residuals that have not been treated in either an aerobic or an anaerobic treatment process.

(40) "Unstable area" shall mean land subject to natural or human-induced forces that may damage the structural components of a surface disposal unit, including land on which the soils are subject to mass movement.

(41) "Vector attraction" shall mean the characteristic of residuals that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(42) "Volatile solids" shall mean the amount of the total solids in the residuals lost when they are combusted at 550 degrees Celsius in the presence of excess air.

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

15A NCAC 02T .1103 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter if the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for that system in this Rule:

(1) preparation for land application, use, or disposal of residuals in a solid waste facility permitted by the Division of Waste Management that is approved to receive the residuals;

(2) land application of residuals that have been prepared for land application in a solid waste facility permitted by the Division of Waste Management and approved to receive the residuals if the requirements of this Section are met;

(3) land application sites onto which Class A residuals that are sold or given away in a bag or other container are applied, provided the following criteria are met:

(A) the residuals meet the pollutant limits in Rule .1105(a) and Rule .1105(c) of this Section;

(B) the residuals meet the pathogen requirements in Rule .1106(a) of this Section;
(C) the residuals meet the vector attraction reduction requirements in Rule .1107(a) of this Section; and
(D) the land application activities are carried out according to the instructions provided in the informational sheet, bag, or other container label as required in Rule .1109(c) of this Section;

(4) land application sites onto which Class A biological residuals are applied, if the residuals and activities meet the following criteria:
(A) the residuals meet the pollutant limits in Rule .1105(a) and Rule .1105(c) of this Section;
(B) the residuals meet the pathogen requirements in Rule .1106(a) of this Section;
(C) the residuals meet the vector attraction reduction requirements in Rule .1107(a) of this Section; and
(D) the land application activities meet all applicable conditions of Rule .1108(b) and Rule .1109(a)(1) of this Section;

(5) land application sites onto which Class A non-biological residuals are applied, if the residuals and activities meet the following criteria:
(A) the residuals meet the pollutant limits in Rule .1105(a) and Rule .1105(c) of this Section;
(B) the residuals meet the pathogen requirements in Rule .1106(b) of this Section; and
(C) the land application activities meet all applicable conditions of Rule .1108(b) and Rule .1109(a)(1) of this Section; and

(6) transportation of residuals from the residuals-generating source facility to other Division or Division of Waste Management facilities approved to treat, store, use, or dispose the residuals.

(b) The Director may determine that a system shall 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.

15A NCAC 02T .1104 APPLICATION SUBMITTAL

(a) For new and expanding residuals treatment and storage facilities:

(1) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of facility components, including:
(A) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief and showing all facility-related structures and fences within the treatment and storage areas;
(B) the location of each of the following that are located within 500 feet of a waste treatment, or storage site, including a delineation of their review and compliance boundaries:
(i) wells, including usage and construction details if available;
(ii) ephemeral, intermittent, and perennial streams;
(iii) springs;
(iv) lakes;
(v) ponds; and
(vi) other surface drainage features;
(C) setbacks as required by Rule .1108 of this Section; and
(D) site property boundaries within 500 feet of all treatment and storage facilities.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(2) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:
(A) engineering plans for the facilities and equipment except those previously permitted unless they are directly tied into the new units or are necessary to understanding the complete process;
(B) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and
(C) engineering calculations, including hydraulic and pollutant loading for each unit, unit sizing criteria, hydraulic profile of the facilities, total dynamic head and system curve

analysis for each pump, and buoyancy calculations.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(b) For new and modified sources of residuals:

(1) Site maps shall be provided to the Division by the applicant depicting the location of the source.

(2) An analysis of the residuals shall be provided to the Division by the applicant. The analysis shall include:

(A) all pollutants identified in Rule .1105 of this Section;

(B) nutrients and micronutrients;

(C) hazardous waste characterization tests; and

(D) proof of compliance with Rule .1106 and Rule .1107 of this Section if applicable.

(3) A sampling and monitoring plan that describes how compliance with Rule .1105, Rule .1106, and Rule .1107 of this Section if applicable shall be provided to the Division by the applicant.

(c) For new and expanding non-dedicated land application sites:

(1) Setback maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of land application site features including:

(A) a scaled map of the land application site, showing all related structures and fences within the land application area;

(B) the location of each of the following that are located within 500 feet of the land application site, including a delineation of its review and compliance boundaries:

(i) wells, including usage and construction details if available;

(ii) ephemeral, intermittent, and perennial streams;

(iii) springs;

(iv) lakes;

(v) ponds; and

(vi) other surface drainage features;

(C) setbacks as required by Rule .1108 of this Section; and

(D) property boundaries within 500 feet of the land application site.

(2) Soils report. A soil evaluation of the land application site shall be provided to the Division by the applicant. This evaluation shall be presented in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(A) confirmation of a county soils map, soil evaluation, and verification of the presence or absence of a seasonal high water table within three feet of land surface or establishment of a soil map through field description of soil profile, based on examinations of excavation pits or auger borings, within seven feet of land surface or to bedrock describing the following parameters by individual diagnostic horizons: thickness of the horizon; texture; color and other diagnostic features; structure; internal drainage; depth, thickness, and type of restrictive horizon; and presence or absence and depth of evidence of any seasonal high water table; and

(B) a representative soils analysis for standard soil fertility and all pollutants listed in Rule .1105(b) of this Section. The Standard Soil Fertility Analysis shall include the following parameters: acidity; base saturation (by calculation); calcium; cation exchange capacity; copper; exchangeable sodium percentage (by calculation); magnesium; manganese; percent humic matter; pH; phosphorus; potassium; sodium, and zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(3) A project evaluation and a land application site management plan, if applicable, with recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals and other constituents of the residuals shall be provided to the Division.

(4) Unless the land application site is owned by the permittee, property ownership documentation consisting of a notarized landowner agreement shall be provided to the Division.

(d) For new and expanding dedicated land application sites:

(1) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and

relationship of land application site features including:

(A) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief and showing all facility-related structures and fences within the land application area;

(B) the location of each of the following that are located within 500 feet of the land application site, including a delineation of its review and compliance boundaries:

(i) wells, including usage and construction details if available;

(ii) ephemeral, intermittent, and perennial streams;

(iii) springs;

(iv) lakes;

(v) ponds; and

(vi) other surface drainage features;

(C) setbacks as required by Rule .1108 of this Section; and

(D) property boundaries within 500 feet of the land application site.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(2) Engineering design documents for land applications sites onto which residuals are applied only through fixed irrigation facilities or irrigation facilities fed through a fixed supply system. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(A) engineering plans for the facilities and equipment except those previously permitted unless they are directly tied into the new units or are necessary to understanding the complete process;

(B) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and

(C) engineering calculations, including hydraulic and pollutant loading, sizing criteria, hydraulic profile, total dynamic head and system curve analysis for each pump, and irrigation design.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(3) Soils report. A soil evaluation of the land application site shall be provided. This evaluation shall be presented to the Division by the applicant in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(A) field description of soil profile, based on examinations of excavation pits or auger borings, within seven feet of land surface or to bedrock describing the following parameters by individual diagnostic horizons: thickness of the horizon; texture; color and other diagnostic features; structure; internal drainage; depth, thickness, and type of restrictive horizon; and presence or absence and depth of evidence of any seasonal high water table. Applicants shall dig pits if necessary for proper evaluation of the soils at the site;

(B) recommendations concerning loading rates of liquids, solids, other residuals constituents, and amendments for land application sites onto which residuals are applied only through fixed irrigation facilities or irrigation facilities fed through a fixed supply system. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon for each soil mapping unit. Maximum irrigation precipitation rates shall be provided for each soil mapping unit;

(C) a field-delineated soil map delineating soil mapping units within the land application site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit; and

(D) a representative soils analysis for standard soil fertility and all pollutants listed in Rule .1105(b) of this Section. The Standard Soil Fertility Analysis shall include the following parameters: acidity, base saturation (by calculation), calcium, cation exchange capacity, copper,

exchangeable sodium percentage (by calculation), magnesium, manganese, percent humic matter, pH, phosphorus, potassium, sodium, and zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(4) Hydrogeologic report. A hydrogeologic description prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C, respectively, shall be provided to the Division by the . applicant. The hydrogeologic evaluation shall be of the subsurface to a depth of 20 feet or bedrock, whichever is less deep. An investigation to a depth greater than 20 feet shall be required if the respective depth is used in predictive calculations. This evaluation shall be based on sufficient numbers, locations, and depths of borings to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site, including geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components:

(A) a description of the regional and local geology and hydrogeology;

(B) a description, based on field observations of the land application site, of the land application site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;

(C) changes in the lithology underlying the site;

(D) depth to the bedrock and the occurrence of any rock outcrops;

(E) the hydraulic conductivity and transmissivity of the affected aquifer as determined by in-situ field testing, such as slug tests or pumping tests, in the intended area of irrigation;

(F) the depth to the seasonal high water table;

(G) a discussion of the relationship between the affected aquifers of the land application site to local and regional geologic and hydrogeologic features;

(H) a discussion of the groundwater flow regime of the site prior to the operation of the proposed site and the post operation of the proposed site, focusing on the relationship of the site to groundwater receptors, groundwater discharge features, and groundwater flow media; and

(I) if residuals are applied through fixed irrigation facilities or irrigation facilities fed through a fixed supply system only and if the seasonal high water table is within six feet of the surface, a mounding analysis to predict the level of the seasonal high water table after residuals land application.

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology pursuant to G.S. 89E, soil science pursuant to G.S. 89F, or engineering pursuant to G.S. 89C.]

(5) For land application sites onto which residuals are applied through fixed irrigation facilities or irrigation facilities fed through a fixed supply system only, the applicant shall provide to the Division a water balance that determines the required residuals storage based upon the following most limiting factor:

(A) hydraulic loading based on the most restrictive horizon;

(B) hydraulic loading based on the groundwater mounding analysis;

(C) nutrient management based on agronomic rates for the specified cover crop; or

(D) nutrient management based on crop management.

(6) A project evaluation and a receiver site management plan (if applicable) with recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals and other constituents of the residuals shall be provided to the Division by the applicant.

(7) Property Ownership Documentation shall be provided to the Division by the applicant consisting of:

(A) legal documentation of ownership, such as a contract, deed, or article of incorporation;

(B) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map; or

(C) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

(e) For new and expanding surface disposal units:

(1) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation, and relationship of the surface disposal unit features including:

(A) a scaled map of the surface disposal unit, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief and showing all surface disposal unit-related structures and fences within the surface disposal unit;

(B) the location of each of the following that are located within 500 feet of a waste treatment, storage, or disposal site, including a delineation of their review and compliance boundaries:

(i) wells, including usage and construction details if available;

(ii) ephemeral, intermittent, and perennial streams;

(iii) springs;

(iv) lakes;

(v) ponds; and

(vi) other surface drainage features;

(C) setbacks as required by Rule .1108 of this Section; and

(D) site property boundaries within 500 feet of the surface disposal unit.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(2) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(A) engineering plans for the surface disposal unit and equipment except those previously permitted unless they are directly tied into the new units or are necessary to understanding the complete process;

(B) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and

(C) engineering calculations, including hydraulic and pollutant loading, sizing criteria, hydraulic profile, and total dynamic head and system curve analysis for each pump.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering pursuant to G.S. 89C.]

(3) Soils report. A soil evaluation of the surface disposal unit site shall be provided to the Division by the applicant in a report that includes the following. If required by G.S. 89F, a soil scientist shall prepare this evaluation:

(A) field description of soil profile, based on examinations of excavation pits or auger borings, within seven feet of land surface or to bedrock describing the following parameters by individual diagnostic horizons: thickness of the horizon; texture; color and other diagnostic features; structure; internal drainage; depth, thickness, and type of restrictive horizon; and presence or absence and depth of evidence of any seasonal high water table. Applicants may be required to dig pits when necessary for proper evaluation of the soils at the site; and

(B) a field-delineated soil map delineating major soil mapping units within the surface disposal unit site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph

constitutes practicing soil science pursuant to G.S. 89F.]

(4) Hydrogeologic report. A hydrogeologic description prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C, respectively, shall be provided to the Division by the applicant. The hydrogeologic evaluation shall be of the subsurface to a depth of 20 feet or bedrock, whichever is less deep. An investigation to a depth greater than 20 feet shall be required if the respective depth is used in predictive calculations. This evaluation shall be based on sufficient numbers, locations, and depths of borings to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site, including geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components:

(A) a description of the regional and local geology and hydrogeology;

(B) a description, based on field observations of the site, of the site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;

(C) changes in the lithology underlying the site;

(D) the depth to bedrock and the occurrence of any rock outcrops;

(E) the hydraulic conductivity and transmissivity of the affected aquifer as determined by in-situ field testing, such as slug tests or pumping tests, in the intended area of irrigation;

(F) the depth to the seasonal high water table;

(G) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features; and

(H) a discussion of the groundwater flow regime of the site prior to the operation of the proposed unit and the post operation of the proposed unit, focusing on the relationship of the unit to groundwater receptors, groundwater discharge features, and groundwater flow media.

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology pursuant to G.S. 89E, soil science pursuant to G.S. 89F, or engineering pursuant to G.S. 89C.]

(5) Property Ownership Documentation shall be provided to the Division by the applicant consisting of:

(A) legal documentation of ownership, such as a contract, deed, or article of incorporation;

(B) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map; or

(C) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

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

15A NCAC 02T .1105 POLLUTANT LIMITS

(a) Residuals shall not be land applied if the concentration of any pollutant in the residuals exceeds the ceiling concentration for that pollutant as stipulated in the following on a dry weight basis:

Pollutant	Ceiling Concentration (milligrams per kilogram)
Arsenic	75
Cadmium	85
Copper	4,300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420

Selenium	100
Zinc	7,500

(b) Class B residuals shall not be land applied if the application causes the cumulative pollutant loading rate, on a dry weight basis, to be exceeded for any pollutant as stipulated in the following:

Pollutant	Cumulative Pollutant Loading Rate (kilograms per hectare)
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

Compliance with the cumulative pollutant loading rates shall be determined using one of the following methods:

(1) by calculating the existing cumulative level of pollutants using analytical data from all historical land application of residuals not otherwise exempted by this Paragraph; or

(2) for land on which land application events of residuals has not occurred or for which the data required in Paragraph (b) of this Rule is incomplete, by determining background concentrations through representative soil sampling.

(c) Class A residuals shall not be applied if the concentration of any pollutant in the residuals exceeds the concentration for that pollutant, as stipulated in the following on a dry weight basis:

Pollutant	Monthly Average Concentration (milligrams per kilogram)
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

(d) Residuals shall not be placed in a surface disposal unit if the concentration of any pollutant in the residuals exceeds the concentration for that pollutant, as stipulated in the following on a dry weight basis:

Distance from Surface Disposal Unit Boundary to Closest Property Line (meters)	Ceiling Concentration (milligrams per kilogram)		
	Arsenic	Chromium	Nickel
0 to less than 25	30	200	210
25 to less than 50	34	220	240
50 to less than 75	39	260	270
75 to less than 100	46	300	320
100 to less than 125	53	360	390
125 to less than 150	62	450	420
greater than 150	73	600	420

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

15A NCAC 02T .1106 PATHOGEN REDUCTION REQUIREMENTS

(a) Class A biological residuals shall meet the following requirements:

(1) The requirements in this Paragraph shall be met no later than meeting the vector attraction reduction requirements in Rule .1107 of this Section, unless the vector attraction reduction methods in Rule .1107(a)(6), Rule .1107(a)(7), and Rule .1107(a)(8) of this Section are met.

(2) Biological residuals shall be monitored for the density of fecal coliform or Salmonella sp.

bacteria at the time that the residuals are used or disposed, or at the time they are prepared for sale or giving away in a bag or other container for land application, to demonstrate that:

(A) the density of fecal coliform is less than 1,000 Most Probable Number per gram of total solids on a dry weight basis; or

(B) the density of Salmonella sp. bacteria is less than three Most Probable Number per four grams of total solids on a dry weight basis.

(3) The biological residuals meet one of the following requirements:

(A) Time and Temperature. The temperature of the biological residuals shall be maintained at a specific value for a period of consecutive time in accordance with the following:

Total Solids (percent)	Temperature (t) (degrees Celsius)	Time	Equation to Determine Minimum Holding Time (D) (days)
≥ 7	≥ 50	≥ 20 minutes	$\frac{131,700,000}{10^{0.1400t}}$
≥ 7	≥ 50	≥ 15 seconds[1]	$\frac{131,700,000}{10^{0.1400t}}$
< 7	≥ 50	≥ 15 seconds <30 minutes	$\frac{131,700,000}{10^{0.1400t}}$
<7	≥ 50	≥ 30 minutes	$\frac{50,070,000}{10^{0.1400t}}$

[1] – when residuals are heated by warmed gases or an immiscible liquid

(B) Alkaline Treatment. The pH of the biological residuals shall be raised to above 12 and shall remain above 12 for 72 consecutive hours. The temperature of the biological residuals shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the biological residuals is above 12. At the end of the 72-hour period during which the pH is above 12, the biological residuals shall be air dried to achieve a total solids greater than 50 percent;

(C) Prior Testing for Enteric Viruses or Viable Helminth Ova. The biological residuals shall be analyzed prior to pathogen reduction treatment to determine whether the biological residuals contain enteric viruses or viable helminth ova. The density of enteric viruses prior to pathogen reduction treatment shall be less than one Plaque-forming Unit per four grams of total solids on a dry weight basis or the density of viable helminth ova shall be less than one per four grams of total solids on a dry weight basis. When the density of enteric viruses or viable helminth ova are equal to or greater than these values, the biological residuals shall be considered Class A following pathogen reduction treatment if the resultant densities are less than these values and the operating parameters for the pathogen reduction treatment are documented. After this demonstration, the biological residuals shall be considered Class A if the operating parameters for the pathogen reduction treatment are met and documented;

(D) No Prior Testing for Enteric Viruses or Viable Helminth Ova. The density of enteric viruses in the biological residuals shall be less than one Plaque-forming Unit per four grams of total solids on a dry weight basis or the density of viable helminth ova in the biological residuals shall be less than one per four grams of total solids on a dry weight basis at the time that the biological residuals are used or disposed or are prepared for sale or giving away in a bag or other container for land application;

(E) Process to Further Reduce Pathogens - Composting. The biological residuals shall be composted using either the within-vessel method or the static aerated pile method, during which the temperature of the biological residuals is maintained at 55 degrees Celsius or higher for three consecutive days or

longer. Alternatively, the biological residuals shall be composted using the windrow method, during which the temperature of the biological residuals is maintained at 55 degrees Celsius or higher for 15 consecutive days or longer. The windrow shall be turned five times during the period when the biological residuals are maintained at 55 degrees Celsius or higher. Natural decay of the biological residuals under uncontrolled conditions shall not be deemed to comply with these composting requirements;

(F) Process to Further Reduce Pathogens - Heat Drying. The biological residuals shall be dried by direct or indirect contact with hot gases to reduce the moisture content of the biological residuals to 10 percent or lower. During the process, either the temperature of the biological residuals particles shall exceed 80 degrees Celsius or the wet bulb temperature of the gas in contact with the biological residuals as they leave the dryer shall exceed 80 degrees Celsius;

(G) Process to Further Reduce Pathogens - Heat Treatment. The biological residuals shall be heated to a temperature of 180 degrees Celsius or higher for 30 minutes. This process shall be applied only to biological residuals that are in a liquid state;

(H) Process to Further Reduce Pathogens - Thermophilic Aerobic Digestion. The biological residuals shall be agitated with air or oxygen to maintain aerobic conditions, and the mean cell residence time of the biological residuals shall be 10 days at between 55 and 60 degrees Celsius. This process shall be applied only to biological residuals that are in a liquid state;

(I) Process to Further Reduce Pathogens - Beta Ray Irradiation. The biological residuals shall be irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature, approximately 20 degrees Celsius;

(J) Process to Further Reduce Pathogens - Gamma Ray Irradiation. The biological residuals shall be irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature, approximately 20 degrees Celsius; or

(K) Process to Further Reduce Pathogens - Pasteurization. The temperature of the biological residuals shall be maintained at 70 degrees Celsius or higher for 30 minutes or longer.

(b) Class B biological residuals shall meet one of the following requirements:

(1) Fecal Coliform Density Demonstration. Seven samples of the biological residuals shall be collected at the time the residuals are used or disposed, and the geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 Most Probable Number per gram of total solids on a dry weight basis or 2,000,000 Colony Forming Units per gram of total solids on a dry weight basis.

(2) Process to Significantly Reduce Pathogens. The biological residuals meet one of the following requirements:

(A) Aerobic Digestion. Biological residuals shall be agitated with air or oxygen to maintain aerobic conditions for a specific mean cell time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20 degrees Celsius and 60 days at 15 degrees Celsius;

(B) Air Drying. Biological residuals shall be dried on sand beds or on paved or unpaved basins for three months. During two of the three months, the ambient average daily temperature shall be above zero degrees Celsius;

(C) Anaerobic Digestion. Biological residuals shall be treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius;

(D) Composting. Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the biological residuals shall be raised to 40 degrees Celsius or higher and shall remain at 40 degrees Celsius or higher for five days. For four hours during the five days, the temperature in the compost pile shall exceed 55 degrees Celsius. Natural decay of the biological residuals under uncontrolled conditions shall not be deemed to comply with these composting requirements; or

(E) Lime Stabilization. Sufficient lime shall be added to the biological

residuals to raise the pH to 12 after two hours of contact.

(c) Biological residuals placed in a surface disposal unit shall be exempt from meeting the Class A or Class B pathogen requirements if the vector attraction method in Rule .1107(b)(2) of this Section is met.

(d) The pathogen reduction requirements in Subparagraph (a)(2) and Paragraph (b) of this Rule shall not apply for biological residuals generated from treatment of waste to not contain pathogens.

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

15A NCAC 02T .1107 VECTOR ATTRACTION REDUCTION REQUIREMENTS

(a) Biological residuals shall not be land applied unless the requirements of one of the following vector attraction reduction alternatives have been met:

(1) 38-Percent Volatile Solids Reduction. The mass of the volatile solids in the biological residuals shall be reduced by 38 percent between the time that the biological residuals enter the digestion process and the time it is land applied;

(2) 40-Day Bench Scale Test. A portion of previously anaerobically-digested biological residuals shall be further anaerobically-digested in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. The volatile solids in the biological residuals shall be reduced by less than 17 percent as measured from the beginning to the end of the test;

(3) 30-Day Bench Scale Test. A portion of previously aerobically-digested biological residuals shall be further aerobically-digested in the laboratory in a bench-scale unit for 30 additional days at a temperature of 20 degrees Celsius. The previously aerobically-digested biological residuals shall either have a concentration of two percent total solids or less or shall be diluted with effluent down to two percent total solids at the start of the test. The volatile solids in the biological residuals shall be reduced by less than 15 percent as measured from the beginning to the end of the test;

(4) Specific Oxygen Uptake Rate Test. The specific oxygen uptake rate (SOUR) for biological residuals treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids on a dry weight basis corrected to a temperature of 20 degrees Celsius;

(5) 14-Day Aerobic Processes. The biological residuals shall be treated in an aerobic process for 14 days or longer. During that time the temperature of the biological residuals shall be higher than 40 degrees Celsius, and the average temperature of the biological residuals shall be higher than 45 degrees Celsius;

(6) Alkaline Stabilization. The pH of the biological residuals shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours;

(7) Drying of Stabilized Residuals. The biological residuals shall be dried to 75 percent total solids if the biological residuals contain no unstabilized solids from a primary wastewater treatment process. The biological residuals shall not be mixed with other materials to meet this requirement;

(8) Drying of Unstabilized Residuals. The biological residuals shall be dried to 90 percent total solids if the biological residuals contain unstabilized solids from a primary wastewater treatment process. The biological residuals shall not be mixed with other materials to meet this requirement;

(9) Injection.

(A) Class B biological residuals shall be injected below the land surface in accordance with 40 CFR 503.33(b)(9)(ii); and

(B) Class A biological residuals shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process; or

(10) Incorporation.

(A) Class B biological residuals shall be incorporated into the soil within six hours after land application; and

(B) Class A biological residuals shall be land applied within eight hours after being discharged from the pathogen treatment process.

(b) Biological residuals shall not be placed in a surface disposal unit unless one of the following vector attraction reduction alternatives have been met:

(1) Any alternative stipulated in Paragraph (a) of this Rule; or

(2) Daily Cover. Biological residuals shall be covered with soil or Division-approved material at the end of each operating day.

(c) For biological residuals generated by wastewater treatment facilities treating industrial wastewater only, the vector attraction reduction requirements in Paragraph (a) of this Rule shall be met unless the permittee demonstrates that the residuals are pathogen free or meet the pathogen requirements in Rule .1106(b)(2) of this Section.

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

15A NCAC 02T .1108 SETBACKS

(a) For residuals treatment and storage facilities, the following setbacks in feet shall be as follows:

Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	100
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	50
Each well with exception of monitoring wells	100
Each property line	50

(b) For land onto which Class A bulk residuals are applied or stockpiled, the following setbacks in feet shall be as follows:

	Liquid Residuals	Cake Residuals
Each private or public water supply source	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	100	25
Surface water diversions such as ephemeral streams, waterways, and ditches	25	0
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	25	0
Each well with exception of monitoring wells	100	100
Bedrock outcrops	25	0

(c) For land onto which Class B residuals are applied or stockpiled, the following setbacks in feet shall be as follows:

	Surface Application by Vehicle	Surface Application	Injection / Incorporation by Irrigation
Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400	400	200
Each habitable residence or place of assembly owned by the permittee, the owner of the land, or the lessee or operator of the land to be maintained as part of the project site	0	200	0
Each property line	50	150	50
Public right of way	50	50	50
Each private or public water supply source	100	100	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	32.8	32.8	32.8
Surface water diversions such as ephemeral streams, waterways, and ditches	25	25	25
Groundwater lowering ditches where the bottom of the ditch intersects the SHWT	25	100	25
Subsurface groundwater lowering drainage systems	0	100	0
Each well with exception of monitoring wells	100	100	100
Bedrock outcrops	25	25	25
Top of slope of embankments or cuts of two feet or more in vertical height	15	15	15
Each building foundation or basement	0	15	0
Each water line	0	10	0
Nitrification field	0	20	0

(d) For the construction and operation of surface disposal units, the following setbacks in feet shall be as follows:

Each habitable residence or place of assembly under separate ownership or not to be maintained as part of the project site	400
Each property line	50
Public right of way	50
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and	

Wetlands	100
Surface water diversions such as ephemeral streams, waterways, and ditches	25
Groundwater lowering ditches (where the bottom of the ditch intersects the SHWT)	100
Subsurface groundwater lowering drainage systems	100
Each well with exception of monitoring wells	100
Each water line	10

(e) Setback waivers shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.

(f) Setbacks to property lines established in Paragraphs (a), (c), and (d) of this Rule shall not be applicable if the permittee, the entity from which the permittee is leasing, or the entity that executed the notarized landowner agreement in 15A NCAC 02T .1104(c)(4) owns both parcels separated by the property line.

(g) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraphs (a) and (d) of this Rule.

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

15A NCAC 02T .1109 RESIDUALS MANAGEMENT PRACTICES

(a) Land applied residuals shall meet the following requirements:

(1) Residuals shall not be land applied under the following conditions:

(A) if the requirements specified by 40 CFR 503.14(a) as stated on January 1, 1996, and incorporated by reference have not been met;

(B) if the application causes nuisance conditions;

(C) if the land fails to assimilate the residuals or the application causes the contravention of surface water or groundwater standards;

(D) if the land is flooded, frozen, or snow-covered or is otherwise in a condition such that runoff of the residuals would occur;

(E) within the 100-year flood elevation unless the residuals are injected or incorporated within a 24-hour period following the application of residuals to land;

(F) during precipitation events or within 24 hours following a rainfall event of 0.5 inches or greater in a 24-hour period;

(G) if the slope of the land is greater than 10 percent when liquid residuals are surface applied, and if the slope of the land is greater than 18 percent when liquid residuals are injected or incorporated;

(H) if the land does not have an established vegetative cover crop unless the land is a Division-approved no-till site or the residuals are incorporated within a 24-hour period following the injection or application of residuals to land;

(I) if the vertical separation of the seasonal high water table and the depth of residuals application is less than one foot;

(J) if the vertical separation of the depth to bedrock and the depth of residuals application is less than one foot; or

(K) if the application exceeds agronomic rates, except for dedicated sites where the applicant has specifically requested higher rates in an applications pursuant to Rule .1104(d) of this Section.

(L) new land application sites located within a WS-I watershed pursuant to 15A NCAC 02B .0212 or within the Critical Area of a WS-II pursuant to Sub-Item (4)(g) of Rule 15A NCAC 02B .0212, or within the Critical Area of a WS-III or WS-IV watershed pursuant to Sub-Item (4)(h) of Rules 15A NCAC 02B .0215, and .0216.

