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

PERMIT

TO DISCHARGE STORMWATER UNDER THE

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

draft

In compliance with the provisions 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,

**Westmoreland Partners, LLC**

is hereby authorized to discharge stormwater from a facility located at

Roanoke Valley Energy Facility
290 Power Place
Weldon, NC
Halifax County

to receiving waters designated as Roanoke River, a class C stream in the Roanoke River Basin, in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

*Note: Draft Permit Dates are Approximate*

This permit shall become effective [November 1, 2017].

This permit and the authorization to discharge shall expire at midnight on [October 31, 2022].

Signed this day [October 31, 2017].

_____

*for* Tracy E. Davis, P.E., CPM, Director
Division of Energy, Mineral and Land Resources
By the Authority of the Environmental Management Commission

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# PART I INTRODUCTION

## SECTION A: INDIVIDUAL PERMIT COVERAGE

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**. Such discharges shall be controlled, limited and monitored as specified in this permit.

If industrial materials and activities are not exposed to precipitation or runoff as described in 40 CFR §122.26(g), the facility may qualify for a No Exposure Exclusion from NPDES stormwater discharge permit requirements. Any owner or operator wishing to obtain a No Exposure Exclusion must submit a No Exposure Certification Notice of Intent (NOI) form to the Division; must receive approval by the Division; must maintain no exposure conditions unless authorized to discharge under a valid NPDES stormwater permit; and must recertify the No Exposure Exclusion annually.

## SECTION B: PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or separate storm sewer system that has been adequately treated and managed in accordance with the terms and conditions of this permit. All stormwater discharges shall be in accordance with the conditions of this 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 stormwater discharges allowed by this permit shall not cause or contribute to violations of Water Quality Standards.

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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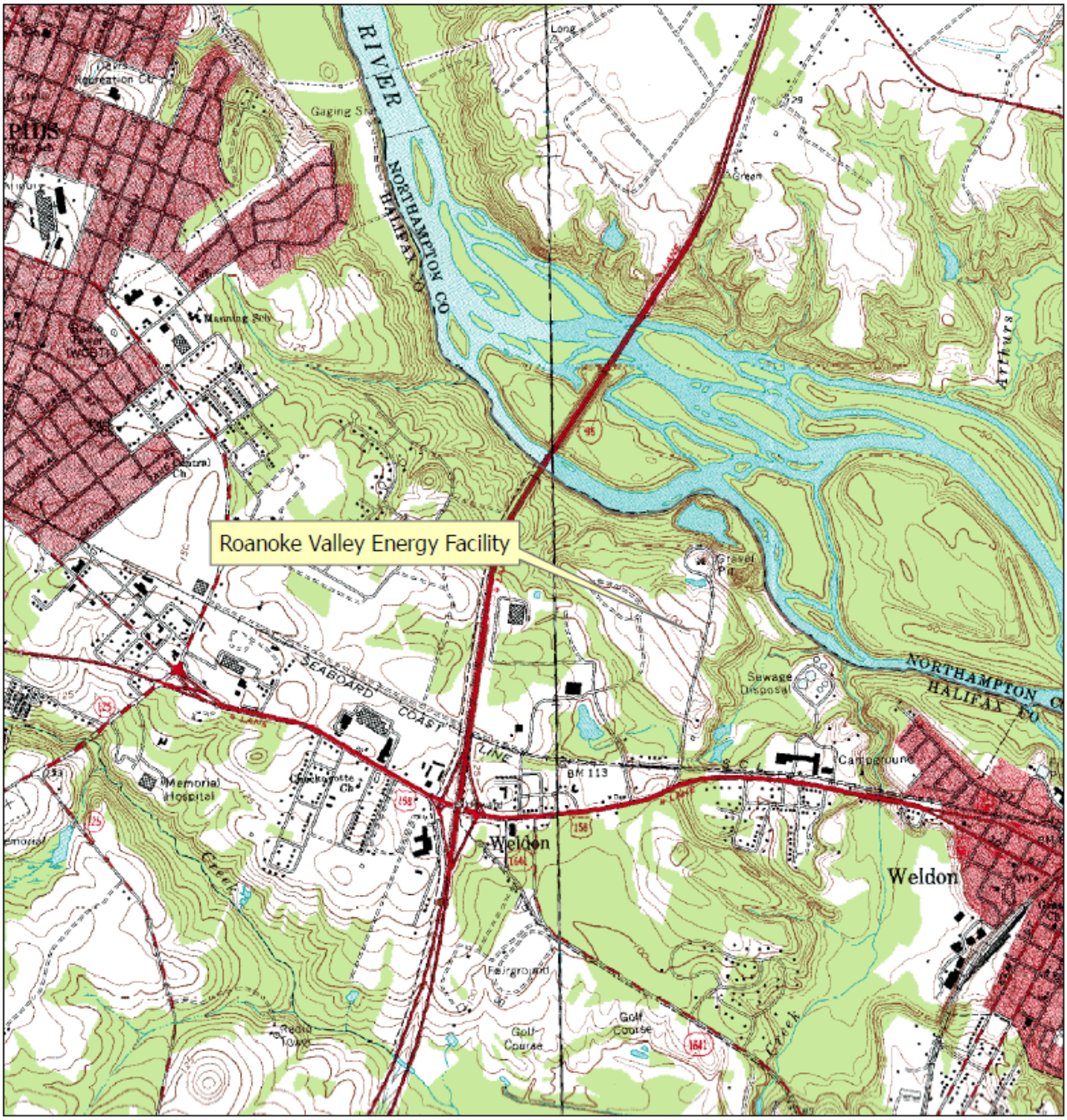
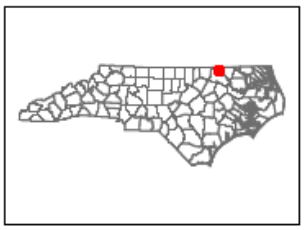
## SECTION C: LOCATION MAP




