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

GENERAL PERMIT NO. NCG140000

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

Coverage under this General Permit is applicable to all owners or operators of establishments classified as primarily engaged in ***ready-mixed concrete [Standard Industrial Classification Code (SIC) 3273] and like activities*** deemed by DEMLR to be similar in the process and/or the exposure of raw materials, products, by-products, or waste materials.

Coverage under this permit ***is applicable to***:

- ***Stormwater point source discharges***,
- ***Authorized process wastewater discharges***, and
- ***Operation of wastewater treatment systems***.

The following activities are ***excluded from coverage*** under this General Permit:

- ***Disposal of wastewater not specifically designated in this permit***.
- ***Disposal of any concrete*** directly into stormwater conveyances, storm sewer outfalls, wetlands, and/or into any waters of the state.

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

Note: Draft Permit Dates are Approximate

The General Permit shall become effective on [July 1, 2017].

The General Permit shall expire at midnight on [June 30, 2022].

Signed this day [June 30, 2017].

Original to be signed by Toby Vinson
for Tracy E. Davis, P.E., CPM, Director
Division of Energy, Mineral, and Land Resources
By the Authority of the Environmental Management Commission

TABLE OF CONTENTS

PART I INTRODUCTION

Section A: General Permit Coverage

Section B: Permitted Activities

PART II CONSTRUCTION AND OPERATION OF A TREATMENT FACILITY

Section A: Requirements for Constructing New or Expanding Wastewater Treatment Facilities

Section B: Requirements for Operation of Wastewater Treatment Facilities

PART III STORMWATER POLLUTION PREVENTION PLAN

PART IV MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

Section A: Stormwater Discharges – Analytical Monitoring Requirements

Section B: Stormwater Discharges – On-site Vehicle Maintenance Monitoring Requirements

Section C: Stormwater Discharges – Qualitative Monitoring Requirements

Section D: Process Wastewater Discharges – Analytical Monitoring Requirements

Section E: Residuals Management

Section F: Special Conditions

PART V STANDARD CONDITIONS FOR NPDES GENERAL PERMITS

Section A: Compliance and Liability

1. Compliance Schedule
2. Duty to Comply
3. Duty to Mitigate
4. Civil and Criminal Liability
5. Oil and Hazardous Substance Liability
6. Property Rights
7. Severability
8. Duty to Provide Information
9. Penalties for Tampering
10. Penalties for Falsification of Reports
11. Onshore or Offshore Construction
12. Duty to Reapply

Section B: General Conditions

1. General Permit Expiration
2. Transfers

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3. When an Individual Permit May be Required
4. When an Individual Permit May be Requested
5. Signatory Requirements
6. General Permit Modification, Revocation and Reissuance, or Termination
7. Certificate of Coverage Actions
8. Annual Administering and Compliance Monitoring Fee Requirements

Section C: Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance
2. Need to Halt or Reduce not a Defense
3. Bypassing of Stormwater Control Facilities
4. Bypassing of Wastewater Treatment Facilities

Section D: Monitoring and Records

l. Representative Sampling
2. Recording Results
3. Flow Measurements
4. Test Procedures
5. Establishing Representative Outfall
6. Records Retention
7. Inspection and Entry

Section E: Reporting Requirements

1. Discharge Monitoring Reports
2. Submitting Reports
3. Availability of Reports
4. Non-Stormwater Discharges
5. Planned Changes
6. Anticipated Noncompliance
7. Spills
8. Reporting Bypass
9. Twenty-four Hour Reporting
10. Other Noncompliance
11. Other Information

PART VI DEFINITIONS

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PART I INTRODUCTION

SECTION A: GENERAL PERMIT COVERAGE

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

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

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

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

SECTION B: PERMITTED ACTIVITIES

Until this permit expires, is modified, or is revoked, the permittee is authorized to discharge stormwater and authorized process wastewater to the surface waters of North Carolina or separate storm sewer system which has been adequately treated and managed in accordance with the terms and conditions of this General Permit and the requirements of the permittee's Certificate of Coverage (COC). All discharges shall be in accordance with the conditions of this permit.

The types of authorized discharges are dependent upon DEMLR approval and are detailed in the permittee's individual Certificate of Coverage (COC). **The permittee's COC is hereby incorporated by reference into this General Permit. Any violation of the COC is a violation of this General Permit and subject to enforcement action as provided in the General Permit.**

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval. **The discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality**

Standards. Discharges allowed by this permit must meet applicable wetland standards as outlined in 15A NCAC 2B .0230 and .0231 and water quality certification requirements as outlined in 15A NCAC 2H .0500.

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

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PART II CONSTRUCTION AND OPERATION OF A TREATMENT FACILITY

Ready-mixed operations involving construction and operation of **wastewater treatment facilities** for authorized process wastewater discharges are subject to construction and operation requirements for treatment facilities as outlined in Sections A and B below.

SECTION A: REQUIREMENTS FOLLOWING CONSTRUCTION OF NEW OR EXPANDING WASTEWATER TREATMENT FACILITIES

The permittee shall notify the DEMLR Regional Office **at least seventy-two (72) hours in advance of operation** of the installed facilities so that an in-place inspection can be made if the Regional Office so desires. Such notification to the Regional Supervisor shall be made during normal business hours from 8:00 a.m. until 5:00 p.m. on Monday through Friday, excluding State Holidays.

SECTION B: REQUIREMENTS FOR OPERATION OF WASTEWATER TREATMENT FACILITIES

Existing, new, and expanding wastewater treatment facilities for covered wastewater discharges shall be subject to the following operational requirements.

1. Operation and maintenance of treatment facilities must be in accordance with the requirements in this General Permit. For the purposes of this permit no documentation other than a signed Certificate of Coverage (COC) is required to operate an existing treatment facility.

2. Diversion or bypass of untreated wastewater from a treatment facility is prohibited except under provisions of this permit in Part V, Section C.4 and Part V, Section E.8.

3. In the event that a facility fails to perform satisfactorily, including the creation of nuisance conditions, the permittee shall take immediate corrective action, including those actions that may be required by this Division, such as the construction of additional or replacement treatment or disposal facilities.

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

5. Any discharge from a treatment system to groundwater must protect the groundwater standards specified in 15A NCAC 2L, Groundwater Classification and Standards. Contact the Division of Water Resources (DWR) Aquifer Protection Section for more information.

6. Any groundwater quality monitoring, as deemed reasonably necessary by the Division, shall be provided.

7. Flocculants evaluated by the Division may be used if administered in accordance with maximum application doses and any other current requirements. No other chemical flocculants shall be used in the treatment facility without prior written authorization from the Division. Polyacrylamide (PAMS) information can be found through the Stormwater Program website.

