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

GENERAL PERMIT NCG560000

TO DISCHARGE PESTICIDES PRODUCTS UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended, this permit is hereby issued to all applicators, hereafter Permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage (CoC) from the Environmental Management Commission to allow the discharge of Pesticide Products in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

This permit becomes effective on November 1, 2016

This permit and the authorization to discharge expire at midnight, October 31, 2021.

Signed this day September 29, 2016.

for S. Jay Zimmerman, P.G., Director
Division of Water Resources
By Authority of the Environmental Management Commission

1.0 **Coverage under This Permit.** A Permittee generally includes both (1) the entity with control over the financing for, or the decision to perform pesticide applications, including the ability to modify those decisions, that results in a discharge to waters of the State and (2) the entity with day-to-day operational control of or who performs activities (e.g., the application of pesticides) that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves). As such, more than one person may be responsible for compliance with this permit for any single discharge from the application of pesticides.

1.1 **Eligibility**

1.1.1 **Activities Covered.** This permit is available to Permittees who discharge to waters of the state from the application of (1) biological pesticide products or (2) chemical pesticide products that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns:

a. **Mosquito and Other Flying Insect Pest Control** – to control public health/nuisance and other flying insect pests in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.
b. **Aquatic Weed and Algae Control** – to control invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and/or irrigation canals.
c. **Aquatic Animal Pest Control** –to control invasive or other pest animals in water and at water's edge. Animals in this use category include, but are not limited to fish, lampreys, and mollusks.
d. **Forest Canopy Pest Control** - aerial application of a pesticide over a forest canopy to control the population of a pest species where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.
e. **Intrusive Vegetation Control-** to control vegetation along roads, utility rights of way, canals or ditches where to target the intrusive species effectively a portion of the pesticide will unavoidably be applied over or deposited into Water of the State.

1.1.2 **Discharges to Water Quality Impaired Waters.** You are not eligible for coverage under this permit for any discharges from a pesticide application to Waters of the State if the water is identified as impaired by that pesticide or its degradants'. For purposes of this permit, impaired waters are those that have been identified on the North Carolina 303(d) list, available on the Internet [http://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/303d]. If your discharge would not be eligible because the water is listed as impaired for that specific pesticide, but you have evidence that shows the water is no longer impaired, submit any supporting information to the Division with your NOI.

1.2 Coverage under this Permit

1.2.1 How to obtain a CoC. An applicator must:

a. Meet the eligibility requirements identified in Part 1.1, **and**
b. If your operations are identified in Part 1.2.2, submit a complete and accurate NOI.

NOTE: Applicators meeting the eligibility provisions outlined in Part 1.1 and whose discharges are not subject to the requirements to submit an NOI, as identified in Part 1.2.2, are automatically authorized to discharge in compliance with the requirements of this permit

Coverage under this permit is for the Person who filed the NOI, including its employees, contractors, subcontractors, and other agents, for all activities identified on the NOI for the duration of this permit. If a submitted NOI is not timely, accurate, or complete, then any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

1.2.2 Persons required to submit an NOI. The following applicators are required to submit an NOI to obtain coverage under this permit:

a. If you are in control over the financing for, or over the decision to perform pest control activities that will result in a discharge and know or reasonably should have known that those activities will exceed one or more of the annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A, or
b. If you apply pesticides that result in a discharge and know or reasonably should have known that those activities will exceed one or more of the pesticide application annual (i.e., calendar year) treatment area thresholds listed in Table 1 below for the "treatment area," as defined in Appendix A. To determine whether an entity's activities will exceed one or more of the annual treatment area thresholds, the entity should exclude from its calculation any pesticide application activities conducted under another entity's NOI required under (a) above.
c. Application of pesticides by a licensed researcher by or in conjunction with a manufacturer, university or similar organizations are exempt from this permit

Note: Federal Rules 40 CFR 122.3 lists exclusions from the NPDES program. The exclusion list includes the introduction of pollutants from non-point source agricultural and silvacultural activities, including storm water runoff from orchards, cultivated crops and range lands and forest lands and return flows from irrigated agriculture.

Table 1. Annual Treatment Area Thresholds	
Pesticide Use	**Annual Threshold**
Mosquitoes and Other Flying Insect Pests	15,000 acres of treatment area (adulticide applications only) [1]
Aquatic Weed and Algae Control:	
- In Water	1000 acres of treatment area
- At Water's Edge:	200 linear miles of treatment area at water's edge
Aquatic Nuisance Animal Control:	
- In Water	200 acres of treatment area
- At Water's Edge	200 linear miles of treatment area at water's edge
Forest Canopy Pest Control	10,000 acres
Intrusive Vegetation Control	500 linear miles

[1] Multiple applications to the same area are added together only for mosquito and other flying pest control

1.2.3 **Discharge Authorization Date.** Beginning November 1, 2016 you must be covered under an NPDES permit for discharges to waters of the state as a result of the application of a pesticide. Permittees are authorized to discharge under this permit consistent with Table 2 below.

Table 2. Discharge Authorization Date		
I. Category	**NOI Submittal Deadline**	**Discharge Authorization Date**
Applicators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	At least 10 days prior to commencement of discharge.	No earlier than 10 days after the Division posts on the Internet receipt of your complete and accurate NOI.
Applicators who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	At least 10 days prior to exceeding an annual treatment area threshold.	Original authorization terminates when annual treatment area threshold is exceeded. Applicator is reauthorized no earlier than 10 days after the Division posts on the Internet receipt of your complete and accurate NOI.
Applicators commencing discharge in response to a declared pest emergency situation as defined in Appendix A.	No later than 30 days after commencement of discharge.	Immediately, for activities conducted in response to declared pest emergency situation.

Timing for NOI submittal is based on when an applicator is aware that pesticide application[s] will exceed an annual treatment area threshold during the calendar year. Based on a review of your NOI or other information, the Division may:

- Delay issuance of your CoC for further review
- Determine that additional technology-based and/or water quality-based effluent limitations are necessary
- Deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

1.2.4 **Continuation of this Permit.** If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

a. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the NOI;
b. The processing of your Rescission Request consistent with Part 1.2.5.1;
c. The issuance or denial of an individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit;
d. A formal permit decision by the Division not to reissue this general permit, at which time the Division will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
e. The Division has informed you that you are no longer covered under this permit.

