STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

GENERAL PERMIT NO. NCG020000

TO DISCHARGE STORMWATER, MINE DEWATERING, AND PROCESS WASTEWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

For establishments primarily engaged in the following activities:

Active and Inactive Mining Sites

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to all owners or operators, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the **discharge of stormwater, mine dewatering wastewater, and process wastewater to the surface waters of North Carolina** or to a separate storm sewer system conveying discharges to surface waters, **from active and inactive mining sites**, in accordance with the terms and conditions set forth herein.

Coverage under this General Permit is applicable to:

- Stormwater point source discharges associated with mining and quarrying of non-metallic minerals, and Lithium, including mine excavation, processing, and vehicle maintenance;
- Authorized wastewater point source discharges from mining operations as designated in this permit;
- Stormwater and/or wastewater point source discharges from like industrial activities deemed by the Division of Energy, Mineral, and Land Resources (the Division) to be similar to these operations in the process, or the discharges, or the exposure of raw materials, intermediate products, by-products, final products, or waste products.

Except upon Division determination of similarity as provided immediately above, coverage under this General Permit is not applicable to:

- Borrow Pits covered by the DOT statewide stormwater permit,
- Peat Mining,
- Coal or Coal Ash Mining,
- Mining of metals other than Lithium,
- Oil and Gas Extraction Operations, and
- Wastewater not specifically designated in this permit.

The General Permit shall become effective on July 1, 2021.

The General Permit shall expire at midnight on July 30, 2025.

Signed this 30th day of June, 2021.

Original signed by Brian Wrenn

Brian Wrenn, Acting Director
Division of Energy, Mineral, and Land Resources
By the Authority of the Environmental Management Commission

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PART A: NCG020000 PERMIT COVERAGE

All persons desiring to have facilities covered by this General Permit must register with the Division of Energy, Mineral, and Land Resources (the Division) by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a Certificate of Coverage (COC) issued prior to any discharge of stormwater associated with industrial activity, mine dewatering wastewater, or authorized process wastewater that has a point source discharge to the surface waters of the state.

This General Permit is applicable to mining and quarrying of nonmetallic minerals (except Lithium) including borrow pits (that would not be covered under the statewide DOT stormwater permit) and active or inactive mines that discharge stormwater contaminated with, or that has come in contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located at the site of such operations and stormwater runoff from vehicle maintenance areas. This General Permit also covers discharge of wastewater from processing mined materials and mine dewatering wastewater from the groundwater and/or stormwater that accumulates in the mine pit.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit shall be made at least 180 days prior to commencement of discharge.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be revoked and coverage under this General Permit be provided.

Any facility may apply for new or continued coverage under this permit until a Total Maximum Daily Load (TMDL) for pollutants for stormwater or wastewater discharges is established. A TMDL sets a pollutant-loading limit that affects a watershed, or portion of a watershed, draining to an impaired water. For discharges to watersheds affected by a TMDL, coverage under this permit may depend on the facility demonstrating it does not have reasonable potential to violate applicable water quality standards for those pollutants as a result of discharges. If the Division determines that discharges have reasonable potential to cause water quality standard violations, the facility shall apply for an individual permit 180 days prior to the expiration date of this General Permit. After that individual permit becomes effective, the facility will no longer have coverage under this General Permit. [Note the permittee must identify impaired waters in the Location Map or Site Map, as outlined in the Stormwater Pollution Prevention Plan (SWPPP), Part B of this permit. A list of approved TMDLs for the state of North Carolina can be found at https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/tmdls.

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater, mine dewatering, and process wastewater to the surface waters of North Carolina or a separate storm sewer system which has been treated and managed in accordance with the terms and conditions of this General Permit and the requirements of the permittee's COC. This permit also authorizes operation of treatment works that are required to treat mine dewatering or process wastewater in accordance with NCGS 143-215.1(a) (2).

The permittee's COC is hereby incorporated by reference into this General Permit. Any violation of the COC is a violation of this General Permit and subject to enforcement action as provided in the General Permit.

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval. The discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500.

If mining activities expand or change after issuance of the COC such that the types of discharges are affected, the permittee must first contact the Division to determine if modifications to the COC are necessary. The permittee is also responsible for contacting the Division if modifications to the Mining Permit are necessary, as compliance with the Mining Permit is a stipulation of this permit.

Diversion or bypass of untreated wastewater from a treatment facility is prohibited except under provisions of this permit in C-7 and C-8 of this permit.

The issuance of this permit shall not relieve the permittee of the responsibility for damages to surface waters of the State resulting from the operation of a treatment facility.

This permit does not relieve the permittee's responsibility for compliance with any other applicable federal, state or local law, rule, standard, ordinance, order or decree.

PART B: STORMWATER POLLUTION AND PREVENTION PLAN (SWPPP)

The permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be maintained on site unless exempted from this requirement by the Division. The permittee shall implement the SWPPP and all Best Management Practices (BMPs) consistent with the provisions of this permit, to control contaminants entering surface waters.

These items shall exist for the duration of the permit term and be made available to the Director upon request and also shall be sent to the Regional Office upon request. The SWPPP shall be considered public information in accordance with K-15 of this General Permit.

The SWPPP shall include, at a minimum, the following items:

B-1. Responsible Party

The SWPPP shall identify (a) specific position(s) responsible for the overall coordination, development, implementation, and revision of the SWPPP. Responsibilities for all components of the SWPPP shall be documented and position assignments provided.

B-2. General Location Map

The General Location Map shall be a USGS quadrangle map or appropriately drafted equivalent map that includes:

(a) The facility's location in relation to transportation routes and surface waters;

(b) The name of the receiving waters to which the stormwater outfalls discharge, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters;

(c) Any impaired receiving waters, use the most recent final integrated report (https://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/water-quality-data-assessment/integrated-report-files) to identify impaired waters ;

(d) If the site is in a watershed for which a TMDL has been established, include a list of the parameter(s) of concern (those exceeding water quality standards).

B-3. Site Map

The Site Map shall include the following at a scale sufficient to clearly depict all required features. At a minimum, the map shall include:

(a) Site property/permit boundary, which shall be the same as the boundary in the Mining Permit;

(b) Site topography and finished grade;

(c) Buildings, roads, parking areas and other built-upon areas;

(d) Industrial activity areas (including: fueling, vehicle maintenance and repair, washing of materials or equipment, storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads);

(e) Stormwater discharge outfalls and a table of latitudes and longitudes;

(f) Drainage area for each outfall with an estimation of impervious area percentage;

(g) Stormwater Control Measures (SCMs);

(h) All stormwater collection/drainage features, structures and direction of flow;

(i) On-site and adjacent surface waters and wetlands;

(j) Instream sample locations for turbidity compliance (see F-5 and H-5); and

(k) A graphic scale and north arrow.

B-4. Narrative Description of Industrial Processes

The narrative description shall include:

(a) Storage practices;

(b) Loading and unloading activities;

(c) Outdoor process areas;

(d) Dust or particulate generating and control processes;

(e) Waste disposal practices; and

(f) A list of the potential pollutants that could be expected to be present in the stormwater discharge from each outfall.

B-5. Evaluation of Stormwater Outfalls

On an annual basis, the permittee shall evaluate all stormwater outfalls for the presence of non-stormwater discharges.

(a) If no non-stormwater discharges are present, the permittee shall certify the evaluation results. This certification shall be dated and signed in accordance with the requirements found in K-1 and retained with the SWPPP.

(b) If non-stormwater discharges are present, the permittee shall identify the source and record whether the discharge is otherwise permitted by rule or a different permit. The permittee shall evaluate the environmental significance of the non-stormwater discharges. A summary written record shall be dated and signed in accordance with the requirements found in K-1 and retained with the SWPPP.

B-6. Mining Permit

The SWPPP shall include a signed copy of the first page of the Mining Permit issued by the Division's Mining Program. The approved erosion and sedimentation control plan and the approved reclamation plan shall be retained on site and available upon request.

(a) All erosion and sediment controls required by the Mining Permit shall be inspected, and a respective written record of repairs and maintenance shall be available to Division inspectors.

(b) After a mining activity is released by the Division in accordance with NC G.S. Chapter 74, Article 7, the permittee may submit a rescission form to the Division to rescind coverage under this General Permit.

B-7. Narrative Description of Stormwater BMPs

Appropriate BMPs may include, but are not limited to, vegetative swales, berms, use of reclaimed mine areas, and reuse of collected stormwater (such as for an industrial process or as an irrigation source) in a manner that reduces pollutants in stormwater discharges leaving the site.

The narrative description of stormwater BMPs shall include:

(a) Structural and nonstructural practices to minimize the exposure and transport of materials in stormwater;

(b) BMPs for mine excavation and disturbance areas, process areas, and any other areas associated with mining activity;

(c) BMPs for vehicle maintenance activities;

(d) BMPs to limit or isolate land disturbance and process areas and limit the amount of off-site stormwater run-on to those areas; and

(e) BMPs to ensure that contaminants from drilling and blasting do not enter surface waters.