8. All discharges of process wastewater will be monitored in accordance with Part IV, Section D of this permit.

9. A list of detergents, additives, polymers, brighteners and any other solvent, cleaning agents, or like chemicals used on site in the industrial process, must be kept on site and up to date.

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Additionally, this list shall include use schedule, quantity, MSDS sheets and aquatic toxicology data (if available). If phosphate-containing detergents are used on site, a feasibility study must be performed to show the viability of using phosphate-free detergents. The feasibility study shall be kept on the site and updated annually.

10. A record of unauthorized wastewater releases to surface waters, wetlands, or ground surface from closed-loop recycle systems permitted by the DWR's Aquifer Protection Section shall be documented and kept on site for a period of five (5) years, when stormwater discharges from these sites are permitted under NCG140000.

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PART III STORMWATER POLLUTION PREVENTION PLAN

The permittee shall develop and implement a Stormwater Pollution Prevention Plan (SPPP). This plan shall be considered public information in accordance with Part V, Standard Conditions, Section E of this General Permit. The SPPP shall include, at a minimum, the following items:

1. **Site Overview**. The Site Overview shall provide a description of the physical facility and the potential pollutant sources that may be expected to contribute to contamination of stormwater discharges. The Site Overview shall contain the following:
   (a) A general **location map** (USGS quadrangle map or equivalent map), showing the facility's location in relation to transportation routes and surface waters; the name of the receiving waters to which the stormwater outfalls discharge, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters; and accurate latitude and longitude of the points of stormwater discharge associated with industrial activity. The general location map (or alternatively the site map) shall identify whether any receiving waters are **impaired** (on the state's 303(d) list of impaired waters) or if the site is located in a **watershed for which a TMDL has been established**, and what the parameters of concern are.

   (b) A **narrative description** of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. A **narrative description** of the potential pollutants that could be expected to be present in the stormwater discharge from each outfall.

   (c) A **site map** drawn at a scale sufficient to clearly depict: the site property boundary; the stormwater and/or wastewater discharge outfalls; all on-site and adjacent surface waters and wetlands; industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads); site topography and finished grade; all drainage features and structures; drainage area boundaries and total contributing area for each outfall; direction of flow in each drainage area; industrial activities occurring in each drainage area; buildings; stormwater Best Management Practices (BMPs); and impervious surfaces. The site map must indicate the percentage of each drainage area that is impervious, and the site map must include a graphic scale indication and north arrow.

   (d) A **list of significant spills or leaks** of pollutants during the previous three (3) years and any corrective actions taken to mitigate spill impacts.

   (e) Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. **The permittee shall re-certify annually that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges.** The certification statement will be signed in accordance with the requirements found in Part V, Standard Conditions, Section B, Paragraph 3.

2. **Stormwater Management Strategy**. The Stormwater Management Strategy shall contain a narrative description of the materials management practices employed which control or minimize the stormwater exposure of significant materials, including structural and nonstructural measures. The Stormwater Management Strategy, at a minimum, shall incorporate the following:

   (a) **Feasibility Study**. A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to rainfall and run-on flows. Wherever practical, the permittee shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of exposure is not practical, this review shall document the feasibility of diverting the stormwater run-on away from areas of potential contamination.

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(b) **Secondary Containment Requirements and Records**. Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism). Any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated by any material. Records documenting the individual making the observation, the description of the accumulated stormwater, and the date and time of the release shall be kept for a period of five (5) years. For facilities subject to a federal oil Spill Prevention, Control, and Countermeasure Plan (SPCC), any portion of the SPCC Plan fully compliant with the requirements of this permit may be used to demonstrate compliance with this permit. The Division may allow exceptions to secondary containment requirements for mobile refuelers, as with the exemption provided by amendments to federal SPCC regulations, as long as appropriate spill containment and/or diversionary structures or equipment is used to prevent discharge to surface waters. Exceptions do not apply to refuelers or other mobile tankage used primarily as bulk liquid material storage in a fixed location in place of stationary containers.

(c) **BMP Summary**. A listing of site structural and non-structural BMPs shall be provided. The installation and implementation of BMPs shall be based on the assessment of the potential for sources to contribute significant quantities of pollutants to stormwater discharges and on data collected through monitoring of stormwater discharges. The BMP Summary shall include a written record of the specific rationale for installation and implementation of the selected site BMPs. The BMP Summary shall be reviewed and updated annually.

3. **Spill Prevention and Response Procedures**. The Spill Prevention and Response Procedures (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP and signed and dated by each individual acknowledging their responsibilities for the plan. A responsible person shall be on-site at all times during facility operations that have increased potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP.

4. **Preventative Maintenance and Good Housekeeping Program**. A preventative maintenance and good housekeeping program shall be developed and implemented. The program shall address all stormwater control systems (if applicable), stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including material storage areas, material handling areas, disposal areas, process areas, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall establish schedules of inspections, maintenance, and housekeeping activities of stormwater control systems, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution where not already addressed under another element of the SPPP. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded and maintained in the SPPP.

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5. **Facility Inspections**. Inspections of the facility and all stormwater *systems* shall occur as part of the Preventative Maintenance and Good Housekeeping Program at a minimum on a semi-annual schedule, once during the first half of the year (January to June), and once during the second half (July to December), with at least 60 days separating inspection dates (unless performed more frequently than semi-annually). These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring *at the outfalls* required in Part IV B, C, and D of this permit.

6. **Employee Training**. Training programs shall be developed and training provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. The facility personnel responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained.

7. **Responsible Party**. The SPPP shall identify a specific position or positions responsible for the overall coordination, development, implementation, and revision of the SPPP. Responsibilities for all components of the SPPP shall be documented and position assignments provided.

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

   (a) an *updated list of significant spills or leaks* of pollutants for the previous three (3) years, or the notation that no spills have occurred (element of the **Site Overview**);
   (b) a written *re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharge*s (element of the **Site Overview**);
   (c) a documented re-evaluation of the effectiveness of the on-site stormwater BMPs (*BMP Summary* element of the **Stormwater Management Strategy**).
   (d) a *review and comparison of sample analytical data* to benchmark values (if applicable) over the past year, including a discussion about Tiered Response status. The permittee shall use the Division's Annual Summary Data Monitoring Report (DMR) form, available from the Stormwater Permitting Program's website (See 'Monitoring Forms' here: http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-permits/npdes-industrial-sw).

   The Director may notify the permittee when the SPPP does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the SPPP to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part V, Standard Conditions, Section B, Paragraph 3) to the Director that the changes have been made.

9. **SPPP Implementation**. The permittee shall implement the Stormwater Pollution Prevention Plan and all appropriate BMPs consistent with the provisions of this permit, in order to control contaminants entering surface waters via stormwater. Implementation of the SPPP shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five (5) years and made available to the Director or the Director's authorized representative immediately upon request.