1.2.5 Rescinding Coverage

1.2.5.1 **Submitting a Rescission Request.** To rescind the Certificate of Coverage, the Permittee must submit a complete and accurate Rescission Request. Authorization to discharge under this permit terminates at midnight of the day that a complete Rescission Request. If you submit a Rescission Request without meeting one or more of the conditions identified in Part 1.2.5.2, then your Notice of Termination is not valid. You are responsible for complying with the terms of this permit until your authorization is terminated. If you met the annual treatment area threshold for having to submit annual reports pursuant to Part 7, you must file an annual report for the portion of the year up through the date of your termination. The annual report is due no later than 45 days after your termination date.

1.2.5.2 **When to Submit a Rescission Request.** Permittees required to submit an NOI as identified in Part 1.2.2 must submit a Rescission Request within 30 days after one or more of the following conditions have been met:

a. A new applicator has taken over responsibility for pest control activities covered under an existing CoC;
b. You have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or
c. You have obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit, unless you obtained

coverage consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.5.3 Applicators covered under this permit that are not required to submit an NOI are terminated from permit coverage when they no longer have a discharge from the application of pesticides or their discharges are covered under an NPDES individual permit or alternative NPDES general permit.

1.3 Individual Permit coverage

1.3.1 **The Division Requiring Coverage under an Alternative Permit.** The Division may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit in accordance with 40 CFR 122.64 and 124.5. If the Division requires you to apply for an individual NPDES permit, the Division will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an applicator whose discharges are authorized under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. the Division may grant additional time to submit the application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this permit and fail to submit an individual NPDES permit application as required by the Division, then the applicability of this permit to you is terminated at the end of the day specified by the Division as the deadline for application submittal. The Division may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2 **Applicator Requesting Coverage under an Alternative Permit.** If you do not want to be covered by this general permit, but need permit coverage, you can apply for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Division at the applicable NC DENR Regional Office listed in Part 8 of this permit. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are warranted.

When an individual NPDES permit is issued to you or you are authorized under an alternative NPDES general permit to discharge a pollutant to waters of the U.S. as a result of a pesticide application, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.4 **Severability.** Invalidation of a portion of this permit does not render the whole permit invalid. The Division's intent is that the permit will remain in effect to the extent possible; in the event that any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless the Division issues a written statement otherwise.

1.5 **Other Federal and State Laws.** You must comply with all other applicable federal and state laws and regulations that pertain to your application of pesticides. For example, this permit does not negate the requirements under FIFRA and its implementing regulations to use registered pesticides consistent with the product's labeling. Additionally, there are other laws and regulations that may apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

2.0 **Technology-Based Effluent Limitations**

To meet the effluent limitations in Part 2, you must implement site-specific control measures that minimize discharges of pesticides to waters of the state.
The terms "minimize" and "control measure" are defined in Appendix A.

2.1. **Minimize Pesticide Discharges to Waters of the State.** All applicators must minimize the discharge of pollutants resulting from the application of pesticides. All applicators must also:

- Apply pesticides at or below the highest rate allowed by the pesticide label.
- Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit.
- Maintain pesticide application equipment in proper operating condition by adhering to relevant manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is calibrated to deliver the appropriate quantity of pesticide needed to achieve greatest efficacy against the target pest.

3.0 **Water Quality-Based Effluent Limitations**

Your discharge must be controlled as necessary to meet applicable numeric and narrative state water quality standards.

If at any time you become aware, or the Division determines, that your discharge causes or contributes to an violation of applicable water quality standards, you must take corrective action as required in Part 6.

4.0 Site Monitoring

4.1 Monitoring Requirements for Pesticide Applicators. You must monitor the amount of pesticide applied to ensure that you are using the lowest amount to effectively control the pest, consistent with reducing the potential for development of pest resistance. You must also monitor your pesticide application activities to ensure you are performing regular maintenance activities and to ensure that your application equipment is in proper operating condition to reduce the potential for leaks, spills, or other unintended discharge of pesticides to waters of the U.S. Additionally, you must monitor your pesticide application activities to ensure that the application equipment is in proper operating condition by adhering to any relevant manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing equipment on a regular basis.

4.2 Visual Monitoring Requirements for all Applicators. All applicators covered under this permit must conduct spot checks in the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. Visual assessments of the application site must be performed:

a. During any post-application surveillance or efficacy check that you conduct, if surveillance or an efficacy check is conducted.
b. During any pesticide application, when considerations for safety and feasibility allow.

5.0. Pesticide Discharge Management Plan

Renewals:
This Part applies to any applicator required to submit an NOI, as required in Part 1.2.2. Some sections of the Pesticide Discharge Management Plan (PDMP) will require input from the pesticide applicator.

New Applicators:
If you are required to submit an NOI, you must prepare a PDMP for your pest management area. You plan must be prepared by April 1, 2017. However, the PDMP does not need to be submitted to the Division of Water Resources unless specifically requested by the Division. You must keep the plan up-to-date thereafter for the duration of coverage under this general permit, even if your discharges subsequently fall below the applicable NOI threshold. You must develop a PDMP consistent with the deadline outlined in Table 3 below:

Table 3. Pesticide Discharge Management Plan Deadline

Category	PDMP Deadline (New applicators)
Permittees who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	Prior to first pesticide application covered under this permit after April 1, 2017
Permittees who do not know or would reasonably not know until after commencement of discharge, that they will exceed an annual treatment area threshold identified in Part 1.2.2 for that year.	Prior to exceeding an annual treatment area threshold after April 1, 2017
Permittees commencing discharge in response to a declared pest emergency situation as defined in Appendix A that will cause the applicator to exceed an annual treatment area threshold.	No later than 90 days after responding to declared pest emergency situation after April 1, 2017

The PDMP does not contain effluent limitations; the limitations are contained in Parts 2 and 3 of the permit. The PDMP documents how you will implement the effluent limitations in Parts 2 and 3 of the permit, including your evaluation and selection of control measures to meet those effluent limitations and minimize discharges. In your PDMP, you may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If you rely upon other documents to describe how you will comply with the effluent limitations in this permit, such as a pre-existing pest management plan, you must attach to your PDMP a copy of any portions of any documents that you are using to document your implementation of the effluent limitations. All permittee subject to the effluent limitations described above must implement control measures to satisfy the effluent limitations in Parts 2 and 3. This includes the permittee who submitted the NOI as well as any employees, contractors, subcontractors, or other agents. The control measures implemented must be documented and the documentation must be kept up-to-date.