B-8. BMP Inspections

BMPs shall be inspected by or under the direction of the permittee at least once every seven (7) calendar days, unless the site has dormant status. All inspections shall be documented and shall include:

(a) A signed, written record of the inspection results, dates and any repairs/revisions made for each BMP; and

(b) Documentation of visible off-site sedimentation including an explanation of measures taken to remove the sediment that has left the site and to prevent future releases.

B-9. Secondary Containment Plan

In order to prevent leaks and spills from contaminating stormwater runoff, secondary containment is required for: bulk storage of liquid materials including petroleum products; storage in any amount of water priority chemicals listed in Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); and storage of hazardous substances in any amount.

For facilities subject to the federal Spill Prevention, Control, and Countermeasure (SPCC) regulation, the SPCC Plan may be used to support compliance with this requirement.

The Secondary Containment Plan shall include:

(a) A table or summary of tanks and stored materials equipped with secondary containment

systems;

(b) Manually activated valves or other similar devices that are securely closed with a locking mechanism if the secondary containment devices are connected to stormwater conveyance system;

(c) A commitment to visually observe any accumulated stormwater prior to release for color, foam, outfall staining, visible sheens, and dry weather flow;

(d) A commitment to only release accumulated stormwater that is uncontaminated by any material; and

(e) Records on every release from a secondary containment system that include: the individual making the observation, a description of the accumulated stormwater, and the date and time of the release. These records shall be kept for a period of five (5) years.

B-10. Spill Prevention and Response Procedures

A responsible person shall be on-site at all times during facility operations that have potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. For facilities subject to the federal SPCC regulation, the SPCC Plan may be used to support compliance with this permit.

The Spill Prevention and Response Procedures (SPRP) shall include:

(a) An assessment of areas of the facility where there is the potential for spills;

(b) A list of trained facility personnel responsible for implementing the SPRP;

(c) A signed and dated acknowledgement in which staff members accept responsibilities for the SPRP;

(d) A supply of spill response materials and equipment and the locations for storing these items;

(e) Written procedures for proper cleanup and disposal of spilled materials; and

(f) A list of significant spills or leaks of pollutants that have occurred during the previous three (3) years and any corrective actions taken to mitigate spill impacts or the notation that no spills have occurred. This list shall be updated on annual basis.

B-11. Preventative Maintenance and Good Housekeeping Program

A preventative maintenance and good housekeeping program (PMGHP) shall be developed and implemented. Mine Safety and Health Administration (MSHA) documentation may be used to support compliance with this permit.

The PMGHP shall include:

(a) A schedule of inspections, maintenance, and housekeeping measures for industrial activity areas including, at a minimum, all material storage and handling areas, disposal areas, process areas, loading and unloading areas, haul roads, and vehicle maintenance areas. Inspections shall occur at a minimum on a quarterly schedule (January-March, April-June, July-September, October-December).

(b) A plan for disposing spent lubricants and fuels properly and in accordance with applicable federal disposal regulations; and

(c) A record of inspections, maintenance, and housekeeping activities

B-12. Employee Training

Employee training shall be developed and provided on an annual basis for facility personnel responsible for operations that have the potential to contaminate stormwater runoff. The training shall be documented by the date, signature, and printed or typed name of each employee trained. Signatures may be original or electronic.
The annual employee training shall include, at a minimum, the following topics:

(a) General stormwater awareness;

(b) The provisions of the current NCG020000 general permit.

(c) Spill response training;

(d) Used oil management;

(e) Spent solvent management;

(f) Secondary containment releases,

(g) Fueling procedures.

(h) Disposal of spent abrasives;

(i) Sanding, painting, and blasting procedures, and

(j) Used battery management

B-13. Representative Outfall Status

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status (ROS). If it is established that the stormwater discharges are substantially identical and the permittee is granted representative outfall status, then analytical sampling requirements may be performed at a reduced number of outfalls.

If the Division has granted representative outfall status (ROS), written documentation from the Division shall be part of the SWPPP. The permittee shall notify the Division of any site or activity modifications that result in a change to ROS.

The permittee must request reissuance of ROS by submitting a written request to the Division's Central Office within thirty (30) days prior to the expiration of this General Permit to maintain ROS

B-14. Devices Exempt from Analytical Monitoring

As-built plans, Engineer's Certification, design calculations and approved construction drawings shall be included in the SWPPP or available on site for any device that will be exempted from analytical monitoring requirements under this permit. Per F-5(c) of this permit, only basins or ponds designed to contain the 25-year, 24- hour storm without discharging, and that can regain capacity to hold such an event within five (5) days' time through means other than discharge to surface waters may be exempted from analytical monitoring requirements.

B-15. Annual SWPPP Review and Update

All aspects of the SWPPP shall be reviewed and updated on an annual basis. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, site drainage, maintenance, or configuration of the physical features which may have a significant effect on the potential for the discharge of pollutants to surface waters.

In addition to the other items in Part B of this permit, the SWPPP update shall include:

(a) A review and comparison of sample analytical data to benchmark values (if applicable) over the past year, including a discussion about Tiered Response status. The permittee shall use the Division's Annual Summary Data Monitoring Report (DMR) form, available from the Stormwater Program's website (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps); and

(b) A comparison of the permittee's estimate or record of the past year's average daily and maximum daily wastewater flow rates with the permittee's estimate of the coming year's average daily and maximum daily wastewater flow rates, taking into account any changes in the mine footprint or operational procedures anticipated in the coming year. For any anticipated increased wastewater discharges into receiving waters classified as HQW or ORW, the permittee shall compare the estimated increased discharge flow rates to 50 percent of the receiving water 7Q10.

B-16. Annual On-Line SWPPP Certification when Available

After the Division's ePermitting system develops the capability to receive this information, an on-line certification that the SWPPP annual update has been completed in a manner that meets the conditions of this permit.

B-17. Notice to Modify the SWPPP

The Director may notify the permittee when the SWPPP does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the SWPPP to meet minimum requirements. Upon completion of the modifications, the permittee shall provide certification in writing in accordance with K-7 of this permit to the Director that the changes have been made.

B-18. SWPPP Documentation

Copies of the SWPPP shall be maintained on-site and be available to the Division upon request. These records or copies shall be maintained for a period of at least five years. This period may be extended by request of the Director at any time [40 CFR 122.41].

PART C: OPERATIONAL REQUIREMENTS

Permitted mining operations shall be subject to the following operational requirements.

C-1. Operation and Maintenance of Treatment and Control Systems

The permittee shall at all times:

(a) Properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit.

(b) Implement laboratory controls and quality assurance procedures for onsite labs and field parameter testing.

(c) Operate back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit [40 CFR 122.41(e)].

C-2. SCM Clean-Out

SCMs must be cleaned out when sediment storage capacity equals or exceeds 50 percent of the design sediment volume or if visible sedimentation is leaving the property.

C-3. Polyacrylamides and Flocculants

Polyacrylamides (PAMS) and Flocculants shall be selected from the NC Division of Water Resources of Approved PAMS/Flocculants list, available at: https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/aquatic-toxicology-branch/downloads and used in accordance with the listed application doses. No other chemical flocculants shall be used in the treatment facility without written authorization from the Division. Evaluated Polyacrylamide (PAMS) information can be found on the Stormwater Permitting Program website.

C-4. Residuals Management

The residuals generated from treatment facilities must be disposed of in accordance with applicable standards and in a manner such as to prevent any pollutants from such materials from entering waters of the state or navigable waters of the United States.

C-5. Corrective Actions

The permittee shall take corrective actions if self-inspections required by this permit identify a need for corrective actions, a facility fails to perform satisfactorily, or a facility creates of nuisance conditions. Corrective actions shall include, but not be limited to: maintenance, modifications, or additions to existing control measures, the construction of additional or replacement treatment or disposal facilities, or implementation of new BMPs. Corrective actions shall be completed as soon as possible considering adverse weather and site conditions.

C-6. Draw Down of Treatment Facilities for Essential Maintenance

The permittee may draw down stormwater and wastewater treatment facilities if the drawdown is for essential maintenance to assure efficient operation and one of the

following conditions is met:

(a) Either treatment facilities shall be drawn down from the surface, or

(b) Analytical sampling data of the water stored in the treatment facility demonstrates that the discharge will not exceed benchmarks or violate effluent limitations in this permit. The sampling data shall be collected no more than 14 calendar days prior to the draw down.

C-7. Bypasses of Stormwater and Wastewater Treatment Facilities

Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass unless the permittee provides engineering evidence that all three of the following conditions are met:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater, or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices and identified the reason(s) for the bypass as required under C-9 below.