**NCS000229**

**Westmoreland Partners, LLC**
**Roanoke Valley Energy Facility**

Latitude: 36° 25' 38" N
Longitude: 77° 35' 46" W
County: Halifax
Receiving Stream: Roanoke River
Stream Class: C
Stream Index: 23-(26) (Roanoke River Basin)



**Facility Location**

# PART II MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

## SECTION A: STORMWATER POLLUTION PREVENTION PLAN

The permittee shall **develop and implement** a Stormwater Pollution Prevention Plan (SPPP). The SPPP shall be maintained on site unless exempted from this requirement by the Division. The SPPP is public information in accordance with Part III, Standard Conditions, Section E, paragraph 3 of this permit. The SPPP should also specifically and separately address deconstruction, demolition, coal, and/or coal ash hauling or disposal activities. 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 appropriately drafted 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. The narrative should also reference deconstruction, demolition, coal, and/or coal ash hauling or disposal activities where applicable.

   (c) A **site map** drawn at a scale sufficient to clearly depict: the site property boundary; the stormwater 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.

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(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.** For any non-stormwater discharge identified, the permittee shall indicate how that discharge is permitted or otherwise authorized. The certification statement will be signed in accordance with the requirements found in Part III, 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. This strategy should also address deconstruction, demolition, coal, and/or coal ash hauling or disposal activities where applicable. 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.

(b) **Secondary Containment Requirements and Records**. Secondary containment is required for: <u>bulk storage of liquid materials</u>; storage in <u>any amount</u> of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) <u>water priority chemicals</u>; and storage in <u>any amount of hazardous substances</u>, 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

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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.

In addition to secondary containment for tankage, the permittee shall provide drip pans or other similar protection measures for truck or rail car liquid loading and unloading stations.

(c) **BMP Summary**. A listing of site structural and non-structural Best Management Practices (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 should also address deconstruction, demolition, coal, and/or coal ash hauling or disposal activities where applicable. The permittee shall refer to the BMPs described in EPA's Multi-Sector Permit (MSGP) and Industrial Stormwater Fact Sheet for Steam Electric Power Generating Facilities (EPA-833-F-06-030) for guidance on BMPs that may be appropriate for this site. 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

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compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded and maintained in the SPPP. The program should also address deconstruction, demolition, coal, and/or coal ash hauling or disposal activities where applicable. The Good Housekeeping Program shall also include, but not be limited to, BMPs to accomplish the following:

(a) Minimize contamination of stormwater runoff from oil-bearing equipment in switchyard areas;
(b) Minimize contamination of stormwater runoff from delivery vehicles and rail cars arriving and departing the plant site;
(c) Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles as necessary; and
(d) Reduce or control the tracking of ash and residue from ash loading and storage areas.

