

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0733

**DEADLINE FOR RECEIPT: June 13, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In p. 1 line 6, do your rules directly connect the NPDES to the federal rules and statutes related to it (which I think are related to the EPA)? Put another way, it appears to me that this rule is at least in part meeting some sort of federal requirement. What is it?*

*Why is item 1, p.1 lines 8 through 10, necessary in this rule?*

*On p.1 lines 10-11, what is the standard for “restore water quality”? I.e. restore to what point?*

*On p.1 line 11, what are the “designated uses”? Where would I find them?*

*On p.1 line 23, are TN and TP identified or defined somewhere? From context, I believe they mean Total Nitrogen and Total Phosphorous, but that needs to be indicated the first time it is used if there is not a definition somewhere.*

*On p.1 line 33, it seems odd to call a 30-year-old permit “new”. Consider rephrasing throughout the rule.*

*On p.1 line 33, “that” is a pronoun without a clear referent. Replace with a noun, i.e. “a facility”.*

*Starting in item (4)(a), I am confused by including a numeric standard in the rule while also having within the rules provisions for the standard to be revised outside of rulemaking. If the numeric standard needs to be set through rulemaking, I cannot see how you can also have rules allowing for its revision. Alternatively, if the numeric standard does not need to be set by rule, it makes sense to have rules about how the standard can be changed, but it introduces potential confusion into the code to include the current number because the requirement can be changed without updating the rule. Can you clarify this issue?*

Seth Ascher  
Commission Counsel

Date submitted to agency: June 6, 2025

*On p.2 line 20, how does the Commission “order” a revision to the discharge allocations? Is this a rulemaking? Something else?*

*On p .3, lines 7 through 9, if these are revised outside of rulemaking, the table will be inaccurate, which is a clarity problem.*

*As far as I can tell the table on p. 3 is memorializing the existing permit. Does this need to be in rule?*

*For context, I looked online for the association permit, and this is the only one I could find: <https://8c8.692.myftpupload.com/wp-content/uploads/2016/06/TPBA-Permit-2015.pdf>. It appears that this expired in 2020. Is there a currently in force permit?*

*Additionally, the Facilities listed in the rule are inconsistent with what appears in the permit. For example, the rule lists “Greenville” as the facility, but the permit lists “Greenville Utilities Commission” as the co-permittee and GUC WWTP as the facility. Are you intentionally changing the facility referenced in the rule from what is referenced in the permit?*

*On p 3., line 12, you reference item (4), which in turn references items (7) through (9). Could you streamline by directly referencing 7 through 9?*

*On p. 3, line 14, when would revision be needed? What standards determine when and if they need to be revised?*

*On p. 3, line 14, “may” is generally a problematic word in this context, since it is unclear what factors the Commission will consider. The easiest solution is to change “may” to “will” if that is within your meeting. Otherwise, clarify how the Commission will decide what factors to consider.*

*On p. 4, line 1, what does “technical feasibility and economic reasonableness” mean? How is this standard applied?*

*On p. 4, line 23-24, by requiring a new facility to have it use concurred to by the Association, can’t the Association veto new facilities? What is the Association’s authority to decide allocations, and/or what is your authority to delegate that authority to the Association?*

*On p .4, line 31, what does “best available technology economically achievable” mean? How is that standard applied? Note this term appears throughout the rule and I am assuming it means the same thing each time, but correct me if I am wrong.*

*On p. 5, lines 6 and 7, what is a “tiered limit”? Note this term appears throughout the rule and I am assuming it means the same thing each time, but correct me if I am wrong.*

*On p.5. lines 10 and 11, you require the facility to demonstrate that they have 10 years of allocation or offset credits. How is this different from whatever the duration of the permit is?*

*On p. 5, lines 17 through 19, what is the Director's authority to establish more stringent limits (as opposed to the Commission)?*

*On p. 5, line 19, what are the "water quality standards" this refers to other than the numeric limits referenced in this rule and permits? Put another way, what is the Director measuring the necessity of more stringent requirements against?*

*Similar to the previously raised points, if the Director changes the limits outside of rulemaking, won't this rule become inaccurate?*

*On p. 5, lines 23-36, items (7)(b) and (c) seem to treat members and non-members of the voluntary association under different standards. Why and by what authority?*