C-8. Upsets

Diversions of stormwater and wastewater from treatment facilities may be considered as an upset rather than a bypass if the permittee can demonstrate to the Director that all of the following conditions have been met. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

(a) The permittee demonstrates that the upset was not caused by operational error, improperly designed treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

(b) The permittee agrees to take remedial measures if necessary.

(c) The permittee submitted notice of the upset and identified the cause(s) of the upset as required under C-9 below.

C-9. Required Notice for Bypass or Upset

After a permittee becomes aware of an occurrence that must be reported, the permittee shall contact the appropriate Division regional office within the timeframes and in accordance with the requirements listed in Table 1 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Hotline at (800) 858-0368.

Table 1: Bypass and Upset Reporting Requirements

Event [40 CFR 122.41(m)(3)]	**Reporting Requirements**
Anticipated Bypass	***Written report at least ten days prior to the anticipated bypass***. The written report shall include an evaluation of the anticipated quantity, quality and effect of the bypass.
Unanticipated Bypass or Upset	***Oral or electronic notification within 24 hours of the event,*** ***and*** ***Written report within 7 calendar days of the event.*** The written report shall include an evaluation of the quantity, quality and effect of the bypass.

PART D: INACTIVE MINES / DORMANT STATUS

The permitted facility is an active mine and the permittee shall implement and comply with all permit conditions herein unless Dormant Status is approved in writing by the Division. The permittee may request approval of Dormant Status and receive a temporary exemption from monitoring requirements in this permit as long as Dormant Status eligibility is maintained. All other provisions of this permit remain in effect regardless of Dormant Status eligibility.

D-1. Eligibility for Dormant Status

Inactive mines that have suspended all industrial activity and stabilized the site are eligible for Dormant Status if all of the following have been achieved:

(a) The permitted facility is temporarily inactive and the site has been stabilized;

(b) The permittee has submitted a written, signed certification to the Division's Central Office that the facility is temporarily inactive and all portions of the site where clearing, grading and/or excavation activities have occurred are stabilized with permanent vegetation;

(c) An inspection from the Division's Regional Office staff confirms that the site is inactive, stabilized and appropriate for issuance of Dormant Status;

(d) The Division's Central Office issues a letter specifically granting Dormant Status for a period not to exceed the life of the permit;

(e) The Dormant Status approval has not expired;

(f) The Division's letter granting Dormant Status is kept with the SWPPP and is available for inspection upon request; and

(g) The permittee notifies the Division in writing within thirty (30) days prior to reactivating and/or commencing mining activity at the facility.

D-2. Division Revision or Revocation of Dormant Status

The Division may revise or revoke Dormant Status and any associated temporary permit exemptions in writing at any time. Revocation or revision shall be provided by issuance of a new Dormant Status letter, which shall supersede any prior Dormant Status approvals.

D-3. Renewal of Dormant Status

The permittee shall self-recertify that Dormant Status conditions are being maintained annually by completing a Dormant Status Certification Form (available at https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-industrial-stormwater). In this form, the permittee will certify that the facility is still temporarily inactive and all portions of the site where clearing, grading and/or excavation activities have occurred are stabilized with permanent vegetation. This documentation shall be kept with the SWPPP and available for inspection upon request. The permittee must request reissuance of Dormant Status in writing by submitting a written request to the Division's Central Office within thirty (30) days prior to the expiration of this General Permit to maintain Dormant Status.

D-4. Monitoring Under Dormant Status

The permittee shall perform and document all stormwater analytical monitoring, stormwater qualitative monitoring and wastewater monitoring in accordance with this permit unless specifically exempted from a monitoring requirement, in whole or part, in the Division's written Dormant Status approval letter.

D-5. SCM Inspections Under Dormant Status

The permittee shall conduct monthly SCM inspections in accordance with this permit unless specifically exempted from SCM inspection requirements, in whole or part, in the Division's written Dormant Status approval letter. This exemption shall be based upon the Division's site-specific determination that a SCM is not necessary because of sufficient permanent site stabilization.

D-6. Annual SWPPP Update Under Dormant Status

The permittee shall conduct an annual inspection of the site and revise the SWPPP accordingly. This documentation must be available for inspection upon request.

PART E: QUALITATIVE MONITORING OF STORMWATER DISCHARGES

The purpose of qualitative monitoring is to implement a quick and inexpensive way to evaluate the effectiveness of the permittee's SWPPP, to identify the potential for new sources of stormwater pollution, and to prompt the permittee's response to pollution.

E-1. Visual Inspections

(a) Visual inspections shall be made at each stormwater discharge outfall (SDO) that discharges stormwater associated with industrial activity unless representative outfall status specifically for visual monitoring has been approved in writing by the Division.

(b) Visual inspections shall be performed concurrent with required analytical monitoring.

(c) Visual inspections are not required to be performed outside of the facility's normal operating hours.

(d) Visual inspections shall be recorded on the Division's Stormwater Discharge Outfall Qualitative Monitoring Report (QMR) form and shall include observations of:

i. Color
ii. Odor
iii. Clarity
iv. Floating Solids
v. Suspended Solids
vi. Foam
vii. Oil Sheen
viii. Deposition at or immediately below the outfall
ix. Erosion at or immediately below the outfall, and
x. Other obvious indicators of stormwater pollution.

(e) Inability to perform inspections because of adverse weather or lack of discharge during the monitoring period shall not constitute a failure to monitor if the event is documented in the SWPPP and recorded on the Qualitative Monitoring Report.

E-2. Qualitative Monitoring Response

(a) If the permittee's qualitative monitoring indicates that the SWPPP and/or existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, then the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those feasible corrective actions within sixty (60) days.

(b) A written record of the permittee's investigation, evaluation, and response actions shall be kept in the SWPPP.

PART F: ANALYTICAL MONITORING OF STORMWATER DISCHARGES

This part applies to industrial stormwater discharges of stormwater-only flows from mining activity areas including, but not limited to, areas of mine excavation, other land disturbance, process areas and vehicle maintenance. This part does not apply to wastewater discharges from mine dewatering and process areas or stormwater discharges that are comingled with wastewater.

F-1. Required Baseline Sampling

The permittee shall perform baseline sampling of all stormwater discharge outfalls and/or authorized representative discharge outfalls in accordance with this part.

(a) Grab samples shall be collected, analyzed and reported for the parameters listed in Table 2.

(b) Grab samples shall be analyzed for pH within 15 minutes of collection.

(c) The total rainfall amount for each sampling event shall be recorded in inches. Total rainfall shall be determined from an on-site rain gauge or a regional rain gauge located within one (1) mile of the facility.

(d) Samples shall be collected from four separate monitoring periods per year unless the facility is in Tier Two or Tier Three status. A minimum of thirty (30) days must separate sampling events:

i. January 1 – March 31
ii. April 1 – June 30
iii. July 1 – September 30, and
iv. October 1 – December 31.

(e) If the facility was in Tier Two or Tier Three status under the previous permit, the facility shall continue monthly monitoring and reporting requirements until relieved by the provisions of this permit or the Division.

F-2. Baseline Sampling Benchmarks

(a) Analytic results for each parameter shall be compared to the benchmark values for the appropriate receiving stream classification as provided in Table 2. An exceedance of a benchmark value is not a permit violation; however, failure to respond in accordance with F-2(b) below is a permit violation.

(b) An exceedance of any benchmark value shall require a tiered response for that outfall. A single exceedance of a benchmark value shall require a Tier One response for that outfall. Two benchmark value exceedances in a row shall require a Tier Two response for that outfall. Four benchmark exceedances for a parameter within the permit term shall require a Tier Three response for that outfall.

(c) Baseline sampling benchmarks shall be in accordance with Table 2 below.

Table 2: Summary of Quarterly Baseline Sampling Requirements for Stormwater Discharges

Parameter Code for Reporting	Parameter	Receiving Stream Classification(s)[1]	Benchmark
CO530	Total Suspended Solids (TSS)	All except below	100 mg/l
		HQW, ORW, Tr, PNA	50 mg/l
00545	Settleable Solids (SS)	All	0.1 ml/l
00070	Turbidity	-	See F-5
46529	Total Rainfall of Sampled Event (inches)	-	-
For vehicle or equipment maintenance areas in which more than 55 Gallons of motor oil and/or hydraulic oil is used per month when averaged over the calendar year.			
00552	Non Polar Oil & Grease for drainage areas that use > 55 gallons/month of oil on average per EPA Method1664 (SGT-HEM)	All	15 mg/L
NCOIL	Estimated average Monthly Oil Usage at the Facility (gallons)	-	-

F-3. Additional Baseline Sampling Benchmarks for Clay Mines, Feldspar Ore, and Lithium Ore Mines

(a) Clay Mines, Feldspar Ore Mines, and Lithium Ore Mines shall monitor all of the parameters listed in Table 2 and, in addition, shall monitor the parameters listed in Table 3.