5.1 Contents of Your Pesticide Discharge Management Plan

5.1.1 PDMP Team. You must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

a. Person(s) responsible for managing pests in relation to the pest management area
b. Person(s) responsible for developing and revising the PDMP;
c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements ; and
d. Person(s) responsible for pesticide applications. If the pesticide applicator is unknown at the time of plan development, indicate whether or not a for-hire applicator will be used and when you anticipate that you will identify the applicator.

Identification of team members must include any written agreement(s) between you and any other applicator(s), such as a for-hire pesticide applicator, that specify the division of responsibilities between applicators as necessary to comply with the provisions of this permit.

5.1.2 Pest Management Area Description. You must document the following:

a. Pest problem description. Describe the pest problem at your pest management area, including identification of the target pest(s), source of the pest problem, and source of data used to identify the problem
b. General location map. In the plan, include a general surface area map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the service area to which the plan applies and location of the waters of the State

5.1.3 Schedules and Procedures. You must document the following schedules and procedures in your PDMP:

5.1.3.1 Pertaining to Control Measures Used to Comply with the Effluent Limitations in Part 2. The following must be documented in your PDMP:

a. Spill Prevention. Procedures and maintenance activities for preventing spills and leaks of pesticides associated with the application of pesticides covered under this permit.
b. Pesticide Application Equipment. Procedures for maintaining the pesticide application equipment in proper operating condition, including calibrating, cleaning, and repairing the equipment.
c. Pest Surveillance. Procedures and methods for conducting pre- application pest surveillance, if necessary.

5.1.3.2 Pertaining to Other Actions Necessary to Minimize Discharges. The following must be documented in your PDMP:

a. Spill Response Procedures – At a minimum you must have:

1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your PDMP team.
2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

b. Adverse Incident Response Procedures – At a minimum you must have:
   1. Procedures for responding to any incident resulting from pesticide applications;
   2. Procedures for notification of the incident, both internal to your agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

c. Pesticide Monitoring Procedures – You must document procedures for monitoring consistent with the requirements in Part 4 including:
   1. The person (or position) responsible for conducting monitoring; and
   2. Procedures for documenting any observed impacts to non-target organisms resulting from your pesticide discharge.\

5.1.4 **Signature Requirements.** You must sign, date and certify your PDMP in accordance with Appendix B, Subsection B.11.

5.2 **Pesticide Discharge Management Plan Modifications.** You must modify your PDMP whenever necessary to address any of the triggering conditions for corrective action or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to your PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, as soon as possible thereafter. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.

You must review your PDMP at a minimum once per calendar year and whenever necessary to update the pest problem identified and pest management strategies evaluated for your pest management area.

5.3 **Pesticide Discharge Management Plan Availability.** You must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to the Division; a State, Territorial, Tribal, or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS). the Division may provide copies of your PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to the Division, if requested, and may not be withheld from those staff within the Division, FWS, and NMFS cleared for CBI review.

6.0 Corrective Action

6.1 Situations Requiring Revision of Control Measures. If any of the following situations occur, you must review and, as necessary, revise the evaluation and selection of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

a. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
b. You become aware, or the Division concludes, that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
c. Any monitoring activities indicate that you failed to:
    1. Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of pesticides associated with the application of pesticides covered under this permit; or
    2. Maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective pesticide application and pest control. You must ensure that the equipment's rate of pesticide application is calibrated to deliver the precise minimum quantity of pesticide needed to achieve greatest efficacy against the target pest.
d. An inspection or evaluation of your activities by a State official reveals that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
e. You observe, for example, during visual monitoring in Part 4.2, or are otherwise made aware of, an adverse incident, as defined in Appendix A.

6.2. Corrective Action Deadlines. If you determine that changes to your control measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before the next pesticide application that results in a discharge if practicable, or if not, as soon as possible thereafter.

6.3 Effect of Corrective Action. The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting the situation according to Part 6.1 does not absolve you of liability for any original violation. However, failure to comply with Part 6.1 constitutes an additional permit violation. the Division will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

the Division or a court may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 6.1 if such requirements conflict.

6.4 Adverse Incident Documentation and Reporting

6.4.1 Twenty-Four (24) Hour Adverse Incident Notification

If you observe or are otherwise made aware of an adverse incident, as defined in Appendix A, that may have resulted from a discharge from your pesticide application, you must immediately notify your NC DENR Regional Office. This notification must be made by telephone within 24 hours of you becoming aware of the adverse incident and must include at least the following information:

a. The caller's name and telephone number;
b. Applicator name and mailing address;
c. If covered under an NOI, the NOI NPDES tracking number;
d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
e. How and when you became aware of the adverse incident;
f. Description of the location of the adverse incident;
g. Description of the adverse incident identified and the EPA pesticide registration number and brand name for each product you applied in the area of the adverse incident; and
h. Description of any steps you have taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If you are unable to notify the Division within 24 hours, you must do so as soon as possible and also provide your rationale for why you were unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

Reporting of adverse incidents is not required under this permit in the following situations:

(1) You are aware of facts that clearly establish that the adverse incident was not related to toxic effects or exposure from the pesticide application.

(2) You have been notified in writing by the Division that the reporting requirement has been waived for this incident or category of incidents.

(3) You receive information notifying you of an adverse incident but that information is clearly erroneous.

(4) An adverse incident occurs to pests that are similar in kind to pests identified as potential targets on the FIFRA label.

6.4.2 **Thirty (30) Day Adverse Incident Written Report.** Within 30 days of a reportable adverse incident pursuant to Part 6.4.1, you must provide a written report of the adverse incident to the appropriate NC DENR Regional Office. Your adverse incident report must include at least the following information:

a. Information required to be provided in Part 6.4.1;
b. Date and time you contacted the Division notifying the adverse incident and who you spoke with at the Division and any instructions you received from the Division;
c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
e. Magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected);
f. Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, brand name of pesticide product, and EPA registration number;
g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
h. If laboratory tests were performed, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become available;
i. If applicable, explain why you believe the adverse incident could not have been caused by exposure to the pesticide;
j. Actions to be taken to prevent recurrence of adverse incidents; and
k. Signed and dated in accordance with Appendix B, Subsection B.11.