*On p. 8, lines 17 through 19, can the association freely reapportion the allocations that are reflected on p. 3? If so, including the current amounts in the rule creates a potential clarity issue.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02B .0733 IS AMENDED AS PUBLISHED IN 39:13 NCR 784 WITH CHANGES AS FOLLOWS:

2  
3 15A NCAC 02B .0733 TAR-PAMLICO NUTRIENT STRATEGY: WASTEWATER DISCHARGE  
4 REQUIREMENTS ~~NEW AND EXPANDING WASTEWATER DISCHARGER~~  
5 REQUIREMENTS

6 The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management  
7 strategy for new and expanding wastewater dischargers in the Tar-Pamlico River basin:

- 8 (1) Purpose. The purpose of this Rule is to establish minimum nutrient control requirements for ~~new~~  
9 ~~and expanding~~ point source discharges in the Tar-Pamlico River Basin in order to maintain or restore  
10 water quality in the Pamlico Estuary and protect its designated uses.
- 11 (2) Applicability. This Rule applies to all discharges from wastewater treatment facilities in the Tar-  
12 Pamlico River Basin that receive nitrogen- or phosphorus-bearing wastewater and are required to  
13 obtain individual NPDES permits. ~~This Rule applies to Tar Pamlico Basin Association member~~  
14 ~~facilities on or after June 1, 2025. This Rule applies to other facilities upon this Rule's effective date.~~
- 15 (3) Definitions. The terms used in this Rule, in regard to point source dischargers, treatment facilities,  
16 wastewater flows or discharges, or like matters, shall be as defined in Rule .0701 of this Section and  
17 as ~~follows:~~ follows; except that if the terms conflict, the terms in this Rule shall control:
- 18 (a) ~~["Active Allocation"]~~ ["Tar-Pamlico Active Allocation"] means that portion of an allocation  
19 that has been applied toward and is expressed as a nutrient [limit] Tar-Pamlico limit in an  
20 individual NPDES [permit.] permit for a discharger in the Tar-Pamlico River Basin;
- 21 (b) "Association" means the Tar-Pamlico Basin Association, a not-for-profit corporation  
22 consisting of NPDES-permitted dischargers in the Tar-Pamlico River Basin; established  
23 voluntarily by its members to work cooperatively to meet the aggregate TN and TP  
24 allocations originally established in the Tar-Pamlico Nutrient TMDL and subsequently in  
25 the group permit.
- 26 (c) "Commission" means the North Carolina Environmental Management Commission.
- 27 ~~(a)(d)~~ "Existing" means that which obtained an NPDES permit on or before December 8, 1994.
- 28 ~~(b)(e)~~ "Expanding" means that which increases beyond its permitted flow as defined in Sub-Item  
29 (4)(h) Item (4) of this Rule.
- 30 (f) ~~["Limit"]~~ ["Tar-Pamlico Limit"] means the mass quantity of nitrogen or phosphorus that a  
31 discharger or group of dischargers is authorized through an NPDES permit to release into  
32 surface waters of the Tar-Pamlico River Basin.
- 33 ~~(e)(g)~~ "New" means that which had not obtained an NPDES permit on or before December 8,  
34 1994.
- 35 ~~(4)~~ (h) "Permitted flow" means the maximum monthly average flow authorized in a facility's  
36 NPDES permit as of December 8, 1994.

1 (i) ["Reserve Allocation"] "Tar-Pamlico Reserve Allocation" means allocation that is held by  
2 a permittee or other person but that has not been applied toward and is not expressed as a  
3 nutrient [limit] Tar-Pamlico limits in an individual NPDES [permit.] permit of a discharger  
4 in the Tar-Pamlico River Basin:

5 (4) This Item specifies the total combined end of pipe nitrogen and phosphorus discharge allocation for  
6 existing Association point source dischargers.

7 (a) Unless revised as provided for in Items (7) through (9) of this Rule, in accordance with the  
8 Nitrogen and Phosphorus TMDL for the Tar-Pamlico River Estuary, approved in 1995 by  
9 the US Environmental Protection Agency (EPA), the total [active] Tar-Pamlico active  
10 allocations for nitrogen and phosphorus discharge [allocations] for Association point  
11 source dischargers shall not exceed 891,271 in pounds of nitrogen and 161,070 pounds of  
12 phosphorus per calendar year. The nutrient loads discharged annually by these point  
13 sources shall not exceed these nitrogen and phosphorus discharge allocations plus any  
14 nutrient offset credits obtained in accordance with G.S. 143-214.26 and Rule .0703 of this  
15 Section. In the event the Association's allocations are revised as provided for in Items (7)  
16 through (9) of this Rule, the NPDES group permit shall be modified to reflect those changes  
17 to the [active] Tar-Pamlico active allocations for nitrogen and phosphorus discharge mass  
18 allocations and [limits] Tar-Pamlico limits set forth in this Rule.