(b) An exceedance of any benchmark value in Table 3 shall require a tiered response for all parameters. A single exceedance of a benchmark value shall require a Tier One response for all parameters. Two benchmark value exceedances in a row shall require a Tier Two response for all parameters. Four benchmark exceedances for a parameter within a five (5) year period shall require a Tier Three response for all parameters.

Table 3. Additional Quarterly Baseline Sampling Requirements for Clay Mines, Feldspar Ore Mines and Lithium Ore Mines for Stormwater Discharges

Parameter Code for Reporting	Parameter	Mine Type			Receiving Stream Type	Benchmark
		Clay Mine	Feldspar Ore	Lithium Ore		
01105	Aluminum, total	X	X	X	Freshwater	0.75 mg/L
					Saltwater	0.24 mg/L
01092	Zinc, total recoverable (as Zn)	X	X		Freshwater	0.126 mg/L
					Saltwater	0.095 mg/L
00951	Fluoride, total	X	X	X	All	6 mg/L
00900	Hardness, total	X			All	N/A
00400	pH[1]	X			Freshwater	6-9
					Saltwater	6.8 – 8.5
01097	Antimony, total	X			Freshwater	0.34 mg/L
					Saltwater	None
01002	Arsenic, total	X			Freshwater	0.15 mg/L
					Saltwater	0.069 mg/L
CO034	Chromium III	X			Freshwater	0.905 mg/L
					Saltwater	None

[1] Grab samples shall be analyzed for pH within 15 minutes of collection.

F-4. Additional Baseline Sampling Benchmarks for Phosphate and Industrial Sand Mines

(a) Phosphate and Industrial Sand Mines shall monitor all of the parameters listed in Table 2 and, in addition, shall monitor the parameters listed in Table 4.

(b) An exceedance of any benchmark value in Table 4 shall require a tiered response for all parameters. A single exceedance of a benchmark value shall require a Tier One response for all parameters. Two benchmark value exceedances in a row shall require a Tier Two response for all parameters. Four benchmark exceedances for a parameter within a five (5) year period shall require a Tier Three response for all parameters.

Table 4: Summary of Quarterly Baseline Sampling Requirements for Stormwater Discharges

Parameter Code for Reporting	Parameter	Mine Type		Receiving Stream Type	Benchmark
		Phosphate	Industrial Sand		
00951	Fluoride, total	X	X	All	6 mg/L
CO034	Chromium III		X	Freshwater	0.905 mg/L
				Saltwater	None
39344	Alpha, Gross Particle Activity	X	X	All	No benchmark

F-5. Monitoring Requirements for Turbidity

(a) In accordance with 15A NCAC 02B .0202(21), the following values shall form the basis for the turbidity monitoring requirements in this permit:

i. 10 NTU for freshwater streams, lakes, and reservoirs designated as trout waters.

ii. 25 NTU for all lakes, reservoirs, and salt waters.

iii. 50 NTU for all other streams and surface waters.

(b) No discharge shall cause the turbidity in a receiving water to exceed (a) or to increase the turbidity levels of a receiving water that already exceeds (a). The permittee shall demonstrate compliance with this condition in one of the following ways:

i. Collect and analyze a grab sample at the stormwater outfall. If the grab sample is below (a), then the permittee shall be considered to have met the turbidity requirements of this permit. If the grab sample exceeds (a), then the permittee may demonstrate compliance with the turbidity requirements of this permit as listed in (ii) or (iii) below during the same storm event or the next measurable storm event that meets F(6)(a).

ii. Collect and analyze a grab sample immediately downstream of the discharge point. If the grab sample is below (a), then the permittee shall be considered to have met the turbidity requirements of this permit. If the grab sample exceeds (a), then the permittee may demonstrate compliance with the turbidity requirements of this permit as listed in (iii) below during the same storm event or the next measurable storm event that meets F(6)(a).

iii. Collect and analyze grab samples both upstream and downstream of the discharge point. If the data demonstrates that the discharge has not increased the turbidity of the receiving stream, then the permittee shall be considered to have met the turbidity requirements of this permit.

(c) The results of sampling conducted pursuant to (b) above shall be reported on the DMR.

(d) The permittee may contact the Regional Office for assistance in determining the best instream sample point. The Regional Office may also require the permittee to relocate self-established instream sample points if appropriate.

(e) Failure to demonstrate compliance with this condition shall require a tiered response for that outfall.

F-6. Methodology for Collecting Samples

(a) Outfall monitoring efforts shall begin with the first measurable storm event in the monitoring period that meets all the following conditions:

i. Occurs at least 48 hours after the previous measurable storm event unless F-6 (b) applies,

ii. Occurs during the facility's normal operating hours,

iii. Does not coincide with adverse weather conditions, and

iv. Is characteristic of the volume and nature of the permitted discharge.

(b) The 48-hour storm interval may not apply if:

i. The permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and

ii. The permittee obtains approval from the Division's Regional Office.

iii. After authorization by the Division's Regional Office, a written approval letter must be kept on site in the permittee's SWPPP.

(c) Grab samples shall be collected within the first 30 minutes of discharge from an outfall and continue until all outfalls that are discharging have been sampled.

(d) Outfalls that are not sampled during the first measurable storm event in the monitoring period shall be sampled during the next measurable storm event in the monitoring period until a sample has been collected.

(e) If, during the entire monitoring period, there is no discharge from an outfall during any measurable storm event then the permittee shall:

i. Report "No Discharge" in the DMR,

ii. Note "No Discharge" in the SWPPP, and

iii. Submit the DMR within 30 days after the end of the monitoring period.

(f) Lack of a discharge from an outfall for the monitoring period shall not constitute failure to monitor as long as the above permit conditions are met.

(g) If the sampled storm event coincides with a known non-stormwater discharge that is deemed permitted under 15A NCAC 02 .0106, then this shall be noted on the DMR.

F-7. Locations for Collecting Samples

Samples shall be collected at all stormwater discharge outfalls (SDOs) that discharge stormwater associated with industrial activity. If the Division has issued a representative outfall status approval letter, then the permittee shall collect samples from all SDOs in accordance with the SDO approval letter.

(a) All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance.

(b) Monitoring points as specified in this General Permit shall not be changed without written notification to and approval by the Division [40 CFR 122.41(j)].

(c) Analytical monitoring is not required for the outlet of any basin or pond designed to contain the 25-year, 24-hour storm without discharging, and that can regain capacity to hold such an event within five (5) days' time through means other than discharge to surface waters.

F-8. Tier One Response: Single Benchmark Exceedance

The facility will remain in Tier One status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any sampling result is above the benchmark value for any parameter at any outfall, then the permittee shall respond in accordance with Table 5 to identify and address the source of that exceedance for that parameter.

(b) Each required response shall be documented in the SWPPP as each action occurs including; the date and value of the benchmark exceedance, the date the Division's Regional Office was notified of the exceedance, the inspection date, the personnel conducting the inspection, the selected feasible actions, and the date the selected feasible actions were completed.

(c) Each exceedance of a benchmark parameter shall individually require a Tier I response.

(d) The Tier One response shall be in accordance with Table 5 below.

Table 5: Tier One Response for a Benchmark Exceedance

Timeline From Receipt of Sampling Results	Tier One Required Response/Action
Continuously	i. Document the exceedance and each required response/action in the SWPPP in accordance with F-8(b) above.
Within two weeks	ii. Notify the Division's Regional Office of the exceedance date and value via email or, when it is developed, an electronic form created by the Division for reporting exceedances. iii. Conduct a stormwater management inspection. iv. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	v. Select specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements.
Within two months	vi. Implement the selected feasible actions.

F-9. Tier Two Response: Two Consecutive Benchmark Exceedances

The facility will remain in Tier Two status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any two consecutive sampling results in a row for the same parameter are above the benchmark value at an outfall, then the permittee shall respond in accordance with Table 6 to identify and address the source of exceedances for that parameter.

(b) Each required response shall be documented in the SWPPP as each action occurs including; the dates and values of the benchmark exceedances, the date the Division's Regional Office was notified of the consecutive exceedances, the inspection date, the personnel conducting the inspection, the selected feasible actions, the date the selected feasible actions were completed, and the monthly monitoring results.

(c) After implementing the specific feasible courses of action, perform monthly monitoring at every outfall where a sampling result exceeded the benchmark value for two consecutive samples for all parameters until three samples in a row are below the benchmark value or are inside the benchmark range.

(d) If turbidity is the exceeded parameter, monthly monitoring shall include in-stream grab samples taken upstream and downstream of the discharge outfall. The

permittee shall notify the Division about the locations of the upstream and downstream sampling points.

(e) Each pair of two consecutive exceedances of a single benchmark parameter at a single outfall shall constitute an event that requires a Tier Two response. Subsequent events shall not include the same exceedances that have been addressed in a Tier Two response.

(f) The Tier Two response shall be in accordance with Table 6 below.

