15A NCAC 02B .0402 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0402 SCOPE

Effluent limits established ~~herein~~ in this Section shall apply to all effluents discharged from pretreatment facilities and from outlets and point sources to the waters of the state.

History Note: *Authority G.S. 143-215; 143-215.1; 143-215.3(a)(1);*
Eff. February 1, ~~1976.~~1976;
Readopted Eff. May 1, 2019.

15A NCAC 02B .0403 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0403 DEFINITION OF TERMS

The terms used in this Section shall be as defined in G.S. ~~143-213~~ 143-212 and 143-213; the federal Clean Water Act (33 U.S.C. 1251 et seq.); 40 CFR Parts 122, 124, and 125; and as follows:

(1) ~~The term "commission"~~ "Commission" means the Environmental Management Commission or its successor.

(2) "Conventional pollutants" means biochemical oxygen demand (BOD(5)), Total Suspended Solids (TSS), pH, fecal coliform, oil and grease, and any other pollutants the USEPA designates as conventional in applicable regulations.

~~(2)~~(3) ~~The term "director"~~ "Director" means the Director of the Division of ~~Environmental Management,~~ Water Resources or Division of Energy, Mineral and Land Resources, [~~or both,~~] Department of ~~Natural Resources and Community Development.~~ Environmental Quality, whichever is the permitting [~~authority in a particular instance;~~] authority; or his or her designee.

(4) "Division" means the Division of Water Resources or the Division of Energy, Mineral and Land Resources, [~~or both,~~] Department of Environmental Quality, whichever is the permitting [~~authority in a particular instance;~~] authority.

~~(4) The term "BPCTCA" shall mean best practicable control technology currently available. Effluent limitations determined as BPCTCA are immediately applicable and shall be complied with not later than July 1, 1977.~~

~~(5) The term "BPWTT" shall mean best practicable waste treatment technology. Effluent limitations established by this designation shall be complied with not later than July 1, 1983.~~

~~(6) The term "BCT" shall mean best conventional pollutant control technology. Effluent limitations designated as BCT will control the discharge of pollutants determined to be conventional in nature and these limitations shall be complied with not later than July 1, 1984.~~

~~(7) The term "BAT" shall mean best available technology economically achievable. Effluent limitations designated as BAT will control the discharge of pollutants determined to be nonconventional in nature and these limitations will come into effect on July 1, 1984, and shall be complied with not later than July 1, 1987.~~

~~(8) The term "BAT/BMP'S" shall mean best available technology economically achievable/best management practices. Effluent limitations designated as BAT/BMP's will control the discharge of pollutants determined to be toxic in nature. Compliance with these designated effluent limitations must be maintained not later than three years after such limitations are developed, or not later than July 1, 1984, whichever is later, but in no case later than July 1, 1987.~~

~~(9) The term "new source performance standards" shall mean the effluent limitations required of an industrial discharger determined under the guidance of 15A NCAC 2B .0407 to be a new source.~~

~~(14)~~(5) ~~The term "effluent~~ "Effluent ~~limited segment"~~ limited" segment of a surface water means a segment ~~where it is known~~ that ~~water quality~~ stream monitoring, assessment, modeling, or other analysis indicates is meeting ~~and will continue to meet~~ applicable water quality standards or ~~where there is adequate demonstration that water quality~~ will meet applicable water quality standards after the application of minimum treatment requirements.

~~(12)~~(6) ~~The term "minimum~~ "Minimum treatment requirements" means the minimum technology-based effluent limitations that a specific discharge would be required to ~~comply with the designations secondary treatment as defined in 15A NCAC 2B .0406, BPWTT, BPCTCA, BCT, BAT and/or BMP's as required of a specific wastewater discharge.~~ meet in order to satisfy applicable treatment standards, including the following:

(a) "Secondary treatment" is the minimum standard of treatment for [~~POTWs.~~] POTWs, as set forth in Rule .0406(a).

(b) "Best waste stabilization pond technology" is the standard of treatment for waste stabilization ponds treating municipal or similar wastewaters [~~only.~~] only, as set forth in Rule .0406(a).

(c) "Best practicable waste treatment technology," or "BPWTT," is an advanced standard of treatment for [~~POTWs.~~] POTWs, as set forth in Rule .0406(a).

(d) "Best practicable pollutant control technology," or "BPT," is the minimum standard of treatment for existing industrial [~~dischargers.~~] dischargers, as set forth in Rule .0406(c) and in 40 CFR Chapter I, Subpart N – Effluent Guidelines and Standards.

(e) "Best conventional pollutant control technology," or "BCT," is a standard of treatment for existing industrial dischargers and typically applies to conventional [~~pollutants.~~] pollutants, as set forth in Rule .0406(c) and in 40 CFR Chapter I, Subpart N – Effluent Guidelines and Standards.

(f) "Best available technology economically achievable," or "BAT" is a standard of treatment for industrial dischargers and typically applies to nonconventional and priority [~~pollutants.~~] pollutants, as set forth in Rule .0406(c) and 40 CFR Chapter I, Subpart N – Effluent Guidelines and Standards.

(g) "New source performance standards" is the standard of treatment for industrial dischargers determined to be a new source pursuant to 15A NCAC 02B .0407.

Minimum treatment requirements must be met even if the receiving waters affected can or are expected to be able to accept higher pollutant-load levels and still meet applicable water quality standards.

(7) "Nonconventional pollutant" means any pollutant not categorized as a conventional or priority pollutant parameter.

~~(16)~~(8) ~~The term "oxygen~~ "Oxygen consuming wastes" means those wastewater discharge components ~~recognized as being~~ that are oxygen demanding in the aquatic environment. These are generally limited by BOD(5) and NH(3)-N.

(9) "Priority pollutant" means any chemical pollutant listed in 40 CFR Part 423, Appendix ~~A, which is hereby adopted by reference, including any subsequent amendments and editions.~~ A.

(10) "Publicly owned treatment works," or "POTW," means a treatment works owned by a State or a municipality and is as defined ~~more fully~~ in 40 CFR ~~403.3, which is hereby incorporated by reference including any subsequent amendments or editions.~~ 403.3. ~~The current version of this~~ This regulation can be accessed free of charge at http://www.gpo.gov/fdsys/.

~~(15)~~(11) ~~The term "settleable~~ "Settleable solids" means the volumetric measurement of solids ~~after a specified settling time. The determination of settleable solids shall be made~~ determined in the following manner: place one liter of the wastewater ~~is placed~~ in a standard Imhoff cone and ~~allowed~~ allow to settle for 45 minutes. After 45 minutes settling, stir the liquid ~~layer is gently stirred~~ layer, taking care not to disturb the solids already settled, and ~~allowed~~ allow to settle for 15 additional minutes. ~~The~~ Read the volume of solids ~~is~~ immediately r~~ead~~ in milliliter per liter (ml/l).

~~(3)~~(12) ~~The term "staff"~~ "Staff" means the ~~division of environmental management,~~ ~~Division, or its successor.~~ Division.

(13) "Technology-based effluent limitations (or limits)," or "TBELs," means those effluent limits that are based on [~~a required level of treatment performance.~~] minimum treatment requirements.

~~(10)~~(14) ~~The term "waste~~ "Waste stabilization pond" (also called ~~"lagoons"~~ a "lagoon" or "oxidation ~~ponds")~~ pond") ~~shall mean~~ means ~~a large, relatively shallow~~ an excavated or impounded basin designed for long term detention of treated or untreated wastewater ~~which may or may not have received prior treatment. While in the basin, the wastewater is biologically treated~~ and biological treatment to reduce biochemical oxygen demand and suspended solids. The pond may be single-cell or multi-cell. Stabilization ponds are further defined as:

(a) Photosynthetic ~~Pond. A~~ Pond means a pond ~~which~~ that is designed to rely on photosynthetic oxygenation (i.e., oxygen from algae) for any portion of the oxygen needed for waste treatment; ~~This~~ this includes oxidation ponds and facultative lagoons. These ponds may have supplemental aeration by mechanical means. With regard to hydraulic flow, photosynthetic ponds are either of the:

(i) flow-through type, in which the pond ~~discharges relatively continuously~~ is designed to discharge throughout the year; or

(ii) controlled-discharge type, in which the pond is designed to retain the wastewater without discharge from six months to one year, followed by controlled discharge over a short time ~~interval (typically about~~ interval, typically one to three ~~weeks);~~ weeks;

(b) Aerated ~~Pond. A~~ Pond means a pond ~~which~~ that is ~~not~~ designed to rely on ~~any~~ mechanical or diffused air aeration rather than photosynthetic oxygenation to provide oxygen needed for biological waste ~~treatment; Air~~ [~~air~~] ~~is supplied by mechanical means.~~ treatment. Aerated ponds are ~~either:~~ either of the:

(i) ~~complete mix,~~ complete-mix type, in which sufficient energy is imparted to the wastewater to prevent deposition of solids in the pond; or

(ii) ~~partial mix,~~ partial-mix type, in which only sufficient energy is used to dissolve and mix oxygen in the wastewater. Solid materials that settle in the partial-mix pond ~~and~~ are decomposed anaerobically. ~~There will be algae~~ Algae are commonly found in the partial-mix aerated pond, but ~~usually far fewer than in a photosynthetic pond.~~ the pond's design does not rely on photosynthetic oxygenation.

This definition does not include polishing or holding ponds which are preceded by other biochemical or physical/chemical secondary treatment processes and designed to increase their efficiency. ~~The pond may be single cell or multi cell.~~

~~(11) The term "best waste stabilization pond technology" shall mean a monthly average effluent suspended solids concentration of 90 mg/l and a weekly maximum average effluent suspended solids concentration of 135 mg/l for those waste stabilization ponds that are achieving the level of effluent quality established for biochemical oxygen demand in .0406(a)(2) of this Section.~~

(15) "Water quality-based effluent limitations (or limits)," or "WQBELs," means those effluent limits that are established to ensure that a discharge does not cause or contribute to a contravention of state surface water quality standards.

~~(13)~~(16) ~~The term "water~~ "Water quality ~~limited segment"~~ limited" segment of a surface water means a segment ~~where it is known that~~ in which water quality does not meet applicable water quality standards or is not expected to meet them even after the application of minimum treatment requirements.

History Note: *Authority G.S. 143 – - 215; 143 – - 215.1; 143 – - 215.3(a)(1);*
Eff. February 1, 1976;
Amended Eff. August 12, 1979; November 1, 1978; December 1, ~~1976.~~ 1976;
Readopted May 1, 2019.

15A NCAC 02B .0404 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0404 WATER QUALITY BASED EFFLUENT LIMITATIONS ~~IN WATER QUALITY LIMITED SEGMENTS~~

(a) Effluent limitations ~~more stringent than minimum treatment requirements~~ shall be developed by the staff ~~and approved by the Director~~ for all existing or proposed ~~dischargers~~ discharges to ~~water quality limited segments of~~ the surface waters of the [state.] [~~state and~~] Water quality based effluent limitations shall be established for discharges that are found, through mathematical modeling of water quality impacts, statistical analysis of stream characteristics and effluent data or other appropriate means, to have a reasonable potential to cause or contribute to exceedance of applicable water quality [~~standards.~~] ~~The basis of these~~ standards; except that, if the discharge is subject to both technology based and water quality based effluent limitations ~~shall be maintenance of water quality standards.~~ for a parameter, the more stringent limit shall apply.

