

Guidance for NCG060000 Fecal/Enterococci Monitoring and BMP Assessment Report Requirement

NC DEMLR Stormwater Permitting Program
December 4, 2013

1. What facilities have to monitor for bacteria in their stormwater discharges?

Part II, Section B of the permit requires only **facilities that process meats** to monitor either fecal coliform (freshwater) or enterococci (saltwater) concentrations in stormwater discharges:

Table 1. Analytical Monitoring Requirements

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	semi-annual	Grab	SDO
Total Suspended Solids	mg/L	semi-annual	Grab	SDO
Oil & Grease	mg/L	semi-annual	Grab	SDO
Fecal Coliform ⁴	per 100 ml of freshwater	semi-annual	Grab	SDO
Enterococci ⁴	per 100 ml of saltwater	semi-annual	Grab	SDO
Chemical Oxygen Demand	mg/L	semi-annual	Grab	SDO
Total Rainfall ⁵	inches	semi-annual	Rain Gauge	-

Footnotes:

- 1 Measurement Frequency: Twice per year during a **measurable storm event**.
- 2 Grab samples shall be collected within the first 30 minutes of discharge.
- 3 Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status (ROS) has been granted. A copy of the letter granting ROS shall be kept on site. DWQ's ROS letter remains in effect through subsequent reissuance of this permit and as long as the pertinent site conditions and operations remain unchanged unless the ROS letter provides for other conditions or duration.
- 4 **Fecal coliform sampling applicable only to facilities discharging to freshwaters that process meats. Enterococci sampling applicable only to facilities discharging to saltwaters that process meats.**
- 5 For each sampled measurable storm event, the total precipitation must be recorded. An on-site rain gauge or local rain gauge reading must be recorded. Where isolated sites are unmanned for extended periods of time, a local rain gauge reading may be substituted for an on-site reading.

The permit does not distinguish between facilities that process *meat product for human food*, and facilities that process *any type of animal tissue that is not destined for human consumption*. In the industry, the second category does not manufacture a "meat food product." The requirement has been in the general permit for years, but monitoring applicability in footnote 4 still confuses both permittees and NC DENR staff. The source of confusion comes from what terms like "meat" and "meat products" mean in the context of federal statutes like the Meat Inspection Act and Poultry Inspection Act, as well as USDA regulations in 9 CFR Parts 300-500.

For example, rendering plants that accept animal carcasses and by-products *not intended* for human consumption contend they do not "process meats" because they do not make a "meat product" [defined in 9 CFR Part 301.2 as "Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except those exempted from definition as a meat food product...."].

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However, these regulations do not include *poultry for human consumption* in the definition of “meat” or “meat products,” either—those are defined elsewhere with terms like “carcass” and qualified by whether the slaughtered poultry is “capable of use as human food.” The Stormwater Permitting Program interprets the fecal or enterococci monitoring requirement to apply to plants manufacturing chicken products for human food as well. In short, the bacteriological monitoring requirement applies to **a part of this industrial sector that is broader than the specific definitions of “meat” and “meat products” established by USDA regulations imply.** With this guidance, our program is clarifying the applicability of the monitoring requirement.

A: The NC DENR Stormwater Permitting Program considers facilities that process carcasses (including all parts of slaughtered poultry) or other cuts of meat into a final product capable of use as human food as facilities that “process meats.” Facilities that only process whole or parts of animal carcasses considered “by-products” (not for human consumption) or animal fats/oils are not subject to this monitoring. However, these facilities are subject to the BMP Assessment Report requirements in Part II, Section E of the General Permit.

2. What facilities are required to do the **BMP Assessment Report** in Part II, Section E? Does it apply to facilities already monitoring fecal coliform?

The permit specifies that **facilities that use or process animal fats / byproducts** must “complete and submit an assessment of best management practices associated with off-loading, handling and spill prevention of rendered fats and oils that are stored and used at the facility,” within 12 months of the issuance of coverage under the General Permit. **For permittees with renewed coverage in 2012, that deadline was December 1, 2013.**

A: If the facility uses or processes animal fats or by-products, it must complete a BMP Assessment Report and submit the report to NC DENR/DEMLR. A facility may use or process fats/by-products, and also be considered a facility that “processes meats.” We realize those facilities are already monitoring fecal coliform or enterococci concentrations, and are subject to the benchmarks and Tier Response responsibilities in the General Permit (which include BMP review and assessment). The BMP Assessment Report may voluntarily include a summary of those data and tiered response actions to date.