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PART IV MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER DISCHARGES - ANALYTICAL MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater associated with industrial activity subject to the provisions of this permit. Stormwater that is commingled with wastewater **shall** be considered wastewater and is not covered under this section of the permit (See Section D). Analytical monitoring for stormwater discharges shall be performed for parameters as specified in **Tables 1 through 3**.

Monitoring Exemption

Analytical monitoring is not required for any basin or pond designed to contain the 25-year, 24-hour storm (see Part VI, Definitions) without discharging, and that can regain capacity to hold such an event within five (5) days' time through means other than discharge to surface waters. A basin or pond that meets this provision is considered a non-discharging stormwater control measure.

All analytical monitoring shall be performed during a **measurable storm event** at each stormwater discharge outfall (SDO). Only SDOs discharging *stormwater associated with industrial activity* must be sampled (See Definitions).

A **measurable storm event** is a storm event that **results in an actual discharge** from the permitted site outfall. The previous measurable storm event must have been at least 72 hours prior. *See Definitions.*

Table 1. Analytical Monitoring Requirements for Stormwater Discharges

Discharge Characteristics	Units	Measurement Frequency[1]	Sample Type[2]	Sample Location[3]
pH	standard	Semi-annual	Grab	SDO
Total Suspended Solids (TSS)	mg/L	Semi-annual	Grab	SDO
Event Duration	minutes	Semi-annual	-	-
Total Rainfall[4]	inches	Semi-annual	On-site rain gauge	

Footnotes:

1. Measurement Frequency: Twice per year (unless other provisions of this permit require monthly sampling) during a **measureable storm event**, until either another permit is issued for this facility or until this permit is revoked or rescinded. If the facility is monitoring monthly because of Tier Two or Tier Three response actions under the *previous* General Permit, the facility shall continue a monthly monitoring and reporting schedule in Tier Two or Tier Three status until relieved by the provisions of this permit or the Division.
2. Grab samples shall be collected within the first 30 minutes of discharge. Where physical separation between outfalls prevents collecting all samples within the first 30 minutes, the permittee shall begin sampling within the first 30 minutes, and shall continue until completed.
3. Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status (ROS) has been granted. A copy of the Division's letter granting ROS shall be kept on site with the SPPP.
4. For each sampled measureable storm event the total precipitation must be recorded. An on-site rain gauge or local rain gauge reading must be recorded.

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The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2**, unless adverse weather conditions prevent sample collection. Inability to sample because of adverse weather conditions must be documented in the SPPP (See *Adverse Weather* in Part VI Definitions.) and reported on the Data Monitoring Report (DMR). Sampling is also not required outside of the facility's normal operating hours (unless the site is inactive). A **minimum of 60 days must separate Period 1 and Period 2 sample dates**, unless monthly monitoring has been instituted under other requirements of this permit.

Table 2. Monitoring Schedule

Semi-annual Monitoring Events[1,2]	Start Date (All Years)[3]	End Date (All Years)[3]
Period 1	January 1	June 30
Period 2	July 1	December 31

Footnotes:

1. Maintain semi-annual monitoring during the General Permit renewal process (unless other provisions of this permit require monthly sampling). The applicant must continue monitoring until the renewed Certificate of Coverage (COC) is issued.
2. If no discharge occurs during the sampling period, the permittee must record "No Flow" or "No Discharge" within 30 days of the end of the sampling period in the facility's monitoring records. "No Flow" or "No Discharge" shall be reported on the Annual Summary Discharge Monitoring Report (DMR) due by March 1.
3. Monitoring periods remain constant throughout the five-year term of the General Permit. For permittees continuing with renewed coverage under this General Permit, Year 1 begins in Period 2 on **July 1, 2017**, and for all permittees, Year 5 ends in Period 1 on **June 30, 2022**.

In all cases, the permittee shall report the analytical results from each sample within the monitoring periods once a year (by March 1), as specified in Part V, Standard Conditions, Section E (*unless electronic reporting has begun*). The permittee shall compare those results to the benchmark values in **Table 3**. Exceedances of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater Best Management Practices (BMPs) in a tiered program. **Sample results that exceed benchmark values must be submitted to the Regional Office no later than 30 days from the date the facility receives the sampling results** (see Part V, Section E).

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Table 3. Benchmark Values for Analytical Monitoring Requirements

Discharge Characteristics	Benchmark Values
pH Range	6.0 - 9.0 S.U.
Total Suspended Solids (TSS)	100 mg/l
TSS (ORW, HWQ, Trout and PNA waters)	50 mg/l

The benchmark values in **Table 3** are not enforceable permit limits. The values are intended to reduce polluted discharges by triggering the permittee's required response actions (see below) under Tiers One, Two, and Three. An exceedance of a stormwater benchmark value is not a permit violation; however, failure to respond to the exceedances as outlined in this permit is a violation of permit conditions.

Tier One
If: The **first valid sampling results** are above a benchmark value, or outside of the benchmark range, for any parameter at any outfall;
Then: The permittee shall: 1. Conduct a stormwater management inspection of the facility **within two weeks of receiving sampling results.** 2. Identify and evaluate possible causes of the benchmark value exceedance. 3. Identify potential, and select the specific feasible: source controls, operational controls, or physical improvements to reduce concentrations of the parameters of concern, and/or to bring concentrations within the benchmark range. 4. Implement the selected feasible actions **within two months of the inspection.** 5. Record each instance of a Tier One response in the SPPP. Include the date and value of the benchmark exceedance, the inspection date, the personnel conducting the inspection, the selected actions, and the date the selected actions were implemented. 6. Note: Benchmark exceedances for a different parameter separately trigger a tiered response.

Tier Two
If: The **first valid sampling results** from two consecutive monitoring periods (omitting periods with no discharge) are above the benchmark values, or outside of the benchmark range, for any specific parameter at a specific discharge outfall;
Then: The permittee shall: 1. Repeat all the required actions outlined above in Tier One. 2. Immediately institute monthly monitoring and reporting for <u>all parameters</u>. The permittee shall conduct monthly monitoring at every outfall where a sampling result exceeded the benchmark value for two consecutive samples. Monthly (analytical and qualitative) monitoring shall continue until three consecutive sample results are below the benchmark values or within benchmark range. 3. If no discharge occurs during the sampling period, the permittee is required to submit a monthly monitoring report indicating "No Flow" to comply with reporting requirements. 4. *Alternatively,* in lieu of steps 2 and 3, the permittee may, after two consecutive exceedances, exercise the option of contacting the DEMLR Regional Engineer as provided below in Tier Three. The Regional Engineer may direct the response actions on the part of the permittee as provided in Tier Three, including reduced or additional sampling parameters or frequency. 5. Maintain a record of the Tier Two response in the SPPP. 6. Continue Tier Two response obligations throughout the permit renewal process.