(b) The staff ~~shall also provide~~ may on a case-by-case basis ~~for~~ develop seasonal ~~variation in~~ limitations on the discharge of oxygen-consuming ~~wastes.~~ wastes when a treatment facility complies with applicable limitations on these wastes in the summer season but does not consistently comply in the winter season due to the effects of cooler temperatures or other seasonal factors beyond its control. ~~In order to be considered eligible for~~ A discharger may request seasonal effluent ~~limitations,~~ limitations by submitting a written request ~~must be submitted~~ to the Director ~~along~~ with ~~a rationale as to the need~~ justification for such limitations. ~~Permit reissuance or modification during the remaining time of an existing permit will be considered on the basis of demonstrated need.~~ In no case shall ~~this variation~~ seasonal limitations cause or be expected to cause a receiving water body to violate applicable water quality standards.

(c) For the purpose of determining seasonal effluent limitations, the year shall consist of a summer and a winter discharge period. The summer period ~~will~~ shall begin April 1 and extend through October 31. The winter period shall ~~be that portion of the year from~~ begin November 1 ~~to~~ and extend through March 31. The summer oxygen-consuming wasteload allocation shall be developed using the flow criteria specified in 15A NCAC 02B .0206. The winter oxygen-consuming wasteload allocation shall ~~in no case be less stringent than~~ not exceed two times the summer oxygen-consuming ~~waste load~~ wasteload limitations nor shall it be less restrictive than minimum treatment requirements.

(d) No domestic sewage regardless of the treatment proposed and no other wastes [~~which~~] that could adversely affect the taking of shellfish for market purposes shall be discharged into water classified "SA", into unnamed waters tributary to "SA" waters classified "C" or "SC" in accordance with 15A NCAC 02B .0301(i)(1)(B) and [~~(C)~~](C), or into other waters in such close proximity as to adversely affect such "SA" waters. Wastes discharged into other waters tributary to waters classified "SA" shall be treated in such manner as to assure that no impairment of water quality in the "SA" segments shall occur. No permits shall be issued for discharges into waters classified "SA" unless Shellfish Sanitation, Division of Marine Fisheries, Department of Environmental Quality, provides written concurrence that the discharge would not adversely affect shellfish water quality or the propagation of shellfish.

(e) The discharge of wastewaters to the Atlantic Ocean shall follow the guidelines and requirements set forth in [~~the United States Environmental Protection Agency regulation~~] 40 CFR Part 125, Subpart M, Ocean Discharge [~~Criteria,~~] [~~40 C.F.R. 125.120 through 125.124, which is hereby adopted by reference, including any subsequent amendments and editions.~~] Criteria.

History Note: *Authority G.S. 143-214.2(c); 143-215; 143-215.1; 143-215.3(a)(1); [~~143-214.2(c)~~]*
Eff. February 1, 1976;
Amended Eff. August 12, ~~1979.~~ 1979;
Readopted May 1, 2019.

15A NCAC 02B .0406 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0406 TECHNOLOGY BASED EFFLUENT ~~LIMITS IN EFFLUENT LIMITED SEGMENTS~~ LIMITATIONS

(a) Municipal (POTW) Wastewaters and Other Similar Discharges

(1) Applicability. This ~~Regulation~~ Paragraph is applicable to all municipal wastewater treatment discharges and all discharges consisting primarily of domestic sewage. In addition to the limits contained ~~herein,~~ in this Paragraph, limits applicable to industrial categories contained in ~~.0406(b)~~ Paragraph (b) of this ~~Section will~~ Rule shall be applicable to any municipality ~~having industrial~~ if influent waste discharges from industries in any single category ~~which discharges~~ account for 10 or more percent of ~~the~~ its average daily wastewater flow ~~to the municipal system~~ or ~~where~~ the industrial discharges significantly impact the municipal system ~~and the~~ or its effluent ~~discharge is significantly impacted.~~ discharge.

(2) ~~Effluent Limitations Except for Waste Stabilization Ponds Included in (3) of This Subsection [Subject to Subparagraph (3) of this Paragraph.] In mg/l [mg/L] expressed as monthly average and weekly maximum average:~~ Effluent limitations, except for waste stabilization ponds subject to Subparagraph (3) of this Paragraph, shall include the following:

~~Effluent Characteristic~~	~~SECONDARY~~ ~~Monthly Avg.~~	~~Weekly Avg. Max.~~	~~"BPWTT"~~ ~~Avg.~~	~~Max.~~
~~BOD(5)~~	~~30 mg/l~~	~~45 mg/l~~	~~Reserved~~	
~~TSS~~	~~30 mg/l~~	~~45 mg/l~~	~~Reserved~~	
~~Fecal Coliform~~	~~(Effluent limitations for coliform bacteria and pH shall be imposed only if~~		~~Reserved~~	
~~pH~~	~~necessary to maintain compliance with applicable water quality standards.)~~		~~Reserved~~	

	SECONDARY		"BPWTT"	
Effluent Characteristic	Monthly Avg.	Weekly Avg. Max.	Avg.	Max.
BOD(5)	30 mg/l	45 mg/l	Reserved	
TSS	30 mg/l	45 mg/l	Reserved	

Fecal Coliform	(Effluent limitations for coliform bacteria and pH shall be imposed only if necessary to maintain compliance with applicable water quality standards.)	Reserved
pH		Reserved

(3) Effluent limitations for waste stabilization ponds shall include the following, provided that:

(A) Waste stabilization ponds are the sole process used for secondary treatment;

(B) The maximum facility design capacity is two million gallons per day or less; and

(C) Operation and maintenance data indicate that the requirements for TSS of ~~Part~~ Subparagraph (2) of this ~~Subsection~~ Paragraph cannot be achieved. ~~In mg/l~~ [~~mg/L~~] ~~expressed as monthly average and weekly maximum average:~~

	~~SECONDARY~~		"BPWTT"	
~~Effluent Characteristic~~	~~Monthly Avg.~~	~~Weekly Avg. Max.~~	~~Avg.~~	~~Max.~~
~~BOD(5)~~	~~30 mg/l~~	~~45 mg/l~~	~~Reserved~~	
~~TSS~~	~~90 mg/l~~	~~135 mg/l~~	~~Reserved~~	
~~Fecal Coliform~~	~~(Effluent limitations for coliform bacteria and pH shall be imposed only if necessary to maintain compliance with applicable water quality standards.)~~		~~Reserved~~	
~~pH~~			~~Reserved~~	

	SECONDARY		"BPWTT"	
Effluent Characteristic	Monthly Avg.	Weekly Avg. Max.	Avg.	Max.
BOD(5)	30 mg/L	45 mg/L	Reserved	
TSS	90 mg/L	135 mg/L	Reserved	
Fecal Coliform	(Effluent limitations for coliform bacteria and pH shall be imposed only if necessary to maintain compliance with applicable water quality standards.)		Reserved	
pH			Reserved	

(b) Industrial Waste Discharges.

(1) Applicability. This Paragraph is applicable to industrial wastewater treatment discharges.

(2) Effluent limits for industrial waste discharges are set forth in ~~the Environmental Protection Agency guidelines and standards listed in this Rule which~~ regulations promulgated by the Environmental Protection Agency, including those in 40 CFR Chapter I, Subpart N – Effluent Guidelines and [~~Standards.~~] Standards, which are ~~adopted~~ hereby incorporated by ~~reference as amended through June 1, 1984:~~ reference, including any subsequent amendments and editions. These regulations can be accessed free of charge at http://www.gpo.gov/fdsys/.

40 CFR Part 129 -- EPA Toxic Pollutant Effluent Standards
40 CFR Part 401 -- EPA General Provisions for Effluent Guidelines and Standards
40 CFR Part 405 -- EPA Effluent Guidelines and Standards for Dairy Products
40 CFR Part 406 -- EPA Effluent Guidelines and Standards for Grain Mills
40 CFR Part 407 -- EPA Effluent Guidelines and Standards for Canned and Preserved Fruits and Vegetables
40 CFR Part 408 -- EPA Effluent Guidelines and Standards for Canned and Preserved Seafood
40 CFR Part 409 -- EPA Effluent Guidelines and Standards for Sugar Processing
40 CFR Part 410 -- EPA Effluent Guidelines and Standards for Textiles
40 CFR Part 411 -- EPA Cement Manufacturing Effluent Guidelines and Standards
40 CFR Part 412 -- EPA Effluent Guidelines and Standards for Concentrated Animal Feeding Operations (CAFO)
40 CFR Part 413 -- EPA Effluent Guidelines and Standards for Electroplating
40 CFR Part 414 -- EPA Effluent Guidelines and Standards for Organic Chemicals
40 CFR Part 415 -- EPA Effluent Guidelines and Standards for Inorganic Chemicals
~~40 CFR 416 -- EPA Effluent Guidelines and Standards for Plastics and Synthetics~~
40 CFR Part 417 -- EPA Effluent Guidelines and Standards for Soaps and Detergents
40 CFR Part 418 -- EPA Effluent Guidelines and Standards for Fertilizer Manufacturing
40 CFR Part 419 -- EPA Effluent Guidelines and Standards for Petroleum Refining
40 CFR Part 420 -- EPA Effluent Guidelines and Standards for Iron and Steel Manufacturing
40 CFR Part 421 -- EPA Effluent Guidelines and Standards for Nonferrous Metals
40 CFR Part 422 -- EPA Phosphate Manufacturing Effluent Guidelines and Standards
40 CFR Part 423 -- EPA Effluent Guidelines and Standards for Steam Electric Power Generating
40 CFR Part 424 -- EPA Effluent Guidelines for Ferroalloy Manufacturing
40 CFR Part 425 -- EPA Effluent Guidelines and Standards for Leather Tanning and Finishing
40 CFR Part 426 -- EPA Effluent Guidelines and Standards for Glass Manufacturing
40 CFR Part 427 -- EPA Effluent Guidelines and Standards for Asbestos Manufacturing
40 CFR Part 428 -- EPA Effluent Guidelines for Rubber Processing
40 CFR Part 429 -- EPA Effluent Guidelines and Standards for Timber Products
40 CFR Part 430 -- EPA Effluent Guidelines and Standards for Pulp, Paper, and Paper Board

~~40 CFR 431 – EPA Effluent Guidelines and Standards for Builders Paper and Board Mills~~