You must report adverse incidents even for those instances when the pesticide labeling states that adverse effects may occur.

6.4.3 **Adverse Incident to Threatened or Endangered Species or Critical Habitat**
Notwithstanding any of the other adverse incident notification requirements of this section, if you become aware of an adverse incident affecting a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from a discharge from your pesticide application, you must immediately notify the National Marine Fisheries Service (NMFS) in the case of an anadromous or marine species, or the U.S. Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species. This notification must be made by telephone immediately upon your becoming aware of the adverse incident and must include at least the following information:

- The caller's name and telephone number;
- Applicator name and mailing address;
- The name of the affected species;
- How and when you became aware of the adverse incident;
- Description of the location of the adverse incident;
- Description of the adverse incident, including the EPA pesticide registration number for each product you applied in the area of the adverse incident; and
- Description of any steps you have taken or will take to alleviate the adverse impact to the species.

Additional information (including contact information for Adverse Incident Reports) on threatened or endangered species and critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

6.5 Reportable Spills and Leaks

6.5.1 Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs in any 24-hour period, you must notify the National Response Center (NRC) immediately at (800) 424-8802 or in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

6.5.2 Five-Day Spill, Leak, or Other Unpermitted Discharge Documentation

Within 5 days of you becoming aware of a spill, leak, or other unpermitted discharge triggering the notification in Part 6.5.1, you must document and retain the following information:

a. Information required to be provided in Part 6.5.1
b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed;
c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

6.6 Other Corrective Action Documentation. For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), you must document the situation triggering corrective action and your planned corrective action within five (5) days of you becoming aware of that situation and retain a copy of this documentation. This documentation must include the following information:

a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
b. Brief description of the situation;
c. Date the problem was identified.
d. Brief description of how the problem was identified and how the applicator learned of the situation and date the applicator learned of the situation;
e. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
f. Any measures to prevent recurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

7.0 Recordkeeping and Reporting

Applicators must keep written records as required by this permit. These records must be accurate and complete and sufficient to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as requirements under FIFRA, and State pesticide programs, provided all requirements of this permit are satisfied.

The Division recommends that all applicators covered under this permit keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help you determine if you will meet the annual treatment area threshold during any calendar year, as identified in Part 1.2.2.

7.1. All applicators must keep the following records:

a. A copy of this permit (an electronic copy is also acceptable)
b. A copy of any Adverse Incident Reports (See Part 6.4.2)
c. Your rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in Part 6.4.1.
d. A copy of any corrective action documentation (See Part 6.6)

7.2. This part applies to any entity required to submit an NOI and to any pesticide applicator hired by such entity to perform activities covered under this permit. Records listed below are required to be kept at the address provided on the NOI, as identified in Part 1.2.2. Records of equipment maintenance and calibration are to be maintained only by the entity performing the pest application activity (on behalf of self or client).

a. A copy of the NOI submitted to the Division, any correspondence exchanged between you and the Division specific to coverage under this permit, and a copy of the acknowledgment letter assigning your CoC number;
b. The date on which you knew or reasonably should have known that you would exceed an annual treatment area threshold during any calendar year, as identified in Part 1.2.2;
c. Target pest(s);
d. Company name and contact information for pesticide applicator
e. Pesticide application date(s);
f. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which you discharged any pesticide(s);
g. Name of each pesticide product used including the EPA registration number;
h. Amount (volume or weight) of pesticide formulation or active ingredient applied per unit of measure (must specify)
i. Any unusual or unexpected effects identified to non-target organisms
j. Documentation of any equipment cleaning, calibration, and repair (to be kept by pesticide application equipment applicator);
k. A copy of your PDMP, including any modifications made to the PDMP during the term of this permit.

7.3. All required records must be documented as soon as possible but no later than 14 days following completion of such activity. You must retain any records required under this permit for at least 3 years from the date that your coverage under this permit expires or is terminated. You must make available to the Division upon request, including an authorized representative of the Division, all records kept under this permit upon request and provide copies of such records, upon request.

7.4 Starting on December 21, 2020, the permittee must electronically report the following NPDES reports, when applicable:

- Notices of intent to discharge (NOIs) under a general permit; and
- Notices of Termination (NOTs) of coverage under a general permit.

The permittee may seek an electronic reporting waiver from the Division (see "How to Request a Waiver from Electronic Reporting" section below).

Electronic Submissions

In accordance with 40 CFR 122.41(l)(9), the permittee must identify the initial recipient at the time of each electronic submission. The permittee should use the EPA's website resources to identify the initial recipient for the electronic submission.

Initial recipient of electronic NPDES information from NPDES-regulated facilities means the entity (EPA or the state authorized by EPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data [see 40 CFR 127.2(b)].

EPA plans to establish a website that will also link to the appropriate electronic reporting tool for each type of electronic submission and for each state. Instructions on how to access and use the appropriate electronic reporting tool will be available as well. Information on EPA's NPDES Electronic Reporting Rule is found at: http://www2.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule.

Electronic submissions must start by the dates listed in the "Reporting Requirements" section above.

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

Appendix A
Definitions, Abbreviations, and Acronyms

Action Threshold – The point at which pest populations or environmental conditions can no longer be tolerated necessitating that pest control action be taken based on economic, human health, aesthetic, or other effects. Sighting a single pest does not always mean control is needed. Action thresholds help determine both the need for control actions and the proper timing of such actions.

Active Ingredient – any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]

Adverse Incident – means an incident that you have observed upon inspection or of which you otherwise become aware, in which:

(1) There is evidence that a person or non-target organism has been exposed to a pesticide residue, and

(2) The person or non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effects" includes effects that occur within waters of the state on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, "toxic or adverse effects," also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to waters of the U.S. that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

Applicator – any entity involved in the application of a pesticide that results in a discharge to waters of the State. that meets either or both of the following two criteria:

(i) The entity has control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or

(ii) The entity has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves).

Best Management Practices (BMPs) – are examples of control measures that may be implemented to meet effluent limitations. These include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to minimize the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, waste disposal, or drainage from raw material storage. [40 CFR 122.2]

Biological Control Agents – These agents are organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. [Source: US FWS IPM Guidance, 2004]

Biological Pesticides (also called biopesticides) - include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

Chemical Pesticides – all pesticides not otherwise classified as biological pesticides.