Tier Three
If: The **valid sampling results required for the permit monitoring periods** exceed the benchmark value, or are outside the benchmark range, for any specific parameter at any specific outfall on **four occasions**, the permittee shall notify the DEMLR Regional Engineer in writing **within 30 days of receipt** of the fourth analytical results;
Then: The Division **may but is not limited to**: • require that the permittee revise, increase, or decrease the monitoring and reporting frequency for some or all of the parameters herein; • require sampling of additional or substitute parameters; • require the permittee to install structural stormwater controls; • require the permittee to implement other stormwater control measures; • require the permittee to perform upstream and downstream monitoring to characterize impacts on receiving waters; or • require the permittee implement site modifications to qualify for a No Exposure Exclusion; • require the permittee to continue Tier Three obligations through the permit renewal process.

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<u>Failure to monitor and report per the permit terms may result in the Division requiring monthly monitoring and reporting for all parameters for a specified time period.</u> Lack of a discharge from an outfall for the monitoring period, or inability to collect a sample because of *adverse weather* conditions during a monitoring period will not constitute failure to monitor, as long as those conditions are reported on the monitoring period DMR and noted in the SPPP (See *Adverse Weather* in Part VI Definitions.) Similarly, sampling is not required outside of the facility's normal operating hours.

Reduced monitoring for inactive sites: **Dormant Site Status** is available for inactive sites that have suspended all industrial activities, and if the permittee has

- certified dormant status in writing to DEMLR's Central Office Stormwater Permitting Program,
- stockpiles have been covered, removed or runoff diverted,
- waste water collection areas have been cleaned out,

Upon a favorable site inspection by the Regional Office, the Regional Office Engineer may exempt the permittee from stormwater analytical monitoring, stormwater qualitative monitoring, and wastewater monitoring. A copy of the DEMLR letter granting **dormant status** must be kept with the SPPP, and available for inspection within a reasonable time of the Division's request.

In the event that the Division releases the permittee from continued monthly monitoring and reporting under Tier Two or Tier Three, DEMLR's release letter may remain in effect through subsequent reissuance of this permit, unless the release letter provides for other conditions or duration.

The permittee **must report all results from all valid discharge samples** taken during each monitoring period (See Part V, Section E). However, for purposes of benchmark comparison and Tiered response actions, the permittee shall use the analytical results from **<u>the first sample with valid results</u>** within the monitoring period.

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SECTION B: STORMWATER DISCHARGES – ON-SITE VEHICLE MAINTENANCE AREA (VMA) MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater associated with vehicle maintenance activities (VMA) occurring on site.

Facilities that have any on-site vehicle maintenance activity that uses **more than 55 gallons of new motor oil per month when averaged over the calendar year** shall perform analytical monitoring as specified below in **Table 4** and in accordance with the schedule presented in **Table 2** (Section A). Sampling results shall be reported as described in Part V, Section E. All analytical monitoring shall be performed during a **measureable storm event** at all stormwater discharge outfalls (SDOs) that discharge *stormwater runoff from vehicle maintenance areas*. VMA stormwater discharges commingled with wastewater shall be considered **wastewater**.

Table 4. Analytical Monitoring Requirements for On-Site Vehicle Maintenance Areas

Discharge Characteristics	Units	Measurement Frequency[1]	Sample Type[2]	Sample Location[3]
Total Suspended Solids (TSS)	mg/l	Semi-annual	Grab	SDO
Non-Polar Oil & Grease *by EPA Method 1664 (SGT-HEM)*	mg/l	Semi-annual	Grab	SDO
Total Rainfall[4]	inches	Semi-annual	Grab	--
New Motor Oil Usage	gallons/month	Semi-annual	Estimate	--

Footnotes:

1. Measurement Frequency: Twice per year (unless other provisions of this permit require monthly sampling) during a **measureable storm event** (See **Table 2**), until either another permit is issued for this facility or until this permit is revoked or rescinded. If the facility is monitoring monthly because of Tier Two or Tier Three response actions under the previous General Permit, the facility shall continue a monthly monitoring and reporting schedule in Tier Two or Tier Three status until relieved by the provisions of this permit or the Division.
2. Grab samples shall be collected within the first 30 minutes of discharge. Where physical separation between outfalls prevents collecting all samples within the first 30 minutes, the permittee shall begin sampling within the first 30 minutes, and shall continue until completed.
3. Sample Location: Samples shall be collected at each **vehicle maintenance area** stormwater discharge outfall (SDO)**,** unless representative outfall status (ROS) has been granted. A copy of the Division's letter granting ROS shall be kept on site with the SPPP.
4. For each sampled **measureable storm event**, an on-site or local rain gauge reading must be recorded. Where isolated sites are unmanned for extended periods of time, a local rain gauge reading may be substituted for an on-site reading.

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2**. **A minimum of 60 days must separate Period 1 and Period 2 sample dates**, unless monthly monitoring has been instituted under other requirements of this permit.

In all cases, the permittee shall report the analytical results from each sample within the monitoring periods once a year (by March 1), as required in Part V, Section E. The permittee shall compare those results to the benchmark values in **Table 5**. Exceedances of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater Best Management Practices (BMPs) in a tiered program. See the descriptions of the Tiers One, Two, and Three required response actions in Section A. **Sample results that exceed benchmark values must be submitted no later than 30 days from the date the facility receives the sampling results** (see Part V, Section E).

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Table 5. Stormwater Benchmark Values for On-Site Vehicle Maintenance Activities

Discharge Characteristics	Benchmark Values
Total Suspended Solids (TSS)	100 mg/l
TSS (ORW, HWQ, Trout and PNA waters)	50 mg/l
Non-Polar Oil and Grease *by EPA Method 1664 (SGT-HEM)*	15 mg/l

The benchmark values in **Table 5** are not enforceable permit limits. An exceedance of a stormwater benchmark value is not a permit violation; however, failure to respond to the exceedances as outlined in this permit is a violation of permit conditions. The benchmarks are intended to reduce polluted discharges by triggering the permittee's required response actions under Tiers One, Two, and Three.

Failure to monitor and report per the permit terms *may* result in the Division requiring monthly monitoring and reporting for all parameters for a specified time period. Lack of a discharge from an outfall for the monitoring period, or inability to collect a sample because of *adverse weather* conditions during a monitoring period will not constitute failure to monitor vehicle maintenance area discharges, as long as those conditions are reported on the monitoring period DMR and noted in the SPPP. (See *Adverse Weather* in Definitions.) Similarly, sampling is not required outside of the facility's normal operating hours (unless the site is inactive).