(2) Class B land application sites shall have the following public access restrictions:

(A) public access to public contact sites shall be restricted for one calendar year after any land application of residuals;

(B) public access to land that is not a public contact site shall be restricted for 30 days after any land application of residuals; and

(C) public access to land associated with a dedicated land application site shall be restricted continuously while the land is permitted for active use and for one calendar year after the final land application of residuals.

(3) Class B land application sites shall have the following harvesting and grazing restrictions:

(A) animals shall not be allowed to graze on land for 30 calendar days after any land application of residuals;

(B) food crops, feed crops, and fiber crops shall not be harvested for 30 calendar days after any land application of residuals;

(C) food crops with harvested parts that touch the mixture of residuals and soil and are totally above the land surface shall not be harvested for 14 months after any land application of residuals;

(D) food crops with harvested parts below the land surface shall not be harvested for 20 months after any land application of residuals if the residuals remain on the land surface for four months or longer prior to incorporation into the soil;

(E) food crops with harvested parts below the land surface shall not be harvested for 38 months after any land application of residuals if the residuals remain on the land surface for less than four months prior to incorporation into the soil; and

(F) turf grown on land where residuals are applied shall not be harvested for one calendar year after any land application of residuals.

(b) Class A residuals that are sold or given away in a bag or other container for land application shall be exempt from Paragraph (a) of this Rule.

(c) Class A residuals that are sold or given away in a bag or other container for land application, shall either have a label affixed to the bag or other container, or an information sheet shall be provided to the person who receives the residuals. The label or information sheet shall contain the following information:

(1) the name and address of the person who prepared the residuals;

(2) a statement that land application of the residuals is prohibited except with the instructions on the label or information sheet; and

(3) that residuals must be applied at agronomic rates and recommended rates for intended uses.

(d) Surface disposal units shall meet the following requirements:

(1) New and expanding surface disposal units shall meet the following requirements:

(A) Surface disposal units shall not be located in a seismic impact zone unless designed to withstand the maximum recorded horizontal ground level acceleration.

(B) Surface disposal units shall not be located less than 60 meters from a fault that has displacement in Holocene time.

(C) Surface disposal units shall not be located within a geologically unstable area.

(D) Surface disposal units shall not be located within the 100-year floodplain.

(E) Surface disposal units shall not restrict base flood flow.

(F) The vertical separation of the seasonal high water table and the bottom of surface disposal units shall not be less than three feet.

(G) Surface disposal units shall be provided with a liner system with a maximum hydraulic conductivity of 10^{-7} centimeters per second. Units into which cake residuals are to be placed shall be equipped with a leachate collection system. Units into which liquid residuals are to be placed shall be equipped with a decanting system and freeboard marker.

(2) The following requirements shall be met while surface disposal units are permitted for active use and for three calendar years after closure:

(A) The requirements specified by 40 CFR 503.24(a) as stated on January 1, 1996 and incorporated by reference shall be met.

(B) Surface disposal units shall not cause nuisance conditions.

(C) Surface disposal units shall not cause the contravention of surface water or groundwater standards.

(D) Runoff from a 24-hour 25-year storm event, decant water, and leachate shall be collected from surface disposal units.

(E) If biological residuals are placed in the surface disposal unit, the concentration of methane gas shall not exceed 25 percent of the lower explosive limit for methane gas in any structure within the surface disposal unit boundary.

(F) If biological residuals are placed in the surface disposal unit, the concentration of methane gas shall not exceed the lower explosive limit for methane gas at any property line of the surface disposal unit.

(G) Public access to surface disposal units shall be restricted continuously.

(H) Animals shall not be allowed to graze on surface disposal units.

(I) Food crops, feed crops, and fiber crops shall not be harvested from surface disposal units.

(3) Following active use, surface disposal units shall be closed. Permits for surface disposal units shall be maintained for three years following successful closure. Requests for approval of closure plans shall be submitted to the Division at least 180 days prior to the date that a surface disposal unit is to be closed and shall include the following information:
   (A) how the surface disposal unit will be closed;
   (B) a discussion of how the leachate collection system will be operated and maintained, if applicable;
   (C) a description of the system used to monitor the air for methane gas in the air in any structures within the surface disposal unit boundary and at the property line of the surface disposal unit, if applicable;
   (D) a discussion of how public access to the surface disposal unit will be restricted; and
   (E) proof that the deed for the surface disposal unit property has been amended to provide permanent written notification to subsequent owners of the property that the property was used for the purposes of operating a surface disposal unit.

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

15A NCAC 02T .1110 OPERATION AND MAINTENANCE

(a) An Operation and Maintenance Plan shall be maintained for all residuals management programs. The plan shall:
   (1) describe the operation of the program and all associated facilities and equipment in sufficient detail to show what operations are necessary for the program to function and by whom the functions are to be conducted;
   (2) describe anticipated maintenance of facilities and equipment that are associated with the program;
   (3) include provisions for safety measures, including restriction of access to the site and equipment, as appropriate;
   (4) include spill control provisions, including:
      (A) response to upsets and bypasses, including control, containment, and remediation; and
      (B) contact information for program personnel, emergency responders, and regulatory agencies;
   (5) detail procedures for sampling and monitoring to ensure that the program stays in compliance with this Section and each issued permit; and
   (6) for surface disposal units, detail procedures for post-closure care management.

(b) The permittee shall ensure that an electronic or physical copy of their permit and the Operation and Maintenance Plan required by Paragraph (a) of this Rule is available when land applying residuals.

(c) Residuals shall be stored or staged in a manner to prevent runoff of leachate and other wastewaters generated from residuals storage or staging.

(d) Class A residuals may be staged at the application site for up to 30 days for biological residuals and 60 days for non-biological residuals. Storage or staging that exceeds these limits shall require written approval from the Division.

(e) Class B residuals shall not be stored or staged at any land application site without prior written approval from the Division.

(f) The permittee shall perform inspections and maintenance on storage, distribution, and application facilities.

(g) Class B land application areas shall be clearly marked on each site prior to and during any land application of residuals.

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

15A NCAC 02T .1111 MONITORING AND REPORTING

(a) Representative samples of residuals that are prepared for land application or placed in a surface disposal unit shall be collected and analyzed.

(b) The analytical methods listed in 40 CFR 503.8(b) are incorporated by reference with subsequent amendments and editions. This regulation may be found at no cost at: https://www.epa.gov/laws-regulations/regulations.

(c) Residuals land applied or placed in a surface disposal unit shall be monitored for pollutants as required by Rules .1105(a), .1105(d), .1106, and .1107 of this Section, as applicable, at the following frequency:

Metric Tons per 365 day period (Dry Weight Basis)	Monitoring Frequency
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)

(d) A report of all monitoring and reporting requirements as specified in the permit shall be submitted to the Division by the permittee annually on or before March 1st of each calendar year.
(e) All records shall be retained for five years.

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

15A NCAC 02T .1201 SCOPE

(a) This Section shall apply to the treatment, storage, transportation, and beneficial reuse of coal combustion products (CCPs) that meet the definition of wastewater treatment residuals. This Section shall not regulate the treatment, storage, transportation, use, or disposal of:

(1) CCPs that are not generated from a wastewater treatment facility;
(2) CCPs that are transported out of state for treatment, storage, use, or disposal; and
(3) CCPs that are used for structural fill.

(b) CCPs may be distributed for the following uses:

(1) fuel for combustion for energy recovery in equipment such as boilers and furnaces;
(2) 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) daily, intermediate, and final cover as well as any other use at a landfill as approved by the Division of Waste Management;
(4) material for traction control during snow and ice events;
(5) substitute for blasting grit, roofing granules, and filter cloth precoat for residuals dewatering;
(6) 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 similar uses where flowable fill is used in lieu of compacted soil;
(7) raw product for the stabilization of residuals;
(8) soil nutrient additive, amendment, or other agricultural purpose;
(9) overlay for roads, residential driveways, farm roads, and high-traffic farm areas; or
(10) bedding for pipes, railroad beds, and underground storage tanks.

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

15A NCAC 02T .1202 DEFINITIONS

As used in this Section:

(1) "Coal combustion products" or "CCPs" is defined in G.S. 130A-309.201(4).
(2) "Dry weight basis" shall mean the weight calculated after the CCPs have been dried at 105 degrees Celsius until they reach a constant mass.
(3) "Flowable fill" shall mean a controlled, low strength, cementitious material that is used primarily as a backfill in lieu of compacted soil and typically exhibits a compressive strength of greater than 30 pounds per square inch.
(4) "Land application" shall mean the spraying or spreading of CCPs onto the land surface, the injection of CCPs below the land surface, or the incorporation of CCPs into the soil so that the CCPs can condition the soil or fertilize crops or vegetation grown in the soil.
(5) "Monthly average" shall mean the arithmetic mean of all measurements taken during a month.
(6) "Pollutant limit" shall mean a numerical value that describes the amount of a pollutant allowed per unit amount of CCPs.
(7) "Source of CCPs" shall mean the point of origin of the CCPs, such as a coal fired power plant's wastewater treatment system.
(8) "Toxicity Characteristic Leaching Procedure" shall mean EPA Test Method Number 1311 as described in EPA publication SW-846, entitled Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.

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

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.

15A NCAC 02T .1204 APPLICATION REQUIREMENTS

(a) The requirements in this Rule shall apply to activities not deemed permitted under Rule .1203 of this Section.

(b) For new and modified sources of CCPs:

(1) site plans or maps shall be provided to the Division by the applicant, depicting the location of the source;

(2) an analysis of the CCPs shall be provided to the Division by the applicant. The analysis shall include all pollutants identified in Rule .1205 of this Section. If the CCPs are to be used in a land application, the analyses shall also include nutrients and micronutrients; and

(3) a sampling/monitoring plan that describes how Rule .1205 of this Section shall be complied with shall be provided to the Division by the applicant.

(c) For uses of CCPs not already approved by the applicant's or permittee's individual permit, information shall be provided to the Division by the applicant that describes and explains site-specific engineering or institutional controls proposed to prevent adverse impacts to public health and the environment.

(d) For the use of CCR for land application with greater than 12,400 tons of CCP to be applied to a single site, documentation shall be provided to the Division by the applicant, showing that environmental releases to groundwater, surface water, and soil are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, or soil will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.

(e) Information listed in Paragraph (c) of this Rule shall not be required if a permit from the Division has been issued to the source of CCPs that addresses the use of CCPs at sites where the CCPs are used for bedding.

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

15A NCAC 02T .1205 POLLUTANT LIMITS

(a) Except as provided for in Rule .1203 of this Section, CCPs shall not be distributed for use or used if the concentration of any pollutant during the performance of a Toxicity Characteristic Leaching Procedure of the CCPs exceeds the leachate concentration of concern for that pollutant as follows:

Pollutant	Leachate Concentration of Concern (milligrams per liter)
Arsenic	5.0
Barium	100.0
Cadmium	1.0
Chromium	5.0
Lead	5.0
Mercury	0.2
Selenium	1.0
Silver	5.0

(b) Except as provided for in Rule .1203 of this Section, CCPs shall not be distributed for use or used if the concentration of any pollutant in the CCPs exceeds the ceiling concentration for that pollutant on a dry weight basis as follows:

Pollutant	Ceiling Concentration (milligrams per kilogram)
Arsenic	75
Cadmium	85
Copper	4,300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7,500

(c) Except as provided for in Rule .1203 of this Section, CCPs shall not be distributed for use or used if the concentration of any pollutant in the CCPs exceeds the concentration for that pollutant on a dry weight basis as follows:

Pollutant	Monthly Average Concentration (milligrams per kilogram)
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Molybdenum	75
Nickel	420
Selenium	100
Zinc	2,800

(d) CCPs may be distributed for use or used if the limits specified in Paragraphs (a), (b), or (c) of this Rule are not met if the following criteria are met:

(1) the potential release of pollutants from the CCPs to the environment is minimized to the extent practicable; and
(2) the applicant demonstrates that it will meet the applicable surface water and groundwater quality standards at the compliance boundary at the site of use.

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

15A NCAC 02T .1206 SETBACKS

For areas in which CCPs are stored, the following setbacks, in feet, shall be adhered to:

Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	50
Each well with exception of monitoring wells	100
Seasonal high water table	2

All distances are horizontal distances except for the distance from a seasonal high water table, which is measured as a vertical distance.

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

15A NCAC 02T .1207 MANAGEMENT PRACTICES

(a) For CCPs that are distributed for use, the following shall be provided by the permittee to the person who receives the CCPs:

(1) the name and address of the person who distributed the CCPs;
(2) materials safety data, pursuant to 29 CFR 1910.1200, for the CCPs;
(3) guidance regarding how to comply with Paragraphs (b), (c), and (d) of this Rule;
(4) guidance regarding requirements required by this Section that are specific to the intended use and must be followed by the recipient of the CCPs; and
(5) a statement that use of the CCPs is prohibited unless in compliance with the guidance provided.

(b) CCPs shall be transported in a manner that does not cause nuisances and hazards to public health or safety or otherwise cause an adverse impact.

(c) The person distributing CCPs shall take preparatory measures to store CCPs prior to distribution for use, as well as prior to use, to prevent unpermitted runoff to surface waters.

(d) The person distributing CCPs shall take actions necessary to prevent wind erosion and surface runoff from conveying CCPs onto adjacent property or into any surface waters prior to distribution for use as well as after use.

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

15A NCAC 02T .1208 OPERATION AND MAINTENANCE

An Operation and Maintenance Plan shall be maintained for all CCPs management programs. The plan shall:

(1) describe the operation of the program and associated wastewater treatment systems and equipment in sufficient detail to show what operations are necessary for the program to function and by whom the functions are to be conducted;
(2) describe anticipated maintenance of wastewater treatment systems and equipment that are associated with the program;
(3) include provisions for safety measures, including restriction of access to the site and equipment, as appropriate;
(4) include spill control provisions, including:
  (a) response to spills, including control, containment, and remediation; and
  (b) contact information for program personnel, emergency responders, and regulatory agencies;
(5) describe the sampling and analysis protocol used to ensure that the program complies with this Section and all issued permits.

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

15A NCAC 02T .1209 MONITORING AND REPORTING

(a) Records shall be maintained by the permittee of all CCPs distributed for use or used and shall include the following:

(1) the source, volume, and type of CCPs distributed for use or used;
(2) the date of CCPs distributed for use or used; and
(3) the name of the initial recipient of the CCPs and a description of their intended use.

(b) A report of all monitoring and reporting requirements as specified in the permit shall be submitted annually to the Division by the Permittee on or before March 1st of each calendar year.
(c) All records shall be retained for five years.

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

15A NCAC 02T .1301 SCOPE

The rules in this Section shall apply to all persons proposing to construct, modify, expand, or operate an animal waste management system. These Rules shall not apply to manure haulers regulated pursuant to Section .1400 of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1302 DEFINITIONS

The definitions in G.S. 143-215.10B, in Rule .0103 and .1102 of this Subchapter, and as follows shall apply to this Section.

(1) "Animal waste management plan" means a plan to properly collect, store, treat or apply animal waste to the land in an environmentally safe manner developed in accordance with G.S. 143-215.10C.
(2) "Animal Waste Residuals" means residuals that have been generated during the treatment of animal waste.
(3) "Bag or other container" shall mean a bag, bucket, bin, box, carton, vehicle, trailer, tanker, or an open or closed receptacle with a load capacity of 1.102 short tons or one metric ton or less.
(4) "Expanded animal waste management system" means an increase in the permitted steady state live weight associated with the animal waste management system.
(5) "New animal waste management system" means animal waste management systems that are constructed and operated at a site where no feedlot existed previously or where a permit for a system has been rescinded and then reissued when the permittee confines animals in excess of the thresholds established in G.S. 143-215.10B. Notwithstanding Rule .1307(a) of this Section, a new animal waste management system shall not include a facility where a system serving a feedlot that has been abandoned or unused for a period of less than five years and then put back into service or if the facility:
  (a) has had no animals on site for five continuous years or more;
  (b) notifies the Division in writing at least 60 days prior to bringing any animals back on to the site;
  (c) was depopulated after January 1, 2005, and the system ceased operation no longer than 10 years prior to the current date;
  (d) at the time the system ceased operation, was in compliance with an individual permit or a general permit issued pursuant to G.S. 143-215.10C;

(e) was issued an individual permit or certificate of coverage under a general permit issued pursuant to G.S. 143-215.10C for operation of the system before any animals are brought on the facility;

(f) was issued a permit that does not allow production, measured by steady state live weight, to exceed the greatest steady state live weight previously permitted for the system under G.S. 143-215.10C;

(g) has no component of the animal waste management system, other than an existing barn or land application site, constructed on land that is located within the 100-year floodplain; and

(h) has an inactive animal waste management system that was not closed using the expenditure of public funds and was not closed pursuant to a settlement agreement, court order, cost share agreement, or grant condition.

(6) "NRCS" means the U.S. Department of Agriculture - Natural Resources Conservation Service.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; S.L. 2013-413; S.L. 2015-263;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1303 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter provided the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system by this Rule:

(1) Systems that do not meet the criteria of an animal operation permitted under Rule .1304 or Rule .1305 of this Subchapter and all other systems not specifically mentioned in this Section if:

(A) the animal waste is land applied at no greater than agronomic rates to land owned by the waste generator or under the waste generator's authority;

(B) the storage and land application of animal waste is no closer than 100 feet from a well other than a monitoring well;

(C) animal waste is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application; and

(D) no animal waste is land applied during precipitation events.

(2) Poultry operations that use a dry litter system with more than 30,000 birds and that do not meet the criteria specified in Rule .1305 of this Subchapter if:

(A) records are maintained for three years that include the dates the litter was removed, the estimated amount of litter removed, and the location of the sites where the litter was land applied by the poultry operation;

(B) the waste is applied at no greater than agronomic rates;

(C) a vegetative buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody for land application sites;

(D) land application of litter is no closer than 100 feet from a well other than a monitoring well;

(E) litter is stockpiled no closer than 100 feet from a perennial stream, perennial waterbody, or well other than a monitoring well;

(F) litter is not stockpiled uncovered for greater than 15 days;

(G) litter is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application;

(H) no litter is land applied during precipitation events; and

(I) if a manure hauler is used, records are maintained of the dates the litter was removed, the estimated amount of litter removed, and the name, address, and phone number of the manure hauler.

(3) Land application sites under separate ownership from the waste generator, that receive animal waste from animal waste management systems that are deemed permitted, when all the following conditions are met:

(A) the waste is applied at no greater than agronomic rates;

(B) the storage and land application of animal waste is no closer than 100 feet from a well other than a monitoring well;

(C) a vegetative buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody;

(D) animal waste is not applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application; and

(E) no animal waste is land applied during precipitation events.

(b) 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); 143-215.10A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1304 STATE PERMITTING REQUIREMENTS

(a) This rule shall apply to animal waste management systems that meet the definition of an animal operation in G.S. 143-215.10B but are not subject to regulation pursuant to Rule .1305 of this Section.

(b) An animal waste management plan shall be submitted as follows:

(1) The animal waste management practices or combination of practices that are selected to comprise a plan for a specific facility shall meet NRCS standards, the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 02 NCAC 59E .0104, or standards for any combination of practices that provide water quality protection and are approved by one of these two agencies; and all applicable State statutes and rules at the time of development or design. NRCS standards relating to phosphorus application rates for animal waste shall not be incorporated as part of this rule.

(2) Permittee shall submit plans that have been approved by a technical specialist. The technical specialist shall certify that the best management practices that comprise the approved plan meet applicable standards and specifications, pursuant to G.S. 143-215.10C. The certification shall be submitted to the Division on Division-supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.

(3) The waste shall not be applied at greater than agronomic rates.

(4) The land application and siting setbacks shall meet the applicable conditions established in G.S. 106-803 and NRCS standards at the time of site construction or at the time waste is first applied at the land application site.

(5) Notwithstanding Subparagraph (b)(4) of this Rule, land application of waste shall be no closer than 100 feet from a well other than a monitoring well and no closer than 200 feet from a dwelling not owned by the waste generator at the time waste is first applied at the land application site. Setback waivers related to distance of land application of waste from a dwelling not owned by the waste generator shall be written, notarized, signed by all parties involved, and recorded with the county of Register of Deeds.

(6) Notwithstanding Rule .1304(b)(4) of this Section, a vegetative buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody for land application sites.

(7) The waste shall not be applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application.

(8) Land application of waste shall be prohibited during precipitation events.

(9) All waste application equipment shall be tested and calibrated at least once every two calendar years, and the results shall be documented on forms supplied by or approved by the Division as providing the same information as required by the Division's forms.

(10) Visible waste-level gauges shall be installed and maintained to mark the level of the waste in each animal waste lagoon or storage pond that does not gravity feed through a free flowing transfer pipe into a subsequent waste storage structure. The gauge shall have readily visible permanent markings.

(11) New and expanded animal waste treatment systems, such as lagoons and waste storage structures, shall be located at least 100 feet from a perennial stream or perennial waterbody. For new and expanding systems, this setback requirement shall also apply to areas in feedlots where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stock trails and stream crossings.

(12) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit shall be issued before the additional animals are stocked.

(c) For each change of ownership of the system, the new owner shall notify the Division in writing within 60 days of transfer of ownership.

(d) New and expanding swine facilities shall demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

History Note: Authority G.S. 106-803; 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10C; 143-215.10I;
Eff. September 1, 2006;
Amended Eff. January 1, 2009;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1305 NPDES PERMITTING REQUIREMENTS

(a) This Rule shall apply to animal waste management systems subject to regulation pursuant to G.S. 143-215.10C and 40 CFR 122.23, which is incorporated by reference including subsequent amendments and editions and shall apply throughout this Rule. 40 CFR 122.23 can be accessed free of charge at http://www.gpo.gov/fdsys/.

(b) With the exception of dry litter poultry systems, an animal waste management plan shall be submitted as follows:

(1) The animal waste management practices or combination of practices that are selected to comprise a plan for a specific facility shall meet NRCS standards, the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 02 NCAC 59E .0104, or standards for any combination of practices that provide water quality protection and are approved by one of these two agencies; and all applicable State statutes and rules and all applicable federal requirements at the time of development or design.

(2) Permittee shall submit plans that have been approved by a technical specialist. The technical specialist shall certify that the best management practices that comprise the approved plan meet applicable standards and specifications, pursuant to G.S. 143-215.10C. The certification shall be submitted to the Division on Division-supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.

(3) The waste shall not be applied at greater than agronomic rates.

(4) The land application and siting setbacks shall meet the applicable conditions established in G.S. 106-803, and NRCS standards at the time of site construction or at the time waste is first applied at the land application site.

(5) The land application and siting setbacks must meet the applicable conditions established in 40 CFR Part 412.

(6) Notwithstanding Subparagraph (b)(4) of this Rule, land application of waste shall be no closer than 100 feet from a well other than a monitoring well and no closer than 200 feet from a dwelling not owned by the waste generator at the time waste is first applied at the land application site. Setback waivers related to distance of land application of waste from a dwelling not owned by the waste generator shall be written, notarized, signed by all parties involved, and recorded with the county of Register of Deeds.

(7) The waste shall not be applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application.

(8) Land application of waste shall be prohibited during precipitation events.

(9) All waste application equipment shall be tested and calibrated at least once every calendar year, and the results shall be documented on forms supplied by or approved by the Division as providing the same information as required by the Division's forms.

(10) Visible waste-level gauges shall be installed and maintained to mark the level of the waste in each animal waste lagoon or storage pond that does not gravity feed through a free flowing transfer pipe into a subsequent waste storage structure. The gauge shall have readily visible permanent markings.

(11) New and expanded animal waste treatment systems, such as lagoons and waste storage structures, shall be located at least 100 feet from a perennial stream or perennial waterbody. For new and expanding systems, this setback requirement shall also apply to areas in feedlots where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stock trails and stream crossings.

(12) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit must be issued before the additional animals are stocked.

(c) Dry litter poultry systems, for the purpose of this Rule and G.S. 143-215.10C, shall submit an animal waste management plan as follows:

(1) The animal waste management practices or combination of practices that are selected to comprise a plan for a specific facility shall meet NRCS standards, the standard of practices adopted by the Soil and Water Conservation Commission, or standards for any combination of practices that provide water quality protection and are approved by one of these two agencies; and all applicable State statutes and rules and all applicable federal requirements at the time of development or design.

(2) The land application and siting setbacks shall meet the conditions established in NRCS standards and 40 CFR Part 412 at the time of construction.

(3) New and expanded animal waste structures, such as houses and dry stacks, shall be protected from the 100-year flood as determined by the Federal Emergency Management Agency.

(4) The waste shall not be applied at greater than agronomic rates.

(5) Notwithstanding Subparagraph (c)(2) of this Rule, land application of litter shall be no closer than 100 feet from a well other than a monitoring well and no closer than 200 feet from a dwelling not owned by the waste generator at the time waste is first applied at the land application site. Setback waivers related to distance of land application of waste from a dwelling not owned by the waste generator shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds.

(6) The waste shall not be applied on land that is flooded, saturated with water, frozen, or snow covered at the time of land application.

(7) Land application of litter shall be prohibited during precipitation events.

(8) All waste application equipment shall be tested and calibrated at least once every calendar year, and the results shall be documented on forms supplied by or approved by the Division as providing the same information as required by the Division's forms.

(9) Visible waste-level gauges shall be installed and maintained to mark the level of the waste in each animal waste lagoon or storage pond that does not gravity feed through a free flowing transfer pipe into a subsequent waste storage structure. The gauge shall have readily visible permanent markings.

(10) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit shall be issued before the additional animals are stocked.

(d) For each change of ownership of the system, the new owner shall notify the Division in writing within 60 days of transfer of ownership.

(e) Systems shall meet all applicable requirements of 40 CFR Part 122 and 40 CFR Part 412.

(f) New and expanding swine facilities shall demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

History Note: Authority G.S. 106-803; 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10C; 143-215.10I;
Eff. September 1, 2006;
Amended Eff. January 1, 2009;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1306 CLOSURE REQUIREMENTS

(a) Any containment basin, such as a lagoon or a waste storage structure, permitted at an animal operation other than a cattle facility pursuant to this Section shall continue to be subject to the conditions and requirements of the facility's permit until it is closed in compliance with NRCS standards and the permit is rescinded by the Division. Closure shall include pre-notification to the Division and submittal of closure form within 15 days of completion of closure to the Division on a closure form supplied by the Division or a form approved by the Division as providing the same information as required by the Division's forms.

(b) Any Containment basin, such as a lagoon or a waste storage structure, permitted at a cattle facility pursuant to this Section shall continue to be subject to the conditions and requirements of the facility's permit until that permit is rescinded by the Division, based on the factors set out in 15A NCAC 02T .0113(e). Upon request of the permittee, the permit may be rescinded by the Division prior to closure of the containment basin if the cattle facility has not met the definition of an animal operation as established in G.S. 143-215.120B for the previous three years or longer. Upon permit rescission, the following requirements shall apply:

(1) The cattle facility shall be subject to the requirements of Rule .1303 of this Section and Rule .0113 of this Subchapter until the containment basin is closed in compliance with NRCS standards.

(2) The farm owner shall maintain records of land application and weekly records of containment basin waste levels on forms provided by or approved by the Division.

(3) Closure shall include pre-notification to the Division and the submittal of a closure form within 15 days of completion of closure to the Division on a closure form supplied by the Division or a form approved by the Division as providing the same information as required by the Division's forms.

(c) The Division shall have the authority to deny a request for permit rescission based on the factors set out in Rule .0113(e) of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; S.L. 2013-413;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1307 SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS

(a) This Rule applies to animal waste management systems subject to regulation pursuant to G.S. 143-215.10I and S.L. 2015-263.