40 CFR Part 432 -- EPA Effluent Guidelines and Standards for Meat Products

40 CFR Part 433 -- EPA Effluent Guidelines and Standards for Metal Finishing

40 CFR Part 434 -- EPA Effluent Guidelines and Standards for Coal Mining

40 CFR Part 435 -- EPA Effluent Guidelines and Standards for Offshore Oil and Gas Extraction

40 CFR Part 436 -- EPA Effluent Guidelines and Standards for Mineral Mining and Processing

40 CFR Part 437 -- EPA Effluent Guidelines and Standards for Centralized Waste Treatment

40 CFR Part 438 -- EPA Effluent Guidelines and Standards for Metals Products and Machinery

40 CFR Part 439 -- EPA Effluent Guidelines and Standards for Pharmaceutical Manufacturing

40 CFR Part 440 -- EPA Effluent Guidelines and Standards for Ore Mining and Dressing

40 CFR Part 441 – EPA Effluent Limitations Guidelines and Standards for the Dental Category

40 CFR Part 442 -- EPA Effluent Guidelines and Standards for Transportation Equipment Cleaning

40 CFR Part 443 -- EPA Effluent Guidelines and Standards for Paving and Roofing Materials

40 CFR Part 444 -- EPA Effluent Guidelines and Standards for Waste Combustors

40 CFR Part 445 -- EPA Effluent Guidelines and Standards for Landfills

40 CFR Part 446 -- EPA Effluent Guidelines and Standards for Paint Formulating

40 CFR Part 447 -- EPA Effluent Guidelines and Standards for Ink Formulating

40 CFR Part 449 -- EPA Effluent Guidelines and Standards for Airport Deicing

40 CFR Part 450 -- EPA Effluent Guidelines and Standards for Construction and Development

40 CFR Part 451 -- EPA Effluent Guidelines and Standards for Concentrated Aquatic Animal Production (Aquaculture)

40 CFR Part 454 -- EPA Effluent Guidelines and Standards for Gum and Wood Chemicals Manufacturing

40 CFR Part 455 -- EPA Effluent Guidelines for Pesticide Chemicals Manufacturing

40 CFR Part 457 -- EPA Effluent Guidelines and Standards for Explosives Manufacturing

40 CFR Part 458 -- EPA Effluent Guidelines and Standards for Carbon Black Manufacturing

40 CFR Part 459 -- EPA Effluent Guidelines and Standards for Photographic Processing

40 CFR Part 460 -- EPA Effluent Guidelines and Standards for Hospitals

40 CFR Part 461 -- EPA Effluent Guidelines and Standards for Battery Manufacturing

40 CFR Part 463 -- EPA Effluent Guidelines and Standards for Plastic Molding and Forming

40 CFR Part 464 -- EPA Effluent Guidelines and Standards for Metal Molding and Casting (Foundries)

40 CFR Part 465 -- EPA Effluent Guidelines and Standards for Coil Coating

40 CFR Part 466 -- EPA Effluent Guidelines and Standards for Porcelain Enameling

40 CFR Part 467 -- EPA Effluent Guidelines and Standards for Aluminum Forming

40 CFR Part 468 -- EPA Effluent Guidelines and Standards for Copper Forming

40 CFR Part 469 -- EPA Effluent Guidelines and Standards for Electrical and Electronic Components

40 CFR Part 471 -- EPA Effluent Guidelines and Standards for Nonferrous Metals Forming and Metal Powders

~~(c) Copies of these~~ [~~The current version of these Federal Regulations can be accessed free of charge at http://www.gpo.gov/fdsys/.~~] ~~are on file at:~~

~~(1) Division of Environmental Management~~
~~Department of Natural Resources and Community Development~~
~~P.O. Box 27687, Raleigh, N.C. 27611~~

~~(2) Asheville Regional Office~~
~~Interchange Building, 59 Woodfin Place~~
~~Asheville, N.C. 28802~~

~~(3) Fayetteville Regional Office~~
~~Wachovia Building, Suite 714~~
~~Fayetteville, N.C. 28301~~

~~(4) Mooresville Regional Office~~
~~919 North Main Street~~
~~Mooresville, N.C. 28115~~

~~(5) Raleigh Regional Office~~
~~3800 Barrett Drive~~
~~Raleigh, N.C. 27609~~

~~(6) Washington Regional Office~~
~~1502 North Market Street~~
~~Washington, N.C. 27889~~

~~(7) Wilmington Regional Office~~
~~7225 Wrightsville Avenue~~
~~Wilmington, N.C. 28403.~~

~~(8) Winston-Salem Regional Office~~
~~8003 North Point Boulevard~~
~~Winston-Salem, N.C. 27106~~

(3) For industrial categories or parts of categories for which effluent limits and guidelines have not been published and adopted, effluent limitations for existing industrial waste discharges, or new industrial waste discharges shall be calculated by the staff using the projected limits of the Environmental Protection Agency, the Environmental Protection Agency development document, and other available information in order to achieve the purposes of Article 21.

~~(d)~~(4) ~~In cases where~~ On a case-by-case basis, if the staff determines, based on its professional judgment and applicable State and Federal guidelines, Rules, and laws, that effluent limits established by

~~Paragraph (b)~~ Subparagraph (b)(2) of this ~~Rule~~ Paragraph are not adequate to control settleable solids, the staff shall establish effluent limits for settleable solids. Such effluent limitations for settleable solids ~~will~~ shall be applicable only when the projected average solids concentration exceeds 5.0 ml/l and the limitations established shall lie within the range of 0.1 ml/l to 5.0 ml/l. ~~The establishment of such limitations for any discharge shall be approved by the Director of the Division of Environmental Management.~~ [~~Water Resources or the Division.~~]

~~(e) For industrial categories or parts of categories for which effluent limits and guidelines have not been published and adopted, effluent limitations for existing industrial waste discharges, or new industrial waste discharges shall be calculated by the staff using the projected limits of the Environmental Protection Agency, the Environmental Protection Agency development document and other available information in order to achieve the purposes of Article 21. Such limits developed by the staff shall be subject to approval by the Director.~~

History Note: *Authority G.S. 143-215; 143 - 215.1; 143-215.3(a)(1), (4);*
Eff. February 1, 1976;
Amended Eff. July 1, 1988; December 1, 1984; November 1, 1978; December 1, ~~1976.~~ 1976;
Readopted May 1, 2019.

15A NCAC 02B .0407 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0407 GUIDANCE FOR DETERMINING A NEW SOURCE

(a) A source ~~should~~ shall be considered a new source by the Director ~~provided~~ if, on the date of publication of any applicable new source performance ~~standard~~ standard, ~~there has not been any:~~ construction has commenced, as indicated by:

(1) significant site preparation work, such as major clearing or excavation; ~~or~~

(2) placement, assembly, or installation of ~~unique~~ facilities or equipment at the premises where such facilities or equipment will be used; ~~or~~ except as provided in Paragraph (b) of this Rule;

(3) contractual obligation to purchase ~~such unique~~ facilities or ~~equipment; Facilities~~ [~~facilities~~] ~~and equipment shall include only the major items listed below, provided that the~~ equipment whose value ~~of such items~~ represents a substantial commitment to construct the ~~facility:~~ facility, such as:

(A) ~~structures, or~~ structures;

(B) structural ~~materials, or~~ materials;

(C) ~~machinery, or~~ machinery;

(D) process ~~equipment,~~ equipment; or

(E) construction ~~equipment.~~ equipment; or

(4) contractual obligation with a firm to design, ~~engineer~~ engineer, and erect a completed facility (i.e., a turnkey plant).

(b) For the purposes of this rule, the placement, assembly, or installation of facilities or equipment used in connection with feasibility, engineering, and design studies regarding the source or water pollution treatment for the source does not indicate that construction has commenced.

(c) A modification to an existing source ~~will~~ shall be considered a new source if the alteration is of such magnitude to, in effect, create a new facility. ~~In making such a determination, the Director shall find that the permit modification procedures are not appropriate and shall consider, among other relevant factors, whether as a result of the alteration, the source can reasonably achieve the standard of performance.~~ Only those portions of a facility determined to be a new source shall be required to achieve new source performance standards.

History Note: *Authority G.S. 143-215; 143-215.1; 143-215.3(a)(1), (4);*
Eff. December 1, ~~1976.~~1976;
Readopted Eff. May 1, 2019.

15A NCAC 02B .0408 is adopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0408 INCORPORATION BY REFERENCE

(a) The following sections of Title 40 of the Code of Federal Regulations (CFR) are incorporated by reference, including subsequent amendments and editions, and shall apply throughout this Section except where procedural details of the federal [~~rules~~] regulations differ from procedures adopted elsewhere in this [~~section,~~] Section, in which case [~~the separately adopted procedure governs.~~] these Rules shall apply. [~~The current version of these~~] These regulations can be accessed free of charge at http://www.gpo.gov/fdsys/.

(1) 40 CFR 122.2, 124.2, and 125.2: Definitions;
(2) 40 CFR 122.4: Prohibitions):
(3) 40 CFR 122.5 (a) and (b): Effect of permit;
(4) 40 CFR 122.7 (b) and (c): Confidential information;
(5) 40 CFR 122.21 (a)-(b), (c)(2), (e)-(k), (m)-(p), (q), and (r): Application for a permit;
(6) 40 CFR 122.22: Signatories;
(7) 40 CFR 122.23: Concentrated animal feeding operations;
(8) 40 CFR 122.24: Concentrated aquatic animal production facilities;
(9) 40 CFR 122.25: Aquaculture projects;
(10) 40 CFR 122.26: Storm water discharges;
(11) 40 CFR 122.27: Silviculture;
(12) 40 CFR 122.28: General permits;
(13) 40 CFR 122.29 (a), (b), and (d): New sources and new dischargers;
(14) 40 CFR 122.30: NPDES stormwater regulations for small MS4s: objectives;
(15) 40 CFR 122.31: NPDES stormwater regulations: role of Tribes;
(16) 40 CFR 122.32: NPDES stormwater regulations for small MS4s: applicability;
(17) 40 CFR 122.33: NPDES stormwater regulations for small MS4s: application for permit;
(18) 40 CFR 122.34: NPDES stormwater regulations for small MS4s: permit requirements;
(19) 40 CFR 122.35: NPDES stormwater regulations for small MS4s: shared responsibilities;
(20) 40 CFR 122.36: NPDES stormwater regulations for small MS4s: compliance;
(21) 40 CFR 122.37: NPDES stormwater regulations for small MS4s: evaluation;
(22) 40 CFR 122.41 (a)(1) and (b) through (n): Applicable permit conditions;
(23) 40 CFR 122.42: Conditions applicable to specified categories of permits;
(24) 40 CFR 122.43: Establishing permit conditions;
(25) 40 CFR 122.44: Establishing NPDES permit conditions;
(26) 40 CFR 122.45: Calculating permit conditions;
(27) 40 CFR 122.46: Duration;
(28) 40 CFR 122.47 (a): Schedules of compliance;
(29) 40 CFR 122.48: Monitoring requirements;

(30) 40 CFR 122.50: Disposal into wells;

(31) 40 CFR 122.61: Permit transfer;

(32) 40 CFR 122.62: Permit modification;

(33) 40 CFR 122.64: Permit termination;

(34) 40 CFR 124.3 (a): Application for a permit;

(35) 40 CFR 124.5 (a), (c), (d), and (f): Modification of permits;

(36) 40 CFR 124.6 (a), (c), (d), and (e): Draft permit;

(37) 40 CFR 124.8: Fact sheets;

(38) 40 CFR 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e): Public notice;

(39) 40 CFR 124.11: Public comments and requests for hearings;

(40) 40 CFR 124.12 (a): Public hearings;

(41) 40 CFR 124.17 (a) and (c): Response to comments;

(42) 40 CFR 124.56: Fact sheets;

(43) 40 CFR 124.57 (a): Public notice;

(44) 40 CFR 124.59: Comments from government agencies;

(45) 40 CFR 124.62: Decision on variances;

(46) 40 CFR Part 125, Subparts A (Technology-Based Treatment Requirements), B (Aquaculture), D (Fundamentally Different Factors), H (Alternative Limitations, CWA Section 316(a)), I (Cooling Water Intake Structures, New Facilities, CWA Section 316(b)), J (Cooling Water Intake Structures, Existing Facilities, CWA Section 316(b)), M (Ocean Discharge Criteria), and N (Cooling Water Intake Structures, Offshore Oil and Gas Facilities, CWA Section 316(b));

(47) 40 CFR Parts 129 (Toxic Pollutant Effluent Standards) and 133 (Secondary Treatment Regulation), and Subchapter N (Effluent Guidelines and Standards);

(48) 40 CFR [~~Part 3: Electronic reporting;~~] Parts 3 (Electronic Reporting) and 127 (NPDES Electronic Reporting);

(49) 40 CFR Part 136: Guidelines for establishing test procedures for the analysis of pollutants; and

(50) 40 CFR 401.15: List of toxic pollutants pursuant to CWA Section 307(a)(1).

