

1 15A NCAC 02U .0113 is proposed for amendment as follows:  
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3 **15A NCAC 02U .0113 PERMITTING BY REGULATION (SEE S.L. 2011-48)**

4 (a) The following utilizations of reclaimed water are deemed to be permitted pursuant to G.S. 143-215.1(b) and it is not  
5 necessary for the Division to issue individual permits or coverage under a general permit for construction or operation of  
6 the following utilization systems provided the system does not result in any violations of surface water or groundwater  
7 standards, there is no unpermitted direct discharge to surface waters, and all criteria required for the specific system is  
8 met:

- 9 (1) Discharges to the land surface from flushing and hydrostatic testing water associated with utility  
10 distribution systems, new sewer extensions or new reclaimed water distribution lines;
- 11 (2) Overflow from elevated reclaimed water storage facilities where no viable alternative exists and all  
12 possible measures are taken to reduce the risk of overflow;
- 13 (3) Any de minimus runoff from reclaimed water used during fire fighting or extinguishing, dust control,  
14 soil compaction for construction purposes, street sweeping, overspray on yard inlets, overspray on golf  
15 cart paths, or vehicle ~~washing provided the use is approved in a permit issued by the Division;~~  
16 washing;
- 17 (4) Incidental discharge to a municipal separate storm sewer system (MS4) that occurs as a result of  
18 reclaimed water utilization ~~activities provided the use is approved in a permit issued by the Division,~~  
19 activities, and the discharge does not violate water quality standards. This does not exempt the  
20 reclaimed water user from complying with any applicable local ordinances that may prohibit such  
21 discharges;
- 22 (5) Rehabilitation, repair, or replacement of reclaimed water lines in kind (i.e., size) with the same  
23 horizontal and vertical alignment;
- 24 (6) In accordance with 15A NCAC 02H .0106(f)(5), flushing (including air release valve discharge) and  
25 hydrostatic testing water discharges associated with reclaimed water distribution systems provided that  
26 no water quality standards are violated;
- 27 (7) Utilization of reclaimed water received from a reclaimed water bulk distribution program permitted  
28 under Rule .0601 of this Subchapter;
- 29 (8) Irrigation of residential lots or commercial (non-residential) application areas less than one acre in size  
30 that are supplied with reclaimed water as part of a conjunctive use reclaimed water system meeting the  
31 requirements of Rules .0301, .0401, .0403, .0501, and .0701 of this Subchapter; Chapter 89G of the  
32 General Statutes; approved by the local building inspection department; and installed by a North  
33 Carolina Licensed Irrigation Contractor pursuant to G.S. 89G. A scaled site map showing the location  
34 of the reclaimed water irrigation system and all features necessary to show compliance with applicable  
35 setbacks in Rule .0701 of this Subchapter shall be submitted to the reclaimed water provider;

1 (9) Irrigation of agricultural crops supplied with reclaimed water as part of a conjunctive use reclaimed  
2 water system meeting the requirements of this Subchapter and approved by the reclaimed water  
3 ~~provider; and provider;~~

4 (10) Drip irrigation sites supplied with reclaimed water as part of a conjunctive use reclaimed water system  
5 generated from an onsite wastewater treatment facility meeting the criteria of this Subchapter and  
6 where the conjunctive system has been approved by the Department and is permitted under ~~48A-1900.~~  
7 15A NCAC 18A .1900; and

8 (11) Reuse of produced waters and flowback waters from oil and gas wells regulated by Article 27 of G.S.  
9 113 for reuse in accordance with water and waste management plans approved pursuant to rules of the  
10 Mining and Energy Commission.

11 (b) Nothing in this Rule shall be deemed to allow the violation of any assigned surface water, groundwater, or air quality  
12 standards, and in addition any such violation is a violation of a condition of a permit.

13 (c) The reclaimed water user shall report any violation of this Rule or discharge to surface waters from the utilization  
14 systems listed in Paragraph (a) of this Rule.

15 (d) Utilization systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any  
16 violations of surface water or groundwater standards or violations of this Rule or other Permitted By Regulation rules in  
17 this Subchapter, until such time as the Director determines that they should not be deemed permitted in accordance with  
18 the criteria established in this Rule.

19 (e) The Director may determine that a utilization system should not be deemed to be permitted in accordance with this  
20 Rule and require the utilization system to obtain an individual permit or a certificate of coverage under a general permit.  
21 This determination shall be made based on existing or projected environmental impacts, compliance with the provisions  
22 of this Rule and the compliance history of the facility owner.

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24 *History Note: Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a),(d);*  
25 *Eff. June 18, 2011 (See S.L. 2011-48).*