Table 6: Tier Two Response for Two Consecutive Benchmark Exceedances

Timeline From Receipt of Sampling Results	Tier Two Required Response/Action
Continuously	i. Document the exceedance and each required response/action in the SWPPP in accordance with F-9.(b) above.
Within two weeks	ii. Notify the Division's Regional Office in writing of the exceedance date and value. iii. Conduct a stormwater management inspection. iv. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	v. Select specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements.
Within two months	vi. Implement the selected feasible actions. vii. Implement monthly monitoring of the exceeded parameter and continue until three samples in a row are below the benchmark value. If turbidity is the exceeded parameter, implement in-stream monitoring both upstream and downstream of the discharge outfall.

F-10. Tier Three Response: Four Benchmark Exceedances Within the Permit Term

The facility will remain in Tier Three status until three consecutive samples are under the benchmark or are inside the benchmark range for all parameters.

(a) If any four sampling results within the permit term for any single parameter are above the benchmark value at a sampled outfall, then the permittee shall respond in accordance with Table 7 to identify and address the source of exceedances for that parameter at that outfall.

(b) Each required response shall be documented in the SWPPP as each action occurs including; the dates and values of the benchmark exceedances, the date the Division's Regional Office was notified of the consecutive exceedances, the inspection date, the personnel conducting the inspection, the selected feasible actions, the date the selected feasible actions were completed, and the monthly monitoring results.

(c) The permittee shall prepare a written Action Plan and submit to the Division's Regional Office for review and approval within thirty (30) days of receipt of the fourth analytic monitoring data point that exceeds the benchmark value. At a minimum, the Action Plan shall include:

i. documentation of the four benchmark exceedances;

ii. an inspection report that covers the industrial activities within the drainage area of the outfall with the exceedances (including the date of the inspection and the personnel conducting the inspection);

iii. an evaluation of standard operating procedures and good housekeeping procedures;

iv. identification of the source(s) of exceedances;

v. specific actions that will be taken to remedy the identified source(s) with a schedule for completing those actions; and

vi. a monitoring plan to verify that the Action Plan has addressed the source(s).

(d) The permittee shall keep the Action Plan in the SWPPP and document when each specific action was carried out and by whom.

(e) The permittee shall contact the Division's Regional Office when all actions in the Action Plan are completed.

(f) The Tier Three response shall be in accordance with Table 7 below.

Table 7: Tier Three Response for Four Benchmark Exceedances Within Five Years

Timeline From Receipt of Fourth Sampling Result	Tier Three Required Response/Action
Continuously	i. Document the exceedances and each required response/action in the SWPPP in accordance with F-10.(b) above. ii. Continue monthly monitoring for **all parameters** at the subject outfall and continue until three samples in a row are below the benchmark value.
Within two weeks	iii. Notify the Division's Regional Office in writing of the affected outfall, four exceedance dates and values. iv. Conduct a stormwater management inspection. v. Identify and evaluate possible causes of the benchmark exceedance.
Within one month	vi. Prepare an Action Plan that should include specific, feasible courses of action to reduce concentrations of the parameter(s) of concern including, but not limited to, source controls, operational controls, or physical improvements and submit to the Division's Regional Office for review and approval.
Upon DEQ Approval	vii. Implement the approved Action Plan.
Upon Completion of Approved Action Plan	viii. Notify the Division's Regional Office of Action Plan completion.

PART G: AUTHORIZED WASTEWATER DISCHARGES

G-1. Authorized Wastewater Discharges

(a) All proposed wastewater discharges shall be specifically listed in the Notice of Intent.

(b) The permittee is only authorized to discharge wastewater specifically identified in the Notice of Intent and approved by the Division by issuance of the COC.

(c) Wastewater discharges that may be authorized under this general permit are limited to the following. Any of those wastewaters commingled with stormwater shall be considered wastewater:

i. Mine dewatering,

ii. Process wastewater,

iii. Comingled stormwater and wastewater, and

iv. Discharges from recycle systems.

(d) Mine dewatering discharges to land surfaces without the potential to discharge directly to surface waters and where no chemicals are used in the mining process may be permitted by regulation under 15A NCAC 02T .0113(a)(16) and are not subject to the provisions of this permit.

(e) Process wastewater discharges generated by any other activity shall not be authorized under this permit, except allowable non-stormwater discharges permitted by 15A NCAC 2H .0106(f).

G-2. Mine Dewatering

(a) These requirements apply to all mine dewatering, and includes dewatering from pits for quarries, clay brick, sand and gravel, borrow pits, and refractory mining, as well as mines with similar discharges.

(b) Permittees conducting mine dewatering activities that have the potential to drain wetlands or other surface waters shall implement a Pumping Operation and Monitoring (POM) Plan approved by the Division. The POM shall be submitted with the NOI for the Division's review and approval. Written Division approval of the POM is required prior to the discharge of mine dewatering.

(c) POM Plans shall include, but are not limited to:

i. Groundwater monitoring strategies to demonstrate the effect of pumping,

ii. Detailed plans to maintain the surrounding hydrology that protects the affected streams and wetlands,

iii. Monitoring to demonstrate compliance, and

iv. The pumping regime deemed necessary to protect affected streams and wetlands.

(d) Approval of the POM Plan may be required prior to coverage under this General Permit.

G-3. Process Wastewater

(a) These requirements apply to all process wastewater from mining operations which includes, but may not be limited to, the water involved in:

i. The slurry transport, washing, or sawing of mined material;

ii. Air emissions control or processing exclusive of mining of sand, gravel, and stone washing operations;

iii. Dimension stone cutting operations; and air scrubbing and dust control operations.

(b) Treatment may involve conveyance through erosion and sedimentation control (E&SC) structures and/or other engineered treatment systems.

G-4. Commingled Stormwater and Wastewater

(a) If authorized mine dewatering or process wastewaters commingle with stormwater prior to discharge, then the permittee shall sample the combined discharge as a wastewater discharge.

(b) Sampling shall be performed during the discharge. These sampling events may or may not be associated with rainfall.

G-5. Discharges from Recycle Systems

Authorized process wastewater discharges (overflows) from a recycle system to surface waters are subject to the provisions, monitoring requirements, and effluent limitations in this General Permit.

PART H: ANALYTICAL MONITORING OF WASTEWATER DISCHARGES

H-1. Wastewater Sampling Schedule

(a) Wastewater discharges shall be monitored quarterly beginning on July 1, 2021. Sampling shall be performed in each of the four quarterly monitoring periods:

i. January 1 – March 31,

ii. April 1 – June 30,

iii. July 1 – September 30, and

iv. October 1 – December 31.

(b) If no discharge occurs during the sampling period, the permittee shall record "No Flow" or "No Discharge" within 30 days of the end of the sampling period in the facility's monitoring records.

H-2. Parameters and Limitations

(a) Wastewater discharges shall not exceed the effluent limitations provided in Table 8.

(b) The permittee shall collect and analyze grab samples of wastewater effluent for pH, TSS, and Turbidity at each wastewater outfall.

(c) Grab samples shall be analyzed within 15 minutes for pH.

(d) Permittees discharging wastewater to receiving waters classified as HQW, ORW, SA, SB, Tr or PNA shall also collect and analyze grab samples for Settleable Solids.

(e) Permittees discharging wastewater to receiving waters classified as SA shall also collect and analyze grab samples of wastewater effluent for Fecal Coliform.

(f) Permittees discharging wastewater to receiving waters classified as SA, SB and SC shall also collect and analyze grab samples of wastewater effluent for Enterococcus.

(g) Any exceedance of the in-stream water quality standard for turbidity shall require effluent, upstream and downstream monitoring for turbidity concurrent with quarterly monitoring per the schedule in H-1(a).

(h) Daily flow rate shall be recorded by a continuous flow measurement instrument. Alternatively, pump curves and pump logs may be used as a means to calculate the daily flow rate.

(i) Effluent limitations for wastewater discharges shall be in accordance with Table 8 below.

Table 8: Effluent Limitations for Wastewater Discharges

Parameter Code for Reporting	Parameter	Receiving Stream Classification	Monthly Average[1]	Daily Maximum[1]
00400	pH Range[3]	Freshwater	----	6.0 – 9.0[2]
		Saltwater	----	6.8 – 8.5[2]
CO530	TSS	All except below	For industrial sand and phosphate mines, 25 mg/l No limit for other mine types	For industrial sand and phosphate mines, 45 mg/l No limit for other mine types
		HQW, ORW	20 mg/l	30 mg/l
		HQW/ORW Tr, PNA	10 mg/l	15 mg/l
00070	Turbidity		----	See H-5
00545	Settleable Solids	HQW, ORW, SA, SB, PNA, Tr	0.1 ml/l	0.2 ml/l
31616	Fecal Coliform[4]	SA	---	---
61211	Enterococcus[4]	SA, SB and SC	---	---
	Daily Flow Rate (cfs)	HQW/ORW Tr, PNA	----	50% of 7Q10

[1] Note that for a quarterly sampling schedule, the sample result counts as both the Daily Maximum and Monthly Average value. More frequent samples may be conducted to calculate averages, but all sampling events must be recorded on the DMR per I-5 of this permit.