(b) This Rule is not an exclusive list of federal regulations adopted by reference in this Section. Other rules of the Section incorporate some of these same federal regulations for clarity or emphasis and may incorporate additional regulations not listed in Paragraph (a) of this Rule.

History Note: *Authority G.S. 143-211(c); 143-215.1(b)(4); 143B-282(5);*
Eff. May 1, 2019.

15A NCAC 02B .0501 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0501 PURPOSE

The purpose of this Section is to set forth ~~the~~ requirements ~~of the Environmental Management Commission~~ for monitoring and reporting the quantity and quality of wastewater discharges to, and their effects upon, the water resources of the state.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.64; ~~143-215.68;~~ 143-215.65; 143-215.66;*
Eff. February 1, 1976;
Amended Eff. December 1, ~~1984.~~1984;
Readopted Eff. May 1, 2019.

15A NCAC 02B .0502 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0502 SCOPE

This Section shall apply to all persons subject to the provisions of G.S. 143-215.1.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, ~~1976.~~1976;
Readopted Eff. May 1, 2019.

15A NCAC 02B .0503 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0503 DEFINITIONS

Unless the context otherwise requires, the terms used ~~herein~~ in this Section shall be as defined in G.S. ~~143-213~~ 143-212 and 143-213; the federal Clean Water Act (33 U.S.C. 1251 et seq.); 40 CFR Parts 122, 124, and 125; and as follows:

(1) "Biological monitoring" shall mean the sampling or testing of the biological integrity of surface waters and measurements of ~~impacts~~ impacts, including accumulations of pollutants in tissue, toxicity monitoring, and characterization of instream biological populations.

(2) "Classified water pollution control facility" means a treatment works classified by the Water Pollution Control System Operator Certification Commission pursuant to Chapter 90A of the North Carolina General Statutes as class I, class II, class III, or class IV facility, or such other classifications as the Water Pollution Control System Operator Certification Commission may hereafter adopt.

(3) "Commercial laboratory" means any laboratory ~~which~~ that analyzes water samples for a fee.

(4) "Composite sample" ~~means:~~ means a sample gathered over a 24 hour period ~~by continuous sampling or combining grab samples~~ in such a manner as to result in a total sample ~~which~~ that is representative of the wastewater discharge during the sample period. This sample may be obtained by methods ~~given below, however,~~ set forth in this Item; however, the Director may designate the ~~most appropriate method,~~ method to be used, the number and size of aliquots ~~necessary~~ necessary, and the time interval between grab samples on a case-by-case ~~basis.~~ basis to ensure a representative sample. Samples may be collected manually or automatically.

(a) Continuous - a single, continuous sample collected over a 24 hour period proportional to the rate of ~~flow.~~ flow;

(b) Constant time/variable volume - a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample ~~collection, or~~ collection;

(c) Variable time/constant volume - a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment ~~system,~~ system; or

(d) Constant time/constant volume - a series of grab samples of equal volume collected over a 24 hour period at a constant time interval. This method may be used in situations where effluent flow rates vary less than 15 percent. The grab samples shall be taken at intervals of no greater than 20 minutes apart during any 24 hour period and must be of equal size

and of no less than 100 milliliters. Use of this method requires prior approval by the Director.

(5) "Daily" means every day on which a wastewater discharge occurs except Saturdays, Sundays and ~~legal~~ State and Federal holidays unless ~~otherwise specified by~~ the ~~Director.~~ Director determines that, due to variability in wastewater flows or characteristics or in treatment performance, it is necessary to also monitor on these days in order to characterize the discharge.

(6) "Design flow" means the average daily volume of wastewater ~~which~~ that a water pollution control facility was designed, approved and constructed to treat.

(7) "Design treatment capability" means a water pollution control facility's capacity to achieve a specified degree of reduction in waste constituents or to control other characteristics at a specified design flow, such as required to meet specified discharge limits or removal efficiencies.

(8) "Director" means the Director of the Division of ~~Environmental Management,~~ Water Resources or Division of Energy, Mineral and Land Resources, [~~or both,~~] Department of ~~Environment, Health, and Natural Resources.~~ Environmental Quality, whichever is the permitting [~~authority in a particular instance;~~] authority; or his or her designee.

(9) "Division" means the Division of ~~Environmental Management,~~ Water Resources or the Division of Energy, Mineral and Land Resources, [~~or both,~~] Department of ~~Environment, Health, and Natural Resources.~~ Environmental Quality, whichever is the permitting [~~authority in a particular instance;~~] authority.

(10) "Domestic wastewater" means water-carried human wastes together with all other water-carried wastes normally present in wastewater from non-industrial processes.

(11) "Downstream" means locations in the receiving waters below ~~(downstream of)~~ a point of waste discharge after a reasonable opportunity for dilution and mixture as specified in ~~the Commission's "Rules, Regulations, Classifications and Water Quality Standards Applicable to the Surface Waters of North Carolina."~~ 15A NCAC 2B .0204.

(12) "Effluent" means wastewater discharged following all treatment processes from a water pollution control facility or other point source whether treated or untreated.

(13) "Flow" means the total volume of wastewater discharged from an outlet during any given period.

(14) "Grab sample" means an individual discrete sample collected ~~instantaneously.~~ over a period of time not exceeding 15 minutes. Samples of this type must be representative of the discharge or the receiving waters.

(15) "Industrial establishment" means any ~~industrial,~~ manufacturing, business, ~~commercial~~ commercial, or governmental enterprise ~~which~~ that produces water carried wastes.

(16) "Influent" means the wastewater entering a water pollution control facility.

(17) "Monitoring" means a program of sample collection, analysis, and observation sufficient to quantify ~~various aspects~~ the characteristics of waste streams, treatment plant ~~operations~~ operations, and environmental impacts.

(18) "North American Industry Classification System" (NAICS) code means those six-digit numeric designations used to classify business establishments according to the processes employed to produce goods or services. For the purposes of this Section, each industry or unit of government shall be classified by NAICS codes applicable to each activity carried on by such establishment or unit [~~which~~] that results in a discharge of wastewater. [~~In addition, any~~] Any industrial establishment or unit of government [~~which~~] that collects or discharges domestic sewage [~~is hereby assigned~~] shall be classified as NAICS number [~~221320.~~] 221320 in addition to any other classifications that apply. The North American Industry Classification System Manual, as used in this Section, is hereby incorporated by reference, including any subsequent amendments and editions. The [~~classifications found in the~~] manual may [~~also~~] be accessed free of charge at [~~https://www.census.gov/eos/www/naics/.~~] https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf.

(19) "Point source" means any discernible, confined, and discrete conveyance, including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, ~~or~~ concentrated animal feeding ~~operation~~ operation, or vessel or other floating craft from which waste is or may be discharged to the waters of the state.

~~(19)~~(20) "Quarterly" means occurring four times during a 12-month period at a frequency of once per each interval of three consecutive months.

~~(20)~~(21) "Quarterly Average" means the average of all samples taken over a quarterly period.

~~(21)~~(22) "Sample" means a representative portion of the wastewater from water pollution control facilities or of receiving waters.

~~(22)~~(23) "Standard Industrial Classification" (SIC) code means those four-digit numerical designations set forth in "The Standard Industrial Classification Manual," ~~(Superintendent of Documents, U.S. Government Printing Office)~~ classifying industries according to the type of activity (relating to major products manufactured or principle services furnished) in which they are engaged. For the purposes of this Section, each industry or unit of government shall be classified by SIC numbers applicable to each activity carried on by such establishment or unit ~~which~~ that results in a discharge of wastewater. [~~In addition, any~~] Any industrial establishment or unit of government ~~which~~ that collects or discharges domestic sewage [~~is hereby assigned~~] shall be classified as SIC number ~~4952.~~ 4952 in addition to any other classifications that apply. The Standard Industrial Classification Manual, as used in this Section, is hereby incorporated by reference, including any subsequent amendments and editions. A copy is available for inspection at the central office of the Division of ~~Environmental Management~~ Water Resources, 512 North Salisbury Street, Raleigh, North Carolina. ~~Copies~~ The classifications found in the manual may also be ~~obtained~~ accessed free of charge at ~~the GPO Bookstore, Room 100, 275 Peachtree Street NE, or Post Office Box 56445, Atlanta GA 30343 at a cost of twenty four dollars ($24.00).~~ [~~https://www.osha.gov/pls/imis/sic_manual.html.~~] https://www.osha.gov/pls/imis/sic_manual.html.

~~(23)~~(24) "Storet number" means a number ~~which~~ that designates a test or measurement according to the analytical procedure used or a method of measurement and units of measurement. Storet is an acronym for the water quality data storage and retrieval computer system of the Environmental Protection Agency.

~~(24)~~(25) "Toxic substances" means any substance, or combinations of substances, including disease-causing agents, ~~which,~~ that, after discharge, and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression of reproduction or growth) or physical deformities in such organisms or their ~~offspring~~ offspring, or other adverse health effects.

~~(25)~~(26) "Toxicity monitoring" means controlled toxicity testing procedures employed to measure lethality or other harmful effects as measured by either aquatic populations or indicator species used as test organisms from exposure to a specific chemical or mixture of chemicals (as in an effluent) or ambient stream conditions.

~~(26)~~(27) "Unit of government" means any incorporated city, town or village, county, sanitary district, metropolitan sewerage district, water or sewer authority, special purpose district, other municipality, or any agency, board, commission, department or political subdivision or public corporation of the ~~state, now or hereafter created or established,~~ State empowered pursuant to applicable laws to provide wastewater collection systems or wastewater treatment works.

~~(27)~~(28) "Upstream" means locations in the receiving waters near but above ~~(upstream of)~~ a point of wastewater discharge and unaffected by the discharge.

~~(28)~~(29) "Water pollution control facilities" or "facility" means "treatment works" as defined in G.S. 143-213.

History Note: *Authority G.S. 143-213; 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, 1976;
Amended Eff. April 1, 1993; December 1, ~~1984.~~ 1984;
Readopted May 1, 2019.

15A NCAC 02B .0504 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0504 CLASSIFICATION OF WASTE SOURCES

(a) All persons subject to the requirements of these Rules shall determine the standard industrial classification (SIC) number or North American Industry Classification System number or both, as specified on its permit application forms at time of application or upon the request of [~~by~~] the Director, for each type of manufacturing, service, or activity ~~(required to be reported under Rule .0506 of this Section)~~ in which they are ~~engaged~~ engaged, by reference to the ~~Standard Industrial Classification Manual~~ [~~appropriate~~] applicable classification manuals.

(b) ~~Environmental Management Commission hereby assigns~~ SIC number 4952 and NAICS number 221320 apply to every industrial establishment or unit of government ~~which~~ that collects or discharges domestic wastewater, whether from on-premises bathrooms, restrooms, kitchens, dining rooms, water pollution control facilities, or from any other source.