19 (b) The Commission shall order future revisions in the Nitrogen and Phosphorus TMDL and  
20

1 nitrogen and phosphorus discharge allocations whenever necessary to ensure that water quality in  
2 the estuary meets all applicable standards in 15A NCAC 02B .0200 or to conform with  
3 applicable State or federal requirements.

4 (5) This Item specifies the individual nitrogen and phosphorus discharge allocations for existing  
5 Association point source dischargers in accordance with the 1995 TMDL.

6 (a) Unless revised as provided for in Items (7) through (9) of this Rule, the following  
7 individual discharge mass allocations for total nitrogen and total phosphorus shall apply in  
8 conformance with the values in Item (4) of this Rule:

<u>Mass Allocations (pounds/year)</u>			
<u>Facility Name</u>	<u>NPDES No.</u>	<u>Total Nitrogen</u>	<u>Total Phosphorus</u>
<u>Belhaven</u>	<u>NC0026492</u>	<u>14,261</u>	<u>2,577</u>
<u>Bunn</u>	<u>NC0042269</u>	<u>4,278</u>	<u>773</u>
<u>Enfield</u>	<u>NC0025402</u>	<u>14,261</u>	<u>2,577</u>
<u>Franklin County</u>	<u>NC0069311</u>	<u>42,784</u>	<u>7,732</u>
<u>Greenville</u>	<u>NC0023931</u>	<u>249,576</u>	<u>45,103</u>
<u>Louisburg</u>	<u>NC0020231</u>	<u>19,538</u>	<u>3,531</u>
<u>Oxford</u>	<u>NC0025054</u>	<u>49,915</u>	<u>9,021</u>
<u>Pinetops</u>	<u>NC0020435</u>	<u>4,278</u>	<u>773</u>
<u>Robersonville</u>	<u>NC0026042</u>	<u>25,671</u>	<u>4,639</u>
<u>Rocky Mount</u>	<u>NC0030317</u>	<u>299,491</u>	<u>54,124</u>
<u>Scotland Neck</u>	<u>NC0023337</u>	<u>9,626</u>	<u>1,740</u>
<u>Spring Hope</u>	<u>NC0020061</u>	<u>5,705</u>	<u>1,031</u>
<u>Tarboro</u>	<u>NC0020605</u>	<u>71,307</u>	<u>12,887</u>
<u>Warrenton</u>	<u>NC0020834</u>	<u>28,523</u>	<u>5,155</u>
<u>Washington</u>	<u>NC0020648</u>	<u>52,054</u>	<u>9,407</u>
<u>Association Total</u>			
<u>[Active Allocation]</u>	<u>Tar-</u>	<u>891,271</u>	<u>161,070</u>
<u>Pamlico Active Allocation</u>			
<u>[Allocation in Reserve]</u>	<u>Tar-</u>	<u>59,798</u>	<u>3,898</u>
<u>Pamlico Reserve Allocation</u>			

10  
11 (b) In the event that the nitrogen and phosphorus TMDL and their discharge allocations for  
12 point sources are revised, as provided in Item (4) of this Rule, the Commission shall  
13 apportion the revised load among the existing facilities and shall revise discharge  
14 allocations as needed. The Commission may consider such factors as:

15 (i) fate and transport of nitrogen and phosphorus in the river basin;

