

First-time permit renewals with no AtC – Additional Requirements

If you are requesting renewal of an NPDES permit for the first time, in that your existing permit is the first permit issued for the discharge at that location, your renewal is subject to the requirements of 15A NCAC 02H.0138.

According to 15A NCAC 02H .0138 (a):

- (a) Required. ... **If an Authorization to Construct has not been applied for in accordance with the requirements of the NPDES permit during the term of the permit, the permit will be considered void upon expiration and future actions will be considered as a new application.**
- Determine if the existing version of your permit requires approval of an Authorization to Construct (AtC) and submittal of a signed engineering certificate before any discharge of wastewater. If you applied for and received an AtC permit during the term of your first permit, then the restriction in 02H.0138 does *not* apply.
- However, if you did not acquire an AtC permit during the term of your first permit, the permit is considered void upon expiration, and any application will be processed as a new application. The term “New” is defined according to 15A NCAC 02H.0103 (16) as follows:
 - (16) "New", with respect to implementing the NPDES permitting program, means:
 - (a) Proposed facilities that do not have a NPDES Permit nor have any facilities constructed.
 - (b) Facilities which physically exist, however are illegally constructed, i.e., no required agency approvals.
 - (c) Facilities which have received an NPDES Permit and have received an Authorization to Construct but have not begun significant construction of any wastewater treatment facilities within the term of the current permit.
Any increases in treatment plant hydraulic capacity, which has not received an Authorization to Construct shall be considered new and new effluent limitations and other requirements, if applicable, would be imposed for the entire facility.

In order to process your permit renewal application as a new permit application, the Division requires an Engineering Alternatives Analysis (EAA). Given the time since alternatives to a direct discharge have been evaluated for this facility, an updated EAA is required. Economic costs, best available technology, and availability of a connection to a POTW may have changed over time.

In addition to the necessary renewal application form[s], please provide the following:

1. Complete/update an Engineering Alternatives Analysis (EAA): The Division requires applicants to fully document and exhaust all alternatives to surface water discharge [G.S. § 143-215.1(b)(a) and 15A NCAC 2H .0105 (c)(2)]. The EAA should include boring logs and/or other information indicating that a subsurface system is neither feasible nor practical as well as written confirmation indicating that connection to a POTW is not an option. For the non-discharge alternatives, please demonstrate whether or not the physical size of the site is prohibitive, and whether or not the resulting loading rate is prohibitive based on site specific soil conditions. For your reference, the "Engineering Alternatives Analysis (EAA) Guidance Document" is enclosed. Please complete and return Attachment A. Local Governments Review Form. The EAA should also include a present value of costs analysis as outlined in the Division's EAA guidance. Each alternative should be thoroughly evaluated, and each

conclusion should be substantiated by appropriate documents and itemized budgets demonstrating that alternatives are cost prohibitive.

If no EAA is received within 60 calendar days of permit expiration [per 15A NCAC 2H.0107(b)], the permit will be terminated and withdrawn from our review process.