(c) The owner or ~~person in responsible charge~~ operator of every water pollution control ~~facility,~~facility ~~which~~ that receives a wastewater influent from more than one ~~source,~~source shall determine and report ~~to the Department of Environment, Health, and Natural Resources [Environmental Quality]~~ on its NPDES permit application, required per 15A NCAC 02B .0105, the name and ~~standard~~ industrial classification number(s) for each applicable activity(ies) of every industrial establishment contributing wastes containing toxic substances, in toxic quantities, and also every industrial establishment contributing an average daily wastewater influent of one percent or more of the design flow of the facility or in excess of 100,000 gallons per day, whichever is less, and shall report such other information as is required by Rule .0505 of this Section; provided; however, that it is not required that the name and SIC or NAICS number of any source contributing domestic sewage influent only be reported hereunder.

(d) The average daily influent volume contributed by any one source may be computed by dividing the total volume of wastewater discharged by the source during the reporting year by the total number of days that the source operated during the reporting year.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, 1976;
Amended Eff. April 1, 1993; December 1, 1984; November 1, ~~1978.~~1978;
Readopted Eff. May 1, 2019.

15A NCAC 02B .0505 is readopted as published in 32:21 NCR 1943 with changes with changes as follows:

15A NCAC 02B .0505 MONITORING REQUIREMENTS

(a) General. Every person subject to this Section ("permittee") shall ~~be required to~~ establish, ~~operate~~ operate, and maintain a monitoring program consistent with ~~their~~ its National Pollutant Discharge Elimination System (NPDES) Permit or as otherwise required by the ~~Director.~~ Director to characterize its wastestreams and receiving waters, evaluate treatment performance, and determine compliance with permit conditions and applicable water quality standards.

(b) Wastewater and Stream Flow Measurement.

(1) ~~A device or method, approved by the Director for determining the rate of flow of all discharges of wastewater whether treated or untreated shall be provided at those point sources of which monthly reports of monitoring tests and measurements are required unless specifically excepted by the Director as not significant. All water pollution control facilities~~ Wastewater Flows.

(A) Every permittee shall install, operate, and maintain continuous flow measuring devices with recording ~~devices~~ or totalizing ~~devices, if approved by the Director, or shall employ other flow measuring or flow control methods approved by the Director and shall submit monthly reports of such data as required in Rule .0506 of this Section.~~ capabilities for each wastewater discharge, whether treated or untreated, for which monitoring and reporting requirements are specified in its permit; except as provided in Part (C) of this Subparagraph.

(B) The permittee shall install appropriate flow measurement devices consistent with approved engineering and scientific practices to ensure the accuracy and reliability of measurements of the volume of monitored discharges. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge volumes. ~~Flow measurement devices shall be accurately calibrated at a minimum of once per year and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. The flow measurement device and location shall be approved by the Director prior to installation.~~ Flow measurement devices and their locations shall be subject to approval by the Director prior to their installation, in accordance with these requirements and 15A NCAC 02H .0138.

(C) On a case-by-case basis, the Director may approve the use of alternative flow measurement or flow control methods if such methods are reliable and sufficiently accurate to meet the aims of paragraph (a) of this Rule.

(D) Flow measurement devices shall be accurately calibrated at a minimum of once per year and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Records of flow measurement device calibration shall be kept on file by the permittee for a period of at least three years. At a minimum,

~~data to be included in this documentation shall be:~~ these records shall include the ~~(A) Date~~ date of flow measurement device calibration and ~~(B) Name~~ name of the person performing ~~calibration.~~ the calibration;

(2) Instream Flows. A reading of the U.S. Geological Survey stream flow staff gauge or reference point shall be made at the time of stream sampling in those instances so determined the Director.

(c) Sampling.

(1) Frequency and Location. Except as otherwise provided ~~herein,~~ in this Rule, all industrial establishments and units of government shall take influent, ~~effluent~~ effluent, and stream samples at such locations and with such frequency as shall be necessary to conduct the tests and analyses required by Rule .0508 of this Section.

(2) Establishment of Sampling Points:

(A) Sampling points as required in Rule .0508 of this Section shall be established for collecting influent and effluent samples for each facility.

(B) Sampling points shall be established in the receiving waters at one or more upstream locations and at one or more downstream locations. These locations shall be specified by the ~~Director.~~ Director to ensure that upstream samples represent instream conditions prior to and subsequent to the wastewater discharge, respectively.

(3) Collection of Samples:

(A) Samples collected in receiving waters shall be grab samples.

(B) Samples of the influent and effluent of the water pollution control facility or other point source shall be composite samples, except as provided in ~~Rule .0505 (c)(3)(C)~~ Part (C) of this ~~Section,~~ Subparagraph. ~~or~~ Samples for facilities with design flows of 30,000 gallons per day or less shall be grab samples unless ~~required by~~ the ~~Director.~~ Director determines that, due to such factors as the variability of the discharge or its potential for impacts on the receiving stream, composite samples are necessary to characterize the discharge. The Director may specify the ~~methods of sample collection as to~~ type of sample and type of composite sampling ~~required.~~ required, in order to obtain representative samples.

(C) The following influent and effluent tests shall be made on grab samples and shall not be made on composite samples:

(i) dissolved ~~oxygen,~~ oxygen;

(ii) ~~temperature,~~ temperature;

(iii) settleable ~~matter,~~ matter;

(iv) ~~turbidity,~~ turbidity;

(v) ~~pH,~~ pH;

(vi) residual ~~chlorine,~~ chlorine;

(vii) coliform bacteria (fecal or ~~total),~~ total);

(viii) ~~cyanide,~~ cyanide;

(ix) oil and ~~grease,~~ grease;

(x) ~~sulfides,~~ sulfides;

(xi) ~~phenols,~~ phenols; and

(xii) volatile ~~organics.~~ organics;

(4) Stream sampling may be discontinued at such times as flow conditions in the receiving waters or ~~extreme~~ weather conditions ~~will result in~~ present a substantial risk of injury or death to persons collecting samples. In such cases, on each day that sampling is discontinued, written justification for the discontinuance shall be specified in the monitoring report for the month in which the event occurred. This provision shall be strictly construed and ~~may~~ shall not be utilized to avoid the requirements of this Section when performance of these requirements is attainable. When there is a discontinuance pursuant to this provision, stream sampling shall be resumed at the first opportunity after the risk period has ceased.

(d) Biological and Toxicity Monitoring. Biological and Toxicity monitoring may be required ~~when, in the opinion of the Director,~~ when such monitoring is necessary to establish whether the designated best use of the waters ~~as determined by the Environmental Management~~ ~~Commission,~~ [~~Commission~~] is being or may be impaired or when toxic substances are known or suspected to be present in the facility's discharge.

(e) Tests and Analyses.

(1) If a water pollution control facility receives waste influent from two or more sources, every test required by Rule .0508 of this Section for the standard industrial classification number applicable to the sources shall be performed one time, and it shall not be necessary to repeat such tests for each source; however, the tests shall be performed at the intervals specified by Rule .0508 of this Section for the applicable industrial classification requiring the most frequent test interval.

(2) If analyses of samples of any effluent or any receiving water (collected by the ~~state~~ State or a public agency) indicate a violation of effluent ~~limitations,~~ limitations or water quality standards ~~or indicate exceedances of stream action levels~~ or that a violation of water quality standards ~~or exceedances of stream action levels~~ may result under any projected ~~conditions~~ conditions, including minimum stream flow and temperature extremes, the Director may require the person responsible for the violation or potential violation to monitor the pollutants or parameters at such points and with such frequency as he or she ~~determines appropriate.~~ deems necessary and appropriate to characterize the effluent or receiving water, any real or projected violations, and the frequency and duration of such violations. If the source of the pollutant is unknown, the Director may require monitoring for specific pollutants from any suspected discharger.

(3) If the wastewaters discharged by any water pollution control facility violate any effluent limitations or water quality standards ~~or exceeds any stream action levels~~ or contribute to the violation of water quality standards ~~or exceedance of stream action levels~~ established by the Environmental Management ~~Commission~~ Commission, the facility shall perform and report such additional tests and measurements at such frequencies and for such periods of time as the Director may require.

(4) Approved Methods of Analysis.

[~~(a)~~] (A) Methods. The methods used in collection, ~~preservation~~ preservation, and analysis of samples shall conform to the guidelines of the Environmental Protection Agency codified as 40 CFR Part 136, which is hereby incorporated by reference including any subsequent amendments and editions. ~~Copies may be obtained from the New Orders, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954 at a cost of three hundred forty dollars ($340.00) per edition. The single volume containing 40 CFR Part 136 may be obtained at a cost of thirty dollars ($30.00).~~ [~~The current version of these~~] These regulations can be accessed free of charge at http://www.gpo.gov/fdsys/. Other analytical procedures shall conform to those found in either the most recent ~~approved~~ edition of "Standard Methods for the Examination of Water and ~~Wastewater",~~ Wastewater" (Standard Methods) approved by the EPA, (published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation), or "Methods for Chemical Analysis of Waters and ~~Wastes",~~ Wastes" (Methods for Chemical Analysis), ~~1983, or subsequent editions~~ or other methods as approved by the Director. Standard Methods for the Examination of Water and Wastewater is hereby incorporated by reference including any subsequent approved amendments and approved editions. ~~Copies may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver CO 82535 at a cost of one hundred sixty dollars ($160.00) per edition.~~ The [~~current version of these methods~~] Standard Methods may be viewed free of charge at http://www.standardmethods.org. Methods for Chemical Analysis of Waters and Wastes is hereby incorporated by reference including any subsequent amendments and editions. These methods (document EPA-600-4-79-020) can be accessed free of charge at http://nepis.epa.gov. ~~Copies may be obtained from the NTIS, 5285 Port Royal Road, Springfield, VA 22161 at a cost of fifty dollars ($50.00) per edition. All material incorporated by reference in this Rule is available for inspection at the Central office of the Division of Environmental Management, 512 North Salisbury Street, Raleigh, North Carolina 27626-0535~~

[~~(b)~~] (B) Method Sensitivity. ~~All test procedures must produce detection and reporting levels that are below the permit discharge requirements and all data generated must be reported to the approved detection level or lower reporting level of the procedure.~~ Monitoring required for permit application or to determine compliance with effluent limitations or applicable water quality standards shall be performed using sufficiently sensitive methods in accordance with 40 CFR 122.21(e)(3) or 122.44(i), which are hereby incorporated by reference, including any subsequent amendments and editions. ~~If no approved methods are determined capable of achieving detection and reporting levels below permit discharge requirements, then the approved method with the lowest detection and reporting level must~~

~~be used.~~ Biological testing shall be performed in accordance with 15A NCAC 02B .0103(b).

(5) Approval of Laboratories. Analytical determinations made pursuant to the ~~monitoring and reporting~~ requirements of this Section shall be made in adequately equipped laboratories staffed by person(s) competent to perform tests. Only monitoring programs ~~which~~ that provide for the making of analytical determinations by qualified employees of the owner or by a laboratory certified by the Division under 15A NCAC 02H .0800 or 15A NCAC 02H .1100 ~~will~~ shall be considered adequate.

(f) Process Control Monitoring Testing: The Director may require, on a case-by-case basis, process control monitoring testing suitable for the size and classification of the ~~facility.~~ facility if necessary to evaluate the performance of the treatment facility or its unit processes.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, 1976;
Amended Eff. April 1, 1993; December 1, 1984; November 1, ~~1978.~~ 1978;
Readopted May 1, 2019.

15A NCAC 02B .0506 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0506 REPORTING REQUIREMENTS

(a) General:

(1) Discharge Monitoring Reports. Every person subject to this Section shall file certified monitoring reports setting forth the results of tests and measurements conducted pursuant to NPDES permit monitoring requirements.