Clean Water Act (CWA) –Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*

Control Measure – refers to any BMP or other method used to meet the effluent limitations. Control measures must comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, and relevant legal requirements. Additionally, control measures could include other actions that a prudent applicator would implement to reduce and/or eliminate pesticide discharges to waters of the State to comply with the effluent limitations in Parts 2 and 3 of this permit.

Cultural Methods - manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Declared Pest Emergency Situation – An event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a

pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on:
(1) Significant risk to human health;
(2) Significant economic loss; or
(3) Significant risk to:
    (i) Endangered species,
    (ii) Threatened species,
    (iii) Beneficial organisms, or
    (iv) The environment.
[40 CFR 166]

Director – a Regional Administrator of the Environmental Protection Agency or an authorized representative. [excerpted from 40 CFR 122.2]

Discharge – when used without qualification, means the "discharge of a pollutant." [40 CFR 122.2]

Discharge of a pollutant – any addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source," or any addition of any pollutant or combination of pollutants to the water of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into waters of the U.S. from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [excerpted from 40 CFR 122.2]

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – "EPA Approved TMDLs" are those that are developed by a State and approved by EPA. "EPA Established TMDLs" are those that are issued by EPA.

Establishment – generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office).

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]

Federal Facility – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act [7 USC 136 et seq.]

For-Hire Applicator - Includes persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies).

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – A water is impaired for purposes of this permit if it has been identified by a State, Territory, Tribe or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State, Territorial, or Tribal

water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Inert Ingredient - any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product,. [40 CFR 152.3] Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

Integrated Pest Management – is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

Mechanical/Physical Methods - mechanical tools or physical alterations of the environment, for pest prevention or removal.

Minimize - to reduce and/or eliminate pesticide discharges to waters of the U.S. through the use of "control measures" to the extent technologically available and economically practicable and achievable.

Non-target Organisms – includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

North American Industry Classification System (NAICS) – developed under the direction and guidance of the U.S. Office of Management and Budget (OMB) as the standard for use by Federal statistical agencies in classifying business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy. NAICS is scheduled to be reviewed every 5 years for potential revisions with the most recent version being completed in 2007. Under NAICS, an establishment is generally a single physical location where business is conducted or where services or industrial operations are performed (e.g., factory, mill, store, hotel, movie theater, mine, farm, airline terminal, sales office, warehouse, or central administrative office). An enterprise, on the other hand, may consist of more than one location performing the same or different types of economic activities. Each establishment of that enterprise is assigned a NAICS code based on its own primary business activity. Ideally, the primary business activity of an establishment is determined by relative share of production costs and/or capital investment. In practice, other variables, such as revenue, value of shipments, or employment, are used as proxies. For this permit, the U.S. Environmental Protection Agency uses revenue or value of shipments to determine an establishment's primary business activity. Details of NAICS are available on the Internet at http://www.census.gov/eos/www/naics/index.html.

Person – an individual, association, partnership, corporation, municipality, public or private institutions, State or Federal agency, or an agent or employee thereof.

Pest – Consistent with 40 CFR 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is:

(a) Any vertebrate animal other than man;
(b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
(c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
(d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

Pest Management Area – The area of land, including any water, for which you are conducting pest management activities covered by this permit.

Pesticide – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term ''pesticide'' shall not include any article that is a "new animal drug" within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term "pesticide" does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term "critical device" includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term ''semi-critical device'' includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. [FIFRA Section 2(u)]

The term "pesticide" applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA).

Note: drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc).

This permit uses the term "pesticide" when referring to the "pesticide, as applied." When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term "active ingredient."

Pesticide Product – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Research and Development – Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). These types of activities are generally categorized under the four-digit code of 5417 under the 2007 NAICS.

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to waters of the State and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. [40 CFR 122.2]

Pollutant – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste." [excerpted from 40 CFR 122.2]

Target Pest – the organism toward which pest control measures are being directed.

Tier 3 Waters – For antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by States, Territories, or Tribes as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance. That high water quality shall be maintained and protected.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. [See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7]

Treatment Area – The area of land including any waters, or the linear distance along water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single "pest management area."

The "treatment area" includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

Treatment area calculations for pesticide applications that occur "at water's edge", where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. Treating five miles of shoreline or coast would equal a five mile treatment area.

Waters of the State – Waters of the State [defined in NCGS 143-212 (6)] means:

Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway or other body of water or accumulations of water whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction.

Water Quality Impaired – See 'Impaired Water'.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994). States, Territories, Tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

Wetlands - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

"You" and "Your" – as used in this permit are intended to refer to the applicator as the context indicates and that party's activities or responsibilities.

Appendix B
Standard Permit Conditions

Standard permit conditions in Appendix B generally are consistent with the permit provisions required in 40 CFR 122.41 but are modified to reflect the nature of discharges covered under this general permit.

B.1 Duty to Comply.
You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

B. Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows the Division's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

1. *Criminal Penalties.*
   1.1 *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of not more than one 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 two years, or both.
   1.2. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by 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.
   1.3 *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing 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 by 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 Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than $1,000,000 and can fined up to $2,000,000 for second or subsequent convictions.

1.4. *False Statement.* The CWA 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 $10,000, or by imprisonment for not more than 2 years, or 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. The Act further 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 non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

2. *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

3. *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

3.1. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500).

3.2 *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $157,500).

B.2 Duty to Reapply.

Except as otherwise provided for in Part 1.2.4 of the permit, if you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once the Division issues it.

B.3 Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B.4 Duty to Mitigate.
You must 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.

B.5 Proper Operation and Maintenance.
You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you 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 backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6 Permit Actions.
This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7 Property Rights.
This permit does not convey any property rights of any sort, or any exclusive privileges.

B.8 Duty to Provide Information.
You must furnish to the Division or an authorized representative (including an authorized contractor acting as a representative of the Division), within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to the Division or an authorized representative upon request, copies of records required to be kept by this permit.

B.9 Inspection and Entry.
You must allow the Division or an authorized representative (including an authorized contractor acting as a representative of the Division), upon presentation of credentials and other documents as may be required by law, to:

A. Enter upon your premises where a regulated 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.

B.10 Monitoring and Records.

A. You must retain records of all reports required by this permit, and records of all data used to complete the Notice of Intent for this permit, for a period of at least three years from the date the permit expires or the date the applicator's authorization is terminated. This period may be extended by request of the Division at any time.