[2] Designated swamp waters can have a pH as low as 4.3 because of natural conditions. In such cases, Federal Effluent Guidelines (40 CFR §436) allow the lower range of the pH limitations to be adjusted downward to no lower than 5.0. The permittee must sample instream to demonstrate a lower limit is appropriate.

[3] Grab samples shall be analyzed for pH within 15 minutes of collection.

[4] In SA, SB, and SC waters, the DEQ-Division of Marine Fisheries (DMF)– Recreational Monitoring program includes Enterococcus monitoring. In only SA waters, the DEQ – DMF – Shellfish Growing Waters monitoring program includes Fecal Coliform monitoring.

H-3. Additional Parameters and Limitations for Clay Mines, Feldspar Ore Mines, and Lithium Ore Mines

(a) Wastewater discharges from Clay Mines, Feldspar Ore Mines and Lithium Ore Mines shall not exceed the effluent limitations provided in both Table 8 and Table 9. The permittee shall collect and analyze grab samples of wastewater effluent for the listed parameters.

(b) Permittees discharging wastewater from Clay Mines, Feldspar Ore Mines and Lithium Ore Mines shall also collect and analyze grab samples and report the sampling results for Chromium but there are no effluent limitations associated with Chromium when discharging to saltwater.

Table 9. Additional Quarterly Baseline Sampling Requirements for Clay Mine, Feldspar Ore Mines and Lithium Ore Mines for Wastewater Discharges

Parameter Code for Reporting	Parameter	Mine Type			Receiving Stream Type	Monthly Avg.	Daily Max
		Clay Mine	Feldspar Ore	Lithium Ore			
01105	Aluminum, total	X	X	X	Freshwater	0.30 mg/L	0.75 mg/L
					Saltwater	0.24 mg/L	0.24 mg/L
01092	Zinc, total recoverable	X	X		Freshwater	0.126 mg/L	0.126 mg/L
					Saltwater	0.095 mg/L	0.095 mg/L
00951	Fluoride, total	X	X	X	All	6 mg/L	6 mg/L
00900	Hardness, total	X			All	N/A	N/A
01097	Antimony, total	X			Freshwater	0.34 mg/L	0.34 mg/L
					Saltwater	None	None
01002	Arsenic, total	X			Freshwater	0.15 mg/L	0.15 mg/L
					Saltwater	0.069 mg/L	0.069 mg/L
CO034	Chromium III	X			Freshwater	0.117 mg/L	0.905 mg/L
					Saltwater	None	None

H-4. Additional Parameters and Limitations for Phosphate and Industrial Sand Mines

(a) Wastewater discharges from Phosphate and Industrial Sand Mines shall not exceed the effluent limitations provide in both Table 8 and Table 10. The permittee shall collect and analyze grab samples of wastewater effluent for the listed parameters.

(b) Permittees discharging wastewater from Clay Mines, Feldspar Ore Mines and Lithium Ore Mines shall also collect and analyze grab samples and report the sampling results for Chromium and Gamma/Beta but there are no effluent limitations associated with Chromium and Gamma/Beta when discharging to saltwater.

Table 10: Summary of Quarterly Baseline Sampling Requirements for Wastewater Discharges

Parameter Code for Reporting	Parameter	Mine Type		Receiving Stream Type	Monthly Avg	Daily Max
		Phosphate	Industrial Sand			
00951	Fluoride, total	X	X	All	6 mg/L	6 mg/L
CO034	Chromium III		X	Freshwater	0.117 mg/L	0.905 mg/L
				Saltwater	None	None
39344	Alpha, Gross Particle Activity	X	X	All	None	None

H-5. Exceedance of In-Stream Water Quality Standard for Turbidity

(a) In accordance with 15A NCAC 02B .0202(21), the following values shall form the basis for the turbidity monitoring requirements in this permit:

i. 10 NTU for freshwater streams, lakes, and reservoirs designated as trout waters.

ii. 25 NTU for all lakes, reservoirs, and salt waters.

iii. 50 NTU for all other streams and surface waters.

(b) No discharge shall cause the turbidity in a receiving water to exceed (a) or to increase the turbidity levels of a receiving water that already exceeds (a). The permittee shall demonstrate compliance with this condition in one of the following ways:

i. Collect and analyze a grab sample at the stormwater outfall. If the grab sample is below (a), then the permittee shall be considered to have met the turbidity requirements of this permit. If the grab sample exceeds (a), then the permittee may demonstrate compliance with the turbidity requirements of this permit as listed in (ii) or (iii) below during the same storm event or the next measurable storm event that meets F(6)(a).

ii. Collect and analyze a grab sample immediately downstream of the discharge point. If the grab sample is below (a), then the permittee shall be considered to have met the turbidity requirements of this permit. If the grab sample exceeds (a), then the permittee may demonstrate compliance with the turbidity requirements of this permit as listed in (iii) below during the same storm event or the next measurable storm event that meets F(6)(a).

iii. Collect and analyze grab samples both upstream and downstream of the discharge point. If the data demonstrates that the discharge has not increased the turbidity of the receiving stream, then the permittee shall be considered to have met the turbidity requirements of this permit.

(c) The results of sampling conducted pursuant to (b) above shall be reported on the DMR.

(d) The permittee may contact the Regional Office for assistance in determining the best instream sample point. The Regional Office may also require the permittee to relocate self-established instream sample points if appropriate.

(e) Failure to demonstrate compliance with this condition shall require a tiered response for that outfall.

PART I: SUBMITTAL OF DISCHARGE MONITORING REPORTS (DMRs)

I-1. Deadlines for Submittal of Discharge Monitoring Reports

Discharge Monitoring Reports (DMRs) shall be submitted in accordance with Table 11 below. For COCs issued between March 1-31, June 1-30, September 1-30 or Dec 1-31, sampling shall not commence until the next sampling period following initial issuance of the COC.

Table 11: Reporting Requirements

Monitoring Period	DMR Type	Deadline	Notes
Jul 1, 2021 – Sep 30, 2021	Paper[1]	Jan 31, 2022	
Oct 1, 2021 – Dec 31, 2021	Paper[1]	Jan 31, 2022	
Jan 1, 2022 – Mar 30, 2022	Paper[1]	Jul 31, 2022	The deadline to register in eDMR is Jan 1, 2022
April 1, 2022 – Jun 30, 2022	Paper[1]	Jul 31, 2022	
Jul 1 – 2022 – Sep 30, 2022 and all subsequent monitoring periods	Electronic[2]	30 Days after the monitoring period ends	The deadline to report in eDMR is Jun 1, 2022

[1] Paper DMRs will be submitted in accordance with I-2.

[2] Electronic DMRs will be submitted in accordance with I-3.

I-2. Submittal Process before Electronic Discharge Monitoring Reporting (eDMR)

Prior to eDMR, samples analyzed in accordance with the terms of this General Permit shall be reported as follows:

(a) Sample results shall be recorded on Discharge Monitoring Report (DMR) forms provided by the Director. DMR forms are available on the Division's website https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-industrial-stormwater.)

(b) DMRs shall be signed and certified by a person meeting the Signatory requirements in K-1.

(c) Original, signed DMR forms shall be scanned and uploaded to the electronic DMR submittal form, which can be found by typing "deq.nc.gov/SW-Industrial" into a browser window and hitting "enter."

(d) Then, the original signed DMR Forms shall be mailed or otherwise delivered to the appropriate Regional Office, which is indicated at: https://deq.nc.gov/contact/regional-offices/.

I-3. Submittal Process after Electronic Discharge Monitoring Reporting (eDMR)

Unless otherwise informed by the Director, permittees shall register in eDMR prior to January 1, 2022 and shall begin reporting discharge monitoring data using eDMR prior to

July 1, 2022. Information about eDMR can be found by typing "https://deq.nc.gov/deq.nc.gov/sw-edmr" into a browser window and hitting "enter."

I-4. Results Below Detection Limits

When results are below detection limit, they shall be reported in the format, "<XX mg/L," where XX is the numerical value of the detection limit.

I-5. Occurrences of No Discharge

If no discharge occurs during the sampling period, the permittee must record within 30 days of the end of the sampling period in the facility's monitoring records. "No Flow" or "No Discharge" shall be reported on the Discharge Monitoring Report (DMR).

I-6. Reports if More Frequent Monitoring Has Occurred

If the permittee monitors any pollutant more frequently than required by this General Permit using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this General Permit, the results of such monitoring shall be included in the data submitted on the DMR. Analytical results within the monitoring period shall be submitted no later than 30 days from the date the facility receives all the sampling results. For purposes of benchmark comparison and Tiered response actions, the permittee shall use the analytical results from the first sample with valid results. Permittee is encouraged to take more samples than required by permit during a monitoring period to help identify potential causes of exceedance(s). When taking additional samples, permittee may not use the additional sample with lowest results for compliance purposes to avoid taking actions to identify causes of parameter exceedances. Additional sampling is only for informational purposes.