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SECTION C: STORMWATER DISCHARGES - QUALITATIVE MONITORING REQUIREMENTS

The purpose of qualitative monitoring is to implement a quick and inexpensive way to evaluate the effectiveness of the permittee's SPPP and to identify the potential for new sources of stormwater pollution. Qualitative monitoring of stormwater outfalls must be performed during a **measurable storm event**.

Qualitative monitoring requires a visual inspection of each stormwater outfall. Qualitative monitoring shall be performed as specified in **Table 6**, whether semi-annual or more frequently as may be required per the **Qualitative Monitoring Response** requirements below. Inability to monitor because of adverse weather or lack of discharge during the monitoring period must be documented in the SPPP and recorded on the Qualitative Monitoring Report (see *Adverse Weather* in Definitions). Similarly, monitoring is not required outside of the facility's normal operating hours (unless the site is inactive). Only SDOs discharging *stormwater associated with industrial activity* must be monitored (See Definitions).

In the event an atypical condition is noted at a stormwater discharge outfall, the permittee shall document the suspected cause of the condition and any actions taken in response to the discovery. This documentation will be maintained with the SPPP.

Table 6. Qualitative Monitoring Requirements

Discharge Characteristics	**Frequency[1]**	**Monitoring Location[2]**
Color	Semi-annual	SDO
Odor	Semi-annual	SDO
Clarity	Semi-annual	SDO
Floating Solids	Semi-annual	SDO
Suspended Solids	Semi-annual	SDO
Foam	Semi-annual	SDO
Oil Sheen	Semi-annual	SDO
Deposition at or immediately below the outfall	Semi-annual	SDO
Erosion at or immediately below the outfall	Semi-annual	SDO
Other obvious indicators of stormwater pollution	Semi-annual	SDO

Footnotes:

1. Monitoring Frequency: Twice per year (unless other provisions of this permit prompt other frequency) during a **measureable storm event**. See **Table 2** for schedule of monitoring periods. The permittee must continue qualitative monitoring throughout the permit renewal process.
2. Monitoring Location: Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status (ROS), *unless ROS is granted specifically for qualitative monitoring.* A copy of any letter granting ROS shall be kept on site. DEMLR's letter granting ROS remains in effect through the subsequent reissuance of this permit and as long as the pertinent site conditions and operations remain unchanged, unless the ROS letter provides for other conditions or duration.

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A minimum of 60 days must separate monitoring dates, *unless additional sampling has been instituted as part of other analytical monitoring requirements in this permit*.

If the permittee's qualitative monitoring indicates that existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those feasible corrective actions within 60 days, per the Qualitative Monitoring Response, below. A written record of the permittee's investigation, evaluation, and response actions shall be kept in the SPPP.

Qualitative Monitoring Response
Qualitative monitoring is for the purposes of evaluating SPPP effectiveness, identifying the potential for new sources of stormwater pollution, and prompting the permittee's response to pollution. If the permittee repeatedly fails to respond effectively to correct problems identified by qualitative monitoring, or if the discharge causes or contributes to a water quality standard violation, **DEMLR may but is not limited to:** • require that the permittee revise, increase, or decrease monitoring frequency for some or all parameters (analytical or qualitative); • require the permittee to install structural stormwater controls; • require the permittee to implement other stormwater control measures; or • require the permittee to perform upstream and downstream monitoring to characterize impacts on receiving waters.

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SECTION D: PROCESS WASTEWATER DISCHARGES - ANALYTICAL MONITORING REQUIREMENTS

This General Permit authorizes the discharge of process wastewater associated with three distinct activities: 1) vehicle and equipment cleaning – external surfaces, 2) wetting of raw material stockpiles, and 3) mixing drum cleanout. The authorization to discharge wastewater may be specifically identified on each permittee's COC. ***Process wastewater discharges generated by any other activity are not authorized under this permit,*** *except allowable non-stormwater discharges permitted by 15A NCAC 2H .0106(f).* Stormwater commingled with authorized process wastewater shall be considered process wastewater.

1. Process Wastewater Associated with Vehicle and Equipment Cleaning

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with vehicle and equipment cleaning, subject to the provisions of this permit. For the purposes of this permit, vehicle and equipment cleaning is limited to the rinsing of the external surfaces of vehicles and equipment.

2. Process Wastewater Associated with Raw Material Stockpiles

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with wetting of raw material stockpiles, subject to the provisions of this permit.

3. Process Wastewater Associated with Mixing Drum Cleanout

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with mixing drum cleanout, subject to the provisions of this permit.

All Authorized Process Wastewater Discharges

Analytical monitoring of the above authorized process wastewater discharges shall be performed as specified in **Table 7**. If authorized process wastewaters commingle prior to discharge, sampling of the combined discharge must meet the monitoring requirements of this permit. Sampling shall be performed during discharge; these events may or may not be associated with rainfall.

Authorized wastewater treatment facilities may include some wastewater recycling as a means of volume management.

Surface water discharges from authorized wastewater treatment facilities are subject to the provisions, monitoring requirements, and limits of this permit. *Authorized wastewater treatment facilities with* ***no wastewater discharges to surface waters*** *are exempt from the requirements of this Section D of the permit. However, these plants with closed loop-recycle systems or other wastewater treatment facilities* ***that do not discharge to surface waters*** *must contact Division of Water Resource's Aquifer Protection Section Land Application Permitting Program to obtain any necessary permits or approvals.*

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Analytical monitoring of authorized process wastewater shall be performed as specified below in **Table 7**. For each parameter, an effluent limitation is contained in **Table 8**. An exceedance of any of these limitations results in a violation of the permit conditions and may be subject to enforcement action as specified in Part V, Section A.2 of this permit. In all cases, the permittee shall report the analytical results from each sample within the monitoring periods once a year (by March 1), as specified in Part V, Section E. Sample results that exceed an effluent limitation must be submitted to the Regional Office no later than 30 days from the date the facility receives the sampling results (see Part V, Section E).

Table 7. Monitoring Requirements for Wastewater Discharges in Section D – 1., 2., and 3.

