

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

GENERAL PERMIT NCG530000

to discharge from seafood packing and rinsing, aquatic animal operations,
and similarly designated wastewaters under the

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)

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, this permit is hereby issued to all owners or operators, hereafter Permittees, covered by this permit as evidenced by receipt of a Certificate of Coverage (COC) issued by the Environmental Management Commission to allow the discharge of wastewater in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

This permit shall become effective **March 1, 2018**.

This permit shall expire at midnight on **March 30, 2021**.



For

Linda Culpepper
Interim Director, Division of Water Resources
By Authority of the Environmental Management Commission

PART I.**MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES****SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

[15A NCAC 02B .0400 et seq., 02B .0500 et seq.]

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfalls numbered serially beginning with 001. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location
Flow				Annually	Estimate	Effluent
Total Suspended Solids ¹	30.0 mg/L		60.0 mg/L ¹	Annually	Grab	Effluent
Settleable Solids	5.0 ml/L		10.0 ml/L	Annually	Grab	Effluent
Dissolved Oxygen ²				Annually	Grab	Effluent

Footnotes:

- (1) If the Permittee discharges to a stream classified as High Quality Waters (**HQW**), the Daily Maximum limit for Total Suspended Solids shall not exceed **20.0 mg/L**. If the discharge is to waters classified as Trout (**Tr**), the Daily Maximum limit for Total Suspended Solids shall not exceed **10.0 mg/L** (See Certificate of Coverage [COC] cover letter for receiving-stream classification).
- (2) Daily Average effluent concentration of **Dissolved Oxygen** shall not fall below **6.0 mg/L**.

General Conditions:

- a. Although annual reporting to the Division is not required, routine records maintenance (see Part I Section E. Best Management Practices [BMP] Plan) is required; each item, including laboratory monitoring data, is to be kept onsite for a minimum of three (3) years, available for inspection upon request by the Division.
- b. Effluent **pH** for classified **freshwater** shall not fall below **6.0** nor exceed **9.0** standard units.
- c. Effluent **pH** for classified **saltwater** shall not fall below **6.8** nor exceed **8.5** standard units.
- d. The Permittee shall discharge no floating solids or foam.
- e. CAAP facilities discharging to a waterbody classified Nutrient Sensitive Waters (**NSW**) shall use low-phosphorus food (see Certificate of Coverage [COC] for receiving-stream classification).
- f. No fish/seafood offal or fish/seafood carcasses shall discharge from any facility covered by this General Permit.

NOTE: Special Condition - Section E: This Certificate of Coverage (COC) requires the Permittee to submit to the Division a written plan addressing Operation and Maintenance Best Management Practices (BMPs) in accord with Part 1, Section E. of this permit. Compliance with Section E. shall commence on the anniversary of the effective date, one (1) year from the issuance of the Certificate of Coverage (COC).

SECTION B. SCHEDULE OF COMPLIANCE

[G.S. 143-215.1(b)]

1. The Permittee shall comply with Final Effluent Limitations by the effective date of the Certificate of Coverage (COC).
2. Permittee shall at all times provide the planning, scheduling and maintenance necessary to operate the existing facilities in accordance with Part II. C. (2) and Part I. Section E. of this permit.
3. The permittee shall at all times manage accumulated solids in such a manner that accumulated solids are not discharged to the receiving stream. Sweeping, raking, or otherwise intentionally discharging accumulated solids from raceways or ponds to the receiving stream is prohibited.

SECTION C. APPLICABILITY

[40 CFR 122; NCGS 143-215]

1. This General Permit covers point-source discharges from Concentrated Aquatic Animal Production (CAAP) facilities, seafood/fish packing and rinsing operations, and any other discharge deemed by the Division to be similar.
2. A **Concentrated Aquatic Animal Production (CAAP)** facility, subject to the NPDES program is defined, but not limited to, a hatchery, fish farm, pond, raceway, net pen, submerged cage system, recirculating system, flow-through system, or similarly structured facility that meet Cold- or Warm-Water definitions and criteria.
 - a. **Cold-Water** species facilities that meet or exceed all three (3) of the following:
 - (1) produce a minimum 20,000 lbs (9,072 kilos) harvest-weight of aquatic animals per year, and
 - (2) feed more than 5,000 lbs (2,268 kilos) of fish food per calendar month, and
 - (3) discharge more than **30 days per year**.
 - b. **Warm-Water** species facilities that meet or exceed both of the following:
 - (1) produce a minimum 100,000 lbs (45,359 kilos) harvest-weight of aquatic animals per year, and
 - (2) discharge more than **30 days per year**.
 - c. The Director may designate **any** cold or warm water aquatic animal production facility a Concentrated Aquatic Animal Production (CAAP) facility, or may require an individual NPDES permit, upon determining that it is a significant contributor of pollution to the surface waters of North Carolina.
3. This General Permit does **not** apply to seafood/fish processing (requiring regulation under Federal Guidelines), and/or to CAAP facilities deemed to require an individual NPDES permit. Facilities not meeting the minimum requirements of CAAP, as herein defined, are exempt from monitoring and reporting under this permit.