I-7. Report if Begin Discharging to a Waterbody Not Listed in the Certificate of Coverage

The permittee shall request a modification to the COC the Division prior to discharging to a new SDO to a waterbody that is not listed on the most current COC for the mine to request a modification of the COC.

I-8. Qualitative Monitoring Reports

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division and shall retain the completed forms on site. Qualitative monitoring results shall not be submitted to the Division, except upon the Division's specific requirement to do so. Qualitative Monitoring Report forms are available the Division's website (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps).

I-9. Monitoring Report Retention

Copies of the following reports shall be maintained on-site or be available electronically to the Division upon request. These records or copies shall be maintained for a period of at least 5 years from the date of the sample, measurement, report or Notice of Intent application. This period may be extended by request of the Director at any time [40 CFR 122.41].

(a) Calibration and maintenance records,

(b) Original strip chart recordings for continuous monitoring instrumentation,

(c) Discharge Monitoring Reports (DMRs) and eDMR or other electronic DMR report submissions,

(d) Visual monitoring records, and

(e) Copies of all data used to complete the Notice of Intent to be covered by this General Permit.

PART J: OTHER OCCURENCES THAT MUST BE REPORTED

After becoming aware of an occurrence that must be reported, the permittee shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed in Table 12 below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

The reporting requirements are listed in Table 7 below.

Table 12: Other Occurrences that Shall Be Reported

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
Visible sediment deposition in a stream or wetland	i. ***Within 24 hours***, an oral or electronic notification. ii. ***Within 7 calendar days***, a report that contains a description of the sedimentation event and permittee actions taken to address it.
Oil spills if they are: • 25 gallons or more, • less than 25 gallons but cannot be cleaned up within 24 hours, • cause sheen on surface waters (regardless of volume), or • are within 100 feet of surface waters (regardless of volume).	iii. ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act Ref: 40 CFR 110.3and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85	iv. ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
Anticipated bypasses [40 CFR 122.41(m)(3)]	v. ***A report at least ten days before the date of the bypass, if possible***. The report shall include an evaluation of the anticipated quality and effect of the bypass.
Unanticipated bypasses [40 CFR 122.41(m)(3)]	vi. ***Within 24 hours***, an oral or electronic notification. vii. ***Within 7 calendar days,*** a report that includes an evaluation of the quality and effect of the bypass.
Noncompliance with the conditions of this permit that may endanger health or the environment. [40 CFR 122.41(l)(7)]	viii. ***Within 24 hours***, an oral or electronic notification. ix. ***Within 7 calendar days***, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6). x. Division staff may waive the requirement for a written report on a case-by-case basis.

PART K: PERMIT ADMINISTRATION

K-1. Signatory Requirements

All applications, reports, or information submitted to the Permitting Issuing Authority shall be signed and certified [40 CFR 122.41(k)].

(a) All Notices of Intent to be covered under this General Permit shall be signed as follows:

i. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

iii. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official [40 CFR 122.22].

(b) All reports required by the General Permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i. The authorization is made in writing by a person described above;

ii. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

iii. The written authorization is submitted to the Permit Issuing Authority [40 CFR 122.22].

(c) Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an

authorized representative [40 CFR 122.22]

(d) Any person signing a document under paragraphs a. or b. of this section, or submitting an electronic report (e.g., eDMR), shall make the following certification [40 CFR 122.22]. No other statements of certification will be accepted.

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

K-2. General Permit Expiration

General permits will be effective for a term not to exceed five years, at the end of which the Division may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by the Division. New applicants seeking coverage under a renewed general permit must submit a Notice of Intent (NOI) to be covered and obtain a Certificate of Coverage under the renewed general permit [15A NCAC 02H .0127(e)].

K-3. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged [40 CFR 122.41(l)]. This notification requirement includes pollutants which are not specifically listed in the General Permit or subject to notification requirements under 40 CFR Part 122.42 (a).

K-4. Transfers

This General Permit is not transferable to any person without prior written notice to and approval from the Director in accordance with 40 CFR 122.61. The Director may condition approval in accordance with NCGS 143-215.1, in particular NCGS 143-215.1(b)(4)b.2., and may require modification or revocation and reissuance of the Certificate of Coverage, or a minor modification, to identify the new permittee and incorporate such other requirements as may be necessary under the CWA [40 CFR 122.41(l)(3), 122.61] or state statute. The Permittee is required to notify the Division in writing in the event the permitted facility is sold or closed.

K-5. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a Certificate of Coverage issued pursuant to this General Permit to apply for and obtain an individual permit or an alternative general permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual permit may be required include, but are not limited to, the following:

(a) The discharger is a significant contributor of pollutants;

(b) Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a general permit;

(c) The discharge violates the terms or conditions of this General Permit;

(d) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

(e) Effluent limitations are promulgated for the point sources covered by this General Permit;

(f) A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this General Permit;

(g) The Director determines at his or her own discretion that an individual permit is required.

K-6. When an Individual Permit May be Requested

Any permittee operating under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this General Permit is automatically terminated on the effective date of the individual permit.

K-7. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Permit Issuing Authority from reopening and modifying the General Permit, revoking and reissuing the General Permit, or terminating the General Permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et al. After public notice and opportunity for a hearing, the General Permit may be terminated for cause. The filing of a request for a General Permit modification, revocation and reissuance, or termination does not stay any General Permit condition. The Certificate of Coverage shall expire when the General Permit is terminated.

K-8. Certificate of Coverage Actions

Coverage under the General Permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any General Permit condition [40 CFR 122.41(f)].

K-9. Requirement to Report Incorrect Information

Where the Permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this General Permit, or submitted incorrect information in that Notice of Intent application or in any report to the Director, it shall promptly submit such facts or information [40 CFR 122.41(l)(8)].

K-10. Waivers from Electronic Reporting

If a permittee is unable to use the eDMR system due to a demonstrated hardship or due to the facility being physically located in an area where less than 10 percent of the households have broadband access, then a temporary waiver from the NPDES electronic reporting requirements may be granted and discharge monitoring data may be submitted on paper DMR forms or alternative forms approved by the Director. Duplicate signed copies shall be submitted to the mailing address above. See "How to Request a Waiver from Electronic Reporting" section below.

The permittee may seek a temporary electronic reporting waiver from the Division. To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to the Division. Requests for temporary electronic reporting waivers must be submitted in writing to the Division for written approval at least sixty (60) days prior to the date the facility would be required under this permit to begin submitting monitoring data and reports. The duration of a temporary waiver shall not exceed 5 years and shall thereupon expire. At such time, monitoring data and reports shall be submitted electronically to the Division unless the permittee re-applies for and is granted a new temporary electronic reporting waiver by the Division. Approved electronic reporting waivers are not transferrable. Only permittees with an approved reporting waiver request may submit monitoring data and reports on paper to the Division for the period that the approved reporting waiver request is effective.

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page: https://deq.nc.gov/about/divisions/water-resources/edmr

K-11. Annual Administering and Compliance Monitoring Fee Requirements

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(2) may cause this Division to initiate action to revoke coverage under the General Permit.

K-12. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

K-13. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this General Permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting

levels below the General Permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

K-14. Representative Outfall

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical and the permittee is granted representative outfall status, then analytical sampling requirements may be performed at a reduced number of outfalls.

K-15. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Clean Water Act.

PART L: COMPLIANCE AND LIABILITY

L-1. Compliance Schedule

The permittee shall comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:

(a) Existing Facilities already operating but applying for permit coverage for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 6 months of the effective date of the Certificate of Coverage and updated thereafter on an annual basis. Secondary containment, as specified in Part III of this General Permit, shall be accomplished within 12 months of the effective date of the issuance of the Certificate of Coverage.

(b) New Facilities applying for coverage for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part III of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

(c) Existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit (except new SWPPP elements in this permit renewal) shall become effective immediately upon issuance of the Certificate of Coverage. New elements of the Stormwater Pollution Prevention Plan for this permit renewal shall be developed and implemented within 6 months of the effective date of this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part III of this General Permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

L-2. Duty to Comply

The permittee must comply with all conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit upon renewal application [40 CFR 122.41].

(a) The permittee shall comply with standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the General Permit has not yet been modified to incorporate the requirement [40 CFR 122.41].

(b) The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $51,570 per day for each violation [33 USC 1319(d) and 40 CFR 122.41(a)(2)].

(c) The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement

imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)].

(d) Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both [33 USC 1319(c)(2) and 40 CFR 122.41(a)(2)].

(e) Any person who *knowingly* violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions [40 CFR 122.41(a)(2)].

(f) Under state law, a civil penalty of not more than $25,000 per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit [North Carolina General Statutes § 143-215.6A].