5. **Facility Inspections**. Inspections of the facility (including tanks, pipes, and equipment) 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 II 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 recorded in the SPPP and documented either by the signature of each employee trained <u>or</u> by a printout of the electronic record of the training.

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:

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(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 discharges* (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 III, 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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## SECTION B: ANALYTICAL MONITORING REQUIREMENTS

Analytical monitoring of stormwater discharges shall be performed as specified in **Table 1**. All analytical monitoring shall be performed during a **measureable storm event** at each stormwater discharge outfall (SDO). Only SDOs discharging *stormwater associated with industrial activity* must be sampled (See Definitions).

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| 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 does not apply if the permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and the permittee obtains approval from the local DEMLR Regional Engineer. *See Definitions.* |

**Wastewater outfalls 1 and 2 are not covered under this stormwater permit** as they are permitted by and discharge to the Town of Weldon POTW under IUP #001.

The following parameters shall be monitored during a measurable storm event from **Outfalls 3, 4, 5, and 6**.

**Table 1. Analytical Monitoring Requirements for Outfalls 3, 4, 5, and 6**

| Discharge Characteristics | Units | Measurement Frequency[1] | Sample Type[2] | Sample Location[3] |
|---|---|---|---|---|
| Total Suspended Solids (TSS) | mg/L | Semi-annual (quarterly, *during ash transport*) | Grab | SDO |
| pH | standard | Semi-annual (quarterly, *during ash transport*) | Grab | SDO |
| Non-Polar Oil & Grease by *EPA Method 1664 (SGT-HEM)* | mg/L | Semi-annual (quarterly, *during ash transport*) | Grab | SDO |
| 40 CFR Part 423 Appendix A: Additional Priority Pollutant Metals – Ag, As, Be, Cd, Cr, Cu, Hg[4], Ni, Pb, Sb, Se, Tl, Zn | mg/L | Semi-annual (quarterly, *during ash transport*) | Grab | SDO |
| Boron | mg/L | Semi-annual (quarterly, *during ash transport*) | Grab | SDO |
| Total Rainfall[5] | inches | Semi-annual (quarterly, *during ash transport*) | Rain Gauge | - |

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Footnotes:

1 Measurement Frequency: Twice per year (unless other provisions of this permit prompt 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 Three response actions under the previous 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. When physical separation between outfalls prevents collecting all samples within the first 30 minutes, sampling shall begin 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. The permittee may petition the Director for ROS using DEMLR's ROS Request Form. DEMLR may grant ROS if stormwater discharges from a single outfall are representative of discharges from multiple outfalls. Approved ROS will reduce the number of outfalls where the analytical sampling requirements apply and will be documented in a letter to the permittee. A copy of the Division's letter granting ROS shall be kept on site.

4 For each sampled measureable storm event, the total precipitation must be recorded. An on-site rain gauge is required. Where isolated sites are unmanned for extended periods of time, a local rain gauge reading may be substituted for an on-site reading.

Should the permittee **identify or create any new stormwater outfalls** not addressed in this permit; **remove any stormwater outfalls** identified in this permit; or **alter any drainage areas** that change the potential pollutants in runoff discharged through corresponding outfalls (including conducting other types of industrial activities), the permittee will submit a request to NC DEMLR to modify this permit. For any newly discovered pipes or outfalls, the permittee must evaluate the structure and provide a report of the status and planned actions to NC DEQ within 14 days. The permittee must either (1) request modification of this permit and modify the SPPP accordingly, or (2) eliminate potential discharges by removal, plugging, or combination of both.