Discharge Characteristics	Units	Measurement Frequency[1]	Sample Type[2]	Sample Location[3]
pH	standard	Quarterly[1]	Grab	E
Total Suspended Solids	mg/L	Quarterly[1]	Grab	E
Settleable Solids [6] (In sensitive waters only)	mL/L	Quarterly[1]	Grab	E
Non-Polar Oil & Grease *by EPA Method 1664 (SGT-HEM)*[4]	mg/L	Quarterly[1,4]	Grab	E
Daily Flow Rate[5]	cfs	Quarterly[1]	-	E

Footnotes:

1. The monitoring frequency is quarterly for the first year (see Table 9), and then semi-annually. If a sample concentration **exceeds any effluent limit in Table 8, monitoring frequency (all parameters) shall return to (or remain) quarterly**, until four (4) consecutive quarterly samples all meet or are below the limit for all parameters, allowing the permittee to resume/reduce to semi-annual monitoring.
2. Grab samples shall be collected within the first 30 minutes of discharge from the outfall or detention pond. Where physical separation between outfalls prevents collecting all samples within the first 30 minutes, the permittee shall begin sampling within the first 30 minutes, and shall continue until completed.
3. Effluent (E), or the process wastewater discharge outfall.
4. Process wastewater discharges shall only be monitored for Non-Polar Oil & Grease when commingled with stormwater discharges from VMA areas.
5. Daily flow rate shall be recorded by a continuous flow measurement instrument. Alternatively, pump curves and pump logs may be used to calculate the daily flow rate.
6. Only facilities discharging to waters classified as HQW, ORW, SA, SB, Tr, or PNA are required to monitor for settleable solids.

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Table 8. Effluent Limitations for all Process Wastewater

Discharge Characteristics	Effluent Limitations (Daily Maximum)
pH Range (freshwaters)	6.0 – 9.0 S.U.
pH Range (saltwaters)	6.8 – 8.5 S.U.
Total Suspended Solids	30 mg/l
Total Suspended Solids[1] (HQW)	20 mg/l
Total Suspended Solids[1] (Trout and PNA waters)	10 mg/l
Settleable Solids (HQW, ORW, SA, SB, Tr, or PNA waters)	5 mL/L
Non-Polar Oil & Grease *by EPA Method 1664 (SGT-HEM)*[2]	N/A[3]
Daily Flow Rate (HQW/ORW)[4]	50% of 7Q10[4]

Footnotes:
1. As per 15A NCAC 02B .0224.
2. Process wastewater discharges shall only be monitored for Non-Polar Oil & Grease when commingled with stormwater discharges from VMA areas.
3. Non-Polar Oil & Grease does not have a limit for wastewater, but instead is subject to benchmarks and provisions of Part IV, Section A, including the Tiered Response Action.
4. The total daily flow rate of wastewater for all discharges combined (that discharge to the same receiving waters) shall not exceed 50 percent of the total in-stream flow rate of the receiving waters under 7Q10 conditions in HQW/ORW waters, including HQW/ORW trout and PNA waters [15A NCAC 02B .0224]. Permittees that discharge wastewater to HQW waters shall obtain a summer 7Q10 flow and report this information to DEMLR. If the permittee cannot obtain a summer 7Q10 flow for the receiving waters at the discharge location, the permittee shall notify DEMLR, and the DEMLR Regional Office may require an annual flow report on a case-by-case basis.

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The permittee shall complete the analytical samplings of wastewater discharges in accordance with the schedule specified in **Table 9**.

Table 9. Monitoring Schedule

Quarterly Monitoring Events[1,2]	Semi-Annual Monitoring Events[1,2]	Start Date (All Years)[3]	End Date (All Years)[3]
Period 1	Period 1	January 1	March 31
Period 2		April 1	June 30
Period 3	Period 2	July 1	September 30
Period 4		October 1	December 31

Footnotes:
1. Maintain quarterly (or semi-annual) monitoring during the General Permit renewal process. The applicant must continue monitoring until the renewed Certificate of Coverage (COC) is issued.
2. If no discharge occurs during the sampling period, the permittee must record “No Flow” or “No Discharge” within 30 days of the end of the sampling period in the facility’s monitoring records. “No Flow” or “No Discharge” shall be reported on the Annual Summary Discharge Monitoring Report (DMR). This DMR is to be

submitted to the Division of Water Resource's Central Files at the **DWR Central Office by March 1 of each year** (in accordance with Part V, Section E).

3. Monitoring periods remain constant throughout the five-year term of the General Permit. For permittees continuing with renewed coverage under this General Permit, Year 1 begins in Period 3 on **July 1, 2017**, and for all permittees, Year 5 ends in Period 1 on **June 30, 2022**.

Failure to monitor and report per the permit terms may result in the Division requiring monthly monitoring and reporting for all parameters for a specified time period.

If detergents are used in any of the processes authorized in Section D of this permit, they must be labeled biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents. A list of these chemicals must be kept on site and up to date. A feasibility study must be performed if phosphate-containing detergents are used (*see Part II, Section B* for additional information).

SECTION E: RESIDUALS MANAGEMENT

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

SECTION F: SPECIAL CONDITIONS

A (1.) ELECTRONIC REPORTING OF MONITORING REPORTS [G.S. 143-215.1(b)]

Federal regulations require electronic submittal of all discharge monitoring reports (DMRs) and program reports. The final NPDES Electronic Reporting Rule was adopted and became effective on December 21, 2016.

NOTE: This special condition supplements or supersedes the following sections within Part V of this permit (*Standard Conditions for NPDES General Permits*):

- Section B. (3.) Signatory Requirements
- Section D. (6.) Records Retention
- Section E. (1.) Discharge Monitoring Reports
- Section E. (2.) Submitting Reports

1. <u>Reporting Requirements [Supplements Section E. (1.) and Supersedes Section E. (2.)]</u>

Effective **December 21, 2016** or when the agency's electronic reporting system is able to accept NPDES stormwater permit monitoring data, the permittee shall report discharge monitoring data electronically using the NC DWR's Electronic Discharge Monitoring Report (eDMR) internet application. NC DEMLR will notify permittees when eDMR is ready to accept stormwater monitoring data.

Monitoring results obtained during the previous month(s) shall be summarized for each month and submitted electronically using eDMR. The eDMR system allows permitted facilities to enter monitoring data and submit DMRs electronically using the internet. Until such time that the state's eDMR application is compliant with EPA's Cross-Media Electronic Reporting Regulation (CROMERR), permittees will be required to submit all discharge monitoring data to the state electronically using eDMR and also will be required to complete the eDMR submission by printing,

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signing, and submitting one signed original and a copy of the computer printed eDMR to the following address:

NC DEQ / Division of Water Resources / Water Quality Permitting Section
ATTENTION: Central Files
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

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

Regardless of the submission method, the first DMR is due **no later than 30 days from the date the facility receives the sampling results from the laboratory**. The Annual Summary DMR submittal due March 1st will no longer apply.

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2. How to Request a Waiver from Electronic Reporting

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

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page:

http://deq.nc.gov/about/divisions/water-resources/edmr

3. Signatory Requirements [Supplements Section B. (3.) (b) and Supersedes Section B. (3.) (d)]

All eDMRs submitted to the permit issuing authority shall be signed by a person described in Part III, Section B. (3.)(a) or by a duly authorized representative of that person as described in Part III, Section B. (3.)(b). A person, and not a position, must be delegated signatory authority for eDMR reporting purposes.