(g) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $20,628 per violation, with the maximum amount of any Class I penalty assessed not to exceed $51,570. Penalties for Class II violations are not to exceed $20,628 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $257,848. [33 USC 1319(g)(2) and 40 CFR 122.41(a)(3)].

L-3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment [40 CFR 122.41(d)].

L-4. Civil and Criminal Liability

Except as provided in Part V, Section C of this General Permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-2l5.3, l43-2l5.6, or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

L-5. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

L-6. Property Rights

The issuance of this General Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations [40 CFR 122.41(g)].

L-7. Severability

The provisions of this General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this General Permit, shall not be affected thereby [NCGS 150B-23].

L-8. Duty to Provide Information

The permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the General Permit issued pursuant to this General Permit or to determine compliance with this General Permit. The permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required to be kept by this General Permit [40 CFR 122.41(h)].

L-9. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this General Permit shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both [40 CFR 122.41].

L-10. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

L-11. Onshore or Offshore Construction

This General Permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

L-12. Duty to Reapply

Dischargers covered by this General Permit need not submit a new Notice of Intent (NOI) or renewal request unless so directed by the Division. If the Division chooses not to renew this General Permit, the permittee will be notified to submit an application for an individual permit [15A NCAC 02H
.0127(e)].

L-13. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location [40 CFR 122.41(i)].

L-14. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this General Permit [40 CFR 122.41(c)].

PART M: DEFINITIONS

Additional definitions for the NPDES Program may be found in federal rule at 40 CFR Part 122.2 and in the effluent limitation guidelines for the Mineral Mining and Processing Point Source Category at 40 CFR Part 436.

Act
See Clean Water Act.

Adverse Weather
Weather conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical. When adverse weather conditions prevent the collection of samples during the sample period, the permittee must take a substitute sample or perform a visual assessment during the next qualifying storm event. Documentation of an adverse event (with date, time and written narrative) and the rationale must be included with your SWPPP records. Adverse weather does not exempt the permittee from having to file a monitoring report in accordance with the sampling schedule. Adverse events and failures to monitor must also be explained and reported on the relevant DMR.

Allowable Non-Stormwater Discharges
This General Permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system include:

(a) All other discharges that are authorized by a non-stormwater NPDES permit.

(b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, irrigation waters, flows from riparian habitats and wetlands.

(c) Discharges resulting from fire-fighting or fire-fighting training, or emergency shower or eye wash as a result of use in the event of an emergency.

Best Management Practices (BMPs)
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure. More information on BMPs can be found at: http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm.

Bulk Storage of Liquid Materials
Liquid raw materials, in-process liquids and reactants, manufactured products, waste materials or by-products contained in a single above ground container, tank, or vessel having a capacity of greater than 660 gallons or contained in multiple above ground containers, tanks, or vessels located in close proximity to each other having a total combined capacity of greater than 1,320 gallons.

Bypass
The known diversion of stormwater from any portion of a control facility including the collection system, or the diversion of waste streams from any portion of a treatment facility including the collection system, which is not a designed or established operating mode for the facility.

Certificate of Coverage
The **Certificate of Coverage** (COC) is the cover sheet which accompanies a general permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the general permit and is signed by the Director.

Clean Water Act
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.

Division
The Division of Energy, Mineral, and Land Resources, Department of Environmental Quality (DEQ), formerly the Department of Environment and Natural Resources.

Director
The Director of the Division of Energy, Mineral, and Land Resources, the permit issuing authority.

EMC
The North Carolina Environmental Management Commission.

Grab Sample
An individual sample collected instantaneously. Grab samples that will be analyzed (quantitatively or qualitatively) should be taken within the first 30 minutes of discharge.

Hazardous Substance
Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

High Quality Waters (HQW)
Supplemental North Carolina water quality classification intended to protect waters which are rated excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, or HQW by definition:

(a) Water Supply Watershed I (WS-I),
(b) Water Supply Watershed II (WS-II),
(c) Water Supply Watershed III(WS-III),
(d) SA waters (commercial shellfish),
(e) Outstanding Resource Waters (ORW),
(f) Primary Nursery Areas and other functional nursery areas designated by Marine Fisheries Commission, or
(g) Waters for which the Division of Water Resources has received a petition for reclassification to either WS-I or WS-II.

Measurable Storm Event
A storm event that results in an actual discharge from the permitted site outfall.

Mine Dewatering
See Code of Federal Regulations for definition applicable to specific mineral mining subcategories in 40 CFR Part 436. The term "mine dewatering" (wastewater) means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. For the Construction Sand and Gravel Subcategory and Industrial Sand Subcategory, "mine dewatering" also includes wet pit overflows caused solely by direct rainfall and ground water seepage. In this context, and also from 40 CFR Part 436, the term "mine" means an area of land, surface or underground, actively mined for the production of either crushed and broken stone (Crushed Stone Subcategory), sand and gravel (Construction Sand and Gravel, Industrial Sand Subcategories), or other mine product, from natural deposits.

Municipal Separate Storm Sewer System (MS4)
A stormwater collection system within an incorporated area of local self-government such as a city or town.

Notice of Intent
The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a general permit.

Outstanding Resource Water (ORW)
Supplemental North Carolina water quality classification intended to protect unique and special waters having excellent water quality and being of exceptional state or national, ecological or recreational significance. To qualify, waters must be rated "excellent" by the NC Division of Water Resources, and have one of the following outstanding resource values:

1. Outstanding fish habitat and fisheries,
2. Unusually high level of water based recreation or potential for such kind of recreation,
3. Some special designation such as N.C. Scenic/Natural River, or National Wildlife Refuge,
4. Important component of state or national park or forest; or
5. Special ecological or scientific significance (rare or endangered species habitat, research or educational areas).

All ORWs are also considered High Quality Waters (HQW) by supplemental classification.

Permit Issuing Authority
The Director of the Division of Energy, Mineral, and Land Resources (see "Director" above).

Permittee
The owner or operator issued a Certificate of Coverage pursuant to this General Permit.

Point Source Discharge of Stormwater
Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

Primary Nursery Area (PNA)
Areas in the estuarine system that provide essential habitat for the early development of commercially important fish and shellfish as defined by the NC Marine Fisheries Commission. These areas are usually located in the uppermost sections of a system where populations are uniformly very early juveniles. The Division of Marine Fisheries is responsible for preserving, protecting and developing Primary Nursery Areas for commercially important finfish and shellfish.

Process Wastewater
Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product See Code of Federal Regulations in 40 CFR Part 122.2.

Representative Outfall Status
When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, the Division's Regional Office may grant representative outfall status. Representative outfall status (ROS) allows the permittee to perform analytical monitoring at a reduced number of outfalls.

SA
Primary North Carolina water quality classification to protect tidal salt waters that are used for commercial shellfishing or marketing purposes and are also protected for all Class SC and Class SB uses. All SA waters are also HQW by supplemental classification.

SB
Primary North Carolina water quality classification intended to protect tidal salt waters for all SC uses in addition to primary recreation. Primary recreational activities include swimming, skin diving, water skiing, and similar uses involving human body contact with water where such activities take place in an organized manner or on a frequent basis.

SC
Primary North Carolina water quality classification intended to protect tidal salt waters for secondary recreation such as fishing, boating, and other activities involving minimal skin contact; fish and noncommercial shellfish consumption; aquatic life propagation and survival; and wildlife.

Secondary Containment
Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to contain the 25-year, 24-hour storm event.

Section 313 Water Priority Chemical
A chemical or chemical category which:

(a) Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right- to-Know Act of 1986;

(b) Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and

(c) Meets at least one of the following criteria:

- Is listed in appendix D of 40 CFR Part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);

- Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
- Is a pollutant for which EPA has published acute or chronic water quality criteria.

Severe Property Damage
Substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Spills
Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (Ref: 40 CFR 110.3and 40 CFR 117.3) or section 102 of CERCLA (Ref: 40 CFR 302.4).

Stormwater Discharge Associated with Industrial Activity
This term is defined in 40 CFR 122.26(14).

Stormwater Control Measure (SCM)
A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting setline or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

Stormwater Discharge Outfall (SDO)
The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.

Stormwater Runoff
The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

Stormwater Associated with Industrial Activity
The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

Stormwater Pollution Prevention Plan (SWPPP)
A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

Total Maximum Daily Load (TMDL)
TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. A list of approved TMDLs for the state of North Carolina can be found at **http://portal.ncdenr.org/web/wq/ps/mtu/tmdl**.

Toxic Pollutant
Any pollutant listed as toxic under Section 307(a)(l) of the Clean Water Act.

Trout Water (Tr)
Supplemental NC water quality classification intended to protect freshwaters for natural trout propagation and survival of stocked trout on a year round basis. This is not the same as the NC Wildlife Resources Commission's Designated Public Mountain Trout Waters.

Upset
An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

Vehicle Maintenance Activity
Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations.

Visible Sedimentation
Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

25-year, 24-hour Storm Event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.