The permittee shall complete the analytical samplings in accordance with the schedule specified below in **Table 2**, unless *adverse weather* conditions prevent sample collection (see *Adverse Weather* in Definitions). Sampling is not required outside of the facility's normal operating hours. **Until this plant begins operating again; because this plant has been deactivated and is not currently operating, sampling is required when staff or contracted employees are available during a regular business schedule.** A **minimum of 60 days must separate Period 1 and Period 2 sample dates**, unless monthly monitoring has been instituted under a "Tier Two" response. Inability to sample because of adverse weather conditions must be documented in the SPPP and recorded on the DMR. The permittee must report the results from each sample taken within the monitoring period (see Part III, Section E). However, for purposes of benchmark comparison and Tiered response actions, the permittee shall use the analytical results from **the first sample with valid results** within the monitoring period.

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**Table 2. Monitoring Schedule**

| Monitoring period[1,2] | Sample Number | Start | End |
|---|---|---|---|
| Year 1 – Period 1 | 1 | January 1, 2018 | June 30, 2018 |
| Year 1 – Period 2 | 2 | July 1, 2018 | December 31, 2018 |
| Year 2 – Period 1 | 3 | January 1, 2019 | June 30, 2019 |
| Year 2 – Period 2 | 4 | July 1, 2019 | December 31, 2019 |
| Year 3 – Period 1 | 5 | January 1, 2020 | June 30, 2020 |
| Year 3 – Period 2 | 6 | July 1, 2020 | December 31, 2020 |
| Year 4 – Period 1 | 7 | January 1, 2021 | June 30, 2021 |
| Year 4 – Period 2 | 8 | July 1, 2021 | December 31, 2021 |
| Year 5 – Period 1 | 9 | January 1, 2022 | June 30, 2022 |
| Year 5 – Period 2 | 10 | July 1, 2022 | October 31, 2022 |

Footnotes:

1 Maintain monitoring at the frequency is Table 1 until either another permit is issued for this facility or until this permit is revoked or rescinded. The permittee must submit an application for renewal of coverage before the submittal deadline (180 days before expiration) to be considered for renewed coverage under the permit. The permittee must continue analytical monitoring throughout the permit renewal process, even if a renewal permit is not issued until after expiration of this permit.

2 If no discharge occurs during the sampling period, the permittee must submit a monitoring report indicating "No Flow" or "No Discharge" within 30 days of the end of the sampling period.

Failure to monitor semi-annually per permit terms may result in the Division requiring **monthly monitoring** for all parameters for a specified time period. "No discharge" from an outfall during a monitoring period does not constitute failure to monitor, as long as it is properly recorded and reported.

The permittee shall compare monitoring 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. See below the descriptions of **Tier One**, **Tier Two**, and **Tier Three** response actions below. In the event that the Division releases the permittee from continued monthly monitoring and reporting under Tier Two or Tier Three, the Division's release letter may remain in effect through subsequent reissuance of this permit, unless the release letter provides for other conditions or duration.

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**Table 3. Benchmark Values for Analytical Monitoring**

| Parameter Code | Discharge Characteristics | Units | Benchmark |
|---|---|---|---|
| 1097 | Antimony (Sb), Total Recoverable | mg/L | 0.09 |
| 1002 | Arsenic (As), Total Recoverable | mg/L | 0.34 |
| 1012 | Beryllium (Be), Total Recoverable | mg/L | 0.065 |
| 1027 | Cadmium (Cd), Total Recoverable[1] | mg/L | 0.003 |
| 1034 | Chromium (Cr), Total Recoverable[1] | mg/L | 0.9 |
| 1119 | Copper (Cu), Total Recoverable[1] | mg/L | 0.010 |
| 1051 | Lead (Pb), Total Recoverable[1] | mg/L | 0.075 |
| 71900 | Mercury (Hg), Total Recoverable[2] | ng/L | N/A[2] |
| 1067 | Nickel (Ni), Total Recoverable[1] | mg/L | 0.335 |
| 1147 | Selenium (Se), Total Recoverable | mg/L | 0.056 |
| 1077 | Silver (Ag), Total Recoverable[1] | mg/L | 0.0003 |
| 1094 | Zinc (Zn), Total Recoverable[1] | mg/L | 0.126 |
| 530 | Total Suspended Solids (TSS) | mg/L | 100 |
| 552 | Non-Polar Oil & Grease by *EPA Method 1664 (SGT-HEM)* | mg/L | 15 |
| 400 | pH[3] | standard | 6 – 9[3] |
| 1022 | Boron (B) | mg/L | N/A (monitor only) |
| 1059 | Thallium (Tl), Total Recoverable[1] | mg/L | N/A (monitor only) |
| 46529 | Total Rainfall | inches | N/A |

Footnotes:

1 Hardness- dependent. Benchmark based on translation of dissolved value into total recoverable with an assumed hardness of 25 mg/l and a total suspended solids (TSS) concentration of 10 mg/L.