For eDMR submissions, the person signing and submitting the DMR must obtain an eDMR user account and login credentials to access the eDMR system. For more information on North Carolina's eDMR system, registering for eDMR and obtaining an eDMR user account, please visit the following web page:

http://deq.nc.gov/about/divisions/water-resources/edmr

Certification. Any person submitting an electronic DMR using the state's eDMR system shall make the following certification [40 CFR §122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

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

4. <u>Records Retention [Supplements Section D. (6.)]</u>

The permittee shall retain records of all Discharge Monitoring Reports, including eDMR submissions. These records or copies shall be maintained for a period of at least 3 years from the date of the report. This period may be extended by request of the Director at any time [40 CFR §122.41].

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PART V STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS

SECTION A: COMPLIANCE AND LIABILITY

1. Compliance Schedule

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

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

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

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

2. Duty to Comply

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

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

b. The CWA provides that any person who violates section[s] 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation [33 USC 1319(d) and 40 CFR §122.41(a)(2)].

c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by

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imprisonment of not more than 2 years, or both [33 USC 1319(c)(1) and 40 CFR §122.41(a)(2)].

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

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

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

g. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500. Penalties for Class II violations are not to exceed $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500. [33 USC 1319(g)(2) and 40 CFR §122.41(a)(3)].

3. Duty to Mitigate

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

4. Civil and Criminal Liability

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

5. Oil and Hazardous Substance Liability

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

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

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

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

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

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

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

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

SECTION B: GENERAL CONDITIONS

1. General Permit Expiration
General permits will be effective for a term not to exceed five years, at the end of which the Division may renew them after all public notice requirements have been satisfied. If a general permit is renewed, existing permittees do not need to submit a renewal request or pay a renewal fee unless directed by the Division. New applicants seeking coverage under a renewed general

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permit must submit a Notice of Intent (NOI) to be covered and obtain a Certificate of Coverage under the renewed general permit [15A NCAC 02H .0127(e)].

2. Transfers

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

3. When an Individual Permit May be Required

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

a. The discharger is a significant contributor of pollutants;
b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a general permit;
c. The discharge violates the terms or conditions of this General Permit;
d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
e. Effluent limitations are promulgated for the point sources covered by this General Permit;
f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this General Permit;
g. The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

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

5. Signatory Requirements

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

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

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

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

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

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

(1) The authorization is made in writing by a person described above;

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

(3) The written authorization is submitted to the Permit Issuing Authority [40 CFR §122.22].

c. Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative [40 CFR §122.22]

d. Certification. Any person signing a document under paragraphs a. or b. of this section or submitting an electronic report (e.g., eDMR) shall make the following certification [40 CFR §122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

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

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6. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Permit Issuing Authority from reopening and modifying the General Permit, revoking and reissuing the General Permit, or terminating the General Permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et al.

After public notice and opportunity for a hearing, the General Permit may be terminated for cause. The filing of a request for a General Permit modification, revocation and reissuance, or termination does not stay any General Permit condition. The **Certificate of Coverage** shall expire when the General Permit is terminated.

7. Certificate of Coverage Actions

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

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

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit [40 CFR §122.41(e)].

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

3. Bypassing of Stormwater Control Facilities at Operations Covered by NCG140000
Bypass is prohibited, and the Permit Issuing Authority may take enforcement action against a permittee for bypass unless:
   a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
   b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater, or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
   c. The permittee submitted notices as required under Part V, Section E of this General Permit.

   If the Permit Issuing Authority determines that it will meet the three conditions listed above, the Permit Issuing Authority may approve an anticipated bypass after considering its adverse effects.

4. Bypassing of Wastewater Treatment Facilities at Operations Covered by NCG140000
   a. Bypass not exceeding limitations [40 CFR §122.41(m)(2)]
      The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.
   b. Notice [40 CFR §122.41(m)(3)]
      (1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
      (2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part V, Section E of this General Permit.
   c. Prohibition of Bypass
      (1) Bypass from the wastewater treatment facility is prohibited, and the Permit Issuing Authority may take enforcement action against a Permittee for bypass, unless:

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(A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

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

(C) The Permittee submitted notices as required under Paragraph b. of this section.

(2) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c. (1) of this section.

SECTION D: MONITORING AND RECORDS

l. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a measureable storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this General Permit shall not be changed without notification to and approval of the Permit Issuing Authority [40 CFR §122.41(j)].

2. Recording Results

For each measurement or sample taken pursuant to the requirements of this General Permit, the permittee shall record the following information [40 CFR §122.41]:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

3. Flow Measurements

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

4. Test Procedures

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

To meet the intent of the monitoring required by this General Permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below the General Permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

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5. Representative Outfall

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

6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan (SPPP). Copies of analytical monitoring results shall also be maintained on-site or be available electronically to a DEMLR inspector upon request. The permittee shall retain records of all monitoring information, including

- all calibration and maintenance records,
- all original strip chart recordings for continuous monitoring instrumentation,
- copies of all reports required by this General Permit, including Discharge Monitoring Reports (DMRs) and eDMR or other electronic DMR report submissions.
- copies of all data used to complete the Notice of Intent to be covered by this General Permit.

These records or copies shall be maintained for a period of at least 5 years from the date of the sample, measurement, report or Notice of Intent application. This period may be extended by request of the Director at any time [40 CFR §122.41].

7. Inspection and Entry

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

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location [40 CFR §122.41(i)].

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SECTION E: REPORTING REQUIREMENTS

1. Discharge Monitoring Reports

Samples analyzed in accordance with the terms of this General Permit shall be recorded on Discharge Monitoring Report (DMR) forms provided by the Director or submitted electronically to the appropriate authority using an approved electronic DMR reporting system (e.g., eDMR). **Until electronic reporting is implemented**, Annual Summary DMRs shall be delivered to the **Division (Central Office) no later than March 1 of each year** (See 2. of this section). In addition, any samples analyzed in accordance with the terms of this permit that *violate a wastewater effluent limit or exceed a stormwater benchmark value* shall be submitted to the Division Regional Office on a DMR form and delivered to the Division Central Files **no later than 30 days from the date the facility receives the sampling results from the laboratory**. DMR forms are available on the Division's website (http://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-permits/npdes-industrial-sw).

Regardless of the submission method (paper or electronic), submittals shall be delivered to the Division, or appropriate authority, according to the provisions above.

Once electronic reporting begins, all DMRs are due no later than 30 days from the date the facility receives the sampling results from the laboratory.

