

1 15A NCAC 02T .0113 is proposed for amendment as follows:

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3 **15A NCAC 02T .0113 PERMITTING BY REGULATION**

4 (a) The following disposal systems as well as those in Permitting By Regulation rules in this Subchapter (i.e., Rules  
5 .0203, .0303, .0403, .1003, .1103, .1203, .1303, .1403, and .1503) are deemed to be permitted pursuant to G.S. 143-  
6 215.1(b) and it shall not be necessary for the Division to issue individual permits or coverage under a general permit for  
7 construction or operation of the following disposal systems provided the system does not result in any violations of  
8 surface water or groundwater standards, there is no direct discharge to surface waters, and all criteria required for the  
9 specific system is met:

- 10 (1) Swimming pool and spa filter backwash and drainage, filter backwash from aesthetic fountains, and  
11 filter backwash from commercial or residential water features such as garden ponds or fish ~~ponds~~  
12 ponds, that is discharged to the land surface;
- 13 (2) Backwash from raw water intake screening devices that is discharged to the land surface;
- 14 (3) Condensate from residential or commercial air conditioning units that is discharged to the land surface;
- 15 (4) Discharges to the land surface from individual non-commercial car washing operations;
- 16 (5) Discharges to the land surface from flushing and hydrostatic testing water associated with utility  
17 distribution systems, new sewer extensions or new reclaimed water distribution lines;
- 18 (6) Street wash water that is discharged to the land surface;
- 19 (7) Discharges to the land surface from fire fighting activities;
- 20 (8) Discharges to the land surface associated with emergency removal and treatment activities for spilled  
21 oil authorized by the federal or state on-scene coordinator when such removals are undertaken to  
22 minimize overall environmental damage due to an oil spill;
- 23 (9) Discharges to the land surface associated with biological or chemical decontamination activities  
24 performed as a result of an emergency declared by the Governor or the Director of the Division of  
25 Emergency Management and that are conducted by or under the direct supervision of the federal or  
26 state on-scene coordinator and that meet the following criteria:
- 27 (A) the volume produced by the decontamination activity is too large to be contained onsite;
- 28 (B) the Division is informed prior to commencement of the decontamination activity; and
- 29 (C) the wastewater is not radiologically contaminated or classified as hazardous waste;
- 30 (10) Drilling muds, cuttings and well water from the development of wells or from other construction  
31 activities including directional ~~boring~~; boring, except such wastes generated in the construction and  
32 development of oil and gas wells regulated by Article 27 of G.S. 113;
- 33 (11) Purge water from groundwater monitoring wells;
- 34 (12) Composting facilities for dead animals, if the construction and operation of the facilities is approved  
35 by the North Carolina Department of Agriculture and Consumer Services; the facilities are constructed  
36 on an impervious, weight-bearing foundation, operated under a roof; and the facilities are approved by  
37 the State Veterinarian pursuant to G.S. 106-403;

- 1 (13) Overflow from elevated potable water storage facilities;
- 2 (14) Mobile carwashes if:
- 3 (A) all detergents used are biodegradable;
- 4 (B) no steam cleaning, engine or parts cleaning is being conducted;
- 5 (C) notification is made prior to operation by the owner to the municipality or if not in a
- 6 municipality then the county where the cleaning service is being provided; and
- 7 (D) all non-recyclable washwater is collected and discharged into a sanitary sewer or wastewater
- 8 treatment facility upon approval of the facility's owner;
- 9 (15) Mine tailings where no chemicals are used in the mining process;
- 10 (16) Mine dewatering where no chemicals are used in the mining process; and
- 11 (17) Wastewater created from the washing of produce, with no further processing on-site, on farms where
- 12 the wastewater is irrigated onto fields so as not to create runoff or cause a discharge.

13 (b) Nothing in this Rule shall be deemed to allow the violation of any assigned surface water, groundwater, or air quality

14 standards, and in addition any such violation shall be considered a violation of a condition of a permit. Further, nothing

15 in this Rule shall be deemed to apply to or permit disposal systems for which a state NPDES permit is otherwise required.

16 (c) Any violation of this Rule or discharge to surface waters from the disposal systems listed in Paragraph (a) of this

17 Rule or the activities listed in other Permitted By Regulation rules in this Subchapter shall be reported in accordance with

18 15A NCAC 02B .0506.

19 (d) Disposal systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any

20 violations of surface water or groundwater standards or violations of this Rule or other Permitted By Regulation rules in

21 this Subchapter, until such time as the Director determines that they should not be deemed permitted in accordance with

22 the criteria established in this Rule.

23 (e) The Director may determine that a disposal system should not be deemed to be permitted in accordance with this

24 Rule or other Permitted By Regulation rules in this Subchapter and require the disposal system to obtain an individual

25 permit or a certificate of coverage under a general permit. This determination shall be made based on existing or

26 projected environmental impacts, compliance with the provisions of this Rule or other Permitted By Regulation rules in

27 this Subchapter, and the compliance history of the facility owner.

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29 *History Note:* Authority G.S. 130A-300; ~~143-215.1(a)(1)~~; 143-215.1(a); 143-215.1(b)(4)(e); ~~143-215.3(a),(d)~~; 143-

30 215.3(a);

31 *Eff. September 1, 2006;*

32 *Amended Eff. June 18, 2011.*

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