2 Values above the North Carolina water quality standard for mercury (12 ng/l) should be noted on the DMR but **do not trigger Tier responses**. *Concentrations in field blanks or method blanks associated with the sample may be subtracted from the results for that sample, as long as all documentation of the adjustment is provided with the DMR.*

3 If pH values less than 6 are recorded, but ambient precipitation pH levels are lower, then the lower threshold of this benchmark range is the pH of the precipitation (within instrument accuracy) instead of 6 S.U. Readings from an on-site or local rain gauge (or local precipitation data) must be documented to demonstrate background concentrations were below the benchmark pH range of 6- 9.

The benchmark values in **Table 3** are not permit limits but should be used as guidelines for implementation of the permittee's SPPP. An **exceedance of a stormwater benchmark value is not a permit violation**; however, failure to respond to the exceedance as outlined in this permit is a violation of permit conditions.

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| **Tier One** |
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| **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:<br>1. Conduct a stormwater management inspection of the facility **within two weeks of receiving sampling results.**<br>2. Identify and evaluate possible causes of the benchmark value exceedance.<br>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.<br>4. Implement the selected feasible actions **within two months of the inspection.**<br>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.<br>6. Immediately institute monthly monitoring and reporting for all parameters. The permittee shall conduct monthly monitoring at every outfall where a sampling result exceeded the benchmark value. Monthly (analytical and qualitative) monitoring shall continue until three consecutive sample results are below the benchmark values or within benchmark range.<br>7. 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.<br>8. 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 (discounting 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:<br>1. Repeat all the required actions outlined above in Tier One.<br>2. Continue monthly monitoring and reporting for <u>all parameters</u>. Conduct monthly monitoring at every outfall where a specific 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.<br>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.<br>4. *Alternatively,* in lieu of steps 2 and 3, the permittee may, after two consecutive exceedances, contact 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.<br>5. If pursuing this option, the permittee may propose an **alternative monitoring plan** for approval by the Regional Engineer.<br>6. Maintain a record of the Tier Two response in the SPPP.<br>7. 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**:<br>• require that the permittee revise, increase, or decrease the monitoring and reporting frequency for some or all of the parameters herein;<br>• require sampling of additional or substitute parameters;<br>• require the permittee to install structural stormwater controls;<br>• require the permittee to implement other stormwater control measures;<br>• require the permittee to perform upstream and downstream monitoring to characterize impacts on receiving waters; or<br>• require the permittee to continue Tier Three obligations through the permit renewal process. |

Stormwater discharges enter the Roanoke River, which is subject to the state-wide TMDL for <u>mercury</u>. If this portion of the receiving water becomes impaired for other pollutants, or if additional TMDLs are approved, the permittee may be required to monitor for the pollutant(s) of concern in the future and submit results to the Division. The Division will consider the monitoring results in determining whether additional BMPs are needed to control the pollutant(s) of concern to the maximum extent practicable.

If additional BMPs are needed to achieve the required level of control in response to existing or future impairments or approved TMDLs, the permittee will be required to (1) develop a strategy for implementing appropriate BMPs, and (2) submit a timetable for incorporation of those BMPs into the Stormwater Pollution Prevention Plan.