(A) Monthly monitoring reports shall be filed no later than 30 calendar days after the end of the reporting period for which the report is made.

(B) Reports filed pursuant to the requirements of Subparagraph (a)(1) of this Rule shall be submitted in a manner consistent with the requirements of 40 CFR [~~Part 3,~~] Parts 3 and 127, which [~~is~~] are hereby incorporated by reference including subsequent amendments and additions. Where submittal of monitoring reports on printed [~~documents~~] forms is allowed, ~~of~~ such submittals shall be made on ~~forms furnished~~ EPA Form 3320-1 (available at https://www3.epa.gov/npdes/pubs/dmr.pdf at no charge), DWR Form MR-1 (available at https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/npdes-wastewater/forms-documents at no charge), or [~~in~~] a substantially equivalent format [~~provided~~] ~~or~~ approved by the Director and shall be submitted in duplicate to:

ATTN: CENTRAL FILES
DIVISION OF ~~ENVIRONMENTAL MANAGEMENT~~ WATER RESOURCES
~~POST OFFICE BOX 29535~~
MAIL SERVICE CENTER 1617
RALEIGH, NORTH CAROLINA ~~27626-0535.~~ 27699-1617

(C) A copy of all printed reports submitted to the Director pursuant to this Section shall be retained by the owner of each ~~water pollution control~~ permitted facility for a period of at least three years from the date of submission and shall be ~~readily~~ available on-site ~~to the Division for inspection.~~ for inspection by the Division.

(D) In order to document information contained in reports submitted to the Director pursuant to this Section, the owner of each pollution control facility ~~is required to~~ shall retain or have readily available for inspection by the ~~Division,~~ Division the following items for a period of at least three years from report submission:

(i) the original laboratory reports from any certified laboratory utilized for sample analysis. Such reports must be signed by the laboratory supervisor, and must indicate the date and time of sample collection and analysis, and the analysts' name;

(ii) bench notes and data logs for sample analyses performed by the pollution control facility staff or operator in responsible charge, whether or not the facility has a certified lab; and

(iii) copies of all process control testing.

(E) In situations where no discharge has occurred from the facility during the report period, the permittee ~~is required to~~ shall submit a monthly monitoring report giving all required information and indicating "NO FLOW" unless the Director agrees to waive the reporting requirement during extended conditions of no discharge.

(2) Incident Reports: 24-Hour Telephone Report.

(A) Every person subject to this Section shall report by telephone to either the central office or appropriate regional office of the Division as soon as possible but no later than 24 hours after occurrence or on the next working day (however, if the occurrence is one which may endanger the public health, or fish or wildlife, and contact with the central office or the appropriate regional office cannot be made, such person shall report as soon as possible to the State Highway Patrol Warning Point in state 1-800-662-7956 or out of state 919-733-3861) following the occurrence or first knowledge of the occurrence of any of the following:

~~(A)~~(i) ~~Any~~ any failure of a collection system, pumping ~~station~~ station, or treatment facility resulting in a by-pass without treatment of all or any portion of the ~~wastewater.~~ wastewater;

~~(B)~~(ii) ~~Any~~ any occurrence at the water pollution control facility ~~which~~ that results in the discharge of ~~significant amounts of~~ wastes ~~which~~ that are abnormal in quantity or characteristic, such as the dumping of the contents of a sludge ~~digester,~~ digester or the known passage of a hazardous substance through the ~~facility,~~ facility; ~~or any other unusual~~ ~~circumstances.~~ [~~circumstances;~~] or

~~(C)~~(iii) ~~Any~~ any process unit failure, due to known or unknown reasons, that renders the facility incapable of ~~adequate~~ providing sufficient wastewater ~~treatment,~~ treatment to comply with permit requirements, such as might be caused by mechanical or electrical failures of pumps, aerators, compressors, ~~etc.~~ etc.;

except that if the occurrence is one [~~which~~] that may endanger the public health or fish or wildlife, and if contact with the central office or the appropriate regional office cannot be made, such person shall report as soon as possible to the NC Emergency Operations Center 24/7 at 1-800-858-0368 (toll-free) or 919-733-3300.

(B) The report shall provide, at a minimum, the following information in addition to the general information required in Subparagraph (a)(4) of this Rule:

(i) identity of the caller;

(ii) description of the incident;

(iii) location, date and time of the incident;

(iv) nature and estimated quantity of spill or release, if pertinent;

(v) duration and expected duration of the incident, if pertinent;

(vi) estimated nature and extent of environmental damage caused by the incident;

(vii) steps taken or anticipated in response to the incident.

(3) Incident Reports: 5-Day Written Report. Persons reporting such occurrences by telephone shall also provide a written report to the Division in letter or electronic form setting out the information required in ~~Subparagraph~~ Subparagraphs (a)(2) and (a)(4) of this Rule and pertinent information pertaining to the occurrence. This report must be received by the Division within five days following first knowledge of the occurrence.

(4) All reports required to be filed by this Section shall contain the following information in addition to such other information as is required for the particular report:

(A) name of ~~facility,~~ facility;

(B) water pollution control facility ~~location,~~ location;

(C) the class assigned to the water pollution control ~~facility,~~ facility;

(D) the water pollution control facility permit number assigned by the Department of ~~Environment, Health, and Natural Resources~~ Environmental Quality to the permit or other approval document issued by the Environmental Management Commission under which the discharge is ~~made,~~ made; and

(E) contact ~~name and~~ name, telephone ~~number~~ number, email address, and mailing ~~address,~~ address; and

~~(F) estimated nature and extent of environmental damage caused by the incident.~~

(5) Any person desiring confidentiality for any influent information submitted shall specify the influent information for which confidentiality is sought and shall justify such request to the Department of ~~Environment, Health, and Natural Resources,~~ Environmental Quality, ~~and~~ and, if such request is approved by the [Director] [~~Director,~~] in accordance with G.S. 143-215.3C and 15A NCAC 02H .0115, shall by an appropriate ~~stamp,~~ stamp indicate the location of such information on each report filed thereafter.

(b) Monthly Monitoring Reports:

(1) Every person operating a monitoring system required by this Section shall file a monitoring report once each month ~~which~~ that includes the data for the samples collected during the month. This report shall be filed no later than 30 calendar days after the end of the reporting period for which the report is made.

(2) Monthly monitoring reports shall be reviewed, compliance status determined, certified by signature, and submitted by the following:

(A) ~~For~~ for a corporation: by a responsible corporate officer. For the purpose of the Section, a responsible corporate officer means:

(i) 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,~~ corporation; or

(ii) the manager of one or more ~~manufacturing production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty five million dollars ($25,000,000)(in second quarter 1980 dollars), if~~ 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 ensure long term 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 had been assigned or delegated to the manager in accordance with corporate procedures.

(B) ~~For~~ for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; ~~or~~

(C) ~~For~~ for a municipality, State, Federal, County, or other public agency: by either a principal executive officer or ranking elected official; or

(D) ~~Duly~~ a duly authorized representative of the person described in Paragraphs (b)(2)(A), (B) and (C). A person is a duly authorized representative only if:

(i) ~~The~~ the authorization is made in writing by a person described in Paragraphs (b)(2)(A), (B) and (C);

(ii) ~~The~~ the authorization ~~specified~~ specifies 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,~~ or superintendent; ~~a position of equivalent responsibility,~~ or an individual or position having overall responsibility for environmental matters for the company. ~~(A~~ A duly authorized representative may thus be either a named individual or any individual occupying a named ~~position.);~~ position; and

(iii) ~~The~~ the written authorization is submitted to the ~~Permit Issuing Authority.~~ permitting authority. ~~Permittees~~ A permittee authorizing another individual to sign as representative in no way relinquishes any responsibility for the permit or his responsibility to remain familiar with the permit ~~conditions,~~ conditions and limits, including any modifications, and for the compliance data reports for the permit.

[(E)] [~~(3)~~] ~~Permittee~~ [Certification by Signature.]

[~~(A)~~] The permittee signing the report ~~certifies~~ shall certify to the following statement: "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 managed 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." [~~(B)~~] The monthly report shall also be certified by the operator in responsible charge of a classified treatment facility or by the manager of an industrial establishment ~~which~~ that has a point source of waste discharge and ~~which~~ that does not have a classified water pollution control facility.

[(3)] [~~(4)~~] In addition to the information required on all reports ~~[see~~ as set forth in Subparagraph (a)(4) of this ~~Rule]~~ Rule, the following information shall be submitted in monthly monitoring reports:

(A) [name] [~~Name~~] of person or group collecting sample or making observation;

(B) [name] [~~Name~~] of person or group that analyzed sample;

(C) [name] [~~Name~~] of operator in responsible charge of the facility and the grade certificate held;

(D) [sampling] [~~Sampling~~] point for each sample;

(E) [date] [~~Date~~] and time (on 2400 hour clock basis) at which each grab sample was collected;

(F) [~~For~~] for composite samples:

(i) date on which collection of composite samples is ~~commenced,~~ commenced; and

(ii) time of starting and ending of composite sample period on 2400 hour clock basis;

(G) [wastewater] [~~Wastewater~~] flow in million gallons per day ~~(MGD);~~ (MGD), or in units specified in the permit;

(H) ~~Results~~ results of analyses (reported to the designated number of figures with a properly placed decimal point as indicated on each report sheet) together with the proper storet number (to be furnished by the Division) for the analytical procedure used and the reporting units shall be those specified by the NPDES permit or current enforcement document, unless modified by the Director;

(I) ~~Only~~ only numeric values ~~will~~ shall be accepted in reporting results of fecal coliform testing. The reporting of "too numerous to count" (TNTC) as a value ~~will~~ shall constitute a violation;

(J) ~~The~~ the results of all tests on the characteristics of the effluent, including but not limited to NPDES Permit Monitoring Requirements, shall be reported on monthly report ~~forms;~~ forms in accordance with Subparagraph (a)(1) of this Rule.

(K) ~~The~~ the monthly average of analysis for each parameter and the maximum and minimum values for the month shall be reported; and

(L) ~~Certification~~ certification by the Operator in Responsible Charge (ORC) ~~as to the accuracy and completeness of~~ that, in accordance with 15A NCAC 08G .0200, the report is accurate and complete and ~~that he/she~~ he or she has performed and documented the required visitation and process control.

(c) Additional ~~Reporting/Monitoring~~ Monitoring and Reporting Requirements:

(1) When a facility is operated on an independent contract basis, the operator in responsible charge ~~shall~~ shall, in accordance with 15A NCAC 08G .0900, notify the owner of the facility in writing of any existing or anticipated conditions at the facility ~~which~~ that may interfere with its proper operation and ~~which~~ that need corrective action by the owner. The notice shall include recommendations for corrective action.

(2) Two ~~copies~~ printed copies, or an electronic copy, of the signed notice to the owner shall be sent to the Division ~~as an attachment to~~ no later than the next monthly monitoring report.

(3) A log demonstrating visitation at the proper frequency for the assigned classification, in accordance with 15A NCAC 08G .0204, including dates and times of ~~visits,~~ visits and documentation of proper process control ~~monitoring~~ monitoring, shall be maintained and shall be submitted to the Division upon request. Copies of all information must be ~~readily~~ available for inspection for a period of three years.

(d) All information submitted ~~will~~ shall be classified as public information unless determined otherwise by the ~~Director.~~ Director in accordance with 15A NCAC 02H .0115.