- (ii) technical feasibility and economic reasonableness of source reduction and treatment methods;
- (iii) economies of scale;
- (iv) nitrogen and phosphorus control measures already implemented;
- (v) probable need for growth and expansion; and
- (vi) incentives for nutrient management planning, utilities management, resource protection, and cooperative efforts among dischargers.
- ~~(5)~~(6) This Item specifies nutrient controls for new facilities.
- (a) ~~Proposed new wastewater dischargers~~ New facilities proposing to discharge wastewater shall evaluate all practical alternatives to surface water discharge pursuant to 15A NCAC 02H .0105(c)(2) prior to submitting an application to discharge.
- (b) New facilities shall document in their permit application that they have acquired some combination of the following allocations and offsets sufficient to meet the annual [limits] Tar-Pamlico limits required elsewhere in this Item for the proposed discharge:
- (i) nitrogen and phosphorus allocations from existing dischargers;
- (ii) ~~[reserve allocation]~~ Tar-Pamlico reserve allocation pursuant to Sub-Item (c) of this Item; and
- (iii) nitrogen and phosphorus offset credits pursuant to Rule .0703 of this Section.
- Allocation and offset credits shall be sufficient for no less than 10 subsequent years of discharge at the proposed design flow rate in accordance with 15A NCAC 02H .0112(c).
- (c) New facilities proposing to use any portion of the [reserve allocation] Tar-Pamlico reserve allocation described in Sub-Item (5)(a) of this Rule shall submit a written request to the Division for approval of the proposed use. The request shall include concurrence for its use by the Association.
- ~~(b)~~(d) New facilities shall meet The technology-based nitrogen and phosphorus discharge [limits] Tar-Pamlico limits that shall not exceed the following: for a new facility shall not exceed:
- (i) For facilities treating municipal or domestic wastewater, the mass load equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP at the monthly average flow limit in the facility's NPDES permit; and
- (ii) For facilities treating industrial wastewater, the mass load equivalent to the best available technology economically achievable, calculated at the monthly average flow limit in the facility's NPDES permit.
- ~~(e)~~ ~~Proposed new dischargers submitting an application shall acquire nutrient allocation from existing dischargers or nutrient offset credits pursuant to Rule .0703 of this Section for the mass load dictated by this Item. The allocation and offset credits shall be sufficient for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at the proposed design flow rate in accordance with 15A NCAC 02H .0112(e).~~

- 1           ~~(d)~~ The Director shall not issue a permit authorizing discharge from a new facility unless the  
2           applicant has satisfied the requirements of Sub-Items (a), ~~(c)~~, and ~~(e)~~ of this Item. If a  
3           facility's permit contains tiered flow limits for expansion, the Director shall not authorize  
4           an increased discharge unless the applicant has satisfied the requirements of Sub-Items (a),  
5           ~~(c)~~, and ~~(e)~~ of this Item.
- 6           (e) Subsequent applications for permit renewal or, where an existing permit will contain tiered  
7           [limits] Tar-Pamlico limits requests to discharge at an increased flow, shall demonstrate  
8           that the facility has sufficient nitrogen and phosphorus allocation or offset credits to meet  
9           its effluent nutrient [limitations] Tar-Pamlico limitations for any partial calendar year in  
10          which the permit becomes effective plus 10 subsequent years of discharge at ~~the proposed~~  
11          an increased design flow rate in accordance with 15A NCAC 02H .0112(c).
- 12          ~~(f)~~ The Director shall not issue a permit authorizing discharge from a new facility unless the  
13          applicant has satisfied the requirements of Sub-Items (a) through (d) of this Item. If a  
14          facility's permit contains tiered flow [limits] Tar-Pamlico limits for expansion, the Director  
15          shall not authorize an increased discharge unless the applicant has satisfied the same  
16          requirements of this Item.
- 17          ~~(f)~~(g) The Director shall establish more stringent [limits] Tar-Pamlico limits for nitrogen or  
18          phosphorus upon finding that such [limits] Tar-Pamlico limits are necessary to protect  
19          water quality standards in localized areas.
- 20          ~~(6)~~(7) This Item specifies nutrient controls for expanding facilities.
- 21          (a) Expanding facilities shall evaluate all practical alternatives to surface water discharge  
22          pursuant to 15A NCAC 02H .0105(c)(2) prior to submitting an application to discharge.
- 23          (b) The nitrogen and phosphorus discharge [limits] Tar-Pamlico limits for expanding non-  
24          Association facilities shall be assigned in accordance with the following:
- 25                  (i) Expanding non-Association municipal or domestic wastewater facilities  
26                  requesting permitted flows greater or equal to 0.1 MGD shall be assigned the mass  
27                  equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP at the monthly  
28                  average flow limit in the facility's NPDES permit; and
- 29                  (ii) Expanding non-Association facilities treating industrial wastewater shall be  
30                  assigned the mass load equivalent to the best available technology economically  
31                  achievable, calculated at the monthly average flow limit in the facility's NPDES  
32                  permit.
- 33          (c) An expanding facility that is a member of the Association, as defined in Sub-Item (3)(b)  
34          of this Rule, shall not exceed the nitrogen and phosphorus loads equivalent to its [active  
35          allocations] Tar-Pamlico active allocations unless they receive Division approval for an  
36          increase in their discharge as described in this Item.