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## SECTION C: QUALITATIVE MONITORING REQUIREMENTS

The purpose of qualitative monitoring is to evaluate the effectiveness of the Stormwater Pollution Prevention Plan (SPPP) and identify new potential 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 *regardless of* representative outfall status. Qualitative monitoring shall be performed quarterly as specified in **Table 4**, and during required analytical monitoring events (unless the permittee is required to perform further qualitative monitoring per the **Qualitative Monitoring Response**, below). Inability to monitor because of adverse weather conditions must be documented in the SPPP and recorded on the Qualitative Monitoring Report form (see *Adverse Weather* in Definitions). 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 4. Qualitative Monitoring Requirements**

| Discharge Characteristics | Frequency[1] | Monitoring Location[2] |
|---|---|---|
| Color | quarterly | SDO |
| Odor | quarterly | SDO |
| Clarity | quarterly | SDO |
| Floating Solids | quarterly | SDO |
| Suspended Solids | quarterly | SDO |
| Foam | quarterly | SDO |
| Oil Sheen | quarterly | SDO |
| Erosion or deposition at the outfall | quarterly | SDO |
| Other obvious indicators of stormwater pollution | quarterly | SDO |

Footnotes:

1 Monitoring Frequency: Four times per year during a **measureable storm event** unless other provisions of this permit prompt monthly monitoring. See **Table 5** for schedule of monitoring periods through the end of this permitting cycle. The permittee must continue qualitative monitoring throughout the permit renewal process until a new permit is issued.

2 Monitoring Location: Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status.

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**Table 5 Qualitative Monitoring Schedule (Quarterly)**

| Monitoring period[1,2] | Sample Number | Start | End |
|---|---|---|---|
| Year 1 – Period 1 | 1 | January 1, 2018 | March 31, 2018 |
| Year 1 – Period 2 | 2 | April 1, 2018 | June 30, 2018 |
| Year 1 – Period 3 | 3 | July 1, 2018 | September 30, 2018 |
| Year 1 – Period 4 | 4 | October 1, 2018 | December 31, 2018 |
| Year 2 – Period 1 | 5 | January 1, 2019 | March 31, 2019 |
| Year 2 – Period 2 | 6 | April 1, 2019 | June 30, 2019 |
| Year 2 – Period 3 | 7 | July 1, 2019 | September 30, 2019 |
| Year 2 – Period 4 | 8 | October 1, 2019 | December 31, 2019 |
| Year 3 – Period 1 | 9 | January 1, 2020 | March 31, 2020 |
| Year 3 – Period 2 | 10 | April 1, 2020 | June 30, 2020 |
| Year 3 – Period 3 | 11 | July 1, 2020 | September 30, 2020 |
| Year 3 – Period 4 | 12 | October 1, 2020 | December 31, 2020 |
| Year 4 – Period 1 | 13 | January 1, 2021 | March 31, 2021 |
| Year 4 – Period 2 | 14 | April 1, 2021 | June 30, 2021 |
| Year 4 – Period 3 | 15 | July 1, 2021 | September 30, 2021 |
| Year 4 – Period 4 | 16 | October 1, 2021 | December 31, 2021 |
| Year 5 – Period 1 | 17 | January 1, 2022 | March 31, 2022 |
| Year 5 – Period 2 | 18 | April 1, 2022 | June 30, 2022 |
| Year 5 – Period 3 | 19 | July 1, 2022 | September 30, 2022 |
| Year 5 – Period 4 | 20 | October 1, 2022 | December 31, 2022 |
| Continued Schedule | 21 | January 1, 2023 | Renewal Obtained |

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Footnotes:

1 Maintain quarterly monitoring until either another permit is issued for this facility or until this permit is revoked or rescinded. The permittee must continue qualitative monitoring throughout the permit renewal process, even if a renewal permit is not issued until after expiration of this permit.

2 If no discharge occurs during the sampling period, the permittee must complete a monitoring report indicating "No Flow" or "No Discharge" within 30 days of the end of the sampling period.

Failure to monitor quarterly per permit terms may result in the Division requiring **monthly monitoring** for all parameters for a specified time period. "No discharge" from an outfall during a monitoring period does not constitute failure to monitor, as long as it is properly recorded.

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 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 Stormwater Pollution Prevention Plan.

| Qualitative Monitoring Response |
| --- |
| Qualitative monitoring is for the purposes of evaluating SPPP effectiveness, identifying new potential 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, **the Division may but is not limited to:**<br>• require that the permittee revise, increase, or decrease the monitoring frequency for some or all parameters (analytical or qualitative)<br>• require the permittee to install structural stormwater controls;<br>• require the permittee to implement other stormwater control measures;<br>• require the permittee to perform upstream and downstream monitoring to characterize impacts on receiving waters. |

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## SECTION D: 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, 2015.