History Note: *Authority G.S. 143-215.1(b); 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, 1976;
Amended Eff. August 2, 1993; April 1, 1993; December 1, 1984; November 1, ~~1978.~~ 1978;
Readopted May 1, 2019.

15A NCAC 02B .0508 is readopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0508 TESTS AND MEASUREMENTS APPLICABLE TO SICS

(a) Determination of Type and Frequency of Tests and Measurements:

(1) Introduction. The tables set forth in this Rule are designed to indicate, for any particular water pollution control facility or point source, the minimum standard tests and measurements ~~which~~ that are to be performed, the minimum frequency with which the tests and measurements are to be conducted, and the location and minimum number of sampling points that are required.

(2) Determination of Facility Class and SIC Numbers. Before ~~these~~ the tables set forth in this Rule may be applied, the standard industrial classification(s) of the activities discharging to the water pollution control facility must be determined from The Standard Industrial Classification (SIC) Manual. The classification of the facility as determined by the Water Pollution Control System Operators Certification Commission, must also be known.

(b) Modification of Test(s) or Measurement(s) Requirements:

(1) If ~~it is demonstrated to the satisfaction of the Director that~~ any of the tests and measurements, sampling points, or frequency of sampling requirements, as required in this Rule for a particular SIC group, are not applicable to the discharge of a particular water pollution control facility, or if it can be demonstrated that the objectives of this Section can be achieved by other acceptable means, then such requirements may be waived or modified to the extent that the Director determines to be appropriate.

(2) In addition to the tests and measurements as listed in this Rule applicable to each of the SIC groups, persons subject to this Section may be required to perform such additional tests and measurements at such sampling points and with such frequency as are determined by the Director to be necessary to ~~adequately monitor~~ characterize constituents of the waste discharge and their effect upon the receiving waters. This monitoring may ~~include,~~ include but not be limited to weekends and holidays ~~as deemed necessary by the Director~~ to ensure representative sampling and proper operation and maintenance of any facility.

(c) Unclassified Activities:

(1) Any person owning or operating a water pollution control facility who determines that a major SIC group(s) is not listed in this Rule for an activity subject to this Section shall so notify the Division.

(2) The Director shall prescribe on a case-by-case basis the number and location of sampling points and the frequency with which tests and measurements must be made ~~for such pollutant or pollutant effects as it shall deem necessary~~ to ~~properly monitor~~ characterize the quantity or quality of waste discharges resulting from any activity subject to this Section ~~which~~ that is not included in the major SIC groups set forth in this Rule and to ~~properly monitor~~ characterize the effects of the discharges upon the waters of this state.

(d) Index of Major Standard Industrial Groups:

SIC Number	Major Products or Services
1400-1499	Mining
2000-2199	Food, Beverage and Tobacco Processing
2200-2299	Textile Processing
2400-2599	Lumber and Wood Products Except Wet Decking
2600-2699	Paper and Allied Products
2800-2899	Chemical and Allied Products
2900-2999	Petroleum Refining and Related Industries
3100-3199	Leather and Leather Products
3400-3699	Fabricated Metal Products Except Ordnance, Machinery and Transportation Equipment
	Machinery Electrical Machinery, Equipment and Supplies
4900-4939	Electric, and Gas Services
4941	Water Supply
4952	Wastewater and all facilities discharging primarily domestic wastewater
7000-8999	Services

Abbreviations for sampling locations and frequencies to be used with SIC monitoring requirements:

"I" means influent "E" means effluent "U" means upstream "D" means downstream

"2/month" means samples are collected twice per month with a required 10 day interval between the collection of the samples

"3/week" means samples are collected three times per week on three separate days

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MINING

MINIMUM REQUIREMENTS FOR SIC 1400-1499

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	Turbidity	E	Monthly	Monthly	Monthly	Monthly
2.	Settleable Matter	E	Monthly	Monthly	Monthly	Monthly
3.	TSS	E	Monthly	Monthly	Monthly	Monthly
4.	pH	E	Monthly	Monthly	Monthly	Monthly
5.	Toxics and Toxicity		**	**	**	**

FOOD AND BEVERAGE PROCESSING AND TOBACCO PROCESSING

MINIMUM REQUIREMENTS FOR SIC 2000-2199

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	Ammonia Nitrogen	E	Monthly	2/month	Weekly	Weekly
6.	Total Nitrogen	E	*	*	*	*
7.	Total Phosphorus	E	*	*	*	*
8.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	Ammonia Nitrogen	E	2/month	Weekly	3/week	Daily
9.	Total Nitrogen	E	*	*	*	*
10.	Total Phosphorus	E	*	*	*	*
11.	Toxics and Toxicity		**	**	**	**
12.	Conductivity	E	Weekly	Weekly	3/week	Daily
13.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

TEXTILE PROCESSING

MINIMUM REQUIREMENTS FOR SIC 2200-2299

EFFLUENT LIMITED

REQUIRED TEST	LOCATION	FREQUENCY

			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	COD	E	2/month	Weekly	3/week	Daily
5.	TSS	E	2/month	Weekly	3/week	Daily
6.	Total Nitrogen	E	*	*	*	*
7.	Total Phosphorus	E	*	*	*	*
8.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	COD	E	2/month	Weekly	Weekly	Weekly
8.	TSS	E	2/month	Weekly	3/week	Daily
9.	Total Nitrogen	E	*	*	*	*
10.	Total Phosphorus	E	*	*	*	*
11.	Toxics and Toxicity		**	**	**	**
12.	Conductivity	E	Weekly	Weekly	3/week	Daily
13.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

LUMBER AND WOOD PRODUCTS (EXCLUDING WET DECKING)

MINIMUM REQUIREMENTS FOR SIC 2400-2599

EFFLUENT LIMITED

REQUIRED TEST	LOCATION	FREQUENCY			
		CLASS	CLASS	CLASS	CLASS

			I	II	III	IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	COD	E	Monthly	2/month	Weekly	3/week
5.	Total Phenols	E	2/month	Weekly	3/week	Daily
6.	TSS	E	2/month	Weekly	3/week	Daily
7.	Total Nitrogen	E	*	*	*	*
8.	Total Phosphorus	E	*	*	*	*
9.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, 0C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, 0C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 200C	E	2/month	Weekly	3/week	Daily
7.	COD	E	2/month	Weekly	3/week	Daily
8.	Total Phenols	E	2/month	Weekly	3/week	Daily
9.	TSS	E	2/month	Weekly	3/week	Daily
10.	Total Nitrogen	E	*	*	*	*
11.	Total Phosphorus	E	*	*	*	*
12.	Toxics and Toxicity		**	**	**	**
13.	Conductivity	E	Weekly	Weekly	3/week	Daily
14.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

PAPER AND ALLIED PRODUCTS

MINIMUM REQUIREMENTS FOR SIC 2600-2699

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily

2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	Total Nitrogen	E	*	*	*	*
6.	Total Phosphorus	E	*	*	*	*
7.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	Total Nitrogen	E	*	*	*	*
9.	Total Phosphorus	E	*	*	*	*
10.	Toxics and Toxicity		**	**	**	**
11.	Conductivity	E	Weekly	Weekly	3/week	Daily
12.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

CHEMICAL AND ALLIED PRODUCTS

MINIMUM REQUIREMENTS FOR SIC 2800-2899

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	Total Nitrogen	E	*	*	*	*
6.	Total Phosphorus	E	*	*	*	*
7.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	Total Nitrogen	E	*	*	*	*
9.	Total Phosphorus	E	*	*	*	*
10.	Toxics and Toxicity		**	**	**	**
11.	Conductivity	E	Weekly	Weekly	3/week	Daily
12.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

PETROLEUM REFINING AND RELATED INDUSTRIES

MINIMUM REQUIREMENTS FOR SIC 2900-2999

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	Total Phenols	E	2/month	Weekly	3/week	Daily
6.	Oil and Grease	E	2/month	Weekly	3/week	Daily
7.	Total Nitrogen	E	*	*	*	*
8.	Total Phosphorus	E	*	*	*	*
9.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily

2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	Total Phenols	E	2/month	Weekly	3/week	Daily
9.	Oil and Grease	E	2/month	Weekly	3/week	Daily
10.	Total Nitrogen	E	*	*	*	*
11.	Total Phosphorus	E	*	*	*	*
12.	Toxics and Toxicity		**	**	**	**
13.	Conductivity	E	Weekly	Weekly	3/week	Daily
14.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

LEATHER AND LEATHER PRODUCTS

MINIMUM REQUIREMENTS FOR SIC 3100-3199

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	COD	E	2/month	Weekly	Weekly	Daily
6.	Ammonia Nitrogen	E	Monthly	Weekly	Weekly	Weekly
7.	Oil and Grease	E	2/month	Weekly	3/week	Daily
8.	Turbidity	E	Weekly	3/week	Daily	Daily
9.	Total Nitrogen	E	*	*	*	*
10.	Total Phosphorus	E	*	*	*	*
11.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily

2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	COD	E	2/month	Weekly	3/week	Daily
9.	Ammonia Nitrogen	E	2/month	Weekly	3/week	Daily
10.	Oil and Grease	E	2/month	Weekly	3/week	Daily
11.	Turbidity	E	Weekly	Weekly	3/week	Daily
12.	Total Nitrogen	E	*	*	*	*
13.	Total Phosphorus	E	*	*	*	*
14.	Toxics and Toxicity		**	**	**	**
15.	Conductivity	E	Weekly	Weekly	3/week	Daily
16.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

FABRICATED METAL PRODUCTS EXCEPT ORDINANCE:MACHINERY AND TRANSPORTATION EQUIPMENT MACHINERYELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES

MINIMUM REQUIREMENTS FOR SIC 3400-3699

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	Oil and Grease	E	2/month	Weekly	3/week	Daily
4.	Total Nitrogen	E	*	*	*	*
5.	Total Phosphorus	E	*	*	*	*
6.	Toxics and Toxicity		**	**	**	**
7.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	pH	E	Weekly	Weekly	3/week	Daily

3.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
4.	Oil and Grease	E	2/month	Weekly	3/week	Daily
5.	Total Nitrogen	E	*	*	*	*
6.	Total Phosphorus	E	*	*	*	*
7.	Toxics and Toxicity		**	**	**	**

ELECTRICAL AND GAS SERVICES

MINIMUM REQUIREMENTS FOR SIC 4900-4939

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	Weekly	Weekly
2.	Temperature, °C	E	Weekly	Weekly	Weekly	Weekly
3.	Total Nitrogen	E	*	*	*	*
4.	Total Phosphorus	E	*	*	*	*
5.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	Weekly	Weekly
2.	pH	E	Weekly	Weekly	Weekly	Weekly
3.	Temperature, °C	E	Weekly	Weekly	Weekly	Weekly
4.	Total Nitrogen	E	*	*	*	*
5.	Total Phosphorus	E	*	*	*	*
6.	Toxics and Toxicity		**	**	**	**

Note: The following monitoring for steam electric generating establishments discharging once through cooling water or cooling tower blowdown shall be required whether or not the discharge is from a classified facility.