- (d) Facilities submitting application for increased discharge or, where an existing permit will contain tiered ~~[limits]~~ Tar-Pamlico limits for authorization to discharge at an increased flow, may acquire nitrogen and phosphorus allocations from existing dischargers or nitrogen and phosphorus offset credits pursuant to Rule .0703 of this Section, or may acquire ~~[reserve allocation]~~ Tar-Pamlico reserve allocation in compliance with Sub-Item (e) of this Item for the proposed discharge. The acquired allocations and offset credits, combined with any preexisting allocations, shall be sufficient to meet its effluent nutrient ~~[limits]~~ Tar-Pamlico limits as established in this item for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at an increased design flow rate in accordance with 15A NCAC 02H .0112(c).
- (e) A facility that submits an application to increase its discharge may request approval from the Division to use a portion of the ~~[reserve allocation]~~ Tar-Pamlico reserve allocation described in Sub-Item (5)(a) of this Rule. Approval shall be based on the following criteria:
- (i) The expanding facility demonstrates that upon expansion their nitrogen and phosphorus discharge would not exceed the mass load equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP, calculated at the monthly average flow limit in the facility's NPDES permit;
  - (ii) The expanding facility requesting use of ~~[reserve allocation]~~ Tar-Pamlico reserve allocation has received written approval from the Association.
  - (iii) Should the facility cease to discharge, the portion of the ~~[reserve allocation]~~ Tar-Pamlico reserve allocation that was activated shall revert back to ~~[reserve allocation]~~ Tar-Pamlico reserve allocation; and
- (f) The Director shall not issue an NPDES permit authorizing increased discharge from an existing facility unless the applicant has satisfied the requirements of Sub-Items (a) through (e) of this Item. If a facility's permit contains tiered flow limits for expansion, the Director shall not authorize discharge at an increased flow unless the applicant has satisfied the same requirements of this Item.
- ~~(f)(g)~~ (g) The Director shall modify an expanding facility's permit to establish more stringent ~~[limits]~~ Tar-Pamlico limits for nitrogen or phosphorus upon finding that such ~~[limits]~~ Tar-Pamlico limits are necessary to protect water quality standards in localized areas.
- ~~(b)~~ The nitrogen and phosphorus discharge limits for an expanding facility shall not exceed the greater of loads equivalent to its active allocation and offset credit, or the following technology-based mass limits:
- (i) For facilities treating municipal or domestic wastewater, the mass equivalent to a concentration of 3.5 mg/L TN and 0.5 mg/L TP at the monthly average flow limit in the NPDES permit; and

- (ii) ~~For facilities treating industrial wastewater, the mass load equivalent to the best available technology economically achievable, calculated at the monthly average flow limit in the facility's NPDES permit.~~
- (e) ~~Facilities submitting application for increased discharge or, where an existing permit contains tiered flow limits, for authorization to discharge at an increased flow, shall acquire or demonstrate contractual agreement to acquire, prior to authorization to discharge at the increased flow, nutrient allocation from existing dischargers or nutrient offset credits pursuant to Rule .0703 of this Section for the proposed discharge above 0.5 million gallons per day (MGD). The allocation and offset credits shall be sufficient to meet its effluent nutrient limitations for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at the proposed design flow rate in accordance with 15A NCAC 02H .0112(e).~~
- (d) ~~The Director shall not issue a permit authorizing increased discharge from an existing facility unless the applicant has satisfied the requirements of Sub Items (a), (c), and (e) of this Item. If a facility's permit contains tiered flow limits for expansion, the Director shall not authorize discharge at an increased flow unless the applicant has satisfied the requirements of Sub Items (a), (c), and (e) of this Item.~~
- (e) ~~Subsequent applications for permit renewal shall demonstrate that the facility has sufficient nitrogen allocation or offset credits to meet its effluent nutrient limitations for any partial calendar year in which the permit becomes effective plus 10 subsequent years of discharge at the proposed design flow rate in accordance with 15A NCAC 02H .0112(e).~~
- (g) ~~Existing wastewater dischargers expanding to greater than 0.5 MGD design capacity may petition the Director for an exemption from Sub Items (a) through (c) and (e) (a), (b), (d), and (e) of this Item upon meeting and maintaining all of the following conditions:~~
- (i) ~~The facility has reduced its annual average TN and TP loading by 30 percent from its annual average 1991 TN and TP loading. Industrial facilities may alternatively demonstrate that nitrogen and phosphorus are not part of the waste stream above background levels.~~
- (ii) ~~The expansion does not result in annual average TN or TP loading greater than 70 percent of the 1991 annual average TN or TP load. Permit limits shall be established to ensure that the 70 percent load is not exceeded.~~
- (8) ~~This Item describes the option for dischargers to form a group compliance association or join an existing group compliance association, to collectively meet nitrogen and phosphorus load [limits.]~~  
~~Tar-Pamlico limits.~~
- (a) ~~Any or all facilities within the basin may form a group compliance association or join an existing group compliance association, to meet nitrogen and phosphorus [limits] Tar-Pamlico limits collectively. Any new association formed shall apply for and shall be~~