NOTE: This special condition supplements or supersedes the following sections within Part III of this permit (*Standard Conditions for NPDES 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, signing, and submitting one signed original and a copy of the computer printed eDMR to the following address:

NC Dept. of Environmental Quality
DWR **Central Files**
512 N. Salisbury St.
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**.

## 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

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## 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 per sons 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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## 4. Records Retention [Supplements Section D. (6.)]

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].

# PART III STANDARD CONDITIONS FOR NPDES STORMWATER INDIVIDUAL 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 12 months of the effective date of the initial permit and updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of this permit, shall be accomplished within 12 months of the effective date of the initial permit issuance.

**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 II, Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of stormwater discharges from the operation of the industrial activity.

**Existing facilities previously permitted and applying for renewal:** 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 this permit. 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 permit and updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of stormwater discharges from the operation of the industrial activity.

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2. Duty to Comply

The permittee must comply with all conditions of this 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 permit has not yet been modified to incorporate the requirement [40 CFR 122.41].

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

c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both [33 USC 1319(c)(1) and 40 CFR 122.41(a)(2)].

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

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

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

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

3. Duty to Mitigate
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this 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 III, Section C of this 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 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.

6. Property Rights
The issuance of this 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)].

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7. Severability
The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this 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 permit issued pursuant to this permit or to determine compliance with this permit. The permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required to be kept by this 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 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 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 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
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit [40 CFR 122.41(b)].

**SECTION B: GENERAL CONDITIONS**

1. Permit Expiration
The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit forms and fees as are required by the agency authorized to issue permits **no later than 180 days prior to the expiration date**, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit) [40 CFR 122.21(d)]. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subjected to enforcement procedures as provided in NCGS §143-215.36 and 33 USC 1251 et. seq.

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2. Transfers

This 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 permit, 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. 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 permit applications 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 .

(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 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].

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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."*

4. Permit Modification, Revocation and Reissuance, or Termination
The issuance of this permit does not prohibit the Permit Issuing Authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the 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.

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

6. 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 the Division to initiate action to revoke the permit.

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**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 permit [40 CFR 122.41(c)].

3. Bypassing of Stormwater Control Facilities
Bypass is prohibited and the Director 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 III, Section E of this permit.

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

**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 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 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 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 permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

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 sampling requirements may be performed at a reduced number of outfalls.

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6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. 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 permit, including Discharge Monitoring Reports (DMRs),
- copies of all data used to complete the application for this 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 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 permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this 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 permit shall be submitted to the Division 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). 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 **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 permit using test procedures approved under 40 CFR Part 136 and at a sampling location specified in this 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 the Division's specific requirement to do so. Qualitative Monitoring Report forms are available at the website above.

2. Submitting Reports
Two signed copies of Discharge Monitoring Reports (DMRs) shall be submitted to:

NC Dept. of Environmental Quality
DWR **Central Files**
512 N. Salisbury St.
1617 Mail Service Center
Raleigh, NC 27699-1617

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 of this permit 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 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 permit or subject to notification requirements under 40 CFR Part 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 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 IV of this 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.

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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 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 permit application, or submitted incorrect information in a permit 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 IV 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 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 permit regulates stormwater discharges. However, 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, 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 stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.

6. Bulk Storage of Liquid Products
Liquid raw materials, intermediate products, manufactured products, waste materials, or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers located in close proximity to each other having a total combined storage 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 any 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.

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

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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) must be taken within the first 30 minutes of discharge.

13. Hazardous Substance
Any substance designated under 40 CFR Part 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 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 [40 CFR 122.26 (b)(14)]. 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
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 this 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.

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

23. 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.

24. Section 313 Water Priority Chemical
A chemical or chemical category which:
a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
c. Meets at least one of the following criteria:
    i. Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
    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.

25. 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.

26. 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.

27. 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).

28. 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.

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

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30. 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.

31. Stormwater Pollution Prevention Plan
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.

32. 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.

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

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

35. 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.

36. 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.

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