(b) An animal waste management system that serves a swine farm subject to regulation pursuant to G.S. 143-215.10I shall meet all of the following performance standards:

(1) Eliminate the discharge of animal waste to surface waters and groundwater through direct discharge, seepage, or runoff. To meet this standard:

(A) earthen structures shall be designed and constructed with synthetic liners to eliminate seepage;

(B) solids storage structures shall meet applicable engineering practices and NRCS design standards;

(C) the Certified Animal Waste Management Plan (CAWMP) shall include all components listed in G.S. 143-215.10C(e), meet current North Carolina NRCS 590 Nutrient Management Conservation Practice Standard requirements, and comply with the NRCS national policy for Comprehensive Nutrient Management Plans (CNMP) as defined in the NRCS General Manual, Title 190, Part 405, which are incorporated by reference, including subsequent additions or amendments. The General Manual

may be downloaded at no cost from the NRCS website: https://www.nrcs.usda.gov/;

(D) swine waste treatment structures that automatically convey swine waste using pumps shall have audible and visible high water alarms with an auto dialer device set to contact the farm owner or farm manager; a gravity overflow to a basin that can contain the flow rate of the largest pump in the system for the maximum amount of time that an operator will not be on-site; or a secondary containment structure designed, constructed, and operated to contain the volume of the largest animal waste treatment structure and the flow rate of the largest pump in the system for the maximum amount of time that an operator will not be on-site; and

(E) no more than the equivalent volume of one month of design flow of untreated swine waste shall be accumulated and stored prior to the initiation of treatment;

(2) Substantially eliminate atmospheric emission of ammonia. To meet this standard:

(A) Combined ammonia emissions from swine waste treatment and storage structures shall not exceed an annual average of 0.2 kg NH_3-N/wk/1,000 kg of steady-state live weight;

(B) Ammonia emissions from land application sites shall not exceed an annual average of 0.2 kg NH_3-N/wk/1,000 kg of steady-state live weight; and

(C) Ammonia emissions from the swine farm shall not exceed an annual average of 0.9 kg NH_3-N/wk/1,000 kg of steady-state live weight;

(3) Substantially eliminate the emission of odor that is detectable beyond the boundaries of the parcel or tract of land on which the swine farm is located. To meet this standard, swine waste management systems shall reduce odor levels, frequency, and duration from the whole farm, such that the requirements of 15A NCAC 02D .1808 are met at the property boundary;

(4) Substantially eliminate the release of disease-transmitting vectors and airborne pathogens. To meet this standard:

(A) Swine waste management systems shall meet the vector attraction reduction requirements of Rule .1107 of this Subchapter for the land application of separated solids and animal waste residuals for operations subject to this Rule;

(B) Swine waste management systems shall meet the pathogen reduction requirements of Rule .1106(a) of this Subchapter for Class A biosolids that are to be applied to a lawn, home garden, or public contact use site; sold or given away in a bag or container for land application or meet the pathogen reduction requirements of Rule .1106(b) for Class B biosolids that are to be otherwise applied to land; and

(C) Fecal coliform concentrations in the final liquid effluent shall not exceed an annual average of 7,000 Most Probable Number/100mL;

(5) Substantially eliminate nutrient and heavy metal contamination of soil and groundwater. To meet this standard, swine waste management systems that land apply effluent shall:

(A) Meet the current North Carolina NRCS 590 Nutrient Management Conservation Practice Standard requirements and comply with the NRCS national policy for Comprehensive Nutrient Management Plans (CNMP) as defined by NRCS General Manual, Title 190, Part 405; and

(B) Demonstrate through predictive calculations or modeling that land application of swine waste at the proposed rate will not cause or contribute to a violation of groundwater standards set forth in 15A NCAC 02L.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10C; 143-215.10I; S.L. 2015-263;
Eff. January 1, 2009;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1308 EVALUATION AND APPROVAL OF SWINE WASTE MANAGEMENT SYSTEMS

(a) This Rule shall apply to the evaluation, approval, and permitting of swine waste management systems that are required to meet the performance standards in Rule .1307 of this Section.

(b) APPLICATION: The applicant shall submit a permit application in writing to the Division showing that a swine waste management system meets the performance standards. The application shall include the following:

(1) operation and maintenance procedures, the system classification, the proposed management entity, and system operator requirements;

(2) a description of the swine waste management system, including materials used in construction, and its proposed use;

(3) a summary of literature, published research, and previous experience with and performance of a waste management system of similar waste characteristics;

(4) the results of 12 months of testing, research, or monitoring of pilot- or full-scale operational systems; and shall identify whether the testing, research, or monitoring provided was conducted by a third party research or testing organization;

(5) documentation of the protocol used to evaluate the performance of the swine waste management system;

(6) the identity and qualifications, if applicable, of the proposed research or testing organization and the principal investigators, and an affidavit certifying that the organization and principal investigators have no conflict of interest and do not stand to gain financially from the sale of the technology;

(7) an affidavit certifying that the swine waste management system submitted for approval is the same as the certified or listed product, or identify any modifications made to the submitted system;

(8) a procedure to address system malfunction and replacement;

(9) notification of any proprietary or trade secret information, system, component, or device;

(10) engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:

(A) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are necessary to understand the complete process;

(B) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing; and

(C) engineering calculations, including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head and system curve analysis for each pump, buoyancy calculations, and irrigation design;

(11) a complete permit application in compliance with Section .0100 of this Subchapter; and

(12) in lieu of the requirements of Subparagraphs (b)(3) through (b)(6), the applicant may submit data from a full-scale facility previously permitted by the Division.

(c) APPROVAL OF NEW OR EXPANDING SWINE WASTE MANAGEMENT SYSTEMS: The Division shall review all applications submitted in accordance with Rule .0107 of this Subchapter. The Division shall approve the swine waste management system in accordance with Rule .0108 of this Subchapter when the applicant can show that the performance standards of Rule .1307 of this Section will be met.

(d) MONITORING REQUIREMENTS: Once the newly permitted system reaches full capacity or within six months of receipt of the engineering certification pursuant to Rule .0116 of this Subchapter, whichever comes sooner, the permittee shall monitor system performance for two years with quarterly sampling to assure that the treatment system is meeting performance standards. If after two years the treatment system complies with Rule .1307 of this Section, the permittee shall monitor for compliance with the performance standards in Rule .1307 on the following schedule:

(1) Ammonia emissions monitoring from swine waste treatment and storage structures shall be as follows:

(A) Ammonia air emissions from open-air structures shall be directly sampled once per calendar year, with alternating years sampled during the summer and winter seasons, or

(B) liquid from open-air waste treatment and storage structures shall be sampled at a minimum of once per quarter.

(2) Monitoring of odor intensity shall be on an annual basis, with alternating years sampled during the summer and winter seasons.

(3) Effluent shall be monitored once per quarter, unless a more frequent schedule is required by the Division pursuant to Rule .0108(c) of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I;
Eff. January 1, 2009.
Readopted Eff. September 1, 2018.

15A NCAC 02T .1309 LAGOON CONVERSION REQUIREMENTS

(a) This Rule shall apply to existing swine animal waste management systems that convert from anaerobic lagoons as the primary method of treatment to an animal waste management system that meets the requirements of Rule .1307 of this Section and have not expanded the steady-state live weight of the swine farm.

(b) Upon approval by the Division, a permittee may abandon and close an animal waste management system permitted under Rules .1307 and .1308 of this Section and revert to the requirements of

Rule .1304 or .1305 of this Section. The Division shall approve the reversion if all of the following criteria are met:

(1) the animal waste management system is constructed according to the design and specifications approved by the Division pursuant to the rules in this Section;
(2) the animal waste management system is operated and maintained in accordance with the rules in this Section;
(3) the permit for the anaerobic lagoon animal waste management system issued prior to 1 September 2007 pursuant to S.L. 2007-523(1)(b) remains valid; and
(4) the anaerobic lagoon animal waste management system has been maintained and can operate in compliance with the requirements of its permit.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I;
Eff. January 1, 2009;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1310 ANIMAL WASTE RESIDUALS MANAGEMENT

(a) This Rule shall apply to the treatment, storage, transportation, use, and disposal of animal waste residuals to be applied to a lawn, home garden, or public contact use site or sold or given away in a bag or other container for application to the land. This Rule shall not apply to the treatment, storage, transportation, use, or disposal of:

(1) animal waste residuals applied to agricultural land in accordance with Rule .1303, Rule .1304, Rule 1305, or Rule .1307 of this Section or Rule .1403 of this Subchapter;
(2) up to four cubic yards of animal waste residuals distributed from a facility subject to regulation under Rule .1303 or Rule .1304 of this Section per visit to individuals for personal use, with a maximum of ten cubic yards per year per individual;
(3) oil, grease, grit, and screenings from wastewater treatment facilities;
(4) septage from wastewater treatment facilities;
(5) ash that is regulated in accordance with Section .1200 of this Subchapter;
(6) residuals that are regulated in accordance with Section .1100 of this Subchapter;
(7) residuals that are prepared for land application, used, or disposed of in a solid waste management facility permitted by the Division of Waste Management;
(8) residuals that are disposed of in an incinerator permitted by the Division of Air Quality;
(9) residuals that are transported out of state for treatment, storage, use, or disposal;
(10) residuals that meet the definition of a hazardous waste in accordance with 40 CFR 260.10 as adopted by reference in 15A NCAC 13A .0102(b) or that have a concentration of polychlorinated biphenyls equal to or greater than 50 milligrams per kilogram of total solids on a dry weight basis; and
(11) animal mortality.

(b) For new and modified sources of animal waste residuals, the applicant shall submit a permit application in writing to the Division that includes the following:

(1) site maps depicting the location of the source and demonstrate compliance with siting setbacks applicable to animal waste management systems established in G.S. 106-803 and NRCS standards at the time of construction;
(2) a complete analysis of the animal waste residuals. The analysis shall include all pollutants identified in Paragraph (c) in this Rule, nutrients and micronutrients, and proof of compliance with the pathogen and vector requirements in Paragraphs (f) and (g) of this Rule if applicable;
(3) a sampling and monitoring plan that describes how the source will comply with Paragraphs (c) and (d) of this Rule, if applicable;
(4) a marketability statement detailing destinations and approximate amounts of the final product to be distributed; and
(5) a copy of the label and information sheet that complies with Paragraph (e) of this Rule.

(c) Animal waste residuals shall not be applied to a lawn, home garden, or public contact use site nor shall animal waste residuals be sold or given away in a bag or other container for application to the land if the concentration of any pollutant in that residual exceeds the following concentration for that pollutant on a dry weight basis:

Pollutant	Ceiling Concentration (milligrams per kilogram)
Copper	1,500
Zinc	2,800

(d) Animal waste residuals to be applied to a lawn, home garden, or public contact use site or sold or given away in a bag or other container for application to the land shall meet the pathogen requirements of Rule .1106(a)(2) of this Subchapter.

(e) For animal waste residuals that are sold or given away in a bag or other container for application to the land, either a label shall be affixed to the bag or other container, or an information sheet shall be provided to the person who receives the animal

waste residuals. The label and information sheet shall contain the following information:

(1) the name and address of the person who prepared the animal waste residuals;

(2) a statement that land application of the animal waste residuals is prohibited except in accordance with the instructions on the label and information sheet;

(3) a statement that animal waste residuals must be applied at agronomic rates and recommended rates for intended uses;

(4) a statement that the animal waste residuals may not be applied to any site that is flooded, frozen, or snow covered;

(5) a statement that adequate procedures must be provided to prevent surface runoff from carrying any disposed or stored animal waste residuals into any surface waters;

(6) a statement that identifies that this material must be prevented from entering any public or private water supply source, including wells, stream, lake, or rivers;

(7) the pollutant concentration for pollutants listed in Paragraph (c) of this Rule; and

(8) the nitrogen and phosphorous concentration.

(f) Monitoring and Reporting.

(1) Animal waste residuals subject to this Rule shall be monitored for pollutants listed in Paragraph (c) of this Rule and for pathogens described in Paragraph (d) of this Rule, as applicable, at the frequency stipulated for each residuals source facility:

Metric Tons per 365 day period (Dry Weight Basis)	Monitoring Frequency
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)

(2) A report of all monitoring and reporting requirements specified in the permit shall be submitted to the Division by the permittee annually, on or before March 1st of each calendar year.

(3) All records required by this Paragraph shall be retained for five years.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A;
Eff. September 1, 2018.

15A NCAC 02T .1401 SCOPE

The rules in this Section shall apply to all manure hauler operations.

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

15A NCAC 02T .1402 DEFINITIONS

As used in this Section:

"Manure Hauler" means a person who accepts or purchases animal waste and land applies the animal waste on land not governed by the generator's permit.

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

15A NCAC 02T .1403 PERMITTING BY REGULATION

(a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter provided the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system by this Rule:

(1) manure haulers that land apply a total of 100 tons or less of animal waste per calendar year if:

(A) animal waste is applied at no greater than agronomic rates; and

(B) a vegetated buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody during land application.

(2) manure haulers that land apply a total of more than 100 tons of animal waste per calendar year if:

(A) animal waste is applied at no greater than agronomic rates;

(B) animal waste is not stockpiled uncovered for greater than 15 days;

(C) animal waste is not stockpiled within 100 feet of a perennial stream or perennial waterbody;

(D) a vegetated buffer of at least 25 feet is maintained from a perennial stream or perennial waterbody during land application;

(E) the manure hauler registers with the Division prior to accepting or purchasing manure;

(F) the manure hauler submits an annual report, as required by this Section, to

the Division by March 1 of each year; and

(G) the field on which animal waste is applied has had a representative Standard Soil Fertility Analysis within the last three years from a Division-certified laboratory pursuant to 15A NCAC 02H .0800.

(b) 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.

15A NCAC 02T .1404 ANNUAL REPORTS

(a) Manure haulers that land apply more than 100 tons but less than 750 tons of animal waste per calendar year shall submit to the Division a report of the activities for the calendar year that includes the following:

(1) name, mailing address, and phone number of the manure hauler;
(2) dates, location, and amount of all animal waste received; and
(3) dates, location, amount, and acreage of all animal waste land application.

(b) Manure haulers that land apply 750 tons or more of animal waste per calendar year shall submit to the Division a report of the activities for the calendar year that includes the following:

(1) name, mailing address, and phone number of the manure hauler;
(2) dates, locations, and amounts of animal waste received; and
(3) dates, locations, application rate, acreage, waste analysis, and receiving crop of all animal waste that was land applied.

(c) Annual reports shall be submitted by March 1 for the preceding calendar year, on Division supplied forms or forms approved by the Division as providing the same information as required by the Division's forms.

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

15A NCAC 02T .1601 SCOPE

The rules in this Section shall apply to all persons proposing to construct, modify, expand, or operate a groundwater treatment system that extracts and treats contaminated groundwater and reintroduces the treated groundwater. These systems shall include closed-loop groundwater remediation systems as defined in G.S. 143-215.1A. This Section shall not apply to in-situ groundwater remediation wells, as defined by 15A NCAC 02C .0225(a), unless such a system includes the withdrawal, treatment, and reintroduction of the treated groundwater.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1602 DEFINITIONS

The terms used for the purpose of this Section shall be defined as follows:

(1) "Closed-loop groundwater remediation system" is defined in G.S. 143-215.1A.
(2) "Contaminant" is defined in 15A NCAC 02L .0102.
(3) "Infiltration gallery" means a subsurface ground absorption system expressly designed for the introduction of wastewater into the subsurface environment.
(4) "Injection well" is defined in 15A NCAC 02C .0204.
(5) "Oversight agency" means the state or local agency with jurisdiction over the contamination incident.
(6) "Receptor" is defined in 15A NCAC 02L .0102.
(7) "Water table" is defined in 15A NCAC 02L .0102.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1604 APPLICATION SUBMITTAL

(a) Site Description and Incident Information shall be provided by the applicant to the Division including the following:

(1) The applicant shall identify the site by name, address, permit number, and incident number assigned by the oversight agency, if applicable.
(2) The applicant shall briefly describe the site, noting pertinent site information including:
  (A) contaminants of concern;
  (B) sources and dates of the contaminant release;
  (C) remedial actions to date;
  (D) current land use; and
  (E) potential receptors.

(b) Soils Evaluation. For systems with proposed discharge within seven feet of land surface and above the seasonal high water table, a soil evaluation of the disposal site shall be provided to the Division by the applicant. If required by G.S. 89F, a soil scientist shall submit this evaluation. This evaluation shall be presented in a report that includes the following components:

(1) Field description of soil profile. Based on examinations of excavation pits or auger borings, the following parameters shall be described by individual diagnostic horizons to a depth of seven feet below land surface or to bedrock:
  (A) thickness of the horizon;
  (B) texture;
  (C) color and other diagnostic features;

(D) structure;
(E) internal drainage;
(F) depth, thickness, and type of restrictive horizons;
(G) pH;
(H) cation exchange capacity; and
(I) presence or absence and depth of evidence of any seasonal high water table.

Applicants shall dig pits if necessary to evaluate of the soils at the site.

(2) Recommendations concerning annual and instantaneous loading rates of liquids, solids, other wastewater constituents, and amendments. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science under G.S. 89F.]

(c) Hydrogeologic Evaluation. A hydrogeologic evaluation prepared by a Licensed Geologist, License Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C respectively of the disposal site shall be provided to the Division by the applicant. This evaluation shall be conducted to a depth that includes the depth of existing contamination and the total depth of the injection wells or infiltration galleries. This evaluation shall be based on borings for which the numbers, locations, and depths are sufficient to define the components of the hydrogeologic evaluation. In addition to borings, other techniques may be used to investigate the subsurface conditions at the site. These techniques may include geophysical well logs, surface geophysical surveys, and tracer studies. This evaluation shall be presented in a report that includes the following components:

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology under G.S. 89E, soil science under G.S. 89F, or engineering under G.S. 89C.]

(1) a description of the regional and local geology and hydrogeology;
(2) a description, based on field observations of the site, of the site topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the contaminant plume and treated wastewater;
(3) changes in lithology underlying the site;
(4) depth to bedrock and occurrence of any rock outcrops;
(5) the hydraulic conductivity, transmissivity, and storativity including specific yield if an aquifer is unconfined of the affected aquifers;
(6) depth to the seasonal high water table;
(7) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features; and
(8) a discussion of the groundwater flow regime of the site focusing on the relationship of the plume and remediation system to groundwater receptors, groundwater discharge features, and groundwater flow media.

(d) Demonstration of Hydraulic Control. Computer modeling or predictive calculations based on site-specific conditions shall be provided to the Division by the applicant to demonstrate that operation of the system will not cause or contribute to:

(1) the migration of contaminants into previously uncontaminated areas, and
(2) a violation of the groundwater standards at the compliance boundary.

(e) Maps and Cross-Sections. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. Site plans or maps shall be provided to the Division by the applicant depicting the location, orientation and relationship of facility components including:

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying under G.S. 89C.]

(1) a scaled map of the site, with site-specific topographic contour intervals and showing all facility-related structures and fences within the treatment, storage, and disposal areas;
(2) locations of all test auger borings or inspection pits;
(3) the location of all wells, including usage and construction details if available; designated wellhead protection areas; ephemeral, intermittent, and perennial streams; springs; lakes; ponds; other surface drainage features; and other site activities or features that may involve possible exposure to contamination within 500 feet of all waste treatment, storage, and disposal sites;
(4) setbacks as required by Rule .1606 of this Section;
(5) delineation of the property boundaries, review boundaries, and compliance boundaries;
(6) the horizontal and vertical extent of the contaminant plume for each of the contaminants of concern, including isoconcentration lines and plume cross-sections;
(7) cross-sections depicting soil and rock layers and features to a depth including the depth of existing contamination and the total depth of the injection wells or infiltration galleries; and
(8) hydrologic features such as potentiometric surface / water table contours and the direction of groundwater flow.

(f) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents. The following documents shall be provided to the Division by the applicant:
[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]

(1) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless they are directly tied into the new units or are critical to the understanding of the complete process;
(2) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product; and
(3) plans that include construction details of recovery, injection, and monitoring wells and infiltration galleries.

(g) Operating and Monitoring Plans. An operation and monitoring plan shall be provided to the Division by the applicant. These documents shall be specific to the site and include:

(1) The operating plan shall include:
  (A) the operating schedule including any periodic shut-down times;
  (B) required maintenance activities for all structural and mechanical elements;
  (C) all consumable and waste materials with their intended source and disposal locations;
  (D) restrictions on access to the site and equipment; and
  (E) compliance with Rule .1605(b) of this Section.
(2) The monitoring plan shall include:
  (A) the monitoring wells that will be sampled,
  (B) the constituents for which those samples will be analyzed, and
  (C) the schedule for sampling.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1605 DESIGN CRITERIA

(a) The infiltration galleries or injection wells shall be designed such that the infiltration galleries or injection wells will not cause or contribute to any of the following:

(1) the migration of contaminants into previously uncontaminated areas;
(2) a violation of the groundwater standards at the compliance boundary if discharge is within the compliance boundary of the disposal facility; or
(3) a violation of the groundwater standards at the point of the discharge if discharge is not within the compliance boundary of the disposal facility.

(b) There shall be provisions in the operating plan to ensure the quality of the treated effluent and hydraulic control of the system at all times when any portion of the system ceases to function, such as standby power capability, complete system-off status, or duplicity of system components.
(c) The infiltration galleries and injection wells shall be designed to include elevation protection of two feet above the 100-year flood elevation.
(d) Flow equalization of 25 percent of the facility's permitted hydraulic capacity shall be provided for facilities with fluctuations in influent flow that may adversely affect the performance of the system.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1606 SETBACKS

The location of the infiltration galleries or injection wells shall meet the setback requirements specified below unless it can be demonstrated that these requirements cannot be met and that operation of the infiltration galleries or injection wells at the proposed locations will not result in the migration of contaminants into previously uncontaminated areas and a contravention of groundwater standards beyond the compliance boundary. The following setbacks, in feet, shall be applicable to these systems:

wells with the exception of an approved groundwater monitoring well	100
surface waters such as intermittent and perennial, perennial waterbodies, and wetlands	100
property under separate ownership	50
structures – above-ground, such as buildings, or retention walls	10
structures – subsurface, such as utilities, basements, or swimming pools	15
water lines	10
rock outcrops	50
top of slope of embankments or cuts of two feet or more in vertical height	15
groundwater lowering ditches where the bottom of the ditch intersects the SHWT	100
surface water diversions such as ephemeral streams, waterways, and ditches	25
subsurface groundwater lowering drainage systems	100

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1607 MONITORING AND REPORTING REQUIREMENTS

(a) A system monitoring plan shall be established to assess the impact of the discharge on groundwater quality. The monitoring plan shall:

(1) be based on reaction rates, discharge rates, likelihood of secondary impacts, and site-specific hydrogeologic information;
(2) track the performance of the permitted remediation system and verify that the intended remediation processes are occurring; and
(3) include water level and flow meter measurements to ensure the system is operating properly.

(b) All sampling results shall be reported by the permittee to the Division on a frequency determined by the reaction rates, discharge rates, likelihood of secondary impacts, and site-specific hydrogeologic information.

(c) A report of the summarized results of related groundwater, influent, and effluent monitoring shall be submitted by the permittee to the Division annually.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02T .1608 REQUIREMENTS FOR CLOSURE

(a) 30 days prior to initiation of closure of a groundwater remediation system, the permittee shall submit the following documentation to the Division:

(1) the reasons for closure;
(2) a letter from the oversight agency authorizing closure of the system; and
(3) a description of the proposed closure procedure.

(b) The following closure procedures shall be followed:

(1) injection well closure procedures as specified in 15A NCAC 02C .0214; and
(2) infiltration galleries shall be closed such that the infiltration gallery will be rendered permanently unusable for the disposal or infiltration of fluids and will not serve as a source or channel of contamination.

(c) Within 30 days following upon completion of the closure of a groundwater remediation system, the permittee shall submit the following documentation to the Division:

(1) a description of the completed closure procedure;
(2) the dates of all actions taken relative to the procedure; and
(3) a written certification that the closure has been accomplished and that the information submitted is complete, factual, and accurate.

History Note: Authority G.S. 143-214.2(b); 143-215.1; 143-215.1A;
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0101 PURPOSE

(a) The rules in this Subchapter shall apply to reclaimed water systems. This includes the generation and utilization of reclaimed water used in a beneficial manner and for the purpose of conservation of the State's water resources by reducing the use of potable water, surface water, and groundwater.

(b) The rules in this Subchapter set forth the requirements and procedures for application and issuance of permits for the following reclaimed water systems:

(1) treatment works;
(2) utilization systems;
(3) distribution systems;
(4) bulk distribution programs; and
(5) local program approval.

(c) The disposal of treated wastewater effluent that does not serve in place of the use of a water resource is governed by 15A NCAC 02T.

(d) Reclaimed water utilization systems permitted pursuant to this Subchapter shall not exempt any discharge to waters of the State from meeting the permitting requirements established by the National Pollutant Discharge Elimination System (NPDES) permitting program pursuant to G.S. 143-215.1 and 15A NCAC 02H .0100.

(e) Any use of reclaimed water for Aquifer Storage and Recovery shall be in accordance with G.S. 143-214.2.

(f) The reuse or return of wastewater from a permitted animal waste facility for waste flushing is governed by 15A NCAC 02T .1300.

(g) The recycling of wastewater from groundwater remediation systems through an Injection Well or Infiltration Gallery is governed by 15A NCAC 02T .1600.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1); 143-355.5;
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0102 SCOPE

The rules in this Subchapter shall apply to all persons proposing to construct, alter, extend, or operate any reclaimed water treatment works, distribution system, or utilization system. The rules in this Section are general requirements that apply to all program rules in this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0103 DEFINITIONS

The terms used in this Subchapter shall have the meanings set forth in G.S. 143-212 and 143-213, 15A NCAC 02T .0103, in this Rule, and in program-specific rules in this Subchapter:

(1) "Beneficial manner" means the use of water as a necessary part of an activity or process to which the water is being added.

(2) "Beneficial reuse" means the utilization of reclaimed water in a beneficial manner and for the purpose of conservation of the State's water resources by reducing the use of other potable water, surface water, and groundwater resources.

(3) "Closed-loop recycle facility" means a system in which non-domestic wastewater is continually recycled back through the process in which the waste was generated.

(4) "Conjunctive system" means a system where the reclaimed water option is in addition to other wastewater utilization or disposal methods that are available to the facility at all times, and reclaimed water utilization is not necessary to meet the wastewater disposal needs of the facility.

(5) "Dedicated system" means a system where the reclaimed water utilization is necessary to meet the wastewater disposal needs of the facility and where other wastewater utilization or disposal methods to accommodate the entire wastewater flow generated at the facility are not available.

(6) "Direct contact irrigation" means application methods that result in the direct contact of reclaimed water on the portion of the crop intended for human consumption.

(7) "Five-day side-stream detention unit" means a basin capable of holding five days worth of treatment plant effluent based on the permitted flow capacity in the event that the reclaimed water does not meet the required quality standards for the approved use.

(8) "Indirect contact irrigation" means application methods that preclude direct contact of reclaimed water on the portion of the crop intended for human consumption.

(9) "Net environmental benefit" when associated with wetlands augmentation sites means documented evidence supporting continued maintenance of natural conditions, and the protection of endangered species as required in 15A NCAC 02T .0105(c)(10). Wetland augmentation systems shall provide documentation of the protection of existing wetland uses in accordance with 15A NCAC 02B .0201(f) and .0231, and shall not result in net degradation of the wetland.

(10) "Reclaimed water" means treated wastewater effluent meeting effluent standards established pursuant to Rule .0301 of this Subchapter, and used for beneficial reuse.

History Note: Authority G.S. 143-213; 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0104 ACTIVITIES WHICH REQUIRE A PERMIT

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. June 18, 2011;
Repealed Eff. September 1, 2018.

15A NCAC 02U .0105 GENERAL REQUIREMENTS

General requirements shall be in accordance with 15A NCAC 02T .0105.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0106 SUBMISSION OF PERMIT APPLICATIONS

Submission of permit applications shall be in accordance with 15A NCAC 02T .0106.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0107 STAFF REVIEW AND PERMIT PREPARATION

Staff review and permit preparation shall be in accordance with 15A NCAC 02T .0107.

History Note: Authority G.S. 143-215.1(b); 143-215.1(d); 143-215.3(a)(1); 143-215.3(a)(4);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0108 FINAL ACTION ON PERMIT APPLICATIONS TO THE DIVISION

Final action on permit applications to the Division shall be in accordance with 15A NCAC 02T .0108.

History Note: Authority G.S. 143-215.1(a); 143-215.1(b); 143-215.1(d); 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0109 PERMIT RENEWALS

Permit renewals shall be in accordance with 15A NCAC 02T .0109.

History Note: Authority G.S. 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0110 MODIFICATION AND REVOCATION OF PERMITS

Modification and revocation of permits shall be in accordance with 15A NCAC 02T .0110.