When no discharge has occurred from the facility during the report period, the permittee is required to submit a discharge monitoring report, within 30 days of the end of the specified sampling period, giving all required information and indicating "NO FLOW" as per NCAC T15A 02B .0506.

If the permittee monitors any pollutant more frequently than required by this General Permit using test procedures approved under 40 CFR §136 and at a sampling location specified in this General Permit or other appropriate instrument governing the discharge, the results of such monitoring shall be included in the data submitted on the DMR [40 CFR §122.41(l)].

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division and shall retain the completed forms on site. Qualitative monitoring results should not be submitted to the Division, except upon DEMLR's specific requirement to do so. Qualitative Monitoring Report forms are available at the website above.

2. Submitting Reports

Two signed copies of the Annual Summary Discharge Monitoring Report (DMR) shall be submitted **no later than March 1 of each year** to DWR Central Files (not DEMLR):

Central Files
Division of Water Resources (DWR)
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

If *wastewater monitoring* results indicate a **wastewater effluent limit violation**, a signed DMR form for that monitoring period shall be sent to the appropriate DEMLR Regional Office (Attn: Stormwater Program) **no later than 30 days from the date the facility receives the sampling results from the laboratory**.

If *stormwater monitoring* results indicate a **stormwater benchmark value exceedance or the facility is in Tier 2 monitoring**, a signed DMR form for that monitoring period shall be sent to the appropriate DEMLR Regional Office (Attn: Stormwater Program) **no later than 30 days from the date the facility receives the sampling results from the laboratory**. All stormwater outfall parameters shall be monitored and reported for any monitoring period that the facility is following a Tier 2 response.

Addresses for each RO and the counties covered by each RO can be found here: **https://deq.nc.gov/contact/regional-offices**. The permittee shall retain the completed originals on site. Visual (Qualitative) monitoring results should **not** be submitted to the Division unless specifically requested.

Blank DMR forms, Annual Summary DMR forms, and visual monitoring forms are available at the website of the Division's Stormwater Permitting Program: **https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permits/stormwater-permits/npdes-industrial-sw**

The Permit Issuing Authority may require the permittee to begin reporting monitoring data electronically during the term of this permit. The permittee may be required to use North

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Carolina's eDMR internet application for that purpose. Until such time that the state's eDMR application is compliant with EPA's Cross-Media Electronic Reporting Regulation (CROMERR), permittees will be required to submit all discharge monitoring data to the state electronically using eDMR and will be required to complete the eDMR submission by printing, signing, and submitting one signed original and a copy of the computer printed eDMR to the address above.

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

4. Non-Stormwater Discharges
If the storm event monitored in accordance with this General Permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under all other applicable discharge permits and provide this information with the stormwater discharge monitoring report.

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

6. Anticipated Noncompliance
The permittee shall give advance notice to the Director of any planned changes at the permitted facility which may result in noncompliance with the General Permit [40 CFR §122.41(l)(2)].

7. Spills
The permittee shall report to the local DEMLR Regional Office, within 24 hours, all significant spills as defined in Part VI of this General Permit. Additionally, the permittee shall report spills including: any oil spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any oil spill regardless of amount occurring within 100 feet of surface waters, and any oil spill less than 25 gallons that cannot be cleaned up within 24 hours.

8. Bypass
Notice [40 CFR §122.41(m)(3)]:
   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
   b. Unanticipated bypass. The permittee shall submit notice within 24 hours of becoming aware of an unanticipated bypass.

9. Twenty-four Hour Reporting
   a. The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

      The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or

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planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR §122.41(l)(6)].

b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.

c. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

10. Other Noncompliance
The permittee shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted [40 CFR §122.41(l)(7)].

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

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PART VI DEFINITIONS

1. Act
See Clean Water Act.

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

3. Allowable Non-Stormwater Discharges
This General Permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system include:
   a. All other discharges that are authorized by a non-stormwater NPDES permit.
   b. Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, irrigation waters, flows from riparian habitats and wetlands.
   c. Discharges resulting from fire-fighting or fire-fighting training, or emergency shower or eye wash as a result of use in the event of an emergency.

4. Best Management Practices (BMPs)
Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure. More information on BMPs can be found at: **http://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu**.

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

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

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

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

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

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

11. EMC
The North Carolina Environmental Management Commission.

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

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

14. Landfill
A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

15. Measureable Storm Event
A measurable storm event is a storm event that results in an actual discharge from the permitted site outfall. The previous measurable storm event must have been at least **72 hours** prior. The 72-hour storm interval may not apply if the permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and obtains approval from the local DEMLR Regional Office. Two copies of this information and a written request letter shall be sent to the local DEMLR Regional Office. After authorization by the DEMLR Regional Office, a written approval letter must be kept on site in the permittee's SPPP.

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

17. No Exposure
A condition of no exposure means that all industrial materials and activities are protected by a storm resistant shelter or acceptable storage containers to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. DEMLR may grant a No Exposure Exclusion from NPDES stormwater permitting requirements only if a facility complies with the terms and conditions described in 40 CFR §122.26(g).

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

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

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

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

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

For the purposes of this **NCG140000 General Permit**, process wastewater is wastewater generated from the following activities:

(a) Vehicle and equipment cleaning operations. Vehicle and equipment cleaning is limited to the rinsing of the *external surfaces* of vehicles and equipment. If detergents are used, they must be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents.
(b) Raw material stockpile wetting operations. This includes wetting for control of temperature and moisture content. Washing of raw materials is not authorized under this permit.
(c) Mixing drum-cleaning operations. This includes vehicle mixing drum and facility mixing drum cleaning. It also includes flushing the bed of a dump truck, if used to deliver concrete to a job site. If detergents are used, they must be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents.
(d) Commingled stormwater and authorized process wastewater shall be considered process wastewater.

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

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

25. Section 313 Water Priority Chemical
A chemical or chemical category which:
b. Is listed in 40 CFR §372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
c. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
d. Meets at least one of the following criteria:
    i. Is listed in appendix D of 40 CFR §122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
    ii. Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR §116.4; or
    iii. Is a pollutant for which EPA has published acute or chronic water quality criteria.

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

27. Significant Materials
Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

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

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

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

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

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

33. Summer 7Q10
The lowest average 7-day stream flow that is expected to occur once every 10 years during the summer months.

34. Ten Year Design Storm
The maximum 24-hour precipitation event expected to be equaled or exceeded on the average once in ten years. Storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

35. Total Maximum Daily Load (TMDL)
TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. A list of approved TMDLs for the state of North Carolina can be found at **http://deq.nc.gov/about/divisions/water-resources/planning/modeling-assessment/tmdls**.

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

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

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

39. 10-year, 24-hour Storm Event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 10 years.

40. 25-year, 24-hour Storm Event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.