[As written, this permit does not require most applicators to perform the type of sample collection and monitoring described in the following sections of this appendix, B.10.B through B.10.F. However, when required, the sample collection and monitoring requirements in B.10.B – B.10.F of this appendix apply to those applicators that collect samples.]

B. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

C. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least three years from the date the permit expires or the date the applicator's authorization is terminated. This period may be extended by request of the Division at any time.

D. Records of monitoring information must include:
   1. The date, exact place, and time of sampling or measurements;
   2. The individual(s) who performed the sampling or measurements;
   3. The date(s) analyses were performed
   4. The individual(s) who performed the analyses;
   5. The analytical techniques or methods used; and
   6. The results of such analyses.

E. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

F. 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 $10,000, or by imprisonment for not more than 2 years, or 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.

B.11 Signatory Requirements.

A. All applications, including NOIs, must be signed as follows:
   1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) 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 activity 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. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit or the agency (e.g., Regional Administrator of EPA).

B. Your Pesticide Discharge Management Plan (PDMP), including changes to your PDMP to document any corrective actions taken as required by Part 6, and all reports submitted to the Division, must be signed by a person described in Appendix B, Subsection B.11.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 in Appendix B, Subsection B.11.A;
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity such as the position of superintendent, 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 signed and dated written authorization is included in the PDMP. A copy must be submitted to the Division, if requested.

C. All other changes to your PDMP, and other compliance documentation required under this permit, must be signed and dated by the person preparing the change or documentation.

D. Changes to Authorization. If an authorization under Appendix B, Subsection B.11.A is no longer accurate because the application activities have been purchased by a different entity, a new NOI satisfying the requirements of Subsection B.11.A must be submitted to the Division. However, if the only change that is occurring is a change in contact information or a change in the applicator's address, the applicator need only make a modification to the existing NOI submitted for authorization.

E. Any person signing documents in accordance with Appendix B, Subsections B.11.A or B.11.B above must include the following certification:

"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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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 fine and imprisonment for knowing violations."

F. The CWA 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 non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12 Reporting Requirements.

A. Anticipated noncompliance. You must give advance notice to the Division of any planned changes in the permitted activity which may result in noncompliance with permit requirements.

B. Transfers. This permit is not transferable to any person except after notice to the Division. Where an applicator wants to transfer coverage under the permit to a new applicator, the original permittee (the first applicator) must submit a Notice of Termination pursuant to Part 1.2.5. The new applicator must submit a Notice of Intent in accordance with Part 1.2. See also requirements in Appendix B, Subsections B.11.B and B.11.D.

C. Pesticide Monitoring Reports. This permit does not require applicators to report monitoring results on a routine basis; however, the Division may, pursuant to Part 1.2.3, require certain applicators to monitor and report such results.

1. When required, monitoring data must be submitted on a Discharge Monitoring Report (DMR) form, available at www.epa.gov/npdes, and submitted to the Division at the appropriate Regional address identified in Part 9.2.
2. If you monitor any pollutant more frequently than required using test procedures approved under 40 CFR Part 136 or as otherwise specified by the Division, the results of this monitoring must be included in the calculation and reporting of the data submitted to the Division.
3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean unless otherwise specified by the Division.

D. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

E. Twenty-four hour reporting.

1. In addition to adverse incident and spill reporting requirements in Parts 6.4 and 6.5, respectively, you must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. For purposes of this permit, you must submit a 24-hour report under this section for any upset, as defined in Appendix B, Subsection B.13, which exceeds any effluent limitation in the permit.
3. the Division may waive the written report on a case-by-case basis for reports under Appendix B, Subsection B.12.E.2 if the oral report has been received within 24 hours.

F. Other noncompliance. You must report all instances of noncompliance not reported under Appendix B, Subsections 12.A, 12.D, and 12.E, at the time any applicable annual or monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.E.1.

G. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

B.13 Upset.

A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection B.13.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

C. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). An applicator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that you can identify the cause(s) of the upset;
2. The permitted activity was at the time being properly operated; and
3. You submitted notice of the upset as required in Appendix B, Subsection B.12.E.2 (24 hour notice).
4. You complied with any remedial measures required under Appendix B, Subsection B.4.

D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

2/Month
Samples are collected twice per month with at least ten calendar days between sampling events. These samples shall be representative of the wastewater discharged during the sample period.

3/Week
Samples are collected three times per week on three separate calendar days. These samples shall be representative of the wastewater discharged during the sample period.

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

Annual Average
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar year. In the case of fecal coliform, the geometric mean of such discharges.

Arithmetic Mean
The summation of the individual values divided by the number of individual values.

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

Calendar Day
The period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

Calendar Week
The period from Sunday through the following Saturday.

Calendar Quarter
One of the following distinct periods: January through March, April through June, July through September, and October through December.

Composite Sample
A sample collected over a 24-hour period by continuous sampling or combining grab samples of at least 100 mL in such a manner as to result in a total sample representative of the wastewater discharge during the sample period. The Director may designate the most appropriate method (specific number and size of aliquots necessary, the time interval between grab samples, etc.) on a case-by-case basis. Samples may be collected manually or automatically. Composite samples may be obtained by the following methods:

(1) Continuous: a single, continuous sample collected over a 24-hour period proportional to the rate of flow.
(2) Constant time/variable volume: a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or
(3) Variable time/constant volume: a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or

(4) Constant time/constant volume: a series of grab samples of equal volume collected over a 24-hour period at a constant time interval. Use of this method requires prior approval by the Director. This method may only be used in situations where effluent flow rates vary less than 15 percent. The following restrictions also apply:

Influent and effluent grab samples shall be of equal size and of no less than 100 milliliters

Influent samples shall not be collected more than once per hour.

Permittees with wastewater treatment systems whose detention time < 24 hours shall collect effluent grab samples at intervals of no greater than 20 minutes apart during any 24-hour period.

Permittees with wastewater treatment systems whose detention time exceeds 24 hours shall collect effluent grab samples at least every six hours; there must be a minimum of four samples during a 24-hour sampling period.

Continuous flow measurement
Flow monitoring that occurs without interruption throughout the operating hours of the facility. Flow shall be monitored continually except for the infrequent times when there may be no flow or for infrequent maintenance activities on the flow device.

Daily Discharge
The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (40 CFR 122.2; see also "Composite Sample," above.)