SECTION D. DISCHARGE CHARACTERISTICS

[40 CFR 122.41; NCGS 143-215]

1. Activities Covered by This General Permit

This General Permit covers point source discharges originating from seafood **packing & rinsing operations**, as defined by 15A NCAC 2H .0103 (19), and from fish farms and hatcheries defined as Concentrated Aquatic Animal Production (CAAP) facilities with production levels above specified minimums (see permit Part I, Section C. Applicability [a], [b], and [c]), and any other discharges deemed similar by the Director.

This General Permit **specifically excludes** seafood/fish-processing deemed process-contact waste-generating activities (including but not limited to, gutting, cutting, picking, shucking, cooking, steaming, rendering) requiring an individual NPDES permit under **40 CFR 408**, Subparts A through AG, or other facility deemed by the Division to require an individual NPDES permit.

2. Geographic Area(s) Covered by This General Permit

This General Permit covers discharges located within the political boundary of the State of North Carolina. (Exception: Discharges located on the Cherokee Indian Tribal Reservation subject to permitting by the US Environmental Protection Agency.)

3. Receiving Waters

Receiving waters include all surface waters of the State of North Carolina including separate municipal storm sewer systems conveying water to these surface waters.

4. Wastewater Characteristics

Discharges consist of seafood/fish rinse water or wash-down water only, or effluents from Concentrated Aquatic Animal Production (CAAP) facilities, as defined by this permit. These wastewaters may contain solids as mud, sand or vegetation, fish food and drugs, accumulated during or after the hatchery and recovery of fish or seafood.

SECTION E. SPECIAL CONDITION – BEST MANAGEMENT PRACTICES (BMP) PLAN

[NCGS 143-215.1(b)]

Fish food-production facilities defined by this permit as Concentrated Aquatic Animal Production (CAAP) facilities (See Part I, Section C. Applicability), and process greater than 100,000 pounds of product per year, shall develop and maintain a written BMP plan describing how to achieve compliance with EPA **40 CFR Sec. 451.11(a) through (e) or Sec. 451.21(a) through (h)**. Subject to this Part, the Permittee shall certify in writing to the Division that a BMP Plan has been developed and implemented, and make the plan available to the Division.

This permit also defines narrative conditions to address the potential for CAAP wastewaters to impact the environment such as equipment/component failure and spilled materials (drugs, pesticides, fish carcasses, viscera, excess feed, feed bags, packaging materials, netting and/or other wastes). The following summarizes these narrative limitations to be addressed or referenced in the BMP Plan.

1. Operation and Maintenance BMP Plan. Within one (1) year of the COC effective date, the CAAP facility owner or designated operator must developed and implement an Operations and Maintenance BMP Plan, as defined herein (in accord with **40 CFR 451.3**), and certify in writing by submitting a copy of this plan to the Division. The BMP Plan shall include regular records keeping; each sample, analysis, measurement, report or application to remain onsite for a minimum of three (3) years, available for Division inspection. The BMP Plan shall be updated annually and a copy dated and signed by the facility manager, shall be kept onsite and be available for inspection. This BMP Plan shall address, at a minimum, the following:

- a. **Materials Management** – CAAP facilities shall ensure proper storage of drugs, pesticides and feed to prevent spills and any resulting discharges of drugs and pesticides. The BMP plan shall describe how the facility minimizes solids discharges and how it complies with prohibitions on the discarding of feedbags and/or other solid waste materials. Equipment used to manage solids or otherwise control the discharge of floating, suspended or submerged matter shall be cleaned and maintained at a sufficient frequency to prevent the discharge of floating, suspended or submerged matter. Net pens must minimize the accumulation of uneaten feed beneath the pens through active feed-monitoring and management strategies.
 - b. **Inspection and Maintain of Facilities and Containment Structures** – The Permittee shall provide inspection and regular maintenance of all CAAP production and treatment systems to prevent structural damage.
 - c. **Spill Response and Prevention** – The Permittee shall define and implement procedures, and acquire any relevant materials and equipment necessary to contain and respond to loss of fish, fish parts and offal, feed, pesticides, drugs, or other materials potentially hazardous to the waters of the state.
 - d. **Training** – The Permittee shall train personnel in the responsible use and handling of materials, effective facility inspections, and maintenance of CAAP systems (as described above). Training shall include documenting and reporting to the Division any spill, containment-structure failure, or drug use (see Reporting Requirements).
2. **Reporting Requirements.** As a means to prevent adverse impacts in the receiving stream, the Division requires reporting of facility damage, material spills, voluntary or involuntary drug testing, and drug use. The Division expects facilities to implement proper storage for these products, and implement procedures for containing, cleaning and disposing of spilled material. CAAP facilities shall make oral and written reports to the Division (See **40 CFR 451.3**), as follows.
- a. **Spills** – the Permittee shall alert the Division to any loss of hazardous materials such drugs, pesticides or feed with potential impact to the environment. The Permittee shall make an oral report to the Division **within 24 hours** of the spill's occurrence followed by a written report **within 5 days**. The report shall identify the material spilled and estimate the amount (**40 CFR 451.3**). Upon receiving the oral report, the Division may on a case-by-case basis, differ the requirement for a written report.
 - b. **Damage or Breach of Containment Structures** – the Permittee shall alert the Division to any damage to containment structures such as berms, containers, ponds or nets that results in a loss of materials hazardous to the receiving stream. The Permittee shall make an oral report to the Division **within 24 hours** of the spill's occurrence followed by a written report **within 5 days**. The report shall identify the material spilled and estimate the amount spilled (**40 CFR 451.3**). Upon receiving the oral report, the Division may on a case-by-case basis, differ the requirement for a written report.
 - c. **Participation in INAD Testing and the Use of Extralabel Drugs** – CAAP facilities must notify the Division in writing **within 5 days** of volunteering to participate in investigational new animal drug (INAD) testing, in accordance with **40 CFR 451.3**. The Permittee shall report the intended use of INADs and any extralabel drugs both orally and in writing. Based on the oral report, the Division may implement site-specific action, as warranted. The written report shall identify and confirm the use of the drug, and provide more complete data for future analysis and measures control.
- INAD or Extralabel Drug Reporting Exception:** If the Division has already approved a Permittee's use of a specific INAD or extralabel drug, additional approval to treat another species, or to treat another disease using this INAD or extralabel drug, is not necessary provided that the Permittee maintain similar treatment conditions and restrict the dosage not-to-exceed the approved dosage (See **40 CFR 451.3**).

SECTION F. NOTICE OF INTENT

[40 CFR 122.41(b)]

Individuals intending to obtain coverage under this General Permit shall submit a Notice of Intent (NOI) and an Application for Certificate of Coverage (COC). A current version of these documents can be obtained by contacting the Water Quality Permitting Section / NPDES Wastewater Permitting Unit at 919-807-6377, or may be downloaded from the internet at: <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/npdes-permitting/general>.

NOIs must be signed and submitted to:

Division of Water Resources
Water Quality Permitting Section - NPDES
1617 Mail Service Center
Raleigh, NC 27699-1617

Applicants who have submitted an NOI are **not** authorized to discharge until the Division issues a Certificate of Coverage. In general, the NOI shall include the following information:

1. The mailing address and telephone number for the owner and/or operator.
2. The facility name, address, and telephone number where the discharge will occur.
3. The permit number of any NPDES permit(s) for any discharge(s) from the site.
4. A description of the discharge, including the number of discharge points, the volume of discharge, the frequency of discharge and any treatment methods applied prior to discharge.
5. The name of the receiving waters and the stream classification (if known).
6. An analysis of non-discharge alternatives, including connection to a regional sewer collection system, subsurface disposal and spray irrigation.
7. A 7.5-minute series USGS topographic map clearly indicating the discharge location.
8. Final plans and specifications for the treatment system including all major components (if applicable).
9. Certification that the information contained in the NOI is true, complete, and accurate.