History Note: Authority G.S. 143-215.1(b)(4)(c); 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0111 CONDITIONS FOR ISSUING GENERAL PERMITS

Conditions for issuing general permits shall be in accordance with 15A NCAC 02T .0111.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0112 DELEGATION OF AUTHORITY

Delegation of authority shall be in accordance with 15A NCAC 02T .0112.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0113 PERMITTING BY REGULATION

(a) The following utilizations of reclaimed water and closed-loop recycle activities shall be deemed to be permitted pursuant to G.S. 143.215.1(b). It shall not be necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of the following systems, provided the system does not result in any violations of surface water or groundwater standards, there is no unpermitted direct discharge to surface waters, and all criteria required for the specific system are met:

(1) discharges to the land surface from flushing and hydrostatic testing water associated with utility distribution systems, new sewer extensions, or new reclaimed water distribution lines;

(2) overflow from elevated and covered or enclosed reclaimed water storage facilities if no alternative disposal exists and measures are taken to reduce the risk of overflow;

(3) any de minimus runoff from reclaimed water used during firefighting or extinguishing, dust control, soil compaction for construction purposes, street sweeping, overspray on yard inlets, overspray on golf cart paths, or vehicle washing, provided the use is approved in a permit issued by the Division;

(4) incidental discharge to a municipal separate storm sewer system (MS4) that occurs as a result of reclaimed water utilization activities, provided such activity is approved in a reclaimed water utilization permit issued by the Division, and the discharge does not violate water quality standards. This does not exempt the reclaimed water user from complying with any applicable local ordinances that may prohibit such discharges;

(5) rehabilitation, repair, or replacement of reclaimed water lines in kind with the same horizontal and vertical alignment;

(6) in accordance with 15A NCAC 02H .0106(f)(5), flushing, including air release valve discharge, and hydrostatic testing water discharges associated with reclaimed water distribution systems if no water quality standards are violated;

(7) utilization of reclaimed water received from a reclaimed water bulk distribution program permitted under Rule .0601 of this Subchapter;

(8) irrigation of residential lots or commercial application areas less than two acres in size that are supplied with reclaimed water as part of a conjunctive reclaimed water system meeting the requirements of Rules .0301, .0401, .0403, .0501, and .0701 of this Subchapter; G.S. 89G; approved by the local building inspection department; and installed by a North Carolina Licensed Irrigation Contractor pursuant to G.S. 89G. A scaled site map showing the location of the reclaimed water irrigation system and all features necessary to show compliance with applicable setbacks in Rule .0701 of this Subchapter shall be submitted to the reclaimed water provider;

(9) irrigation of agricultural crops, including irrigation of ornamental crops by field nurseries and above ground container nurseries, supplied with reclaimed water as part of a conjunctive reclaimed water system meeting the requirements of this Subchapter and approved by the reclaimed water provider;

(10) drip irrigation sites supplied with reclaimed water as part of a conjunctive reclaimed water system generated from an onsite wastewater treatment facility meeting the criteria of this Subchapter and the conjunctive system has been approved by the Department of Health and Human Services and is permitted under 15A NCAC 18A .1900;

(11) reuse of produced waters and flowback waters from oil and gas wells regulated by Article 27 of G.S. 113 for reuse in accordance with water and waste management plans approved pursuant to rules as set forth in 15A NCAC 05H;

(12) toilet and urinal flushing systems supplied by reclaimed water as part of a conjunctive reclaimed water system meeting the applicable requirements of Rules .0301, .0401, .0403, .0501, and .0701 of this Subchapter; approved by the local building inspection department; and installed by a North Carolina Licensed Plumbing Contractor pursuant to G.S. 87;

(13) return of wastewater within an industrial or commercial process where there is no anticipated release of wastewater, provided the facility develops and maintains a spill control plan in the event of a release, no earthen basins are used, and the system is contained and under roof;

(14) recycling of rinse water at concrete mixing facilities for concrete mix removal from equipment, provided the wastewater is contained within concrete structures, there is storage capacity to contain the runoff from a 24-hour, 25-year storm event plus one foot freeboard, and the facility develops and maintains a spill control plan in the event of a wastewater release. The facility shall notify the appropriate Division regional office in writing noting the owner, location, and that the design complies with this Subparagraph;

(15) recycling of wash and rinse water at vehicle wash facilities provided the wastewater is contained within concrete, steel, or synthetic structures, all vehicle washing is conducted under roof or there are no direct or indirect precipitation inputs, and the facility develops and maintains a spill control plan in the event of a wastewater release;

(16) the reuse or return of wastewater within the treatment works of a permitted wastewater treatment system;

(17) recycle systems that are part of a stormwater management systems permitted under 15A NCAC 02H .1000, and the wastewater is recycled back through the process in which the waste was generated; and

(18) recycling of rinse water for separating gems from gravel, sand, or rock in a flume at commercial gem mine facilities with total system flow of less than 100,000 gallons per day, provided the wastewater is contained within storage structures, no biological or chemical additives are used, and the facility develops and maintains a spill control plan in the event of a wastewater release. The facility shall notify the appropriate Division regional office in writing noting the owner, location, and that the design complies with this Subparagraph.

(b) Nothing in this Rule shall be deemed to allow the violation of any surface water, groundwater, or air quality standards and, in addition, any such violation shall be considered a violation of a condition of a permit.

(c) The reclaimed water user shall report any violation of this Rule or any discharge to surface waters from the utilization systems listed in Paragraph (a) of this Rule to the Division and in accordance with 15A NCAC 02B .0506.

(d) Utilization systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any violations of surface water or groundwater standards or violations of this Rule, until such time as the Director determines that they shall not be deemed permitted in accordance with the criteria established in this Rule.

(e) The Director may determine that a utilization system shall not be deemed to be permitted in accordance with this Rule and require the utilization system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of this Rule, and the compliance history of the facility owner.

History Note: Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a); 143-215.3(a)(4);
Eff. June 18, 2011 (See S.L. 2011-48);
Amended Eff. March 19, 2015;
Readopted Eff. Pending Legislative Review.

15A NCAC 02U .0114 WASTEWATER DESIGN FLOW RATES

Wastewater design flow rates shall be determined in accordance with 15A NCAC 02T .0114.

History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0115 OPERATIONAL AGREEMENTS

Operational agreements shall be executed in accordance with 15A NCAC 02T .0115.

History Note: Authority G.S. 143-215.1(d1);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0116 CERTIFICATION OF COMPLETION

Certification of completion shall be completed in accordance with 15A NCAC 02T .0116.

History Note: Authority G.S. 143-215.1;
Eff. June 18, 2011;
Reaopted Eff. September 1, 2018.

15A NCAC 02U .0117 TREATMENT FACILITY OPERATION AND MAINTENANCE

Treatment facility operation and maintenance shall be in accordance with 15A NCAC 02T .0117.

History Note: Authority G.S. 143-215.3;
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0118 DEMONSTRATION OF FUTURE WASTEWATER TREATMENT CAPACITIES

Demonstration of future wastewater treatment capacities shall be in accordance with 15A NCAC 02T .0118.

History Note: Authority G.S. 143-215.3;
Eff. September 1, 2018.

15A NCAC 02U .0120 HISTORICAL CONSIDERATION IN PERMIT APPROVAL

Historical consideration in permit approval shall be in accordance with 15A NCAC 02T .0120.

History Note: Authority G.S. 143-215.1(b); 143-215.3(a); Eff. June 18, 2011; Readopted Eff. September 1, 2018.

15A NCAC 02U .0201 APPLICATION SUBMITTAL

(a) The requirements in this Rule shall apply to all new and expanding reclaimed water and closed-loop recycle facilities.

(b) A soil evaluation of the utilization site where the reclaimed water is applied to the land surface or otherwise used in a ground absorption manner shall be provided to the Division by the applicant. Evaluations shall include recommended loading rates of liquids, solids, and other constituents. For systems that utilize reclaimed water through irrigation, the evaluation shall also include recommended maximum irrigation precipitation rates. If required by G.S. 89F, a soil scientist shall prepare this evaluation. [Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(c) Engineering design documents. If required by G.S. 89C, a professional engineer shall prepare engineering design documents. The following documents shall be provided to the Division by the applicant:

(1) engineering plans for the entire system, including treatment, storage, application, and utilization facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are necessary to understanding the complete process;

(2) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product, including leakage testing;

(3) engineering calculations, including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head, and system curve analysis for each pump, buoyancy calculations, and irrigation design; and

(4) closed-loop facilities utilizing storage ponds shall provide a water balance calculation documenting all inputs and losses.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C. In addition, the North Carolina Board of Examiners for Engineers and Surveyors has determined that design of residential reclaimed irrigations systems owned by the property owner does not constitute engineering pursuant to G.S. 89C.]

(d) Site plans. If required by G.S. 89C, a professional land surveyor shall provide location information on boundaries and physical features not under the purview of other licensed professions. The applicant shall provide site plans or maps for treatment and storage facilities and where the reclaimed water is applied to the land surface or otherwise used in a ground absorption manner, except where reclaimed water is utilized for irrigation to single-family residential lots, showing the location, orientation and relationship of facility components including:

(1) a scaled map of the site, with topographic contour intervals not exceeding 10 feet or 25 percent of total site relief and showing all facility-related structures and fences within 500 feet of the treatment, storage, and utilization areas, and soil mapping units shown on all utilization sites;

(2) for land application sites and other ground absorption uses, the site map shall include topography;

(3) to the extent needed to determine compliance with setbacks, the location of all features included in Rule .0701 of this Subchapter;

(4) setbacks as required by Rule .0701 of this Subchapter and delineation of the review and compliance boundaries; and

(5) site property boundaries within 500 feet of all waste treatment, storage, and utilization sites.

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not under the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying pursuant to G.S. 89C.]

(e) The applicant shall provide property ownership documentation to the Division consisting of:

(1) legal documentation of ownership, such as a contract, deed, or article of incorporation;

(2) an agreement of an intent to purchase the property that is written, notarized, and signed by both parties, accompanied by a plat or survey map;

(3) an easement running with the land indicating the intended use of the property and meeting the condition of 15A NCAC 02L .0107(f); or

(4) an agreement to lease the property that is written, notarized, and signed by both parties, indicating the intended use of the property, accompanied by a plat or survey map. When this Subparagraph is utilized to document property ownership, groundwater standards must be met across the entire site and a compliance boundary need not be provided. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107.

(f) Public utilities shall submit a Certificate of Public Convenience and Necessity or a letter from the NC Utilities Commission to the Division stating that it has received a franchise application.

(g) For reclaimed or recycled water generated from industrial wastewater, the applicant shall provide a chemical analysis of the typical reclaimed water to be utilized, and a listing of any toxic pollutant that the applicant currently uses or manufactures as an

intermediate or final product or byproduct. The Director may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant. The Director may determine that subsequent toxicity testing is required based on the provided chemical analysis. New facilities may provide chemical analysis of the source water along with predictive calculations for chemical characteristics prior to utilization. The analysis shall include:

(1) total organic carbon;
(2) 5-day biochemical oxygen demand (BOD5);
(3) chemical oxygen demand (COD);
(4) nitrate nitrogen (NO3-N);
(5) ammonia nitrogen (NH3-N);
(6) total kjeldahl nitrogen (TKN);
(7) pH;
(8) chloride;
(9) total phosphorus;
(10) phenol;
(11) total volatile organic compounds;
(12) escherichia coli (E.coli) or fecal coliform;
(13) coliphage (Type 2 reclaimed water only);
(14) clostridium perfringens (Type 2 reclaimed water only);
(15) calcium;
(16) sodium;
(17) magnesium;
(18) sodium adsorption ratio (SAR);
(19) total trihalomethanes; and
(20) total dissolved solids.

(h) For irrigation sites, the applicant shall provide to the Division a project evaluation and a receiver site agronomic management plan and recommendations concerning cover crops and their ability to accept the proposed application rates of liquid, solids, minerals, and other constituents of the wastewater.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. June 18, 2011; Readopted Eff. September 1, 2018.

15A NCAC 02U .0202 APPLICATION SUBMITTAL FOR DEDICATED RECLAIMED WATER SYSTEMS

(a) In addition to the application submittal requirements established Rule .0201 of this Section, the requirements in this Rule shall apply to all new and expanding dedicated reclaimed water facilities.

(b) Soils report. A soil evaluation of the utilization site shall be provided to the Division by the applicant. If required by G.S. 89F, a soil scientist shall prepare this evaluation. This evaluation shall be presented in a report that includes the following:

(1) A field description of the soil profile, based on examinations of excavation pits and auger borings, within seven feet of land surface or to bedrock, describing the following parameters by individual diagnostic horizons:
(A) the thickness of the horizon;
(B) the texture;
(C) the color and other diagnostic features;
(D) the structure;
(E) the internal drainage;
(F) the depth, thickness, and type of restrictive horizons; and
(G) the presence or absence and depth of evidence of any seasonal high water table;

Applicants shall dig pits when necessary for proper evaluation of the soils at the site;

(2) Recommendations concerning loading rates of liquids, solids, other wastewater constituents, and amendments. Annual hydraulic loading rates shall be based on in-situ measurement of saturated hydraulic conductivity in the most restrictive horizon for each soil mapping unit. Maximum irrigation precipitation rates shall be provided for each soil mapping unit;

(3) A field-delineated soil map delineating soil mapping units within each land application site and showing all physical features, location of pits and auger borings, legends, scale, and a north arrow. The legends shall also include dominant soil series name and family or higher taxonomic class for each soil mapping unit; and

(4) A Standard Soil Fertility Analysis conducted on each land application site. The Standard Soil Fertility Analysis shall include the following parameters:
(A) acidity;
(B) base saturation (by calculation);
(C) calcium;
(D) cation exchange capacity;
(E) copper;
(F) exchangeable sodium percentage (by calculation);
(G) magnesium;
(H) manganese;
(I) percent humic matter;
(J) pH;
(K) phosphorus;
(L) potassium;
(M) sodium; and
(N) zinc.

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(c) Hydrogeologic report. A hydrogeologic description of the subsurface, prepared by a Licensed Geologist, Licensed Soil Scientist, or Professional Engineer if required by Chapters 89E, 89F, or 89C, respectively, shall be provided to the Division by the applicant for reclaimed water land application sites with a design flow over 25,000 gallons per day. Industrial facilities generating less than 25,000 gallons per day of reclaimed water that demonstrate that the effluent will be of quality similar to domestic wastewater, including effluent requirements established in 15A NCAC 02U .0301(b), shall, upon request, be exempted from this requirement. This evaluation shall be presented in a report that includes a mounding analysis to predict the level of the seasonal high water table after reclaimed water application, if the seasonal

high water table is within six feet of the surface. The report shall also consider the following components:

(1) the regional and local geology and hydrogeology based on research of literature for the area;
(2) field observations of the site, topographic setting, streams, springs and other groundwater discharge features, drainage features, existing and abandoned wells, rock outcrops, and other features that may affect the movement of the reclaimed water;
(3) changes in the lithology underlying the site;
(4) the depth to bedrock and the occurrence of any rock outcrops;
(5) the hydraulic conductivity and transmissivity of the affected aquifer;
(6) the depth to the seasonal high water table;
(7) a discussion of the relationship between the affected aquifers of the site to local and regional geologic and hydrogeologic features; and
(8) a discussion of the groundwater flow regime of the site prior to the operation of the proposed facility and the post operation of the proposed facility focusing on the relationship of the system to groundwater receptors, groundwater discharge features, and groundwater flow media.

[Note: The North Carolina Board for Licensing of Geologists, via letter dated April 6, 2006, North Carolina Board for Licensing of Soil Scientists, via letter dated December 1, 2005, and North Carolina Board of Examiners for Engineers and Surveyors, via letter dated December 1, 2005, have determined that preparation of hydrogeologic description documents pursuant to this Paragraph constitutes practicing geology pursuant to G.S. 89E, soil science pursuant to G.S. 89F, or engineering pursuant to G.S. 89C.]

(d) The applicant shall provide to the Division a Residuals Management Plan as required by Rule .0802(a) of this Subchapter.

(e) The applicant shall provide to the Division a water balance that determines the required effluent storage based on the most limiting factor from the following:

(1) hydraulic loading based on the most restrictive horizon;
(2) hydraulic loading based on the groundwater mounding analysis;
(3) nutrient management based on agronomic rates for the specified cover crop; or
(4) nutrient management based on crop management.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0301 RECLAIMED WATER EFFLUENT STANDARDS

(a) Reclaimed water treatment processes producing an effluent quality prior to storage, distribution, or utilization that meets the parameter limits listed below shall be classified as Type 2:

(1) monthly average five-day biochemical oxygen demand (BOD_5) of less than or equal to 5 mg/L and a daily maximum BOD_5 of less than or equal to 10 mg/L;
(2) monthly average total suspended solids (TSS) of less than or equal to 5 mg/L and a daily maximum TSS of less than or equal to 10 mg/L;
(3) monthly average ammonia (NH_3-N) of less than or equal to 1 mg/L and a daily maximum NH_3-N of less than or equal to 2 mg/L;
(4) monthly geometric mean Escherichia coli (E. coli) or fecal coliform level of less than or equal to 3/100 mL and a daily maximum E. coli or fecal coliform level of less than or equal to 25/100 mL;
(5) monthly geometric mean Coliphage level of less than or equal to 5/100 mL and a daily maximum Coliphage level of less than or equal to 25/100 mL;
(6) monthly geometric mean Clostridium perfringens level of less than or equal to 5/100 mL and a daily maximum Clostridium perfringens level of less than or equal to 25/100 mL; and
(7) maximum turbidity of 5 Nephelometric Turbidity Units (NTUs).

(b) Reclaimed water treatment processes producing an effluent quality prior to storage, distribution, or utilization that meets the parameter limits listed below shall be classified as Type 1:

(1) monthly average five-day biochemical oxygen demand (BOD_5) of less than or equal to 10 mg/L and a daily maximum BOD_5 of less than or equal to 15 mg/L;
(2) monthly average total suspended solids (TSS) of less than or equal to 5 mg/L and a daily maximum TSS of less than or equal to 10 mg/L;
(3) monthly average ammonia (NH_3-N) of less than or equal to 4 mg/L and a daily maximum NH_3-N of less than or equal to 6 mg/L;
(4) monthly geometric mean Escherichia coli (E. coli) or fecal coliform level of less than or equal to 14/100 mL and a daily maximum E. coli or fecal coliform level of less than or equal to 25/100 mL; and
(5) maximum turbidity of 10 NTUs.

(c) Reclaimed water produced by industrial facilities shall not be required to meet the criteria in this Rule if the reclaimed water is used at the facility in an industrial process and the area of use has no public access and does not result in employee exposure.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0401 DESIGN CRITERIA FOR RECLAIMED WATER TREATMENT FACILITIES

(a) The requirements in this Rule shall apply to all new and expanding reclaimed water treatment facilities.

(b) Continuous on-line monitoring and recording for turbidity or particle count and flow shall be provided prior to storage, distribution, or utilization of reclaimed water.

(c) Effluent from the treatment facility shall not be discharged to the storage, distribution, or utilization system if the turbidity exceeds 10 NTUs or if the permitted pathogen levels cannot be met. The facility shall have the ability to use alternate wastewater management options when the effluent quality is not sufficient.

(d) An automatically activated standby power source or other means to prevent improperly treated wastewater from entering the storage, distribution, or utilization system shall be provided.

(e) The permit shall require an operator certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC) of a grade equivalent or greater than the facility classification to be on call 24 hours per day.

(f) No storage facilities are required if it can be demonstrated that other permitted means of disposal are available if 100 percent of the reclaimed water cannot be used. When provided, storage units shall meet the design requirements in Rule .0402(f) of this Section.

(g) Reclaimed water irrigation system design shall not exceed the recommended precipitation rates established in the soils report prepared pursuant to Section .0200 of this Subchapter. Single-family residential irrigation systems and commercial irrigation systems permitted pursuant to Rule .0113(8) of this Subchapter do not require preparation of a soils report.

(h) All open-atmosphere treatment lagoons and ponds and open-atmosphere storage units shall have at least two feet of freeboard.

(i) Type 2 reclaimed water treatment facilities shall provide dual disinfection systems containing UV disinfection and chlorination or equivalent dual disinfection processes to meet pathogen control requirements.

(j) Type 2 reclaimed water treatment facilities shall provide documentation that the combined treatment and disinfection processes are capable of the following:

(1) log 6 or greater reduction of E. coli;
(2) log 5 or greater reduction of Coliphage; and
(3) log 4 or greater reduction of Clostridium perfringens.

(k) Automatically activated irrigation systems shall be connected to a rain or moisture sensor to prevent irrigation during precipitation events or wet conditions that would cause runoff.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0402 DESIGN CRITERIA FOR DEDICATED RECLAIMED WATER TREATMENT FACILITIES

(a) In addition to the design criteria established in Rule .0401 of this Section, the requirements in this Rule shall apply to all new and expanding dedicated reclaimed water treatment facilities.

(b) Each facility, except for those using septic tanks or lagoon treatment, shall provide flow equalization with either a capacity based upon a representative diurnal hydrograph or a capacity of 25 percent of the daily system design flow.

(c) Dual facilities shall be provided for all essential treatment units.

(d) Effluent from the treatment facility shall be discharged to a five-day side-stream detention unit if either the turbidity exceeds 10 NTUs or if the permitted pathogen levels cannot be met. The facility shall have the ability to return the effluent in the five-day side-stream detention unit back to the head of the treatment facility.

(e) The public shall be prohibited access to the wastewater treatment facility or the five-day side-stream detention unit.

(f) The storage and five-day side-stream detention units shall have either a liner of natural material at least one foot in thickness and having a hydraulic conductivity of no greater than 1×10^{-6} centimeters per second when compacted, or a synthetic liner of sufficient thickness to exhibit structural integrity and an effective hydraulic conductivity no greater than that required of the natural material liner. Liner requirements of the unit or separation distances between the bottom of the storage basin and the groundwater table may be reduced if it can be demonstrated by predictive calculations or modeling that construction and use of the unit will not result in contravention of assigned groundwater standards at the compliance boundary.

(g) By-pass and overflow lines shall be prohibited.

(h) Multiple pumps shall be provided wherever pumps are used.

(i) A water-tight seal on all treatment and storage units or two feet of protection from the 100-year flood elevation shall be provided.

(j) 30 days of residual storage shall be provided.

(k) Utilization areas shall be designed to maintain a one-foot vertical separation between the seasonal high water table and the ground surface.

(l) Influent pump stations shall meet the sewer design criteria set forth in 15A NCAC 02T .0300.

(m) Domestic, commercial, or industrial dedicated reclaimed water systems, including single-family residence facilities, with flow less than 1,000 gallons per day, are exempt from meeting Paragraphs (c) and (h) of this Rule, if repair or replacement of essential treatment units can be completed within five days.

(n) Facilities shall be provided with a flow meter to measure the volume of treated reclaimed water applied to each field.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0403 DESIGN CRITERIA FOR DISTRIBUTION LINES

(a) The requirements in this Rule shall apply to all new distribution lines.

(b) All reclaimed water valves, storage facilities, and outlets shall be tagged or labeled to warn the public or employees that the water is not intended for drinking.

(c) All reclaimed water piping, valves, outlets, and other appurtenances shall be color-coded, taped, or otherwise marked to identify the source of the water as being reclaimed water as follows:

(1) All reclaimed water piping and appurtenances shall be either colored purple (Pantone 522 or equivalent) and embossed or integrally stamped or marked "CAUTION: RECLAIMED WATER - DO NOT DRINK" or be installed with a purple (Pantone 522 or equivalent) identification tape or polyethylene vinyl wrap. The warning shall be stamped on opposite sides of the pipe and repeated every three feet or less;

(2) Identification tape shall be at least three inches wide and have white or black lettering on purple (Pantone 522 or equivalent) field stating "CAUTION: RECLAIMED WATER - DO NOT DRINK". Identification tape shall be installed on top of reclaimed water pipelines, fastened at least every 10 feet to each pipe length and run continuously the entire length of the pipe; and

(3) Existing underground distribution systems retrofitted for the purpose of conveying reclaimed water shall be taped or otherwise identified as in Subparagraphs (1) or (2) of this Paragraph. This identification need not extend the entire length of the distribution system but shall be incorporated within 10 feet of crossing any potable water supply line or sanitary sewer line.

(d) All reclaimed water valves and outlets shall be of a type, or secured in a manner, that permits operation by personnel authorized by the entity that operates the reclaimed water system.

(e) Hose bibs shall be located in locked, below grade vaults that shall be labeled as being of nonpotable quality. As an alternative to the use of locked vaults with standard hose bib services, other locking mechanisms such as hose bibs that can only be operated by a tool may be placed above ground and labeled as nonpotable water.

(f) There shall be no direct cross-connections between the reclaimed water and potable waters systems, unless such connection has been approved by the Department pursuant to 15A NCAC 18C .0406.

(g) Irrigation system piping shall be considered part of the distribution system for the purposes of this Rule.

(h) Reclaimed water distribution lines shall be located at least 5 feet horizontally from and 18 inches below any water line if practicable. If these separation distances cannot be met, the piping and integrity testing procedures shall meet water main standards in accordance with 15A NCAC 18C.

(i) Reclaimed water distribution lines shall not be less than 50 feet from a well unless the piping and integrity testing procedures meet water main standards in accordance with 15A NCAC 18C, but in no case shall they be less than 25 feet from a private well.

(j) Reclaimed water distribution lines shall meet the separation distances to sewer lines in accordance with 15A NCAC 02T .0305.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011 (S.L. 2011-218);
Readopted Eff. Pending Legislative Review.

15A NCAC 02U .0404 DESIGN CRITERIA FOR CLOSED-LOOP RECYCLE SYSTEMS

(a) The requirements in this Rule shall apply to all new and expanding closed-loop recycle facilities.

(b) Design criteria related to closed-loop recycle systems in general.

(1) The public shall be prohibited access to the wastewater treatment equipment, wastewater storage structures, or to the wastewater within a closed-loop recycle facility.

(2) If potable water is used to supplement a closed-loop recycle water system, there shall be no direct cross-connections between the closed-loop system and potable water systems, unless such connection has been approved by the Department pursuant to 15A NCAC 18C .0406.

(c) Design criteria related to treatment and storage units used in closed-loop recycle systems.

(1) The facility shall have the ability to stop production of effluent, return the effluent back to the treatment facility, store the effluent, or discharge the effluent to another permitted wastewater treatment facility when recycling cannot be conducted.

(2) Essential treatment units shall be provided in duplicate if proper operation of the treatment unit is essential to the operation of the closed-loop recycle system and the operation cannot safely or efficiently be immediately stopped or altered to operate without the closed-loop recycle system.

(3) An automatically activated standby power source, system shutdown, or other means shall be employed to prevent improperly treated wastewater from entering a treated waste water storage structure or from being recycled if loss of power would create an unsafe condition.

(4) If they are suitable for reuse, residues recovered during the treatment process may be recycled through the processes that generated the wastewater rather than disposed of as a waste.

(5) A water tight seal on all treatment and storage units or two feet of protection from the 100-year flood elevation shall be provided.

(6) Storage units in a closed-loop recycle system shall be designed to contain the accumulation of water from a 25-year, 24-hour storm event with 1 foot freeboard, unless the system is protected from rainfall and runoff.

(7) The bottoms of earthen impoundments, trenches, or other similar excavations shall be at least four feet above the bedrock surface, except that the bottom of excavations that are less than four feet above bedrock shall have a liner with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second. Liner thickness shall be that thickness necessary to achieve a leakage rate consistent with the sensitivity of classified groundwaters. Liner

requirements may be reduced if the applicant demonstrates through predictive calculations or modeling that construction and use of these treatment and disposal units will not result in contravention of surface water or groundwater standards.

(8) Treatment works and disposal systems using earthen basins, lagoons, ponds, or trenches, excluding holding ponds containing non-industrial treated effluent prior to irrigation, for treatment, storage, or disposal, shall have either a liner of natural material at least one foot in thickness and having a hydraulic conductivity of no greater than 1×10^{-6} centimeters per second when compacted, or a synthetic liner of sufficient thickness to exhibit structural integrity and an effective hydraulic conductivity no greater than that of the natural material liner.

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

15A NCAC 02U .0501 RECLAIMED WATER UTILIZATION

(a) Reclaimed water utilized in a manner that includes application to the land surface shall meet the following criteria:

(1) The reclaimed water shall meet requirements for Type 1 reclaimed water in Rule .0301(b) of this Subchapter;

(2) Notification shall be provided by the permittee or its representative to inform the public and employees of the use of reclaimed water and that the reclaimed water is not intended for drinking. Notification material shall be provided to employees in a language they understand;

(3) The reclaimed water generator shall develop and maintain a record keeping program for distribution of reclaimed water;

(4) The reclaimed water generator shall develop and maintain an education and approval program for all use of reclaimed water. Educational material shall be provided to employees in a language they understand;

(5) The reclaimed water generator shall develop and maintain a routine review and inspection program for all uses of reclaimed water on property not owned by the generator;

(6) The compliance boundary and the review boundary for groundwater are established at the irrigation area boundaries. No deed restrictions or easements shall be required to be filed on adjacent properties. Land application of effluent shall be on property controlled by the generator unless an easement is provided in accordance with 15A NCAC 02L .0107, except in cases where a compliance boundary is not established; and

(7) Reclaimed water irrigated on designed soil matrix, such as artificial or natural turf athletic fields with subsurface drainage shall meet the following conditions:

(A) Annual hydraulic loading and maximum precipitation rates shall be designed to irrigate a volume not to exceed the design water capacity of the designed soil matrix above the drainage system; and

(B) Outlets of the drainage system shall not be allowed to discharge directly to surface waters (intermittent or perennial) or to storm water conveyance systems that do not allow for infiltration prior to discharging to surface waters.

(b) Reclaimed water used for industrial and commercial uses shall meet the criteria below:

(1) The reclaimed water shall meet requirements for Type 1 reclaimed water;

(2) Notification shall be provided by the permittee or its representative to inform the public and employees of the use of reclaimed water and that the reclaimed water is not intended for drinking, and notification material shall be provided to employees in a language they understand;

(3) The reclaimed water generator shall develop and maintain an education and approval program for all reclaimed water users, and educational material shall be provided to employees in a language they understand;

(4) The reclaimed water generator shall develop and maintain a record keeping program for distribution of reclaimed water;

(5) The reclaimed water generator shall develop and maintain a routine review and inspection program for all reclaimed water users; and

(6) Reclaimed water used for activities other than land application shall not be used in a manner that causes exposure to aerosols.