Daily Maximum
The highest "daily discharge" during the calendar month.

Daily Sampling
Parameters requiring daily sampling shall be sampled 5 out of every 7 days per week unless otherwise specified in the permit. Sampling shall be conducted on weekdays except where holidays or other disruptions of normal operations prevent weekday sampling. If sampling is required for all seven days of the week for any permit parameter(s), that requirement will be so noted on the Effluent Limitations and Monitoring Page(s).

DWR or "the Division"
The Division of Water Resources, Department of Environment and Natural Resources.

Effluent
Wastewater discharged following all treatment processes from a water pollution control facility or other point source whether treated or untreated.

EMC
The North Carolina Environmental Management Commission

EPA
The United States Environmental Protection Agency

Facility Closure
Cessation of all activities that require coverage under this NPDES permit. Completion of facility closure will allow this permit to be rescinded.

Geometric Mean
The Nth root of the product of the individual values where N = the number of individual values. For purposes of calculating the geometric mean, values of "0" (or "< [detection level]") shall be considered = 1.

Grab Sample
Individual samples of at least 100 mL collected over a period of time not exceeding 15 minutes. Grab samples can be collected manually. Grab samples must be representative of the discharge (or the receiving stream, for instream samples).

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

Instantaneous flow measurement
The flow measured during the minimum time required for the flow measuring device or method to produce a result in that instance. To the extent practical, instantaneous flow measurements coincide with the collection of any grab samples required for the same sampling period so that together the samples and flow are representative of the discharge during that sampling period.

Monthly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar month. In the case of fecal coliform or other bacterial parameters or indicators, the geometric mean of such discharges.

Permit Issuing Authority
The Director of the Division of Water Quality.

Quarterly Average (concentration limit)
The arithmetic mean of all samples taken over a calendar quarter.

Severe property damage
Substantial physical damage to property, damage to the treatment 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 excludes economic loss caused by delays in production.

Toxic Pollutant:
Any pollutant listed as toxic under Section 307(a)(1) of the CWA.

Upset
An incident beyond the reasonable control of the Permittee causing unintentional and temporary noncompliance with permit effluent limitations and/or monitoring requirements. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Weekly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar week. In the case of fecal coliform or other bacterial parameters or indicators, the geometric mean of such discharges.

Section B. General Conditions

1. Duty to Comply
   The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application [40 CFR 122.41].

   a. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

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

   c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or

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

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

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

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

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

2. Duty to Mitigate
The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit with a reasonable likelihood of adversely affecting human health or the environment [40 CFR 122.41(d)].

3. Civil and Criminal Liability
Except as provided in permit conditions on "Bypassing" (Part II.C.4), "Upsets" (Part II.C.5) and "Power Failures" (Part II.C.7), nothing in this permit shall be construed to relieve the Permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6 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.

4. 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 143-215.75 et seq. or Section 311 of the Federal Act, 33 USG 1321. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. 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)].

6. 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.

7. Severability
   The provisions of this permit are severable. 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 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 by this permit [40 CFR 122.41(h)].

9. Signatory Requirements
   All applications, reports, or information submitted to the Permit 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]

   d. Certification. Any person signing a document under paragraphs a. or b. of this section 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."

10. Permit Actions
    This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition [40 CFR 122.41(f)].

11. 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 02H .0100; and North Carolina General Statute 143.215.1 et. al.

12. Annual Administering and Compliance Monitoring Fee Requirements
    The Permittee must pay the annual administering and compliance monitoring fee within thirty days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 02H .0105(b)(2) may cause this Division to initiate action to revoke the permit, and/or the Certificate of Coverage issued to the permittee under this permit.

Section C. Operation and Maintenance of Pollution Controls

1. Certified Operator
   Owners of classified water pollution control systems must designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each classification must [T15A NCAC 08G .0201]:

   a. designate one Operator In Responsible Charge (ORC) who possesses a valid certificate of the type and grade at least equivalent to the type and grade of the system;
   b. designate one or more Back-up Operator(s) in Responsible Charge (Back-up ORCs) who possesses a valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of no backup operator in responsible charge is required for systems whose minimum visitation requirements are twice per year; and
   c. submit a signed completed "Water Pollution Control System Operator Designation Form" to the Commission (or to the local health department for owners of subsurface systems) countersigned by the designated certified operators, designating the Operator in Responsible Charge (ORC) and the Back-up Operator in Responsible Charge (Back-up ORC):
      (1) 60 calendar days prior to wastewater or residuals being introduced into a new system; or
      (2) within 120 calendar days following:
         receiving notification of a change in the classification of the system requiring the designation of a new Operator in Responsible Charge (ORC) and Back-up Operator in Responsible Charge (Back-up ORC) of the proper type and grade; or
         a vacancy in the position of Operator in Responsible Charge (ORC) or Back-up Operator in Responsible Charge (Back-up ORC).
      (3) within seven calendar days of vacancies in both ORC and Back-up ORC positions replacing or designating at least one of the responsibilities.

   The ORC of each Class I facility (or the Back-up ORC, when acting as surrogate for the ORC) must:

   Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least weekly

   Comply with all other conditions of 15A NCAC 08G .0204.

   Note: This requirement does not apply until the permittee receives a letter notifying them of classification of the facility. Currently, facilities are not being classified for this purpose, but may at some time in the future.

2. 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 Permittee to install and operate backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit [40 CFR 122.41(e)].

   NOTE: Properly and officially designated operators are fully responsible for all proper operation and maintenance of the facility, and all documentation required thereof, whether acting as a contract operator [subcontractor] or a member of the Permittee's staff.

3. 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)].