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	Temperature, °C	E	Cont.	Cont.	Cont.	Cont.
2.	Temperature, °C	U, D	3/week+	3/week+	3/week+	3/week+

3.	Flow	Continuous during discharge	Continuous during discharge	Continuous during discharge	Continuous during discharge

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WATER SUPPLY PLANTS

MINIMUM REQUIREMENTS FOR SIC 4941

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	Settleable Solids	E	Weekly	Weekly	Weekly	Weekly
2.	TSS	E	2/month	2/month	2/month	2/month
3.	Turbidity	E	Weekly	Weekly	Weekly	Weekly
4.	pH	E	Weekly	Weekly	Weekly	Weekly
5.	Chloride	E	Weekly	Weekly	Weekly	Weekly

DOMESTIC WASTEWATER AND OTHER FACILITIES DISCHARGING PRIMARILY DOMESTIC

MINIMUM REQUIREMENTS FOR SIC 4952

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	2/month	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	I,E	2/month	Weekly	3/week	Daily
4.	TSS	I,E	2/month	Weekly	3/week	Daily
5.	Ammonia Nitrogen	E	Monthly	2/month	Weekly	3/week
6.	Fecal Coliform	E	2/month	Weekly	3/week	Daily
7.	Total Nitrogen	E	*	*	*	*
8.	Total Phosphorus	E	*	*	*	*
9.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	2/month	Weekly	3/week	Daily
4.	Temperature, °C	E	Daily	Daily	Daily	Daily
5.	Temperature, °5	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	~~E,I~~ I,E	2/month	Weekly	3/week	Daily
7.	TSS	~~E,I~~ I,E	2/month	Weekly	3/week	Daily
8.	Ammonia Nitrogen	E	2/month	Weekly	3/week	Daily
9.	Residual Chlorine	E	2/week	2/week	3/week	Daily
10.	Fecal Coliform	E	2/month	Weekly	3/week	Daily
11.	Fecal Coliform	U,D	2/month	Weekly	3/week+	3/week+
12.	Conductivity	E	Weekly	Weekly	3/week	Daily
13.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+
14.	Total Nitrogen	E	*	*	*	*
15.	Total Phosphorus	E	*	*	*	*
16.	Toxics and Toxicity		**	**	**	**

SERVICES

MINIMUM REQUIREMENTS FOR SIC 7000-8999

EFFLUENT LIMITED

	REQUIRED TEST	LOCATION	FREQUENCY			
			CLASS I	CLASS II	CLASS III	CLASS IV
1.	pH	E	Weekly	Weekly	3/week	Daily
2.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
3.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
4.	TSS	E	2/month	Weekly	3/week	Daily
5.	Ammonia Nitrogen	E	Monthly	2/month	Weekly	3/week
6.	Detergents (MBAS)	E	2/month	Weekly	3/week	Daily
7.	Fecal Coliform	E	2/month	Weekly	3/week	Daily
8.	Total Nitrogen	E	*	*	*	*
9.	Total Phosphorus	E	Monthly	2/month	Weekly	3/week
10.	Toxics and Toxicity		**	**	**	**

WATER QUALITY LIMITED

1.	Dissolved Oxygen	E	Weekly	Weekly	3/week	Daily
2.	Dissolved Oxygen	U,D	Weekly	Weekly	3/week+	3/week+
3.	pH	E	Weekly	Weekly	3/week	Daily
4.	Temperature, °C	E	Weekly	Weekly	3/week	Daily
5.	Temperature, °C	U,D	Weekly	Weekly	3/week+	3/week+
6.	BOD, 5-day, 20°C	E	2/month	Weekly	3/week	Daily
7.	TSS	E	2/month	Weekly	3/week	Daily
8.	Ammonia Nitrogen	E	Monthly	2/month	Weekly	3/week
9.	Detergents (MBAS)	E	2/month	Weekly	3/week	Daily
10.	Fecal Coliform	E	2/month	Weekly	3/week	Daily
11.	Total Nitrogen	E	*	*	*	*
12.	Total Phosphorus	E	*	*	*	*
13.	Toxics and Toxicity		**	**	**	**
14.	Conductivity	E	Weekly	Weekly	3/week	Daily
15.	Conductivity	U,D	Weekly	Weekly	3/week+	3/week+

+ Upstream and Downstream monitoring in water quality limited waters is to be conducted three times per week during June, July, August, and September, and once per week during the rest of the year.

* Total Nitrogen and Phosphorus Monitoring

(1) Monitoring Requirements

(A) All facilities equal to or greater than 50,000 gpd, shall monitor for total N and P.

(B) Facilities less than 50,000 gpd shall monitor for total N and P when discharging into nutrient sensitive waters as designated by the Division.

(2) Monitoring frequency for total N and P is based on river subbasins in two separate areas of the state as follows:

(A) Western area includes the French Broad, Broad, Savannah, New, Watauga, Little Tennessee, and Hiwassee:

	Facility Design Capacity:	Frequency
(i)	50,000 gpd or higher	Semi-annually
(ii)	1,000,000 gpd or higher	Quarterly.

(B) Piedmont and Eastern area includes the Catawba, Lumber, Yadkin, Cape Fear, Chowan, Neuse, Pasquotank, Roanoke, Tar-Pamlico, and White Oak:

Facility Design Capacity	Frequency

(i)	50,000 gpd or higher	Quarterly
(ii)	1,000,000 gpd or higher	Monthly.

(3) Definition for Total Nitrogen and Total Phosphorus:

(A) Total Nitrogen shall be the sum of total ~~kjeldahl~~ Kjeldahl nitrogen, nitrate nitrogen, and nitrite nitrogen expressed as "N" in milligrams per liter ~~(mg/l).~~ (mg/L).

(B) Total Phosphorus shall include all orthophosphates and condensed phosphates, both dissolved and particulate, organic and inorganic, expressed as "P" in milligrams per liter ~~(mg/l).~~ (mg/L).

** Specific test type, conditions, and limitations ~~will~~ shall be defined by permit. Toxicity limits ~~will~~ shall be applied to all major discharges and all discharges of complex wastewater. Toxicity limitations and monitoring requirements may be applied to permits for other discharges ~~when, in the opinion of the Director,~~ when such discharge may impair the best use of the receiving water by the discharge of toxic substances in toxic amounts.

Specific frequency ~~will~~ shall be defined by individual permit conditions. For most facilities with continuous and regularly occurring discharges, frequency will be defined as a minimum of quarterly.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.64; 143-215.65; 143-215.66; ~~143-215.68;~~*
Eff. February 1, 1976;
Amended Eff. April 1, 1993; December 1, 1984; November 1, ~~1978.~~ 1978;
Readopted May 1, 2019.

15A NCAC 02B .0511 is adopted as published in 32:21 NCR 1943 with changes as follows:

15A NCAC 02B .0511 INCORPORATION BY REFERENCE

(a) The following sections of Title 40 of the Code of Federal Regulations (CFR) are incorporated by reference, including subsequent amendments and editions, and shall apply throughout this Section except where procedural details of the federal [~~rules~~] regulations differ from procedures adopted elsewhere in this [~~section,~~] Section, in which case [~~the separately adopted procedure governs.~~] these Rules shall apply. [~~The current version of these~~] These regulations can be accessed free of charge at http://www.gpo.gov/fdsys/.

(1) 40 CFR 122.2, 124.2, and 125.2: Definitions;
(2) 40 CFR 122.4: Prohibitions):
(3) 40 CFR 122.5 (a) and (b): Effect of permit;
(4) 40 CFR 122.7 (b) and (c): Confidential information;
(5) 40 CFR 122.21 (a)-(b), (c)(2), (e)-(k), (m)-(p), (q), and (r): Application for a permit;
(6) 40 CFR 122.22: Signatories;
(7) 40 CFR 122.23: Concentrated animal feeding operations;
(8) 40 CFR 122.24: Concentrated aquatic animal production facilities;
(9) 40 CFR 122.25: Aquaculture projects;
(10) 40 CFR 122.26: Storm water discharges;
(11) 40 CFR 122.27: Silviculture;
(12) 40 CFR 122.28: General permits;
(13) 40 CFR 122.29 (a), (b), and (d): New sources and new dischargers;
(14) 40 CFR 122.30: NPDES stormwater regulations for small MS4s: objectives;
(15) 40 CFR 122.31: NPDES stormwater regulations: role of Tribes;
(16) 40 CFR 122.32: NPDES stormwater regulations for small MS4s: applicability;
(17) 40 CFR 122.33: NPDES stormwater regulations for small MS4s: application for permit;
(18) 40 CFR 122.34: NPDES stormwater regulations for small MS4s: permit requirements;
(19) 40 CFR 122.35: NPDES stormwater regulations for small MS4s: shared responsibilities;
(20) 40 CFR 122.36: NPDES stormwater regulations for small MS4s: compliance;
(21) 40 CFR 122.37: NPDES stormwater regulations for small MS4s: evaluation;
(22) 40 CFR 122.41 (a)(1) and (b) through (n): Applicable permit conditions;
(23) 40 CFR 122.42: Conditions applicable to specified categories of permits;
(24) 40 CFR 122.43: Establishing permit conditions;
(25) 40 CFR 122.44: Establishing NPDES permit conditions;
(26) 40 CFR 122.45: Calculating permit conditions;
(27) 40 CFR 122.46: Duration;
(28) 40 CFR 122.47 (a): Schedules of compliance;
(29) 40 CFR 122.48: Monitoring requirements;

(30) 40 CFR 122.50: Disposal into wells;

(31) 40 CFR 122.61: Permit transfer;

(32) 40 CFR 122.62: Permit modification;

(33) 40 CFR 122.64: Permit termination;

(34) 40 CFR 124.3 (a): Application for a permit;

(35) 40 CFR 124.5 (a), (c), (d), and (f): Modification of permits;

(36) 40 CFR 124.6 (a), (c), (d), and (e): Draft permit;

(37) 40 CFR 124.8: Fact sheets;

(38) 40 CFR 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e): Public notice;

(39) 40 CFR 124.11: Public comments and requests for hearings;

(40) 40 CFR 124.12 (a): Public hearings;

(41) 40 CFR 124.17 (a) and (c): Response to comments;

(42) 40 CFR 124.56: Fact sheets;

(43) 40 CFR 124.57 (a): Public notice;

(44) 40 CFR 124.59: Comments from government agencies;

(45) 40 CFR 124.62: Decision on variances;

(46) 40 CFR Part 125, Subparts A (Technology-Based Treatment Requirements), B (Aquaculture), D (Fundamentally Different Factors), H (Alternative Limitations, CWA Section 316(a)), I (Cooling Water Intake Structures, New Facilities, CWA Section 316(b)), J (Cooling Water Intake Structures, Existing Facilities, CWA Section 316(b)), M (Ocean Discharge Criteria), and N (Cooling Water Intake Structures, Offshore Oil and Gas Facilities, CWA Section 316(b));

(47) 40 CFR Parts 129 (Toxic Pollutant Effluent Standards) and 133 (Secondary Treatment Regulation), and Subchapter N (Effluent Guidelines and Standards);

(48) 40 CFR [~~Part 3: Electronic reporting;~~] Parts 3 (Electronic Reporting) and 127 (NPDES Electronic Reporting);

(49) 40 CFR Part 136: Guidelines for establishing test procedures for the analysis of pollutants; and

(50) 40 CFR 401.15: List of toxic pollutants pursuant to CWA Section 307(a)(1).

(b) This Rule is not an exclusive list of federal regulations adopted by reference in this Section. Other rules of the Section incorporate some of these same federal regulations for clarity or emphasis and may incorporate additional regulations not listed in Paragraph (a) of this Rule.

History Note: *Authority G.S. 143-211(c); 143-215.1(b)(4); 143B-282(5);*
Eff. May 1, 2019.