(c) Reclaimed water shall not be used for swimming pools, hot-tubs, spas, or similar uses.

History Note: Authority G.S. 143-215.1; 143-215.3(a); Eff. June 18, 2011 (S.L. 2011-48); Readopted Eff. September 1, 2018.

15A NCAC 02U .0601 BULK DISTRIBUTION OF RECLAIMED WATER

(a) Tank trucks and other equipment used to distribute reclaimed water shall be identified with advisory signs stating that they contain reclaimed water that is not intended for drinking.

(b) Tank trucks used to transport reclaimed water shall not be used to transport potable water.

(c) Tank trucks used to transport reclaimed water shall not be filled through on-board piping or removable hoses that may subsequently be used to fill potable water tanks.

(d) The reclaimed water generator shall develop and maintain an education and approval program for all reclaimed water users.
(e) The reclaimed water generator shall develop and maintain a record keeping program for bulk distribution of reclaimed water.
(f) The reclaimed water generator shall develop and maintain a routine review and inspection program for reclaimed water users.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0701 SETBACKS

(a) Treatment and storage facilities associated with systems permitted under this Subchapter shall adhere to the setback requirements in 15A NCAC 02T .0506, except as provided in this Rule.
(b) Final effluent storage facilities shall meet all setback requirements for riparian buffer rules pursuant to 15A NCAC 02B, as well as the following setbacks:

	feet
Each private or public water supply source	100
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands	50
Each well with exception of monitoring wells	100
Each property line for facilities constructed on or after June 18, 2011	50
Each property line for facilities constructed prior to June 18, 2011	0

(c) The setbacks for utilization sites where reclaimed water is land applied shall be as follows:

	feet
Surface waters such as intermittent and perennial steams, perennial waterbodies, and wetlands not classified SA	25
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands not classified SA, provided that the reclaimed water to be utilized contains no more than 10 mg/L of Total Nitrogen and no more than 2 mg/L of Total Phosphorusin addition to applicable requirements in Rule .0101 of this Subchapter and Section .0300 of this Subchapter	0
Surface waters such as intermittent and perennial streams, perennial waterbodies, and wetlands classified SA	100
Each well with exception of monitoring wells	100

(d) No setback between the application area and property lines is required.
(e) Setbacks between reclaimed water storage ponds and property lines or wells under separate ownership may be waived by the adjoining property owner. A copy of the signed waiver shall be provided to the Department.
(f) Setbacks between reclaimed water storage ponds and wells under the same ownership as the reclaimed water storage pond may be waived by the property owner.
(g) Setback waivers, other than those allowed in Paragraphs (e) and (f) of this Rule, shall be written, notarized, signed by all parties involved, and recorded with the county Register of Deeds. Setback waivers involving the compliance boundary shall be in accordance with 15A NCAC 02L .0107.
(h) Setbacks to property lines established in Paragraphs (a) and (b) of this Rule shall not be applicable if the permittee, or the entity from which the permittee is leasing, owns both parcels separated by the property line.
(i) Habitable residences or places of assembly under separate ownership constructed after the non-discharge facilities were originally permitted or subsequently modified are exempt from the setback requirements in Paragraph (a) of this Rule.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. Pending Legislative Review.

15A NCAC 02U .0801 OPERATION AND MAINTENANCE

(a) An Operation and Maintenance Plan shall be maintained by the permittee for all reclaimed water generators and closed-loop recycle systems. The plan shall:

(1) describe the operation of the system in detail to show what operations are necessary for the system to function and by whom the operations are to be conducted;
(2) include a sampling and monitoring plan to evaluate quality of reclaimed water within the distribution system to provide quality assurance at the time of reuse, and specify actions to be taken in response to unsatisfactory monitoring results;
(3) provide a map of all reclaimed water distribution lines and record drawings of all reclaimed water utilization systems under the permittee's control;
(4) describe anticipated maintenance of the system;
(5) include provisions for safety measures, including restriction of access to the site and equipment as required in this Subchapter; and
(6) include spill control provisions, including:

(A) response to upsets and bypasses, including control, containment, and remediation; and

(B) contact information for plant personnel, emergency responders, and regulatory agencies.

(b) Irrigation areas shall have a year-round vegetative cover.

(c) Irrigation shall not result in ponding or runoff of treated effluent.

(d) Irrigation and metering equipment shall be tested and calibrated annually, or as established by permit.

(e) Vehicles and heavy machinery shall not be allowed on the irrigation area, except during installation or maintenance activities.

(f) Water level gauges shall be provided for all open-atmosphere treatment lagoons and ponds, and open-atmosphere storage units.

(g) Vegetative cover shall be maintained on all earthen embankments.

(h) The permittee shall keep a log of maintenance activities that occur at the facility.

(i) The permittee shall perform inspections and maintenance to ensure proper operation of the facility.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0802 RESIDUALS MANAGEMENT

(a) A Residuals Management Plan shall be maintained for all reclaimed water and closed-loop recycle systems that generate residuals. The plan shall include the following:

(1) an explanation as to how the residuals will be collected, handled, processed, stored, and disposed;

(2) an evaluation of the residuals storage requirements for the treatment facility, based upon the maximum anticipated residuals production rate and the ability to remove residuals;

(3) a permit for residuals management or a written commitment to the permittee of a Department-approved residuals management program accepting the residuals that demonstrates that the approved program has capacity to accept the residuals or that an application for approval has been submitted; and

(4) if oil, grease, grit, or screenings removal and collection is a designed unit process, an explanation as to how these materials will be collected, handled, processed, stored, and disposed.

(b) The permittee shall maintain a record of all residuals removed from the facility.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .0901 LOCAL PROGRAM APPROVAL

(a) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may apply to the Division for approval of programs for permitting construction, modification, and operation of reclaimed water distribution lines and permitting users under their authority, unless prohibited by Rule .0120 of this Subchapter. Construction of and modifications to treatment works, including pump stations for reclaimed water distribution, require Division approval. Permits issued by approved local programs shall serve in place of permits issued by the Division. Local program approval shall not be granted for dedicated reclaimed water systems.

(b) Applications. Applications for approval of local programs shall provide information to assure compliance with the requirements of this Subchapter and the following:

(1) Include two copies of the permit application forms, intended permits, including types of uses, design criteria, flow chart of permitting, inspection, and certification procedures, and other relevant documents to be used in administering the local program; and

(2) Documentation that the local authority has procedures in place for processing permit applications, setting permit requirements, enforcement, and penalties that are compatible with those for permits issued by the Division.

(c) Any amendments to the requirements of this Subchapter shall be incorporated into the local program within 60 days of the effective date of the amendments.

(d) If required by G.S. 89C, a North Carolina registered Professional Engineer shall be on the staff of the local program or retained as a consultant to review designs and to answer questions that arise in the review of proposed projects. The local program shall also provide staff or retain a consultant to review all other non-engineering related program areas.

(e) Each project permitted by the local program shall be inspected for compliance with the requirements of the local program at least once during construction.

(f) Approval of Local Programs. The Division staff shall acknowledge receipt of an application for a local program, review the application, notify the applicant of additional information that may be required, and make a recommendation to the Commission regarding approval of the proposed local program.

(g) All permitting actions, enforcement actions, and monitoring of the distribution system shall be summarized and submitted to the Division on an annual basis on Division-approved forms. . The report shall also provide a listing and summary of all enforcement actions taken or pending during the year. The report shall be submitted within 30 days after the end of each year.

(h) A summary of any program changes shall be submitted to the Division on an annual basis. Program changes include staffing, processing fees, and ordinance revisions.

(i) Modification of a Local Program. After a local program has been approved by the Commission, any modification of the program procedures or requirements specified in this Rule shall be approved by the Director to assure that the procedures and requirements remain as stringent as the State-wide requirements in this Subchapter.

(j) Appeal of Local Decisions. Appeal of individual permit denials or issuance with conditions the permit applicant finds unacceptable shall be made according to the approved local ordinance. The Commission shall not consider individual permit denials or issuance with conditions to which a permittee objects. This Paragraph does not alter the enforcement authority of the Commission as specified in G.S. 143-215.1(f).

History Note: Authority G.S. 143-215.1; 143-215.1(f); 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .1101 WETLANDS AUGMENTATION

(a) Wetland augmentation shall be limited as follows:

(1) Wetland augmentation shall be limited to pine flat and hardwood flat wetlands as defined in the most current version of the N.C. Wetland Assessment Method (NC WAM) User Manual developed by the N.C. Wetland Functional Assessment Team (NC WFAT), excluding riparian zones;

(2) Reclaimed water discharge to Salt Water Wetlands (SWL) or Unique Wet Lands (UWL), as defined in 15A NCAC 02B .0101, is not permitted under the rules in this Subchapter; and

(3) Reclaimed water discharge to wetlands areas shall be limited to times when the depth to groundwater is greater than or equal to one foot.

(b) In addition to the requirements established in Rule .0201 or Rule .0202 of this Subchapter, all new and expanding wetlands augmentation facilities shall:

(1) Identify the classification of the existing wetlands according to the most current version of the N.C. Wetlands Assessment Method (NC WAM) User Manual and information provided by the North Carolina Natural Heritage Program (NC NHP);

(2) Identify the existing beneficial uses of the reclaimed water to the wetlands in accordance with 15A NCAC 02B .0231, and demonstrate the net environmental benefit;

(3) Determine the hydrologic regime of the wetlands, including depth and duration of inundation, and average monthly water level fluctuations. An estimated monthly water budget shall be provided by the applicant and compared to actual conditions during operation;

(4) Identify the class of reclaimed water to be discharged, associated parameter concentrations, and annual loading rates to the wetlands;

(5) Determine whether the wetland occurs in a ground water recharge or discharge area;

(6) Provide baseline monitoring information for wetlands to allow determination of reference conditions, to be performed for at least one representative year prior to initiation of discharge;

(7) Provide a project evaluation and receiver site agronomic plan that includes a hydraulic loading recommendation based on the soils report, hydrogeologic description, agronomic investigation, wetland type, local topography, aquatic life, wildlife, and all other investigative results to support that there will be no negative effects on the uses of the wetlands, including the biological criteria and net environmental benefits that will be gained. Hydraulic loading recommendations shall reflect seasonal changes to wetlands, including restrictions during times of high water table levels;

(8) For dedicated wetlands augmentation systems, provide 200 percent of the land requirements based on the recommended hydraulic loading rate. After five years of operation the permittee may request and receive a reduction in the additional land requirement if operational data supports that sufficient utilization capacity exists for the reclaimed water generator;

(9) Ten percent of the land requirements shall remain in a natural state to be used as a basis of comparison to the wetlands receiving reclaimed water;

(10) For application of reclaimed water exhibiting parameter concentrations greater than 100 percent of the groundwater standards, provide a site-specific hydrogeologic investigation (i.e., evaluation of wetlands/groundwater interaction, groundwater recharge/discharge, gradient, project proximity to water supply wells) to show that hydrogeologic conditions are adequate to prevent degradation of groundwater quality and demonstrate through hydrogeological modeling that groundwater standards will not be exceeded at the compliance boundary; and

(11) Provide documentation that any applicable NPDES program requirements have been met, pursuant to 15A NCAC 02H .0100.

(c) All renewal applications for wetlands augmentation facilities shall submit documentation that the project continues to function as designed and that the net environmental benefit aspects remain applicable.

(d) Reclaimed water utilized for wetlands augmentation shall meet the following reclaimed water effluent standards:

(1) Reclaimed water discharged to natural wetlands shall be treated to Type 1 reclaimed water standards;

(2) In addition to water quality requirements associated with Type 1 reclaimed water, reclaimed water discharged to wetlands shall not exceed the following concentrations, unless net environmental benefits are provided:

(A) Total Nitrogen (as Nitrogen) of 4.0 mg/L; and

(B) Total Phosphorus (as Phosphorus) of 1 mg/L;

(3) Metal concentrations in reclaimed water discharged to wetlands shall not exceed North Carolina surface water quality standards, unless acute whole effluent toxicity testing demonstrates absence of toxicity.

(e) Reclaimed water facilities utilizing wetlands augmentation shall meet the criteria below:

(1) Notification shall be provided by the permittee or its representative to inform the public of the use of reclaimed water and that the reclaimed water is not intended for drinking;

(2) The reclaimed water generator shall develop and maintain a wetlands monitoring program. This monitoring will be conducted during the first five growing seasons after initiation of the application of reclaimed water, after which the applicant may apply for reduced monitoring. The monitoring requirements shall include the following items:

(A) vegetation, macroinvertebrates, amphibians, fish, birds, and threatened or endangered species surveys;

(B) water chemistry;

(C) surface water and ground water depth readings; and

(D) a groundwater monitoring plan, except for those projects receiving reclaimed water characterized by average annual parameter concentrations less than or equal to 50 percent of ground water quality criteria, and less than 50 percent of required surface water discharge concentrations;

(3) The reclaimed water generator shall develop and maintain an education program for all users of reclaimed water on property not owned by the generator;

(4) The reclaimed water generator shall develop and maintain a routine review and inspection program for the wetlands augmentation system; and

(5) The compliance boundary and the review boundary for groundwater shall be established at the property line. No deed restrictions or easements are required to be filed on adjacent properties. Land application of reclaimed water shall be on property controlled by the generator unless a contractual agreement is provided in accordance with 15A NCAC 02L .0107, except when a compliance boundary is not established.

(f) Permitting of wetlands augmentation uses shall not be delegated to local programs.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

15A NCAC 02U .1401 IRRIGATION TO FOOD CHAIN CROPS

(a) Irrigation to food chain crops shall be limited as follows:

(1) Reclaimed water utilized for direct or indirect contact irrigation of food chain crops that will be peeled, skinned, cooked, or thermally processed before consumption shall be treated to Type 1 reclaimed water standards;

(2) For the purposes of this Rule, tobacco is not considered a food chain crop;

(3) Reclaimed water shall not be utilized for direct contact irrigation of food chain crops that will not be peeled, skinned, cooked, or thermally processed before consumption except as approved in Subparagraph (5) of this Paragraph;

(4) Reclaimed water utilized for indirect contact irrigation of food chain crops that will not be peeled, skinned, cooked, or thermally processed before consumption shall be treated to Type 2 reclaimed water standards; and

(5) If requested, the Department shall authorize demonstration projects to collect and present data related to the direct application of reclaimed water on crops that are not peeled, skinned, cooked, or thermally processed before consumption. Crops produced during such demonstration projects may be used as animal feed or may be thermally processed, cooked, or otherwise prepared for human consumption in a manner approved by the North Carolina Department of Agriculture and Consumer Services. If the applicant, based on the data collected, demonstrates to the Department that public health will be protected if their reclaimed water is directly applied to crops that are not peeled, skinned, cooked, or thermally processed, the Department shall waive the prohibition described in Subparagraph (3) of this Paragraph for that project. When considering such demonstration projects, the Department shall seek the advice of the North Carolina Department of Agriculture and Consumer Services.

(b) In addition to the requirements established in Rule .0201 or Rule .0202 of this Subchapter, all new and expanding irrigation to food chain crops systems shall submit a Standard Soil Fertility Analysis for each field to be irrigated. The Standard Soil Fertility Analysis shall include the following parameters:

(1) acidity;

(2) base saturation (by calculation);

(3) calcium;

(4) cation exchange capacity;

(5) copper;

(6) exchangeable sodium percentage (by calculation);

(7) magnesium;

(8) manganese;

(9) percent humic matter;

(10) pH;
(11) phosphorus;
(12) potassium;
(13) sodium; and
(14) zinc.

(c) When a water balance is required by Rule .0202(e) of this Subchapter, the water balance shall include seasonal water requirements for the crops.

(d) For irrigation sites not owned by the permittee, a land owner agreement shall be provided to the Division. The land owner agreement shall include the following:

(1) a description of the approved uses and conditions for use of the reclaimed water consistent with the requirements of this Rule;
(2) a condition requiring the reclaimed water supplier to provide the landowner with the results of sampling performed to document compliance with the reclaimed water effluent standards; and
(3) a condition requiring the landowner to report to the permittee any use of the reclaimed water inconsistent with the uses in the agreement.

(e) All renewal applicants for dedicated irrigation to food chain crop systems shall submit:

(1) A Standard Soil Fertility Analysis for each field to be irrigated. The Standard Soil Fertility Analysis shall include the parameters from Paragraph (b) of this Rule;
(2) The inventory of commercial agricultural operations using reclaimed water to irrigate food chain crops required in Subparagraph (f)(7) of this Rule; and
(3) For irrigation sites not owned by the permittee, a land owner agreement pursuant to Paragraph (d) of this Rule.

(f) Reclaimed water facilities providing reclaimed water for the irrigation of food chain crops shall meet the criteria below:

(1) Crops irrigated by direct contact with reclaimed water shall not be harvested within 24 hours of irrigation with reclaimed water;
(2) Notification at the utilization site shall be provided by the permittee or its representative to inform the public of the use of reclaimed water and that the reclaimed water is not intended for drinking;
(3) The reclaimed water generator shall develop and maintain a record keeping program for distribution of reclaimed water;
(4) The permittee shall develop and maintain an education program for users of reclaimed water for irrigation to food chain crops;
(5) The reclaimed water generator shall provide all landowners receiving reclaimed water for irrigation of food chain crops a summary of all reclaimed water system performance as required in G.S. 143-215.1C;
(6) The reclaimed water generator shall develop and maintain a routine review and inspection program for all irrigation to food chain crop systems; and
(7) The permittee shall maintain an inventory of commercial agricultural operations using reclaimed water to irrigate food chain crops for each year of operation. The inventory shall be maintained for five years. The inventory of food chain crop irrigation shall include the following:
(A) name of the agricultural operation;
(B) name and telephone number of the owner or operator of the agricultural operation;
(C) address of the agricultural operation;
(D) food chain crops irrigated with reclaimed water;
(E) type of application method used; and
(F) approximate irrigation area where food chain crops are grown.

History Note: *Authority G.S. 143-215.1; 143-215.3(a);*
Eff. June 18, 2011;
Readopted Eff. September 1, 2018.

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15A NCAC 08F .0102 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

(1) "Active certification" means that all training and certification requirements pursuant to G.S. 90A- 47.3(b) and G.S. 90A-47.4 have been completed.
(2) "Animal waste management plan" means a plan to collect, store, treat, or apply animal waste to the land in an environmentally safe manner developed in accordance with G.S. 143-215.10C.
(3) "Animal waste management system operator" means a person that has been certified by the Commission as a Type A Animal Waste Management System Operator or as a Type B Animal Waste Management System Operator.
(4) "Approved training" means any training required in order to be eligible for an examination or to meet continuing education requirements as established in accordance with 15A NCAC 08F .0400.
(5) "Back-up Operator in Charge" or "Back-up OIC" means a person that holds an active certification to operate an animal waste management system and who has responsibility for the operation of the system as described in G.S 90A-47.1(a)(4) when the OIC is absent from his or her duties.
(6) "Certified operator" means a person who holds an active certification as an animal waste management system operator.
(7) "Commission" means the Water Pollution Control System Operators Certification

Commission created by G.S. 143B-300. The Commission address is 1618 Mail Service Center, Raleigh, NC 27699-1618 and the website may be found at: https://deq.nc.gov/about/divisions/water-resources/operator-certification.

(8) "Contract animal waste management system operator" means any certified animal waste operator who contracts with the owner or person in control of an animal operation pursuant to G.S. 90A-47.2(b).

(9) "Operator in Charge" or "OIC" means a person who holds an active certification to operate an animal waste management system and who has responsibility for the operation of the system as defined in G.S. 90A-47.1(a)(4).

(10) "Person under the supervision of an Operator in Charge" means a person who takes directions from the OIC and who shall only land apply animal waste when the OIC is available for consultation and advice at any time during the application of animal waste.

History Note: Authority G.S. 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0201 DUTIES AND REQUIREMENTS OF OWNERS

(a) The owner of each animal operation having an animal waste management system shall submit an Animal Waste Management System Operator Designation Form to the Commission that designates an OIC. This form shall be signed by the owner and the certified operator and shall be submitted to the Commission via mail or email to certadmin@ncdenr.gov. The OIC shall be designated:

(1) before a new animal operation having an animal waste management system is placed in operation; or

(2) within 30 days following a vacancy in the position of OIC.

(b) An owner may voluntarily designate a Back-up OIC to operate the animal waste management system during the absence of the primary OIC.

(c) The Animal Waste Management System Operator Designation Form may be found on the Commission website and shall include:

(1) the owner's name, contact information, and signature;

(2) the system name, location, permit number, type, and classification;

(3) the OIC name, contact information, certification type, and signature; and

(4) if designated, the Back-up OIC's name, contact information, certificate type, and signature.

History Note: Authority G.S. 90A-47.2; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0202 DUTIES AND REQUIREMENTS OF CERTIFIED OPERATORS

Certified operators shall:

(1) comply with all terms and conditions of their certification as set forth in these Rules;

(2) notify the Commission in writing, within 30 days of any change in mailing address; and

(3) pay an annual renewal fee of ten dollars ($10.00) as specified at G.S. 90A-47.4(b) and complete all additional training requirements as specified at G.S. 90A-47.3(b).

History Note: Authority G.S. 90A-47.4; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0203 DUTIES AND REQUIREMENTS OF AN OPERATOR IN CHARGE

(a) An OIC of any animal waste management system shall:

(1) possess an active certification as an Animal Waste Management System Operator of the same type as the classification of the system;

(2) visit and inspect each animal waste management system at a frequency to ensure compliance with the permit;

(3) be responsible for the application of the animal waste;

(4) manage, supervise, and document operation, maintenance, and visitation of the system; and

(5) certify by signature the monitoring and reporting information as prescribed in the permit.

(b) The OIC or a designated Back-up OIC of a Type A Animal Waste Management System shall:

(1) ensure that animal waste is applied in accordance with the animal waste management plan and the permit issued for the animal operation;

(2) inspect or direct a person under the supervision of an OIC or designated Back-up OIC to inspect the land application site at a frequency not to exceed every 120 minutes during the application of animal waste; and

(3) if the OIC or designated Back-up OIC was not present during the application of animal waste, inspect the land application site within 24 hours of the application of animal waste.

(c) The OIC or a designated Back-up OIC of a Type B Animal Waste Management System shall:

(1) ensure that animal waste is applied in accordance with the animal waste management plan and the permit issued for the animal operation;
(2) inspect or direct a person under the supervision of an OIC or designated Back-up OIC to inspect the land application site at a frequency not to exceed every 120 minutes during the application of animal waste; and
(3) if the OIC or designated Back-up OIC was not present during the application of animal waste, inspect the land application site within 48 hours of the application of animal waste.

History Note: Authority G.S. 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0301 CLASSIFICATION OF ANIMAL WASTE MANAGEMENT SYSTEMS

(a) The Commission shall classify animal waste management systems based on the types of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste as follows:

(1) Type A: These animal waste management systems are used to treat waste generated by monogastric animals that produce a low fiber waste. They include any or all of the following structures and nonstructural components that provide for the collection, treatment, storage, and land application of animal waste and rely on soil and plant systems for the treatment of animal waste:
  (A) anaerobic lagoon;
  (B) pumps, pipes, and associated appurtenances that convey the waste from point of generation to final treatment and disposal site;
  (C) flushing systems;
  (D) solids separation equipment;
  (E) irrigation equipment;
  (F) land application site and crops; and
  (G) anaerobic digestor.
(2) Type B: These animal waste management systems are used to treat waste generated by ruminants and other animals that produce a high fiber waste. They include any or all of the following structures and nonstructural components that provide for the collection, treatment, storage, and land application of animal waste and rely on soil and plant systems for the treatment of animal waste:
  (A) dry stacks;
  (B) solids and slurry collection equipment;
  (C) storage ponds for the collection of solids and runoff;
  (D) pumps, pipes, and associated appurtenances that convey the waste from point of generation to final treatment and disposal site;
  (E) application equipment;
  (F) land application site and crops; and
  (G) anaerobic digestor.

(b) Animal waste management systems that include components that are different than the systems described in this Rule shall be evaluated by the Commission to determine if the systems are subject to classification in accordance with 15A NCAC 08G .0302 through .0308.

History Note: Authority G.S. 90A-37; 90A-47.2; 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0401 QUALIFICATIONS FOR EXAMINATION

(a) An applicant for certification as a Type A or Type B Animal Waste Management System Operator shall be expected to meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall:

(1) be at least 18 years of age;
(2) have completed an approved training program of the same type as the examination for which they are applying;
(3) possess knowledge of:
  (A) animal operations, animal waste management systems, and animal waste management plans;
  (B) the laws and rules that govern animal waste management operators and the operation of animal waste management systems; and
  (C) the equipment employed by these systems and the maintenance requirements of such equipment; and
(4) have the ability to:
  (A) perform calibrations and calculations relating to the land application of the waste; and
  (B) read and complete the monitoring and reporting forms necessary to document the land application of animal waste as prescribed in the animal waste management plan and the permit.

(b) An applicant who fails to achieve a passing score on a specific type of examination after three consecutive attempts shall:

(1) complete an approved training for the same type as the certification being sought before being eligible to retake the examination; and

(2) provide verification of the required training with any subsequent application made to the Commission to sit for the examination.

History Note: Authority G.S. 90A-43; 90A-47.3; 90A-47.6; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0402 APPLYING FOR EXAMINATION

(a) An Animal Waste Management System Operator Certification Examination Application shall be submitted with the twenty-five dollar ($25.00) examination fee required by G.S. 90A-47.4 to the Commission.

(b) The application may be found on the Commission website and shall include:

(1) the applicant's name, contact information, and date of birth;
(2) Social Security Number (if first-time applicant);
(3) the type of certification sought;
(4) the date and location of examination requested;
(5) the documentation of required training; and
(6) the applicant's signature.

(c) Applications for examination shall be postmarked by the United States Postal Service at least 30 days prior to the date upon which the examination is scheduled to be administered.

(d) Incomplete applications and applications not accompanied by the fee and attachments shall not be processed and will be returned to the applicant.

History Note: Authority G.S. 90A-47.3; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0403 APPLICATION PROCEDURES

(a) Upon receipt of the application by the Commission, it will be reviewed for eligibility to take the examination.

(b) Eligible applicants shall be notified by letter and told the date, time, and place of the examination he or she is registered to take. The notice shall serve as a receipt for the examination fee.

(c) When the applicant is determined to be ineligible for examination, the applicant shall be notified by letter and advised of the reason for ineligibility. The examination fee shall be refunded in the event that the applicant is determined to be ineligible for the examination. Upon notification of ineligibility, the applicant may request a hearing with the Commission on the ineligibility determination at the next regularly scheduled meeting. The written request shall be postmarked at least 30 days prior to the next regularly scheduled meeting.

(d) Any applicant who supplies false information on the application for certification for the purpose of gaining eligibility shall be ineligible for the examination and shall forfeit the examination fee. Applicants who have supplied false information and who have been determined to be ineligible who wish to reapply for certification shall follow the procedure set forth in Rule .0407(d) of this Section.

History Note: Authority G.S. 90A-47.3; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0404 EXAMINATION PROCEDURES

The Commission shall conduct examinations for certification in accordance with the following:

(1) The dates, times, and places of examination shall be set by the Commission and shall be published on the Commission's webpage.
(2) When each applicant receives his or her examination paper, he or she shall identify themselves by way of a current driver's license or other form of photo identification.
(3) A passing score shall be answering 70 percent of the examination questions correctly.
(4) The Commission shall send written notification to the applicant of his or her score, using the address submitted upon application. If a passing score is made, the notification shall constitute certification by the Commission that the applicant is a qualified operator of the appropriate type of animal waste management systems. After each examination, a Certified Operator Listing shall be prepared and published on the Commission webpage.
(5) Any applicant who fails to make a passing score on an examination shall be allowed to review their exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination. An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.
(6) All examinees shall receive a report that summarizes their performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

History Note: Authority G.S. 90A-47.3; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08F .0405 RENEWAL OF CERTIFICATION

(a) A currently valid certification as an animal waste management system operator shall be maintained by:

(1) the payment of the annual renewal fee of ten dollars ($10.00) set forth in G.S. 90A-47.4(b), prior to December 31 of the year of renewal;

(2) completion of six hours of additional training approved by the Commission during each three-year period following initial certification.

(b) A certified animal waste management system operator that fails to pay the annual renewal fee within 30 days of the due date, or fails to complete the approved training within 30 days of the end of the three-year period, shall take and pass an examination approved by the Commission to renew the certificate.

(c) 60 days prior to the renewal due date, the Commission shall mail renewal notices to each certified operator at the last address on file with the Commission. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: Authority G.S. 90A-47.3; 90A-47.4; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0407 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

(a) After revocation or relinquishment has been effective for a period of not less than 270 days, a person may apply in writing for recertification. The application shall include any facts concerning changes to conditions under which revocation or relinquishment occurred. Such facts shall show that the applicant will comply with the laws and regulations concerning the operation of animal waste management systems.

(b) Within 120 days following receipt of an application for recertification, the Commission shall notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set out in Rule .0403 of this Section. The Commission shall grant eligibility only if there is evidence that the conditions leading to the revocation or relinquishment have been corrected.