4. Bypassing of Treatment Facilities
   a. Bypass not exceeding limitations [40 CFR 122.41(m)(2)]

      The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.
   b. Notice [40 CFR 122.41(m)(3)]
      (1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
      (2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part II.E.6. (24-hour notice).
   c. Prohibition of Bypass
      (1) Bypass from the treatment facility is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for bypass, unless:
         (A) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
         (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
         (C) The Permittee submitted notices as required under Paragraph b. of this section.
      (2) Bypass from the collection system is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for a bypass as provided in any current or future system-wide collection system permit associated with the treatment facility.
      (3) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c. (1) of this section.
5. Upsets
   a. Effect of an upset [40 CFR 122.41(n)(2)]: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph b. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   b. Conditions necessary for a demonstration of upset: Any Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      (1) An upset occurred and that the Permittee can identify the cause(s) of the upset;
      (2) The Permittee facility was at the time being properly operated; and
      (3) The Permittee submitted notice of the upset as required in Part II.E.6 of this permit.
      (4) The Permittee complied with any remedial measures required under Part II.B.2. of this permit.
   c. Burden of proof [40 CFR 122.41(n)(4)]: The Permittee seeking to establish the occurrence of an upset has the burden of proof in any enforcement proceeding.
6. Removed Substances

   Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials from entering waters of the State or navigable waters of the United States except as permitted by the Commission. The Permittee shall comply with all applicable state and Federal regulations governing the disposal of sewage sludge, including 40 CFR 503, Standards for the Use and Disposal of Sewage Sludge; 40 CFR

Part 258, Criteria For Municipal Solid Waste Landfills; and 15A NCAC Subchapter 2T, Waste Not Discharged To Surface Waters. The Permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures
The Permittee is responsible for maintaining adequate safeguards (as required by 15A NCAC 02H .0124) to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

Section D. Monitoring and Records

1. Representative Sampling
Samples collected and measurements taken, as required herein, shall be representative of the permitted discharge. Samples collected at a frequency less than daily shall be taken on a day and time that is representative of the discharge for the period the sample represents. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority [40 CFR 122.41(j)].

2. Reporting
Monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a monthly Discharge Monitoring Report (DMR) Form (MR 1, 1.1, 2, 3) or alternative forms approved by the Director, postmarked no later than the last calendar day of the month following the completed reporting period.

The first DMR is due on the last day of the month following the issuance of the permit or in the case of a new facility, on the last day of the month following the commencement of discharge. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the following address:

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

3. Flow Measurements
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. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. Flow measurement devices shall be accurately calibrated at a minimum of once per year and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. The Director shall approve the flow measurement device and monitoring location prior to installation.

Once-through condenser cooling water flow monitored by pump logs, or pump hour meters as specified in Part I of this permit and based on the manufacturer's pump curves shall not be subject to this requirement.

4. Test Procedures
Laboratories used for sample analysis must be certified by the Division. Permittees should contact the Division's Laboratory Certification Section (919 733-3908 or http://portal.ncdenr.org/web/wq/lab/cert) for information regarding laboratory certifications.

Facilities whose personnel are conducting testing of field-certified parameters only must hold the appropriate field parameter laboratory certifications.

Test procedures for the analysis of pollutants shall conform to the EMC regulations (published pursuant to NCGS 143-215.63 et. seq.), the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section

304(g), 33 USC 1314, of the CWA (as amended), and 40 CFR 136; or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this permit [40 CFR 122.41].

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements 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. Penalties for Tampering
The CWA 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 $10,000 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].

6. Records Retention
Except for records of monitoring information required by this permit related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), 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

   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 3 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. 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.

8. Inspection and Entry
The Permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to;

   a. Enter, at reasonable times, 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 CWA, any substances or parameters at any location [40 CFR 122.41(i)].

Section E Reporting Requirements

1. Change in Discharge
   All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

2. Planned Changes
   The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility [40 CFR 122.41(l)]. Notice is required only when:

   a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or
   c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3. Anticipated Noncompliance
   The Permittee shall give advance notice to the Director of any planned changes to the permitted facility or other activities that might result in noncompliance with the permit [40 CFR 122.41(l)(2)].

4. 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.

5. Monitoring Reports
   Monitoring results shall be reported at the intervals specified elsewhere in this permit [40 CFR 122.41(l)(4)].

   a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II.D.2) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.
   b. 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 calculation and reporting of the data submitted on the DMR.

6. Twenty-four Hour Reporting
   a. The Permittee shall report to the Director or the appropriate Regional Office any noncompliance that potentially threatens public 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 cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it 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.

7. Other Noncompliance
The Permittee shall report all instances of noncompliance not reported under Part II.E.5 and 6. of this permit at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.E.6. of this permit [40 CFR 122.41(l)(7)].

8. 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)].

9. Noncompliance Notification
The Permittee shall report by telephone to either the central office or the appropriate regional office of the Division as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:

   a. Any occurrence at the water pollution control facility which results in the discharge of significant amounts of wastes which are abnormal in quantity or characteristic, such as the dumping of the contents of a sludge digester; the known passage of a slug of hazardous substance through the facility; or any other unusual circumstances.
   b. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater treatment such as mechanical or electrical failures of pumps, aerators, compressors, etc.
   c. Any failure of a pumping station, sewer line, or treatment facility resulting in a by-pass without treatment of all or any portion of the influent to such station or facility.

   Persons reporting such occurrences by telephone shall also file a written report within 5 days following first knowledge of the occurrence. Also see reporting requirements for municipalities in Part IV.C.2.c. of this permit.

10. Availability of Reports
Except for data determined to be confidential under NCGS 143-215.3 (a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division. As required by the Act, effluent 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 143-215.1(b)(2) or in Section 309 of the Federal Act.

11. Penalties for Falsification of Reports
The CWA 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 $25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

PART III
OTHER REQUIREMENTS

Section A. Construction

a. The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless (1) the Division has issued an Authorization to Construct (AtC) permit or (2) the Permittee is exempted from such AtC permit requirements under Item b. of this Section.

b. In accordance with NCGS 143-215.1(a5) [SL 2011-394], no permit shall be required to enter into a contract for the construction, installation, or alteration of any treatment work or disposal system or to construct, install, or alter any treatment works or disposal system within the State when the system's or work's principle function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the

industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation.

c. Issuance of an AtC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

Section B. Groundwater Monitoring

The Permittee shall, upon written notice from the Director, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

Section C. Changes in Discharges of Toxic Substances

The Permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe (40 CFR 122.42):

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
   (1) One hundred micrograms per liter (100 µg/L);
   (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
   (3) Five times the maximum concentration value reported for that pollutant in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels";
   (1) Five hundred micrograms per liter (500 µg/L);
   (2) One milligram per liter (1 mg/L) for antimony;
   (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

Section D. Facility Closure Requirements

The Permittee must notify the Division at least 90 days prior to the closure of any wastewater treatment system covered by this permit. The Division may require specific measures during deactivation of the system to prevent adverse impacts to waters of the State. This permit cannot be rescinded while any activities requiring this permit continue at the permitted facility.