- 1                   subject to an NPDES group permit that establishes the effective total nitrogen and  
2                   phosphorus ~~limits~~ Tar-Pamlico limits for the association and for its members. More than  
3                   one group compliance association may be established. No facility may be a co-permittee  
4                   member of more than one association formed pursuant to this Rule at any given time.
- 5                   (b)       An association may modify its membership at any time upon notification to the Division.  
6                   The Division shall adjust the nitrogen and phosphorus allocations and ~~limits~~ Tar-Pamlico  
7                   limits in the NPDES group permit to reflect the change in membership.
- 8                   (c)       No later than 180 days prior to coverage under a new NPDES group permit, or expiration  
9                   of an existing group permit, the association and its members shall submit an application  
10                  for an NPDES permit for the discharge of total nitrogen and total phosphorus to the surface  
11                  waters of the Tar-Pamlico River Basin. The NPDES group permit shall be issued to the  
12                  association and its members as co-permittees.
- 13               (d)       An association's ~~limit~~ Tar-Pamlico limit of total nitrogen and total phosphorus shall be  
14                  the sum of its members' individual allocations and nutrient offset credits plus any other  
15                  allocation and offset credits obtained by the association or its members pursuant to this  
16                  Rule.
- 17               (e)       An association and its members may reapportion their individual allocations and nutrient  
18                  offset credits on an annual basis. The NPDES group permit shall be modified to reflect the  
19                  revised individual allocations and ~~limits~~ Tar-Pamlico limits.
- 20               (f)       If an association does not meet its ~~limits~~ Tar-Pamlico limits in any year, it shall obtain or  
21                  use existing nutrient offset credits in accordance with G.S. 143-214.26 and Rule .0703 of  
22                  this Section to offset its mass exceedance no later than July 1 of the following year.
- 23               (g)       An association's members shall be deemed compliant with the permit ~~limits~~ Tar-Pamlico  
24                  limits for total nitrogen and total phosphorus contained in their individually issued NPDES  
25                  permits while they are members in an association. An association's members shall be  
26                  deemed compliant with their individual ~~limits~~ Tar-Pamlico limits in the NPDES group  
27                  permit in any year in which the association is in compliance with its ~~limits~~ Tar-Pamlico  
28                  limits. If the association exceeds its group ~~limit~~ Tar-Pamlico limit, the association and  
29                  any members that exceed their individual ~~limits~~ Tar-Pamlico limits in the NPDES group  
30                  permit shall be deemed to be out of compliance with the group permit.
- 31               (h)       Upon the termination of a group compliance association, members of the association shall  
32                  be subject to the ~~limits~~ Tar-Pamlico limits and other nutrient requirements of their  
33                  individual NPDES permits.
- 34               (9)       If an NPDES-permitted discharger or association of dischargers accepts wastewater from another  
35                  NPDES-permitted treatment facility in the Tar-Pamlico River Basin and that acceptance results in  
36                  the elimination of the discharge from that other treatment facility, the eliminated facility's total

1 nitrogen and phosphorus allocations shall be transferred into the receiving facility's NPDES permit  
2 and added to its allocations.

3  
4 *History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1); 143-215.8B; 143B-282;*  
5 *Eff. April 1, 1997;*  
6 *Recodified from 15A NCAC 02B .0229 Eff. April 1, 2020;*  
7 *Readopted April 1, 2020.*  
8 *Amended Eff. July 1, 2025.*