(c) Recertification of a person as an operator of animal waste management systems shall only occur by means of application and examination. The applicant shall meet the eligibility requirements as outlined in Rule .0401 of this Section.

(d) Upon notification of the Commission's decision to deny eligibility, the applicant may appeal the decision pursuant to the procedures contained in G.S. 150B, Article 3A.

(e) Prior to recertification, the applicant shall pay in full all civil penalties, if assessed against him or her by the Commission.

History Note: Authority G.S. 90A-47; 143B-300; 150B-38;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0501 WHO MAY ASSESS

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Repealed Eff. September 1, 2018.

15A NCAC 08F .0502 WHEN ASSESSABLE

The Commission may assess civil penalties whenever it determines that an owner of an animal operation with an animal waste management system or an OIC of an animal waste management system willfully violates the requirements of G.S. 90A-47, Part 2. In addition to violations in G.S. 90A-47.5(a), a failure to designate a properly certified OIC of the animal waste management system as required by G.S. 90A-47.2(a) may result in the assessment of civil penalties.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0503 STANDARDS

In determining the amount of the assessment, the Commission shall consider the following standards:

(1) the duration of the violation;

(2) the preventive or responsive measures taken by the violator; and

(3) the cost to the violator or others of rectifying damages caused by the violation.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0504 ASSESSMENT

(a) Whenever a penalty is assessed, the Commission shall send a notice to the respondent by certified mail. The notice will describe the violation, state that the penalty is due, and advise the respondent of the rights of appeals as specified in Rule .0505 of this Section.

(b) The Commission may grant full or partial remission of a penalty, upon receipt of a request for remission or reduction of the penalty as allowed in Rule .0505(a) of this Section, if it finds that additional or different facts should be or should have been considered in determining the amount of assessment.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0505 PAYMENT AND HEARING

(a) Within 30 days after receipt of notification of an assessment, the assessed person must tender payment, submit in writing a request for remission or reduction of the penalty, or file a petition with the Office of Administrative Hearings in accordance with the procedures found in G.S. 150B, Article 3A.

(b) The Commission shall accept and acknowledge in writing all tenders of payment.

History Note: Authority G.S. 90A-47; 90A-47.5; 143B-300;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08F .0506 REFERRALS

If any civil penalty as finally assessed is not paid, the Commission shall request the Attorney General to commence action to recover the amount of the assessment.

History Note: Authority G.S. 90A-47.5;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0102 DEFINITIONS

In addition to the definitions in G.S. 90A-46, the following definitions shall apply throughout this Subchapter:

(1) "Activated sludge" means a biological wastewater treatment process in which biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension that is separated from the treated wastewater.

(2) "Actual experience" means the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose job responsibility is the physical operation of process equipment and systems at a water pollution control system. Job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct or indirect supervision do not qualify as actual experience.

(3) "ATU" means aerobic treatment unit and refers to a treatment component that utilizes oxygen to degrade or decompose wastewater with or without mechanical means. The term is used to describe proprietary devices that use direct introduction of air into wastewater by mechanical means to maintain aerobic conditions.

(4) "Approved training" means any training required for examination eligibility or to meet continuing education requirements as established in accordance with 15A NCAC 08G .0400 and 15A NCAC 08G .0701.

(5) "Back-up ORC" means Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from his or her professional duties as set forth in G.S. 90A-44.

(6) "Basic sciences" means courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by a college or university accredited by an agency recognized by the United States Department of Education.

(7) "Chemical process" means a water pollution control system process consisting of the addition of chemicals to treat wastewaters.

(8) "Collection system" means a connection of pipelines, conduits, pumping stations, and other related constructions or devices used to conduct wastewater to a water pollution control system.

(9) "Commission" means the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.

(10) "Contact Hour" means one hour of Commission-approved operator instruction in accordance with 15A NCAC 08G .0701.

(11) "Contract operations firm" means any commercial water pollution control system operations firm that contracts with the owner of a water pollution control system to provide operational services for the system pursuant to G.S. 90A-45(a).

(12) "Contract operator" means any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).

(13) "Electrodialysis system" means a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.

(14) "GED" means general educational development in reference to a high school diploma equivalency.

(15) "Media filter" means a device that uses materials designed to treat effluent by reducing biochemical oxygen demand and removing suspended solids in an unsaturated environment. Biological treatment is facilitated via microbial growth on the surface of the media.

(16) "Operator in Training (OIT)" means the certificate issued with Commission approval to an individual prior to the completion of the experience requirements for that level of certification.

(17) "Operator in Responsible Charge (ORC)" means the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46

(18) "Owner" means the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as defined in G.S. 90A-44.

(19) "Passing score" means earning 70 percent of the available points on an examination administered by the Commission.

(20) "Physical/Chemical system" means any water pollution control system that utilizes a physical or a chemical process or both.

(21) "Physical process" means any water pollution control system process consisting of electrodialysis, adsorption, absorption, air stripping, gravimetric sedimentation, flotation, or filtration as the means of treatment.

(22) "Reciprocity certificate" means a certificate issued of the appropriate type and grade to an applicant certified in another state and who meets all other requirements set forth in Rule .0410 of this Section.

(23) "Regional office" means one of the seven local offices of the Department of Environmental Quality located across the State.

(24) "Residuals" means any solid, semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a water pollution control facility, water supply treatment facility, or air pollution control facility permitted under the authority of the Environmental Management Commission or the Commission for Public Health.

(25) "Reverse osmosis system" means a system that utilizes solutions and semipermeable membranes to separate and treat wastewaters.

(26) "Submerged fixed growth" means a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is fixed to submerged support media and includes systems such as rotating biological contactors and sequencing batch reactors.

(27) "Successful completion" means the attendance of 80 percent of the approved training for examination eligibility and 100 percent of training for continuing education.

(28) "Temporary certificate" means a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).

(29) "Ultrafiltration system" means a system that utilizes a membrane filter process to remove pollutants from wastewater.

(30) "Valid certificate" means the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked, relinquished, invalidated, or suspended.

(31) "Water pollution control system" means any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

History Note: Authority G.S. 143B-300;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0201 RESPONSIBILITY OF SYSTEM OWNERS TO DESIGNATE CERTIFIED OPERATORS

Owners of classified water pollution control systems shall designate operators certified by the Commission of the same type and grade as the classification for the system and for each classification shall:

(1) designate one ORC who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;

(2) designate one or more Back-up ORC(s) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no Back-up ORC is required for systems whose minimum visitation requirements are twice per year; and

(3) submit a signed completed Operator Designation Form to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the ORC and the Back-up ORC:

(a) 60 days prior to wastewater or residuals being introduced into a new system;

(b) within 120 days following:

(i) notification of a change in the classification of the system requiring the designation of a new ORC and Back-up ORC of the proper type and grade; or

(ii) a vacancy in the position of ORC or Back-up ORC; or

(c) within seven days of vacancies in both ORC and Back-up ORC positions replacing or designating one of the responsibilities.

the Operator Designation Form may be found on the Commission website at: https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads and shall include:

(i) the owner's name, contact information, and signature;

(ii) the system name, location, permit number, type, and classification;

(iii) the ORC name, contact information, the type and grade of the certification, and signature; and

(iv) the Back-up ORC name(s), contact information, the type(s) and grade(s) of the certification(s), and the signature(s).

History Note: Authority G.S. 90A-37; 90A-38; 90A-39; 90A-40; 90A-44; 90A-45;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An ORC of a water pollution control system shall:

(1) possess a valid certificate of the appropriate type and grade for the system;

(2) visit the system as often as is necessary to ensure the proper operation of the system but in no case less frequently than specified in the following schedule, unless otherwise specified in permit:

(a) biological Grade I systems with the exception of Sub-item (2)(e) of this Rule: weekly;

(b) biological Grade II, III, and IV systems, other than those systems specified in Sub-item (2)(f) of this Rule: five days per week, excluding State and federal holidays;

(c) surface irrigation systems with the exception of Sub-item (2)(e) of this Rule: weekly;

(d) collection systems: within 24 hours of knowledge of a bypass, spill, or overflow of wastewater from the system, unless visited by a collection system Back-up ORC;

(e) domestic wastewater systems with a treatment capacity of 1500 gallons per day or less: twice per year with a six-month interval between visits;

(f) domestic wastewater ATUs with a treatment capacity of 1500 gallons per day or less: weekly;

(g) systems permitted under rules adopted by the Commission for Public Health: as required by 15A NCAC 18A .1961, which is hereby incorporated by reference, including subsequent amendments and editions;

(h) physical/chemical systems:

(i) Grade I systems, including groundwater remediation systems: weekly;

(ii) Grade II systems: five days per week, excluding State and federal holidays;

(i) land application systems: during or within 48 hours after application of residuals;

(j) systems not otherwise classified: as specified by the Commission based on the complexity of the system;

(3) operate and maintain the system and attempt to ensure the compliance of the system with any permits issued for the system as well as any other applicable local, State, and federal environmental permitting and regulatory requirements;

(4) certify by signature the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system and provide the owner a copy of monitoring and reporting forms;

(5) document the operation, maintenance, and all visitation of the system in a log that shall be maintained at the system;

(6) notify the owner of the system within 24 hours and in writing within five days of first knowledge, of any:

(a) overflows from the system or any treatment process unit;

(b) bypasses of the system or any treatment process unit; or

(c) violations of any limits or conditions of the permit;

(7) notify the owner in writing of the need for any system repairs and modifications that may be necessary to ensure the compliance of the system with all local, State, and federal environmental permitting and regulatory requirements;

(8) be available on an on-call basis for in-person interactions:

(a) for consultations with the system owner and regulatory officials;

(b) to handle emergency situations; and

(c) to provide access to the facility to regulatory agencies; and

(9) upon vacating an ORC position, send the Commission and the appropriate regional office, or the local health department for subsurface system owners, written notice within 14 days of the vacancy.

History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

The Back-up ORC:

(1) may act as surrogate for the ORC, if he or she possesses a valid certificate of the appropriate type and grade for the system, for a period:
  (a) not to exceed 40 percent of the system visitations required per calendar year under Rule .0204(2) of this Section; or
  (b) not to exceed 120 consecutive days when the ORC is absent due to:
    (i) the vacancy of the ORC position; or
    (ii) personal or familial illness;

(2) shall fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the ORC; and

(3) upon vacating a Back-up ORC position, send the Commission and the appropriate regional office, or the local health department for owners of subsurface systems, written notice within 14 days of the vacancy.

History Note: Authority G.S. 90A-37; 90A-38; 90A-44;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0301 APPLICABILITY

(a) Notwithstanding the requirements in Rules .0302 through .0307 of this Section, the Commission shall modify the classification of a water pollution control system when:

(1) conditions created by system design features, or inherent operational requirements exist that make operation of the system more or less complex than when the system was first permitted;

(2) upgrades or other modifications to a system are completed; or

(3) changes in Commission classification rules are made.

(b) In-plant processes and related water pollution control equipment that are integral parts of direct industrial production shall not be considered water pollution control systems for the purpose of this Section.

(c) Water pollution control systems permitted under rules adopted by the Commission for Public Health shall be classified pursuant to Rule .0307 of this Section.

(d) Water pollution control systems permitted under rules adopted by the Environmental Management Commission shall be classified pursuant to Rules .0302 through .0308 of this Section.

(e) Reservoirs, settling ponds, and associated pumps and piping that are an integral part of closed-loop water recycle systems for the non-biological and non-toxic treatment of process water at sand, gravel, and crushed stone operations shall not be subject to the requirements of these Rules unless the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.

(f) Any water pollution control system, regardless of type or ownership, may be classified and required to designate an ORC and a Back-up ORC, in the event that the Commission determines that the system is not being operated or maintained in accordance with permit conditions, as reported by regional office DEQ staff or from citizen complaints.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) The following discharging systems shall be assigned a classification of Grade I Biological Water Pollution Control System unless the permitted design flow, or operational complexity of the system requires a higher classification:

(1) septic tank/ media filter systems;

(2) biological lagoon systems; and

(3) constructed wetlands and associated appurtenances.

(b) Systems that utilize an activated sludge or submerged fixed growth process with a permitted flow less than or equal to 0.5 million gallons per day (mgd) shall be assigned the classification of Grade II Biological Water Pollution Control System.

(c) Systems utilizing an activated sludge or submerged fixed growth process with permitted flows of greater than 0.5 through 2.5 mgd shall be assigned the classification of Grade III Biological Water Pollution Control System.

(d) Systems utilizing an activated sludge or submerged fixed growth process with a permitted flow greater than 2.5 mgd shall be assigned a classification of Grade IV Biological Water Pollution Control System.

(e) Any system receiving a classification of Grade II Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade III Biological Water Pollution Control System.

(f) Any system receiving a classification of Grade III Biological Water Pollution Control System that is required to comply with a permit limit for Total Nitrogen or Total Phosphorus shall be assigned the classification of Grade IV Biological Water Pollution Control System.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0304 CLASSIFICATION OF SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEMS

(a) Systems that utilize surface irrigation for the treatment, reuse, or disposal of wastewater shall be classified as surface irrigation

water pollution control systems. Those systems that contain only preliminary treatment processes such as septic tanks, media filters, oil/water separators, lagoons, storage basins, physical screening, or sedimentation processes shall not be subject to the additional operator requirements as specified in Rule .0302 or .0306 of this Section.
(b) Any surface irrigation system that has as part of its treatment process systems other than those specified in Paragraph (a) of this Rule, shall be subject to additional classification pursuant to these Rules.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS

The following systems shall be classified as land application of residuals systems if permitted for the land application of:

(1) residuals that are produced by a water pollution control system, water supply treatment facility, as defined in G.S. 90A-20.1, or air pollution control facility, as defined in G.S. 159C-3(2); or
(2) contaminated soils.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0306 CLASSIFICATION OF PHYSICAL/CHEMICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes a physical process to treat wastewaters shall be classified as a Grade I Physical/Chemical Water Pollution Control System.
(b) Any water pollution control system that utilizes a chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, shall be classified as a Grade II Physical/Chemical Water Pollution Control System. Any reverse osmosis, electrodialysis, and ultrafiltration system shall be classified as a Grade II Physical/Chemical Water Pollution Control System.
(c) Any water pollution control system that has as part of its treatment process a biological water pollution control system shall be subject to additional classification as a biological water pollution control system.
(d) Any water pollution control system subject to classification under Rule .0302 of this Section utilizing a physical or chemical process to enhance an activated sludge or fixed growth process shall not be subject to additional classification under this Rule.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0307 CLASSIFICATION OF SUBSURFACE WATER POLLUTION CONTROL SYSTEMS

(a) Systems permitted under rules adopted by the Environmental Management Commission that utilize the soil for the subsurface treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.
(b) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.
(c) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0306 of this Section shall be subject to additional classification if required by rules for wastewater systems adopted by the Commission for Public Health based upon system complexity and the designated treatment standard. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, media filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, additional classification shall not be required.

History Note: Authority G.S. 90A-37;
Eff. April 1, 1999;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0404 ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

An applicant for certification as a Land Application of Residuals Operator shall have successfully completed approved training for land application of residuals operators and shall have met one of the following:

(1) have one year of actual experience in the land application of residuals;
(2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences; or
(3) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0405 ELIGIBILITY REQUIREMENTS FOR PHYSICAL/CHEMICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Physical/Chemical Water Pollution Control System Operator shall be based on the following qualifications:

(1) for the Grade I, the individual shall have successfully completed approved training for

Grade I Physical/Chemical Water Pollution Control System Operators.

(2) for the Grade II, the individual shall:

(a) possess a valid Grade I Physical/Chemical Water Pollution Control System Operator certificate;

(b) have one year of actual experience at a Grade II Physical/Chemical Water Pollution Control System or at an industrial pretreatment or indirect discharge permitted facility; and

(c) have successfully completed approved training for Grade II Physical/Chemical Water Pollution Control System Operators.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0406 ELIGIBILITY REQUIREMENTS FOR SURFACE IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Surface Irrigation Water Pollution Control System Operator shall have successfully completed approved training for surface irrigation water pollution control system operators and shall have met one of the following:

(1) have one year of actual experience in the operation of a surface irrigation water pollution control system;

(2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;

(3) be a private homeowner who intends to operate only his or her own domestic surface irrigation water pollution control system; or

(4) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Subsurface Water Pollution Control System Operator shall have successfully completed approved training for subsurface water pollution controls system operators and shall have met one of the following:

(1) have one year of actual experience in the operation of a subsurface water pollution control system;

(2) be a graduate of a two or four-year college or university and have taken and passed six courses in the basic sciences;

(3) be a private homeowner who intends to operate only his or her own domestic subsurface water pollution control system; or

(4) hold a valid Grade II or higher biological water pollution control system operator certification.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0410 RECIPROCITY CERTIFICATION

(a) The Commission shall issue certification(s) to an individual certified in other states or legal jurisdictions if the individual:

(1) meets or exceeds all eligibility requirements or the equivalent set forth in Rules .0402 to .0408 of this Section, with the exception of completion of approved training;

(2) submits an Application for Reciprocity Form with the one hundred dollar ($100.00) Reciprocity Certificate fee as set forth in G.S. 90A-42(a)(6). The Application for Reciprocity Form may be found at: https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification- exams, and shall include the following:

(A) the applicant's name, Social Security number, mailing address, and contact information;

(B) the type and grade of certification sought;

(C) the date and location of exam requested;

(D) the type and grade of certification held in another state;

(E) educational information;

(F) professional schools and training completed;

(G) employment information; and

(H) operational experience;

(3) provides a letter of verification from the certifying state agency that applicant is certified at the stated level and that no disciplinary actions are outstanding against the applicant; and

(4) achieves a passing score on a Commission-administered examination of the same type and grade as that for which reciprocity certification is being requested. The requirement for completion of approved training shall be

waived in the case of applicants pursuant to this Rule.

(b) An applicant who has failed to achieve a passing score on the Commission-administered exam for the same type and grade of certification within the last two years is ineligible to apply under this Rule.

(c) Applicants that fail to achieve a passing score on three examinations shall be required to successfully complete the approved training for that certification before becoming eligible to take the examination again.

(d) Applicants who obtain certification by providing false information to the Commission shall be subject to disciplinary actions as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-40;
Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0501 APPLYING FOR EXAMINATION

(a) All applications for examination submitted to the Commission shall be:

(1) submitted on a Examination Application found at https://deq.nc.gov/about/divisions/water-resources/operator-certification/wastewater-operator-certification/wastewater-operator-certification-downloads. The Application Form shall include the following:
  (A) the applicant's name, mailing address, and contact information;
  (B) the applicant's Social Security number (if a first-time applicant) or certification number;
  (C) the type and grade of certification sought;
  (D) the date and location of exam requested;
  (E) approved training and educational information;
  (F) employment information;
  (G) operational experience;
  (H) the applicant's supervisor's signature; and
  (I) the applicant's signature.
(2) accompanied by the eighty-five dollar ($85.00) application fee per G.S. 90A-42(a)(1);
(3) completed with all required information, documentation, and signatures provided; and
(4) postmarked at least 30 days prior to the scheduled date of the examination, as indicated on the Commission website.

(b) Upon receipt by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination shall be made based on eligibility requirements set forth in Rules .0401 through .0408 of this Subchapter. Incomplete applications shall be returned to the applicant.

(c) Each applicant shall be notified, in writing, of the applicant's eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall be sent written notification containing information concerning the date, time, and location of the examination. This written notification shall be considered a receipt from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination shall be sent written notification of the ineligibility determination.

(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action as set forth in Section .0800 of this Subchapter.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2018.

15A NCAC 08G .0505 EXAMINATION REVIEWS

(a) Any applicant who fails to make a passing score on an examination shall be allowed to review his or her exam at a date, time, and location specified by the Commission. Notification of the reviews shall be sent using the address submitted upon application and this shall be the only opportunity the applicant shall be allowed for reviewing the examination.

(b) An applicant shall not be allowed to review the examination within 30 days of an upcoming examination date.

(c) All examinees shall receive a report that summarizes his or her performance on the exam, including the score, subject matter areas from which the questions were drawn, as well as correct and incorrect responses to each question. Specific questions from the exam shall not be included in this report.

History Note: Authority G.S. 90A-39;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0701 REQUIREMENTS

(a) The holder of the certificate shall annually renew the certificate by:

(1) Submitting payment of the required annual renewal fee by December 31 as set forth in G.S. 90A-40 and G.S. 90A-46.1.
(2) Each operator shall provide documentation of six contact hours of Commission approved training during each year following the year of initial certification.

(b) Certificates that are not renewed when due shall be invalid. To renew a certificate that has been invalid for less than two consecutive years, all outstanding renewal fees and penalties that have accrued since the certificate was last renewed shall be paid and all accrued continuing education requirements shall be met. To renew a certificate that has been invalid for two or more consecutive years, the operator shall be required make a passing score on an examination of the same type and grade as the former certificate. To qualify for the examination, all relevant

requirements of Section .0400 of this Subchapter shall be met. Any requirements in Section .0400 of this Subchapter for Commission approved training shall have been met within the previous 12-month period.
(c) The Commission shall send renewal notices to each certified operator, using the last known address on file for that individual, 60 days prior to the renewal date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: Authority G.S. 90A-40; 90A-42; 90A-46.1;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0801 GROUNDS FOR DISCIPLINARY ACTIONS

The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified operator for:

(1) practicing fraud or deception;
(2) failure to use reasonable care or judgment in the performance of duties;
(3) failure to apply their knowledge or ability in the performance of duties; or
(4) incompetence or the inability to perform duties.

History Note: Authority G.S. 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

15A NCAC 08G .0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS

(a) An individual who has had certification revoked by the Commission may petition the Commission for any new certification sought, but no sooner than two years from the effective date of the revocation. An individual shall wait one year to reapply for certification following the denial of eligibility for re-certification after relinquishment or revocation.
(b) The following information shall be included in the petition for certification:

(1) a written statement explaining the actions that the individual has taken to correct those problems that lead to the revocation of the certification previously held with the Commission; and
(2) a statement that attests to the Commission that, upon obtaining certification, the individual shall comply with all laws governing the operation of water pollution control systems.

(c) After submittal of the petition for certification, the petitioner shall be required to appear before the Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time, and location of the meeting at least 15 days prior to the meeting.
(d) The Commission shall send written notification to the individual within 120 days following receipt of the petition of its decision. Eligibility for certification shall be granted only if the petitioner presents evidence that those conditions that lead to the revocation of previous certification held by the petitioner have been corrected.
(e) Certification of an individual whose previous certification has been revoked shall occur only after the individual obtains a passing score on an examination. After the Commission approves the petition for certification, the individual shall submit an application, accompanied by the examination fee of eighty-five dollars ($85.00) set forth in G.S. 90A-42(a)(1), and meet the examination eligibility requirements for the type of certification being sought as set forth in Section .0400 of this Subchapter. The individual shall begin the certification process at the lowest grade level offered for the type of certification sought. Operational experience accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when determining the eligibility of the individual for the examination.
(f) Applicants for certification who were previously determined to be ineligible for certification due to supplying false information to the Commission shall follow the procedures set forth in Paragraphs (a) through (e) of this Rule in order to obtain certification.

History Note: Authority G.S. 90A-39; 90A-41; 90A-42;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Readopted Eff. September 1, 2018.

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15A NCAC 10F .0302 ATLANTIC BEACH

(a) Regulated Areas. This Rule shall apply to the following waters in Atlantic Beach in Carteret County:

(1) the canals east of the Atlantic Beach Bridge in Sound View Isles subdivision, including the waters of Money Island Slough from its east entrance at 34.70187 N, 76.72941 W to its west entrance at 34.70237 N, 76.73271 W, and all canals west of the bridge including the canal west of North Shore 1 Drive;
(2) the waters of Bogue Sound within 55 yards of the north shore of Channel Bay Mobile Home Park and North Shore Mobile Home Park;
(3) the waters of Bogue Sound from a point approximately 50 yards north of the entrance to Hoop Pole Creek Bay at 34.70319 N, 76.76904 W, to a line approximately 150 yards south of the entrance to Hoop Pole Creek Bay, shore to shore from a point on the east shore at 34.70178 N, 76.76757 W, to a point on the west shore at 34.70167 N, 76.76973 W, and within 50 yards of all boat ramps in Hoop Pole Creek Bay; and
(4) the waters of Bogue Sound beginning at green day marker 3 and red day marker 4 near the entrance of the 8 ½ Marina Channel and extending within the channel to a point 50 yards west of the boat ramp at 8 ½ Marina Village.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Placement of Markers. The Town of Atlantic Beach shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2018.

15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES

(a) Regulated Area. This Rule shall apply to Lake Norman in Catawba, Iredell, Lincoln, and Mecklenburg counties:

(1) within 50 yards of the shoreline at Jetton Park in Mecklenburg County, from a point on the west side of the park at 35.47082 N, 80.90427 W, south and around the point at 35.46703 N, 80.90360 W, then northeast to a point at 35.47262 N, 80.89727 W;
(2) Bluff Point Cove in Cornelius shore to shore, east of a line from a point 50 yards west of the south shore of the cove mouth at 35.45327 N, 80.89520 W to a point 50 yards west of the north shore of the cove mouth at 35.45487 N, 80.89440 W; and
(3) Hager Creek cove in Iredell County, east of a line at the cove mouth from a point on the south shore at 35.55117 N, 80.95250 W to a point on the north shore of the cove mouth at 35.56162 N, 80.95230 W.

(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described in Paragraph (a) of this Rule and as set forth in G.S. 75A-14.1.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area on the waters of Lake Norman.

(d) Placement and Maintenance of Markers. The Lake Norman Marine Commission shall be the designated agency for placement and maintenance of navigational aids and regulatory markers on the waters of Lake Norman.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; October 1, 1992; May 1, 1989; March 25, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0308 CLAY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

(1) within 50 yards of the boat ramp at Ho Hum Campground;
(2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
(3) within 50 yards of the Gibson Cove access area;
(4) within 50 yards of the Chatuge Cove Marina;
(5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore at 35.02609 N, 83.73945 W;
(6) within 50 yards of the Chatuge Dam Spillway access area; and
(7) the waters of McCracken Cove.

(b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked public swimming area.

(d) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018; June 1, 2017.

15A NCAC 10F .0315 POLK COUNTY

(a) Regulated Area. This Rule shall apply to Lake Adger in the cove south of the Lake Adger Boating Access Area, west of a line from a point on the north shore at 35.33578 N, 82.22780 W to a point on the south shore at 35.33422 N, 82.22774 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the area described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Polk County shall be the designated agency for placement of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0320 ONSLOW COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Onslow County:

(1) the canals in Old Settlers Beach subdivision in the Town of Surf City, east of the Onslow-Pender County line, and the waters of the approach canal from the Intracoastal Waterway between markers 53 and 57, extending south-southwest to the Onslow-Pender County line;

(2) New River in the City of Jacksonville shore to shore, north from a line at a point on the east shore at 34.74356 N, 77.43775 W to a point on the west shore at 34.74358 N, 77.43924 W; and south from a line at a point on the east shore at 34.74695 N, 77.43719 W, to a point on the west shore at 34.74562 N, 77.44114 W; and the waters shore to shore north of the SR 1402 bridge otherwise known as the Old Bridge Street bridge and south of the U.S. Highway 17 Business bridge otherwise known as Marine Boulevard bridge; and within 50 yards of the shoreline at the Marina Café and Marina, from the U.S. Highway 17 Business bridge otherwise known as Marine Boulevard bridge to a point on the west shore at 34.75461 N, 77.43819 W; and

(3) Queens Creek near the boating access area at the north end of SR 1688, otherwise known as Sussex Lane in Hubert, shore to shore west of a line from a point on the south shore at 34.69881 N, 77.18884 W to a point on the north shore at 34.69949 N, 77.18880 W and south-southeast of a line from a point on the west shore at 34.70103 N, 77.19287 W to a point on the east shore at 34.70101 N, 77.19216 W.

(b) Speed Limit. No person shall operate a motorboat at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Onslow County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1976;
Amended Eff. July 1, 1993; June 1, 1989; October 1, 1984; May 1, 1982;
Readopted Eff. October 1, 2018.

15A NCAC 10F .0321 PENDER COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Pender County:

(1) the canal adjoining Olde Point Development in Hampstead;

(2) the First Finger Canal northeast of Godwin Drive in New Topsail Beach;

(3) Town of Topsail Beach, the waters on the eastern side of Banks Channel within 100 yards of the shoreline beginning 155 yards west of Bush's Marina, extending northeast ending 75 yards from the shoreline perpendicular to Haywood Avenue;

(4) the waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area; and

(5) Town of Surf City, the waters of the channel in Topsail Sound known as Deep Creek, from its mouth at a point at 34.43199 N, 77.54795 W to its end west of Goldsboro Avenue.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Pender County for the regulated areas designated in Subparagraphs (a)(1), (2), and (4) of this Rule, the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in Subparagraph (a)(3) of this Rule, and the Board of Commissioners of the Town of Surf City for the regulated area designated in Subparagraph (a)(5) of this Rule shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1976;
Amended Eff. July 1, 1993; December 1, 1991; May 1, 1989; October 1, 1985;
Temporary Amendment Eff. April 1, 1999;
Amended Eff. June 1, 2017; July 1, 2000;
Readopted Eff. October 1, 2018.

