15A NCAC 02T .0013 is proposed for amendment as follows:

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, ~~.0903,~~ .1003, .1103, .1203, .1303, .1403, and .1503) are 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 is met:

(1) Swimming pool and spa filter backwash and drainage, filter backwash from aesthetic fountains, 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 fire fighting 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 and 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.

(11) Purge water from groundwater monitoring wells.

(12) Composting facilities for dead animals, 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, operated under a roof; and the facilities are approved by the State Veterinarian pursuant to G.S. 106-403.

(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) all non-recyclable washwater is collected and discharged into a sanitary sewer or wastewater treatment facility upon approval of the facility's owner.

(15) Mine tailings where no chemicals are used in the mining process.

(16) Mine dewatering where 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.

(b) Nothing in this Rule shall be deemed to allow the violation of any assigned 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/NPDES permit is otherwise required.

(c) Any violation of this Rule or 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 should not be deemed permitted in accordance with the criteria established in this Rule.

(e) The Director may determine that a disposal system should 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),(d);*
Eff. September 1, 2006.

15A NCAC 02T .0506 is proposed for amendment as follows:

15A NCAC 02T .0506 SETBACKS

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

	Spray (feet)	Drip (feet)
Any habitable residence or place of public assembly under separate ownership or not to be maintained as part of the project site	400	100
Any habitable residence or place of public assembly owned by the permittee to be maintained as part of the project site	200	15
Any private or public water supply source	100	100
Surface waters (streams – intermittent and perennial, perennial waterbodies, and wetlands)	100	100
Groundwater lowering ditches (where the bottom of the ditch intersects the SHWT)	100	100
Surface water diversions (ephemeral streams, waterways, ditches)	25	25
Any well with exception of monitoring wells	100	100
Any property line	150	50
Top of slope of embankments or cuts of two feet or more in vertical height	15	15
Any water line from a disposal system	10	10
Subsurface groundwater lowering drainage systems	100	100
Any swimming pool	100	100
Public right of way	50	50
Nitrification field	20	20
Any building foundation or basement	15	15

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

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

(c) Achieving the reclaimed water effluent standards contained in 15A NCAC ~~02T .0906~~ 02U .0301 shall permit the system to use the setbacks located in 15A NCAC ~~02T .0900~~ 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.

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