15A NCAC 10F .0335 SWAIN COUNTY

(a) Regulated Area. This Rule shall apply to the waters of Fontana Lake within 50 yards of Almond Boat and RV Park at 1165 Almond Boat Park Road in Bryson City.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the area described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Swain County shall be the designated agency for placement of markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. August 31, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0340 CURRITUCK COUNTY

(a) Regulated Areas. This Rule shall apply to the waters described as follows:

(1) Bell Island. All canals on Bell Island.

(2) Walnut Island. All canals in the Walnut Island subdivision in the Village of Grandy.

(3) Waterview Shores subdivision. All canals in the Waterview Shores subdivision in the Village of Grandy.

(4) Neal's Creek Landing. The waters of Neal's Creek within 50 yards of Neal's Creek Landing at the end of SR 1133, otherwise known as Neals Creek Road.

(5) Tull Bay.

(A) The waters of the canal off of Tull Bay from its mouth to its end at Tulls Bay Marina, downstream and within the canal leading to Tull's Bay Marina.

(B) The canals of the Tulls Bay Colony subdivision in Moyock including the waters 50 yards north along the Mississippi Canal from its intersection with Elizabeth Canal.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Currituck County shall be the designated agency f**o**r placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1982;
Amended Eff. May 1, 2015; July 1, 1993; January 1, 1991; December 1, 1990; January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0342 CATAWBA COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Hickory:

(1) the area within 50 yards of the Moore's Ferry Boat Marina and Boathouse in the City of Hickory at 44th Avenue Circle, NW; and

(2) the cove entering the Lake Hickory RV Resort boating access area, south of a line from a point on the east shore at 35.80767 N, 81.22795 W, to a point on the west shore at 35.80818 N, 81.22899 W, and the waters of the cove west and south of the Lake Hickory RV Resort shore to shore, south-southeast of a line from a point on the west shore of the cove mouth at 35.80675 N, 81.23275 W to a point on the east shore of the cove mouth at 35.80722 N, 81.23145 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the waters of the regulated areas specified in Paragraph (a) of this Rule.

(c) Placement of Markers. The governing board of the City of Hickory and the Catawba County Board of Commissioners shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. September 1, 1982;
Amended Eff. March 1, 1992; May 1, 1989;
Temporary Amendment Eff. February 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0349 JOHN H. MOSS LAKE

(a) Regulated Area. This Rule shall apply to the Kings Mountain water supply reservoir known as John H. Moss Lake, in Cleveland County.

(b) Speed Limit Near Boat Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any boat launching area, dock, pier, marina, boat storage structure or boat service area located on the regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area on the regulated area described in Paragraph (a) of this Rule.

(d) Placement of Markers. The Board of Commissioners of the City of Kings Mountain shall be the designated agency for placement of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0353 MOUNTAIN ISLAND LAKE - MECKLENBURG, GASTON AND LINCOLN COUNTIES

(a) Regulated Area. This Rule shall apply to Mountain Island Lake in Mecklenburg, Gaston, and Lincoln counties:

(1) the cove lying north of Historic Latta Plantation Park in Mecklenburg County, southeast of a line from a point on the southwest shore at 35.35772 N, 80.92474 W to a point on the northeast shore at 35.36019 N, 80.91935 W;

(2) Duck Cove in Cowan's Ford Wildlife Refuge in Mecklenburg County, beginning at the mouth of the cove at 35.38097 N, 80.97894 W;

(3) a portion of the south prong of Nance Cove in Mecklenburg County, south of a line from a point on the west shore at 35.33982 N, 80.95313 W to a point on the east shore at 35.34010 N, 80.95185 W, and the waters of the west prong of Nance Cove between SR 2253, otherwise known as Nance Cove Road, and SR 5510 otherwise known as Haymarket Road, south of a line at the mouth of the cove's west prong from a point on the west shore at 35.34547 N, 80.955677 W to a point on the east shore at 35.34506 N , 80.95578 W;

(4) the area within 50 yards shore to shore, northeast and southwest of the N.C. Highway 16 bridge, otherwise known as Brookshire Boulevard bridge, in Mecklenburg and Gaston counties;

(5) Neck Cove in Mecklenburg County shore to shore, north of a line from a point on the west shore at 35.36706 N, 80.93263 W to a point on the east shore at 35.36708 N, 80.93113 W;

(6) Gar Creek in Mecklenburg County, east of a line from a point on the north shore at 35.34885 N, 80.92746 W to a point on the south shore at 35.34804 N, 80.92774 W, and west of a line

from a point on the north shore at 35.34887 N, 80.92686 W to a point on the south shore at 35.34840 N, 80.92585 W;

(7) Whispering Cove in Mecklenburg County, south of a line from a point on the west shore at 35.34119 N, 80.97570 W to a point on the east shore at 35.34079 N, 80.97477 W; and

(8) shore to shore within 50 yards north and south of the N.C. Highway 73 bridge in Mecklenburg and Gaston counties.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated area described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Boards of Commissioners of Mecklenburg County, of Gaston County, and of Lincoln County shall be the designated agencies for placement of markers implementing this Rule for regulated areas within their territorial jurisdictions.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1988;
Temporary Amendment Eff. April 1, 2000;
Amended Eff. January 1, 2015; July 1, 2000;
Readopted Eff. October 1, 2018.

15A NCAC 10F .0359 CHEROKEE COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters of Hiwassee Lake:

(1) Dukes Hideaway Marina cove shore to shore, east of a line from a point on the north shore at 35.11989 N, 84.10420 W to a point on the south shore at 35.11902 N, 84.10386 W;

(2) Shooks Marina cove shore to shore, south of a line from a point on the northwest shore at 35.15458 N, 84.14425 W to a point on the southeast shore at 35.15462 N, 84.14291 W;

(3) Mountain View Marina cove, shore to shore, west of a line from a point on the north shore at 35.15270 N, 84.16471 W to a point on the south shore at 35.15120 N, 84.16313 W;

(4) within 50 yards of the Tennessee Valley Authority boat launch at Micken Branch Ramp at 35.11890 N, 84.16806 W;

(5) Harbor Cove Marina cove, shore to shore, west of a line from a point on the north shore at 35.13899 N, 84.17592 W to a point on the south shore at 35.13771 N, 84.17593 W;

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed on the waters of the regulated areas as described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Cherokee County Board of Commissioners shall be the designated agency for the placement of markers implementing this Rule, subject to the authority of the Tennessee Valley Authority and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1989;
Amended Eff. November 1, 2007; May 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0360 GRAHAM COUNTY

(a) Regulated Area. This Rule shall apply to the following waters in Graham County:

(1) Santeetlah Marina cove on Santeetlah Lake, shore to shore north of a line from a point on the west shore at 35.36435 N, 83.85841 W to a point on the northeast shore at 35.36532 N, 83.85529 W;

(2) Fontana Village Resort Marina cove on Fontana Lake, shore to shore west of a line from a point on the north shore at 35.44294 N, 83.78900 W to a point on the south shore at 35.44077 N, 83.78936 W;

(3) within 50 yards of the Prince Boat Dock Marina at 237 Prince Boat Dock Road in Almond, and its docks and mooring areas on Fontana Lake;

(4) within 50 yards of the Crisp Boat Dock on Town Branch off of Panther Creek on Fontana Lake, near the northern end of SR 1234 otherwise known as Lower Panther Creek Road in Robbinsville;

(5) within 50 yards of the Deyton Camp Boat Dock on Santeetlah Lake at 270 Deyton Camp Road otherwise known as SR 1153, in Robbinsville; and

(6) east of the mouth of Cheoah Point Cove on Santeetlah Lake, beginning at a point at 35.37246 N, 83.87081 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Cheoah Point Swimming Area, Lake Santeetlah - No person shall operate a vessel within the Cheoah Point Swimming Area which begins at the head of Cheoah Point Cove.

(d) Placement of Markers. The Graham County Board of Commissioners shall be the designated agency for the placement of markers implementing this Rule, subject to the authority of the Tennessee Valley Authority and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1989;
Amended Eff. February 1, 1996; February 1, 1994; September 1, 1989;
Temporary Amendment Eff. January 1, 1998;
Amended Eff. May 1, 2004; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0366 MACON COUNTY

(a) Regulated Area. This Rule shall apply to the following waters of Nantahala Lake:

(1) Lakes End Cove west of SR 1310 otherwise known as Wayah Road in Topton, shore to

shore north of a line from a point on the west shore at 35.19602 N, 83.64184 W to a point on the east shore at 35.19544 N, 83.64053 W; and

(2) the area within 100 yards of a point at 35.16570 N, 83.64686 W at the end of the Mountain Shadows Community dock, in Topton.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the waters of the regulated area specified in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Macon County shall be the designated agency for placement of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. June 1, 1994;
Amended Eff. October 1, 2016; June 1, 2005;
Readopted Eff. October 1, 2018.

15A NCAC 10F .0367 HOKE COUNTY

(a) Regulated Area. This Rule shall apply to the waters of Rockfish Creek at Camp Rockfish shore to shore, from a line at a point on the north shore at 34.95415 N, 79.03833 W to a point on the south shore at 34.95372 N, 79.03865 W, eastward to a line from a point on the north shore at 34.95439 N, 79.03660 W to a point on the south shore at 34.95351 N, 79.03773 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Hoke County Board of Commissioners shall be the designated agency for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Temporary Adoption Eff. April 1, 1999;
Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0372 HERTFORD COUNTY

(a) Regulated Area. This Rule shall apply to the portion of the Chowan River at Tuscarora Beach within 65 yards of the shoreline, from a point on the south shore at 36.39028 N, 76.91214 W to a point on the south shore at 36.38820 N, 76.90726 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The County of Hertford shall be the designated agency for placement of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0373 TRANSYLVANIA COUNTY

(a) Regulated Area. This Rule shall apply to Lake Toxaway.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the Lake Toxaway Country Club Marina cove, south of a line from a point on the west shore at 35.14136 N, 82.95424 W to a point on the east shore at 35.14126 N, 82.95303 W.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Transylvania County shall be the designated agency for placement and maintenance of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

15A NCAC 10F .0375 DUKE ENERGY CORPORATION HYDROELECTRIC STATION SAFETY ZONES

(a) Regulated Area. This Rule shall apply to the area one hundred feet upstream or downstream from the stations and dams, and associated structures, abutments and equipment of the Duke Energy Corporation hydroelectric stations and dams listed in Paragraph (f) of this Rule.

(b) Fishing. Except as otherwise provided in this Paragraph or in Paragraph (c) of this Rule, no person shall enter the waters within the regulated areas described in Paragraph (a) of this Rule. Persons engaged in fishing within the regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing activities and shall wear a United States Coast Guard-approved personal flotation device in serviceable condition and of appropriate size for the wearer.

(c) Boating. Any person in or upon a boat, raft or other floating object that enters the regulated area described in Paragraph (a) of this Rule shall wear a United States Coast Guard-approved personal flotation device in serviceable condition and of appropriate size for the wearer. No vessel shall tie off to any part of the dam structure or the accessory portions, nor anchor or otherwise secure a vessel within regulated areas described in Paragraph (a) of this Rule.

(d) Paragraph (c) of this Rule shall not apply to persons who enter with consent of Duke Energy Corporation for the purpose of maintaining, repairing or evaluating facilities of Duke Energy Corporation; law enforcement or emergency personnel; or North Carolina state employees acting in an official capacity.

(e) Placement and Maintenance of Markers. Duke Energy Corporation shall be the designated entity for placement and maintenance of buoys and other signs implementing this Rule.

(f) Duke Energy Corporation hydroelectric stations and dams affected by this Rule:

(1) Bridgewater Hydroelectric Station including Paddy Creek Dam, Linville Dam and Catawba Dam in the Catawba River in Burke and McDowell counties;

(2) Cowans Ford Hydroelectric Station including Cowans Ford Dam in the Catawba River in Lincoln and Mecklenburg counties;

(3) Lookout Hydroelectric Station including Lookout Dam in the Catawba River in Catawba and Iredell counties;
(4) Mountain Island Hydroelectric Station including Mountain Island Dam in the Catawba River in Gaston and Mecklenburg counties;
(5) Oxford Hydroelectric Station including Oxford Dam in the Catawba River in Alexander and Catawba counties;
(6) Rhodhiss Hydroelectric Station including Rhodhiss Dam in the Catawba River in Burke and Caldwell counties; and
(7) Tuxedo Hydroelectric Station including Tuxedo Dam in the Green River in Henderson County.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018.

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15A NCAC 18D .0105 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

(1) "Acceptable Experience"
  (a) For all surface grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties, including on-site water facility laboratory duties, at a surface water treatment facility. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a surface water treatment facility. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, wells, distribution systems, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
  (b) For all well grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties for public water systems with chemical treatment having one or more wells. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a treated well water system. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, distribution systems, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
  (c) For all distribution grade certifications, the term shall mean at least 50 percent of the duties consist of active on-site performance of operational duties for distribution systems within public water systems. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, cross-connection control, and other skills necessary for maintaining and operating a water distribution system. The remaining duties shall be in related fields, such as wastewater facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, wells, or cross-connection control. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.
  (d) For all cross-connection control grade certifications, the term shall mean the duties consist of on-site performance of cross-connection control duties for a public water system. This experience shall be based on the use of mathematics, equipment, materials, maintenance, installation and repair techniques, back flow prevention, and other skills necessary for maintaining and operating a cross-connection control program for a public water system. The remaining duties shall be in related fields, such as wastewater

facility operation, a water or wastewater laboratory, water pumping stations, water system design and engineering, surface facilities, or wells. The experience of Public Water Supply Section personnel shall be acceptable if at least 50 percent of their job duties include inspection or on-site technical assistance of public water systems.

(2) "Certified Operator" means any holder of a certificate issued by the Board in accordance with the provisions of G.S. 90A-25.

(3) "College Graduate" means a graduate of a four-year institution accredited by an agency recognized by the United States Department of Education and awarding degrees on the bachelor level.

(4) "Fire Protection System" means dry or wet sprinkler systems or fire hydrant connections to the water distribution system.

(5) "Owner" means the person, unit of local government, firm, corporation, association, partnership, or non-profit corporation formed to operate a public water supply facility.

(6) "Satisfactorily Completed" means the attendance of at least 80 percent of the training required for examination eligibility and 100 percent of the training required for professional growth hours.

(7) "Secretary" means the Secretary of the Department of Environmental Quality.

(8) "Service Connection" means a water tap made to provide a water connection to a water distribution system.

History Note: Authority G.S. 90A-21(c);
Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. May 1, 2006; August 1, 2002; August 1, 1998; August 3, 1992; January 1, 1992; September 1, 1990; June 1, 1988;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0201 GRADES OF CERTIFICATION

(a) Applicants for certification shall be at least 18 years old, possess a high school diploma or general educational development equivalent (GED), and meet the following educational and experience requirements:

(1) GRADE C-SURFACE applicants shall have six months of acceptable experience at a surface water facility and have satisfactorily completed a C -Surface school approved by the Board.

(2) GRADE B-SURFACE applicants shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a surface water facility, and have satisfactorily completed a B-Surface school approved by the Board; or

(B) have one year of acceptable experience at a surface water facility while holding a Grade C-Surface certificate and have satisfactorily completed a B-Surface school approved by the Board.

(3) GRADE A-SURFACE applicants shall have one year of acceptable experience at a surface water facility while holding a Grade B-Surface certificate and have satisfactorily completed an A-Surface school approved by the Board.

(4) GRADE D-WELL applicants shall have three months of acceptable experience at a well water facility and have satisfactorily completed a C-Well or D-Well school approved by the Board.

(5) GRADE C-WELL applicants shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a well water facility, and have satisfactorily completed a C -Well school approved by the Board;

(B) have six months of acceptable experience at a well water facility and have satisfactorily completed a C-WELL school approved by the Board; or

(C) hold either a Grade A-Surface certification or a Grade A-Distribution certificate and have satisfactorily completed a C-Well school approved by the Board.

(6) GRADE B-WELL applicants shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a well water facility, and have satisfactorily completed a B-WELL school approved by the Board; or

(B) have one year of acceptable experience at a well water facility while holding a Grade C-Well certificate and have satisfactorily completed a B-WELL school approved by the Board.

(7) GRADE A-WELL applicants shall have one year of acceptable experience at a well water facility while holding a Grade B-Well certificate and have satisfactorily completed an A-WELL school approved by the Board.

(8) GRADE D-DISTRIBUTION applicants shall have three months of acceptable experience at a distribution system and have satisfactorily completed a C-Distribution or D-Distribution school approved by the Board.

(9) GRADE C-DISTRIBUTION applicants shall hold a certificate of completion of trench shoring training from a school approved by the Board and shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a diploma in water and wastewater technology, have three months of acceptable experience at a Class C or higher distribution system, and have satisfactorily completed a C-Distribution school approved by the Board; or

(B) have six months of acceptable experience at a Class D or higher distribution system and have satisfactorily completed a C-Distribution school approved by the Board.

(10) GRADE B-DISTRIBUTION applicants shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a diploma in water and wastewater technology, have six months of acceptable experience at a Class B or higher distribution system, have satisfactorily completed a B-Distribution school approved by the Board, and shall hold a certificate of completion of trench shoring training from a school approved by the Board; or

(B) have one year of acceptable experience at a Class C or higher distribution system while holding a Grade C-Distribution certificate and have satisfactorily completed a B-Distribution school approved by the Board.

(11) GRADE A-DISTRIBUTION applicants shall have one year of acceptable experience at a Class B or higher distribution system while holding a Grade B-Distribution certificate and have satisfactorily completed an A-Distribution school approved by the Board.

(12) GRADE CROSS-CONNECTION CONTROL applicants shall:

(A) be a college graduate with a bachelor's degree in the physical or natural sciences or be a graduate of a two-year technical program with a degree in water and wastewater or civil engineering technology, and have satisfactorily completed a cross-connection control school approved by the Board;

(B) have six months of acceptable experience at Class D-Distribution or higher system or have one year experience in the operations of cross connection control devices, and have satisfactorily completed a cross-connection control school approved by the Board; or

(C) be a plumbing contractor licensed by the State of North Carolina and have satisfactorily completed a cross-connection control school approved by the Board.

(13) APPRENTICE applicants shall have met the education requirement and satisfactorily completed a Grade B, Grade C, Grade D, or cross-connection control school approved by the Board and shall have correctly answered at least 70 percent of the questions on an examination designed for the class of certification for which the applicant is applying. The apprentice certification may be renewed annually for a maximum of five years, pursuant to the continuing education and renewal requirements of this Subchapter. An apprentice shall not act as a certified operator or an Operator in Responsible Charge for a facility. An apprentice is eligible for Grade B, Grade C, Grade D, or cross-connection control certification after meeting the applicable experience requirements as set forth in this Rule and making application to the Board.

(b) Applications for certification of an operator certified in a state other than North Carolina shall be submitted to the Board for review. The application for out-of-state, civilian applications includes information regarding the applicant's current employment, the type of licenses granted in the state of origin, the years of water treatment experience, and a listing of water treatment plant experience. The application for applicants with military experience includes a listing of water treatment plant experience and an attached copy of the applicant's Verification of Military Experience and Training (VMET). The information supplied shall assist the Board in determining whether the requirements under which the out-of-state certification was obtained are equivalent to those required by the Water Treatment Facility Operators Board of Certification.

History Note: Authority G.S. 90A-21(c); 90A-22; 90A-23; 90A-24; 90A-25(b);
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. February 1, 2012; May 1, 2006; September 1, 2004; August 1, 2000; August 1, 1998; May 3, 1993; August 3, 1992; July 1, 1991; December 31, 1988;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0203 RATING VALUES TO DETERMINE VARIOUS CLASSES OF CERTIFICATION

The designation of public water system treatment classifications shall be based on the following rating values:

	PARAMETER		RATING VALUE
(1)	Surface Water Source		
	(a)	flowing stream	5
	(b)	flowing stream with impoundment	7
	(c)	raw water treatment	3
(2)	Ground Water Source		
	(a)	first five wells	5
	(b)	add 1 point per 5 wells or fraction thereof over 5	1
(3)	Coagulation		
	(a)	aluminum sulfate, ferric chloride	10
	(b)	polymer	5
(4)	Mixing		
	(a)	baffle	2
	(b)	mechanical	4
	(c)	air	3
(5)	Oxidation (pre-treatment)		
	(a)	$C1_20_2$	5
	(b)	ozone	5
	(c)	$KMn0_4$	3
	(d)	$C1_2$	3
(6)	Carbon Treatment		2
(7)	Aeration		
	(a)	mechanical draft	3
	(b)	coke tray or splash tray	2
	(c)	diffused	3
	(d)	packed tower (VOC reduction)	10
(8)	pH Adjustment (primary)		
	(a)	caustic (NaOH)	10
	(b)	lime or soda ash	3
	(c)	acid	10
(9)	Sedimentation		
	(a)	standard rate	5
	(b)	tube settlers	3
	(c)	upflow	8
	(d)	pulsators and plates	5
(10)	Contact Tank		1
(11)	Filtration		
	(a)	pressure	
		(i) sand or anthracite	8
		(ii) synthetic media (birm)	8
		(iii) granular activated carbon (GAC)	9
	(b)	gravity	
		(i) sand	10
		(ii) anthracite (mixed) or GAC	12
		(iii) with surface wash or air scour	2
	(c)	membrane	10
(12)	Ion Exchange		
	(a)	softener, Na cycle	5
	(b)	softener, H cycle	7
	(c)	Fe and Mn (greensand)	9
	(d)	mixed bed or split stream	9

(13)	Lime Softening		
	(a)	spiractors	10
	(b)	clarifier with coagulation	12
	(c)	fuel burner (recarbonation)	5
(14)	Phosphate (sequestering agent)		5
(15)	Stabilization		
	(a)	acid feed	10
	(b)	phosphate	2
	(c)	caustic (NaOH)	10
	(d)	lime or soda ash	3
	(e)	contact units	5
(16)	Reverse Osmosis, Electrodialysis		15
(17)	Disinfection		
	(a)	gas $C1_2$	10
	(b)	hypochlorite solution	7
	(c)	$C1_20_2$(sodium chlorite and $C1_2$)	13
	(d)	ozone	13
	(e)	ammonia and $C1_2$	12
	(f)	ultraviolet light (uv)	5
(18)	Fluoridation		
	(a)	saturator	8
	(b)	dry feed	8
	(c)	solution (acid)	10
(19)	Pumping		
	(a)	raw	3
	(b)	intermediate	1
	(c)	finished	3
	(d)	system booster	2
(20)	Storage		
	(a)	raw	1
	(b)	treated ground level tank	1
	(c)	elevated in system (each extra tank 1 point)	2
	(d)	hydropneumatic	2
(21)	Population Served 1 point per 1,000 persons served		50 max
(22)	Plant Capacity 1 point per 1 MGD capacity		25 max
(23)	On-Site Quality Control		
	(a)	bacteriological	
		(i) MPN/MF	5
		(ii) HPC	2
		(iii) MMO-MUG (Colilert)	2
	(b)	pH	
		(i) meter	2
		(ii) test kit	1
	(c)	fluoride	
		(i) meter	3
		(ii) colorimetric	3
	(d)	chlorine	
		(i) titrator	3
		(ii) colorimeter/spec.	2
		(iii) test kit	1
	(e)	iron	1
	(f)	hardness	1
	(g)	alkalinity	1
	(h)	turbidity	1
	(i)	manganese	1
	(j)	others (1 point each)	1
	(k)	A.A. Spec, or G.C. Unit	5 each

History Note: *Authority G.S. 90A-21(c); 90A-22;*

Eff. February 1, 1976;
Readopted Eff. March 1, 1979;
Amended Eff. August 1, 2000; August 3, 1992; January 1, 1992; September 1, 1990;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0205 PUBLIC WATER SYSTEM TREATMENT, DISTRIBUTION, AND CROSS-CONNECTION CONTROL CLASSIFICATIONS

(a) Public water system treatment facilities, except for Class D-Well systems, shall be classified based on the sources of water and the number of points assigned to the facilities pursuant to Rule .0203 of this Section, as follows:

Class C	1-50 points
Class B	51-110 points
Class A	over 110 points

Non-community public water systems with hypochlorite solution as the only treatment applied to the water shall be classified as Class D-Well.

(b) The classification of distribution systems shall apply to all community and non-transient non-community public water systems. The distribution system class level shall be the greater of the treatment plant class level from Paragraph (a) of this Rule or the following class level based on the number of service connections and existence of a fire protection system:

(1) Class D-DISTRIBUTION is any system with 100 or fewer service connections with no fire protection system;
(2) Class C-DISTRIBUTION is any system with more than 100 service connections but not exceeding 1,000 service connections with no fire protection system;
(3) Class B-DISTRIBUTION is any system with more than 1,000 service connections but not exceeding 3,300 service connections or any system not exceeding 1,000 service connections with a fire protection system; and
(4) Class A-DISTRIBUTION is any system with more than 3,300 service connections.

(c) The classification CROSS-CONNECTION CONTROL shall be applied to any distribution system that is required to have installed five or more testable backflow prevention assemblies in accordance with 15A NCAC 18C .0406(b), which is hereby incorporated by reference, including subsequent amendments and editions.

History Note: Authority G.S. 90A-21(c); 90A-22;
Eff. February 1, 1976;
Amended Eff. September 1, 1977;
Readopted Eff. March 1, 1979;
Amended Eff. November 1, 2006; August 1, 2002; August 1, 2000; August 3, 1992; September 1, 1990; December 31, 1980; January 1, 1980;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0307 EXPIRATION AND REVOCATION OF CERTIFICATE

(a) If an operator fails to pay the renewal fee or meet the continuing education requirements of Rule .0308(a) of this Section, the operator's certificate shall expire.

(b) If an operator in responsible charge fails to meet the requirements of 15A NCAC 18D .0701, his or her operator's certificate may be revoked pursuant to G.S. 90A-26.

(c) An individual who has had certification revoked by the Board may petition the Board for any certification sought if:

(1) two years have elapsed since the effective date of the revocation; and
(2) the individual has completed a school approved by the Board and passed an exam corresponding to the certification being sought.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 3, 1992;
Amended Eff. November 1, 2008; August 1, 2004; August 1, 2002; August 1, 2000; August 1, 1998;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0308 PROFESSIONAL GROWTH HOURS

(a) All certified operators shall complete six professional growth hours of Board-approved training each year following the year of initial certification. Board-approved training shall contain subject matter relevant to water treatment facility operators and includes the following categories: rules and regulations, equipment, operation and maintenance, record keeping, new treatment technologies, water treatment processes, courses taught as part of certification school curriculum, and management of water treatment facilities. Submitting proof of professional growth hours shall be the responsibility of the operator. Failure to complete the six professional growth hours shall result in expiration of the operator's certificates.

(b) Training providers shall seek Board approval prior to offering events that provide professional growth hours. Training providers shall submit an attendance roster to the Board within ten business days after completion of the training event. The roster shall contain each attendee's full name and certification ID number. The organization providing the training shall give each participant a certificate or other proof of completion that includes the name of the provider, the provider's address, and contact person with telephone number. The proof of completion shall identify the name of the participant, the number of professional growth hours completed, the course name, the course number assigned by the Board, the instructor's name, and the date of the training. For in-house training, an instructor from outside of the organization shall provide the training.

(c) The Board shall mail renewal notices to operators prior to the renewal date and shall state whether the Board has a record of their professional growth hours for the preceding year. If the Board does not have a record of professional growth for an operator, the operator shall provide proof of the required six professional growth hours of training prior to renewal of any certification issued by the Board. Failure to receive a renewal notice shall not relieve a certified operator of the responsibility to renew the certificate by the renewal due date.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. December 1, 2008; August 1, 2004; August 1, 2000;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0309 CERTIFICATION REINSTATEMENT

(a) An operator whose certification has expired may seek reinstatement within two years of expiration by paying any renewal fees in arrears, including late fees, and either providing proof of six contact hours of professional growth training for each calendar year as required in Rule .0308 of this Section or passing another examination of that grade.
(b) An operator whose certificate has been expired for less than two years must pay any renewal fees in arrears and late fees before seeking an upgrade from the certificate type that has expired.
(c) Any person whose certification has been expired for more than two years may apply to the Board for reinstatement of the certificate type that was expired.

History Note: Authority G.S. 90A-25.1; 90A-26;
Eff. August 1, 1998;
Amended Eff. May 1, 2006; August 1, 2004; August 1, 2000;
Readopted Eff. September 1, 2018.

15A NCAC 18D .0701 OPERATOR IN RESPONSIBLE CHARGE

(a) The owner shall ensure that the public water system facilities are managed by an operator in responsible charge who possesses a certificate equivalent to or exceeding the requirements in this Subchapter.
(b) The operator in responsible charge shall manage the daily operation and maintenance of the facility. No person shall be in responsible charge of more than any one of the following without written permission from the Board:

(1) one surface water treatment facility;
(2) five community public water systems with well water facilities;
(3) ten non-community public water systems with well water facilities;
(4) one distribution system serving over 3,300 service connections;
(5) five distribution systems serving over 500 service connections and less than 3,300 service connections;
(6) ten total distribution systems;
(7) ten total cross-connection control systems; or
(8) any facility located more than a 50-mile radius from where the operator resides.

No person shall be in responsible charge of any combination of a surface water treatment facility, a community public water system with well water facilities, a non-community public water system with well water facilities, a distribution system, and a cross-connection control facility without written permission from the Board.
(c) A request for permission from the Board shall include documentation demonstrating that the facilities in question will be managed in compliance with the requirements of 15A NCAC 18C, which is hereby incorporated by reference, including subsequent amendments and editions.
(d) The operator in responsible charge shall report, with annual certification renewal, the names and public water system identification numbers for all systems for which the operator is the operator in responsible charge.
(e) If an operator in responsible charge takes responsibility for an additional system or relinquishes responsibility for any system, the operator shall notify the Board in writing within 10 days of the change.
(f) The operator in responsible charge shall establish standard operating procedures for each facility for which he or she is responsible. These procedures shall ensure that his or her decisions about water quality or quantity that affect public health are carried out. The procedures shall instruct persons lacking proper certification to refer all the decisions affecting public health to the certified operator on duty or to the operator in responsible charge.
(g) The operator in responsible charge shall be available for consultation on the premises of the facility in case of an emergency, equipment malfunction, or breakdown of equipment. The operator in responsible charge may designate a temporary operator in responsible charge during times when it is impossible for the operator in responsible charge to be on the premises. The temporary operator in responsible charge shall be familiar with the water system and have access to the standard operating procedures developed under Paragraph (f) of this Rule. The temporary operator in responsible charge shall possess a certification equivalent to or exceeding that required by the water system treatment classification. The operator in responsible charge shall notify the Board of any temporary operator in responsible charge designation lasting longer than 14 days.

History Note: Authority G.S. 90A-21(c); 90A-31;
Eff. August 1, 1998;
Amended Eff. May 1, 2006; August 1, 2002; August 1, 2000;
Readopted Eff. September 1, 2018.

TITLE 17 - DEPARTMENT OF REVENUE

17 NCAC 07B .3703 CAR WASH BUSINESSES

History Note: Authority G.S. 105-164.3; 105-164.4; 105-164.6; 105-262; Article 39; Article 40; Article 42; Article 43; Article 44; Article 46;
Eff. February 1, 1976;
Amended Eff. May 1, 2009; October 1, 1993; October 1, 1991;
Repealed Eff. September 1, 2018.

17 NCAC 07B .3911 GIFT WRAPPING

History Note: Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262; 105-264;
Eff. January 3, 1984;
Amended Eff. November 1, 1994; October 1, 1993;
Repealed Eff. September 1, 2018.

17 NCAC 07B .4103 PHOTO TINTING

History Note: Authority G.S. 105-164.4; 105-164.6; 105-262; Article 39; Article 40; Article 42; Article 43; Article 44;
Eff. February 1, 1976;
Amended Eff. September 1, 2006; October 1, 1993; October 1, 1991;
Repealed Eff. September 1, 2018.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 12 – LICENSING BOARD FOR GENERAL CONTRACTORS

21 NCAC 12 .0205 QUALIFIER

(a) The qualifier for the applicant shall be a responsible managing employee, officer, or member of the personnel of the applicant, as described in G.S. 87-10. A person may serve as a qualifier for no more than two licenses. A qualifier's examination credentials shall archive if the qualifier does not serve as a qualifier for an active licensee for a period of four consecutive years. Any subsequent attempts to qualify for a license shall require the qualifier to earn a passing grade. Subject to the provisions of G.S. 150B and Section .0800 of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person who has already passed an examination if such person has previously served as qualifier for a licensee that has been disciplined by the Board.

(b) A licensee shall notify the Board in writing in the event a qualifier ceases to be connected with the licensee. The notice shall include the date on which the qualifier was last connected with the licensee and shall be submitted no later than 10 days after the date of separation. A qualifier shall also be required to notify the Board in writing in such circumstances. After such notice is filed with the Board in writing, or the Board determines that the qualifier is no longer connected with the licensee if there are no additional qualifiers for the licensee, the license shall remain in full force and effect for a period of 90 days from the termination date, and then becomes invalid unless a qualifier has transferred a valid examination credential to the licensee, as provided by G.S. 87-10.

(c) Persons associated with a firm or corporation may take the required examination on behalf of the firm or corporation as described in G.S. 87-10. A partner may take an examination on behalf of a partnership.

(d) "Responsible managing" as used in G.S. 87-10 shall describe a person who is engaged in the work of the applicant a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less.

(e) "Members of the personnel" as used in G.S. 87-10 shall describe a person who is a responsible managing employee of the applicant. A member of the personnel shall not be an independent contractor.

(f) An applicant or licensee may have more than one qualifier. If one person associated with the applicant fails, and another passes, the license will be granted to that applicant. A license will be issued only in the classification held by a qualifier who has passed an examination in that classification.

History Note: Authority G.S. 87-1; 87-4; 87-10; 87-11(a);
Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 2014; July 1, 2008; April 1, 2006; August 1, 2000; June 1, 1994; June 1, 1992; May 1, 1989; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. September 1, 2018; April 1, 2018.

21 NCAC 12 .0209 APPLICATION

(a) Any application made pursuant to G.S. 87-10 shall be accompanied by a Certificate of Assumed Name filed in accordance with Chapter 66, Article 14A of the General Statutes. Applications submitted to the Board on behalf of corporations, limited liability companies and partnerships shall be accompanied by a copy of any documents required to be filed with the North Carolina Secretary of State's office, such as Articles of Incorporation or Certificate of Authority.

(b) All licensees shall comply with the requirements of G.S. 66-71.4 and shall notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.

(c) No applicant or licensee shall use or adopt an assumed name used by any other licensee, or any name so similar to an assumed name used by another licensee that could confuse or mislead the public.

History Note: Authority G.S. 66-71.4; 87-1; 87-4; 87-10;
Eff. August 1, 2000;
Amended Eff. April 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. September 1, 2018.

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CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

21 NCAC 14A .0101 DEFINITIONS

In addition to the definition set forth in G.S. 88B-2, the following definitions apply in this Chapter:

(1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.

(2) "Clean" is the removal of visible and surface debris, washing with soap and water, detergent or chemical cleaner that prepares non-porous items for disinfection and reduces the number and slows the growth of pathogens on both porous and non-porous surfaces. Cleaning does not make multi-use items safe for use.

(3) "Contact time" is the amount of moist contact time required for a disinfectant to be effective against the pathogens on the manufacturers label. Clean items or surfaces must remain

immersed, or visibly wet if using sprays or wipes, for full contact time to be effective.

(4) "Cosmetology School" is any cosmetic art school that teaches cosmetic art as defined by G.S. 88B-2(5), but is not solely a manicurist or an esthetics school.

(5) "Cosmetology Student" is a student in any cosmetic art school whose study is the full curriculum.

(6) "Disinfect" is the process of making a non-porous item safe for use that includes the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. UV light is not acceptable for disinfection.

(7) "Disinfectant" is an EPA registered bactericidal, virucidal and fungicidal disinfectant that is approved for use in beauty salon or salon settings, following instruction label for dilution ratio and contact time, or an EPA registered Sodium Hypochlorite 5.25 percent or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturers label. Bleach must be active (not expired) with a manufacture date of less than 6 months prior to use.

(8) "Esthetician School" is any cosmetic art school that teaches only the cosmetic art of skin care.

(9) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14T .0604.

(10) "Licensing cycle" shall be as follows:

(a) for cosmetologists, the licensing cycle is a three-year period beginning on the first day of October and ending on the third following first day of October and continuing thereafter in three year intervals;

(b) for estheticians, natural hair care specialists and manicurists, the licensing cycle is one year in length beginning on the first day of October and ending on the next first day of October;

(c) for teachers, the licensing cycle is a two-year period beginning on the first day of October of an even-numbered year and ending on the next first day of October of the next even-numbered year.

(11) "Manicurist School" is a cosmetic art school that teaches only the cosmetic art of manicuring.

(12) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14T .0605.

(13) "Non-porous" is a material that has no pores and does not allow for liquids to be absorbed or pass through. Common non-porous materials include glass, metal, and plastic.

(14) "Porous" is a material that has minute spaces or holes through which liquid or air may pass such as paper, foam, and wood. Porous may also be called permeable, penetrable, or cellular.

(15) "Renewal period" for individual licensees is a three-month period beginning on the first day of July and ending on the first day of October of a renewal year. The "renewal period" for salon licensees is a two-month period beginning on the first day of December and ending on the first day of February of a renewal year.

(16) "Sterilize" is the eradication of all microbial life through the use of heat, steam, or chemical sterilants. Autoclaves and or dry heat sterilizers used to sterilize must be spore tested through an independent lab every 30 days. Autoclaves or dry heat sterilizers used to sterilize must be FDA approved and used only as instructed by the manufacturer. Spore testing results and maintenance records must be kept onsite for 12 months.

(17) "Successful Completion" is the completion of an approved cosmetic art curriculum with a minimum grade of "C" or 70 percent, whichever is deemed as passing by the cosmetic art school.

History Note: Authority G.S. 88B-2; 88B-4;
Eff. February 1, 1976;
Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991; January 1, 1989;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. October 1, 2012; July 1, 2010; December 1, 2008; May 1, 2005; December 1, 2004; May 1, 2004; February 1, 2004; April 1, 2001; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2018; March 1, 2018.

21 NCAC 14H .0301 WATER

Cosmetic art shops shall have a sink with hot and cold running water in the shop, separate from restrooms.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14;
Eff. April 1, 2012;
Amended Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. September 1, 2018; March 1, 2018.

21 NCAC 14H .0303 BATHROOM FACILITIES

(a) Toilet and hand washing facilities consisting of at least one commode and one hand washing sink with running water, liquid

soap and individual clean towels or hand air dryer shall be accessible to each cosmetic art shop.
(b) Shops with an initial licensure date on or after March 1, 2012 shall have toilet and hand washing facilities in the bathroom as required in Paragraph (a) of this Rule.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. September 1, 2018; March 1, 2018.

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or hand sanitizer with the active ingredient of 70 percent alcohol or higher before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	3
Waste material shall be kept in receptacles with a disposable liner.	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures shall be clean and in good repair.	3
Clean protective capes, drapes, linens, and towels shall be used for each patron.	3
After a cape, drape, linen, or towel has been in contact with a patron's skin, it shall be placed in a clean, closed container until laundered with soap and hot water and dried in a heated dryer.	5
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens, and towels shall be stored in a clean area.	5
Bathroom facilities shall be kept clean.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected per Rule .0403 of this Subchapter.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	1
The presence of animals or birds shall be prohibited as set forth in Rule .0402 of this Subchapter. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed with a clean implement. No product dispensed in portions shall be returned to the container.	10
After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall be emptied daily and the unit disinfected daily.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables, and beds shall be disinfected between patrons.	3

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26; Eff. April 1, 2012; Amended Eff. August 1, 2014; Readopted Eff. January 1, 2016; Amended Eff. September 1, 2018.

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CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16R .0201 CONTINUING EDUCATION REQUIRED

(a) Except as permitted in Rule .0204 of this Section as a condition of license renewal, every dentist shall complete a

minimum of 15 clock-hours of continuing education each calendar year.

(b) For licensees who prescribe controlled substances, one hour of the total required continuing education hours shall consist of a course designed to address prescribing practices, including instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management.

(c) Each applicant who receives an instructor's license or a license to practice general dentistry after January 1, 2019, and who is engaged in the practice or teaching of dentistry in North Carolina shall take a six-hour course in professionalism and ethics in the first year that the applicant is required to meet the continuing education requirements of Paragraph (a) of this Rule as follows:

(1) The six-hour professionalism and ethics course shall be included in the 15 clock-hour requirement of Paragraph (a) of this Rule;

(2) The professionalism and ethics Course shall include segments addressing coding and billing, record keeping, informed consent, patient and staff boundaries, office management, duties delegable to dental auxiliaries, the American Dental Society's Code of Ethics, and professionalism; and

(3) A dentist who receives a variance or exemption from continuing education requirements under 21 NCAC 16R .0204(a)(1),(3), or (4) shall be exempt from taking the professionalism and ethics course until such time as he or she resumes full practice. A dentist classified as a semi-retired Class II dentist shall complete the professionalism and ethics course.

(d) Any or all of the hours may be acquired through self-study courses, provided that the self-study courses are related to clinical patient care and offered by a Board-approved sponsor listed in Rule .0202 of this Section. The dentist shall pass a test following every self-study course and obtain a certificate of completion.

(e) Courses taken to maintain CPR certification shall not count toward the mandatory continuing education hours set forth in this Rule.

History Note: Authority G.S. 90-31.1;
Eff. July 1, 2015;
Amended Eff. August 1, 2016;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. September 1, 2018.

This Section contains information for the meeting of the Rules Review Commission October 18, 2018 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate	**Appointed by House**
Jeff Hyde (1st Vice Chair)	Garth Dunklin (Chair)
Robert A. Bryan, Jr.	Andrew P. Atkins
Margaret Currin	Anna Baird Choi
Jeffrey A. Poley	Paul Powell
Brian LiVecchi	Jeanette Doran (2nd Vice Chair)

COMMISSION COUNSEL

Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

October 18, 2018 November 15, 2018
December 13, 2018 January 17, 2019

AGENDA
RULES REVIEW COMMISSION
THURSDAY, OCTOBER 18, 2018 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

I. Ethics reminder by the chair as set out in G.S. 163A-159(e)
II. Approval of the minutes from the last meeting
III. Follow-up matters
  A. Commission of Navigation and Pilotage for the Cape Fear River and Bar – 04 NCAC 15 .0119, .0121, .0123, .0124, .0127, .0128 (Thomas)
  B. Board of Elections and Ethics Enforcement - 08 NCAC 02 .0112, .0113; 03 .0101, .0102, .0103, .0104, .0105, .0106, .0201, .0202, .0301, .0302; 04 .0302, .0304, .0305, .0306, .0307; 05 .0111; 06B .0103, .0104, .0105; 08 .0104; 09 .0106, .0107, .0108, .0109; 10B .0101, .0102, .0103, .0104, .0105, .0106, .0107; 16 .0101, .0102, .0104; 18 .0102 (May)
  C. DHHS/Division of Medical Assistance – 10A NCAC 22F .0301; 22J .0106 (May)
  D. Commission for the Blind - 10A NCAC 63C .0203, .0204, .0403, .0601 (Thomas)
  E. Criminal Justice Education and Training Standards Commission - 12 NCAC 09B .0101, .0203, .0301; 09G .0102, .0103, .0304, .0504, .0505, .0701 (Reeder)
  F. Water Pollution Control System Operators Certification Commission – 15A NCAC 08F .0406; 08G .0802 (Reeder)
  G. Commission for Public Health – 15A NCAC 18A .1934, 1935, .1937, .1938, .1939, .1940, .1941, .1942, .1943, .1944, .1945, .1946, .1947, .1948, .1949, .1950, .1951, .1952, .1953, .1954, .1955, .1956, .1957, .1958, .1959, .1960, .1961, .1962, .1964, .1965, .1966, .1967, .1968, .1969, .1970, .1971; 18E .0101, .0102, .0103, .0104, .0105, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302, .0303, .0304, .0305, .0401, .0402, .0403, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0509, .0510, .0601, .0602, .0701, .0702, .0703, .0801, .0802, .0803, .0804, .0805, .0901, .0902, .0903, .0904, .0905, .0906, .0907, .0908, .0909, .0910, .0911, .1001, .1002, .1101, .1102, .1103, .1104, .1105, .1106, .1201, .1202, .1203, .1204, .1205, .1206, .1302, .1303, .1304, .1305, .1306, .1307, .1401, .1402, .1403, .1404, .1405, .1406, .1501, .1502, .1503, .1504, .1505, .1601, .1602, .1603, .1701, .1702, .1703, .1704, .1705, .1706, .1707, .1709, .1710, .1711, .1712, .1713 (May)
  H. Board of Registration for Foresters - 21 NCAC 20 .0103, .0104 (Reeder)
  I. Board of Massage and Bodywork Therapy - 21 NCAC 30 .1009, .1010 (Reeder)
IV. Review of Log of Filings (Permanent Rules) for rules filed August 21, 2018 through September 20, 2018

- Pre-Reviewed Rules
  - Department of Public Safety (Reeder)
  - Wildlife Resources Commission (Thomas)
  - Board of Dental Examiners (May)
- Non Pre-Reviewed Rules
  - Department of Labor (Thomas)
  - Locksmith Licensing Board (Reeder)
  - Midwifery Joint Committee (Thomas)
  - Board of Physical Therapy Examiners (Thomas)

V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting

VI. Existing Rules Review

- Review of Reports
  1. 10A NCAC 13K – Medical Care Commission (Thomas)
  2. 10A NCAC 41H – State Registrar of Vital Statistics (Thomas)
  3. 17 NCAC 04 – Department of Revenue (Reeder)
  4. 21 NCAC 40 - Board of Opticians (Reeder)

VII. Commission Business

I. Commission discussion of the RRC meeting start time
J. Periodic Review and Expiration of Existing Rules Readoption Schedule

- Next meeting: Thursday, November 15, 2018

Commission Review
Log of Permanent Rule Filings
August 21, 2018 through September 20, 2018

LABOR, DEPARTMENT OF

The rules in Chapter 15 pertain to elevators and amusement devices and include general provisions (.0100); various industry codes and standards (.0200); elevators and related equipment (.0300); amusement devices (.0400); penalties (.0500); forms (.0600); and fees (.0700).

Safety Standards for Wind Turbine Tower Elevators — 13 NCAC 15 .0208
Adopt*

PUBLIC SAFETY, DEPARTMENT OF

The rules in Chapter 01 are departmental rules. The rules in Subchapter 01C concern state law assistance during labor dispute including applications for assistance (.0100); assignment of state officers (.0200); deployment and control of state officers (.0300); and costs (/0400).

Agreement to Pay Costs — 14B NCAC 01C .0401
Readopt without Changes*

Statement of Costs — 14B NCAC 01C .0402
Readopt without Changes*

The rules in Chapter 7 concern the State Highway Patrol. The rules in Subchapter 07A concern enforcement regulations.

Vehicle Removal Procedures — 14B NCAC 07A .0104
Readopt without Changes*

Securing Vehicles When Operator Is Arrested — 14B NCAC 07A .0105
Readopt without Changes*

Vehicle Transported and Stored over Objection of Owner — 14B NCAC 07A .0106
Readopt without Changes*

Parking Vehicles off the Roadway 14B NCAC 07A .0107
Readopt without Changes*

Transporting and Storing Vehicles 14B NCAC 07A .0108
Readopt without Changes*

Notification 14B NCAC 07A .0109
Readopt without Changes*

Release of Vehicles 14B NCAC 07A .0110
Readopt without Changes*

Vehicle Inventory 14B NCAC 07A .0111
Readopt without Changes*

Reimbursement of Wrecker Operators 14B NCAC 07A .0112
Readopt without Changes*

Financial Interest 14B NCAC 07A .0113
Readopt without Changes*

Impartial Use of Services 14B NCAC 07A .0114
Readopt without Changes*

Rotation, Zone, Contract, and Deviation from System 14B NCAC 07A .0115
Readopt without Changes*

Rotation Wrecker Service Regulations 14B NCAC 07A .0116
Readopt without Changes*

Sanctions for Violations 14B NCAC 07A .0118
Readopt without Changes*

Hearing Procedures 14B NCAC 07A .0119
Readopt without Changes*

The rules in Subchapter 07C concern motor carrier safety rules and regulations.

Safety of Operation and Equipment 14B NCAC 07C .0101
Readopt without Changes*

Hazardous Materials 14B NCAC 07C .0102
Readopt without Changes*

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

Application for Certificate of Vessel Number 15A NCAC 10F .0102
Readopt with Changes*

Transfer of Ownership 15A NCAC 10F .0103
Amend*

Certificate of Number 15A NCAC 10F .0104
Amend*

Numbering Pattern 15A NCAC 10F .0105
Amend*

Display of Vessel Numbers 15A NCAC 10F .0106
Amend*

Validation Decal 15A NCAC 10F .0107
Amend*

Temporary Certificate of Number 15A NCAC 10F .0109
Amend*

Abandoned Vessels 15A NCAC 10F .0110
Amend*

Safety Equipment Amend*	15A	NCAC	10F	.0201
Accident Reports Amend*	15A	NCAC	10F	.0202
General Provisions Readopt with Changes*	15A	NCAC	10F	.0301
Chowan County Amend*	15A	NCAC	10F	.0325

DENTAL EXAMINERS, BOARD OF

The rules in Subchapter 16R concern continuing education requirements of dentists (.0100 and .0200).

Continuing Education Required Amend*	21	NCAC	16R	.0201

LOCKSMITH LICENSING BOARD

The rules in Chapter 29 include general rules (.0100); rules about examinations (.0200); licensing requirements (.0400); code of ethics (.0500); administrative law procedures (.0600); license renewal requirements (.0700); and continuing education (.0800).

Fees Amend*	21	NCAC	29	.0404
Fair Business Practices Amend*	21	NCAC	29	.0502
Application Form Amend*	21	NCAC	29	.0701
Requirements Amend*	21	NCAC	29	.0802

MIDWIFERY JOINT COMMITTEE

The rules in Chapter 33 are from the Midwifery Joint Committee.

Administrative Body and Definitions Readopt without Changes*	21	NCAC	33	.0101
Fees Readopt without Changes*	21	NCAC	33	.0102
Application Readopt without Changes*	21	NCAC	33	.0103
Physician Supervision Readopt without Changes*	21	NCAC	33	.0104
Due Process Readopt without Changes*	21	NCAC	33	.0105
Reporting Criteria Readopt without Changes*	21	NCAC	33	.0110
Continuing Education (CE) Readopt without Changes*	21	NCAC	33	.0111

PHYSICAL THERAPY EXAMINERS, BOARD OF

The rules in Subchapter 48E deal with the requirements for application for licensure (.0100).

Foreign-Trained Physical Therapist Applicant by Examination Amend*	21	NCAC	48E	.0110
Foreign-Trained Physical Therapist by Endorsement Amend*	21	NCAC	48E	.0111
Foreign-Trained Physical Therapist Assistant Applicant Amend*	21	NCAC	48E	.0112

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at http://www.ncoah.com/hearings/decisions/
If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton
Tenisha Jacobs
A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinhimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				PUBLISHED			
17	CPS	07192	8/2/2018	Steve Bondi	v.	NC Crime Victims Compensation Commission Respondent	Elkins
17	DOJ	07407	8/23/2018	Brandon Reginald Gore	v.	NC Sheriffs Education and Training Standards Commission	Bawtinhimer
18	DOJ	00497	8/30/2018	Daniel James Boonbumrung	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinhimer
18	DOJ	00594	8/27/2018	LaSonya Kijafa Pemberton	v.	NC Sheriffs Education and Training Standards Commission	Ward
18	DOJ	01937	8/30/2018	Coty Donovan Wood	v.	NC Sheriffs Education and Training Standards Commission	Bawtinhimer
18	INS	01815	8/28/2018	Jillian Bellino	v.	North Carolina Department of State Treasurer	Malherbe
18	OSP	01115	8/9/2018	Cathy Callahan	v.	North Carolina Department of Public Safety	Bawtinhimer
18	OSP	02123	8/8/2018	Monroe Brown Sr	v.	NC Department of Transportation	Bawtinhimer
18	OSP	04299	8/17/2018	Okwudiri Morris Ekwuruke	v.	NC Department of Public Safety	Overby
				UNPUBLISHED			
18	ABC	01783	8/16/2018	NC Alcoholic Beverage Control Commission	v.	Vision China Bistro LLC T/A Vision China Bistro	Sutton
18	ABC	03631	8/17/2018	NC Alcoholic Beverage Control Commission	v.	L C C Inc T/A Good Stop	Sutton

18	CPS	02990	8/15/2018	Demarcus Ingram	v.	North Carolina Division of Victim Compensaton Services Division of the Department of Public Safety	Malherbe
17	CSE	07401	8/6/2018	Lewis Alston	v.	NC Department of Health and Human Services,Child Support Enforcement	Ward
17	CSE	07410	8/3/2018	Abdel Malik Ali	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
17	CSE	07634	8/6/2018	Roger Lee Sparks	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
17	CSE	07918	8/6/2018	Anton M Caple	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
17	CSE	08048	8/3/2018	Jeffrey R Griffith	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Elkins
17	CSE	08101	8/7/2018	Chad Atkins	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Elkins
17	CSE	08349	8/1/2018	Channing T Daye	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	08560	8/10/2018	Amanda Renee Palmer Clark	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
18	CSE	00384	8/3/2018	Clyde Doss	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Elkins
18	CSE	03688	8/30/2018	Matthew T Minga	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
18	DAG	03089	8/10/2018	Daimler Trucks North America LLC Gastonia	v.	NC Department of Agriculture & Consumer Services	Mann
18	DHR	01503	8/28/2018	Georgette Johnson Managing Member of MTC Adult Care LLC Licensee For Heritage Oaks Assisted Living	v.	Department of Health and Human Services, AdultCare Licensure Section Department of Health and Human Services	Malherbe
18	DHR	02090	8/24/2018	Brookdale Cary Carmen Scott Executive Director	v.	Dept of Health and Human Services, Division of Health Service Regulation	Mann
18	DHR	02143	8/13/2018	Kimmy L Ellis	v.	Department of Health and Human Services, Division of Health Service Regulation	Ward
18	DHR	02372	8/13/2018	Selena Harrell	v.	DHHS	Ward
18	DHR	02426	8/2/2018	Holly Chadwick	v.	NC Department of Health and Human Services, Food and Nutrition Services	Elkins
18	DHR	02992	8/15/2018	Joy Medical Supply Benson Ejindu	v.	Dept of Health and Human Services	Malherbe
18	DHR	03003	8/6/2018	Grace Massala	v.	Department of Health and Human Services	Overby

18	DHR	03241	8/10/2018	TLC W MHL-036-323 Tina Wilson CEO	v.	Ms. Lisa Corbett Department of Health and Human Services	Mann
18	DHR	03258	8/27/2018	Catering II You LLC	v.	NC Department of Health and Human Services Division of Public Health Environmental Health Section	Mann
18	DHR	03347	8/10/2018	Asha Bs Closet	v.	NC Department of Health and Human Services, Division of Medical Assistance	Mann
18	DHR	03509	8/27/2018	Segrest International Realtors	v.	NC Department of Health and Human Services	Mann
18	DHR	03609	8/3/2018	Arvenise Walker	v.	Division of Child Development and Early Education- Department of Health and Human Services	Elkins
18	DHR	03630	8/13/2018	Julius Byass	v.	Department of Health and Human Services	Elkins
18	DHR	03694	8/30/2018	Bryant's Family Home Care	v.	NCDHHS	May
18	DHR	03881	8/10/2018	Martha M Smith	v.	NC Department of Health and Human Services, Division of Health Service Regulation	May
18	DHR	04256	8/17/2018	Sharie Leonard	v.	North Carolina Department of Health and Human Services, Division of Health Service Regulation	Ward
18	DHR	04417	8/30/2018	Marquetta Renee Scott	v.	Department of Health and Human Services, Division of Health Service Regulation	May
18	DHR	04491	8/24/2018	Veronica Smith	v.	Department of Health and Human Services, Division of Health Service Regulation	Jacobs
18	DOJ	01921	8/31/2018	Ki-Yon Amari Walden	v.	NC Sheriffs Education and Training Standards Commission	Elkins
18	DOL	03804	8/30/2018	William C Elmore OD DBA American Eye Care Optometric CTRS PA	v.	NC Department of Labor	Malherbe
18	HFA	02856	8/23/2018	Samantha Hooker a/k/a Samantha Peterson	v.	North Carolina Housing Finance Agency	Lassiter
18	INS	02058	8/10/2018	Ashley Foster Schauer	v.	The North Carolina State Health Plan for Teachers and State Employees' (the Plan) 2018 Open Enrollment	Bawtinhimer
18	INS	02781	8/20/2018	Hadijatou Joyce Jarra Administrator of the Estate of Brenda P Jarra	v.	North Carolina State Health Plan A Division of the Department of State Treasurer	Overby
18	OSP	02759	8/6/2018	Anthony Reeves	v.	DHHS	Overby
18	OSP	03853	8/28/2018	Shaunna L Carlton	v.	University of North Carolina at Chapel Hill	Overby
18	OSP	04083	8/15/2018	Nancy Newkirk	v.	NC Department of Health and Human Services	Lassiter

18	UNC	02733	8/29/2018	Desma George	v.	University of North Carolina Hospitals	Overby
18	UNC	03532	8/24/2018	Rebecca Carrington	v.	University of North Carolina Hospitals	Mann