

APPENDIX IV

NPDES Permit Requirements for Trout Farms

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL MANAGEMENT

GENERAL PERMIT NO. NCG0000

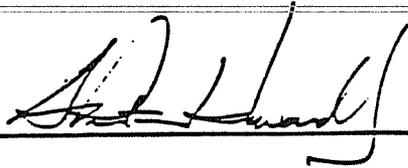
TO DISCHARGE SEAFOOD PACKING AND RINSING, FISH FARMS AND SIMILIAR
WASTEWATERS UNDER THE

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 owners or operators, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the discharge of treated wastewater in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III and IV hereof.

This permit shall become effective August 1, 1992

This permit shall expire at midnight on July 31, 1997



Date: 7-31-92

A. Preston Howard, Jr., P.E., Acting Director
Division of Environmental Management
By Authority of the Environmental Management Commission

PART I

NPDES Permit No. NCG 0000

A. Effluent Limitations and Monitoring Requirements Final

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge from outfall(s) serial number 001. Such discharges shall be limited and monitored by the Permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitation</u>		<u>Monitoring Requirements</u>		
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Sample Location</u>
Flow			Annually	Estimate	Effluent
Total Suspended Solids	30.0 mg/l	60.0 mg/l	Annually	Grab	Effluent
Settleable Solids	5.0 ml/l *	10.0 ml/l *	Annually	Grab	Effluent
Dissolved Oxygen			Annually	Grab	Effluent

* The daily average dissolved oxygen effluent concentration shall not be less than 6.0 mg/l.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units for fresh surface water classifications.
 The pH shall not be less than 6.8 standard units nor greater than 8.5 standard units for tidal salt water classifications.

There shall be no discharge of fish parts, floating solids, or visible foam except in other than trace amounts.

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SECTION B. SCHEDULE OF COMPLIANCE

1. The permittee shall comply with Final Effluent Limitations specified for discharges in accordance with the following schedule:

Permittee shall comply with Final Effluent Limitations by the effective date of the permit unless specified below.

2. Permittee shall at all times provide the operation and maintenance necessary to operate the existing facilities at optimum efficiency.

3. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next schedule requirements.

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STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. DEFINITIONS

1. **Permit Issuing Authority**
The Director of the Division of Environmental Management.
2. **DEM or Division**
Means the Division of Environmental Management, Department of Environment, Health and Natural Resources.
3. **EMC**
Used herein means the North Carolina Environmental Management Commission.
4. **Permittee**
Used herein means the entity who obtains coverage under this general permit by subsequent issuance of a "Certificate of Coverage" by the Division of Environmental Management.
5. **Act or "the Act"**
The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
6. **Mass/Day Measurements**
 - a. The "monthly average discharge" is defined as the total mass of all daily discharges sampled and/or measured during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such month. It is therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the month and then dividing this sum by the number of days the tests were reported. The limitation is identified as "Monthly Average" in Part I of the permit.
 - b. The "weekly average discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar week (Sunday - Saturday) on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such week. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the week and then dividing this sum by the number of days the tests were reported. This limitation is identified as "Weekly Average" in Part I of the permit.
 - c. The "maximum daily discharge" is the total mass (weight) of a pollutant discharged during a calendar day. If only one sample is taken during any calendar day the weight of pollutant calculated from it is the "maximum daily discharge." This limitation is identified as "Daily Maximum," in Part I of the permit.

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- d. The "average annual discharge" is defined as the total mass of all daily discharges sampled and/or measured during the calendar year on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such year. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the year and then dividing this sum by the number of days the tests were reported. This limitation is defined as "Annual Average" in Part I of the permit.

7. Concentration Measurement

- a. The "average monthly concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such month (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average monthly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar month. This limitation is identified as "Monthly Average" under "Other Units" in Part I of the permit.
- b. The "average weekly concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar week (Sunday/Saturday) on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such week (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average weekly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar week. This limitation is identified as "Weekly Average" under "Other Units" in Part I of the permit.
- c. The "maximum daily concentration" is the concentration of a pollutant discharge during a calendar day. ~~If only one sample is taken during any calendar day the~~ concentration of pollutant calculated from it is the "Maximum Daily Concentration". It is identified as "Daily Maximum" under "Other Units" in Part I of the permit.
- d. The "average annual concentration," other than for fecal coliform bacteria, is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar year on which daily discharges are sampled and measured divided by the number of daily discharges sampled and/or measured during such year (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day. The average yearly count for fecal coliform bacteria is the geometric mean of the counts for samples collected during a calendar year.

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- e. The "daily average concentration" (for dissolved oxygen) is the minimum allowable amount of dissolved oxygen required to be available in the effluent prior to discharge averaged over a calendar day. If only one dissolved oxygen sample is taken over a calendar day, the sample is considered to be the "daily average concentration" for the discharge. It is identified as "daily average" in the text of Part I.
 - f. The "quarterly average concentration" is the average of all samples taken over a calendar quarter. It is identified as "Quarterly Average Limitation" in the text of Part I of the permit.
 - g. A calendar quarter is defined as one of the following distinct periods: January through March, April through June, July through September, and October through December.
8. Other Measurements
- a. Flow, (MGD): The flow limit expressed in this permit is the 24 hours average flow, averaged monthly. It is determined as the arithmetic mean of the total daily flows recorded during the calendar month.
 - b. An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
 - c. A "continuous flow measurement" is a measure of discharge flow from the facility which occurs continually 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.
9. Types of Samples
- a. Composite Sample: A composite sample shall consist of:
 - (1) 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
 - (2) 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 present gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
 - (3) a single, continuous sample collected over a 24 hour period proportional to the rate of flow.

In accordance with (1) above, the time interval between influent grab samples shall be no greater than once per hour, and the time interval between effluent grab

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samples shall be no greater than once per hour except at wastewater treatment systems having a detention time of greater than 24 hours. In such cases, effluent grab samples may be collected at time intervals evenly spaced over the 24 hour period which are equal in number of hours to the detention time of the system in number of days. However, in no case may the time interval between effluent grab samples be greater than six (6) hours nor the number of samples less than four (4) during a 24 hour sampling period.

- b. **Grab Sample:** Grab samples are individual samples collected over a period of time not exceeding 15 minutes; the grab sample can be taken manually.

10. Calculation of Means

- a. **Arithmetic Mean:** The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.
- b. **Geometric Mean:** The geometric mean of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).
- c. **Weighted by Flow Value:** Weighted by flow value means the summation of each concentration times its respective flow divided by the summation of the respective flows.

11. Calendar Day

A calendar day is defined as 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.

11. Hazardous Substance

A hazardous substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

13. Toxic Pollutant

A toxic pollutant is any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

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 Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions 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. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$10,000 per violation with the maximum amount not to exceed \$125,000. [Ref: Section 309 of the Federal Act 33 U.S.C. 1319 and 40 CFR 122.41 (a)].
 - c. Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) 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. [Ref: North Carolina General Statutes § 143-215.6 (A)].
2. **Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
 3. **Civil and Criminal Liability**

Except as provided in permit conditions on "Bypassing" (Part II, C.4.) 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 USC 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.

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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, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

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 to be kept by this permit.

9. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

10. Permit Termination

After public notice and opportunity for a hearing, the general permit and Certificates of Coverage issued under this general permit may be terminated for cause.

11. When an Individual Permit may be Required

The Division may require any owner authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

- (a) The discharger is a significant contributor of pollution.
- (b) Conditions at the operating facility change altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit.
- (c) The discharge violates the terms or conditions of this permit.
- (d) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
- (e) Effluent limitation guidelines are promulgated for the point sources covered by this permit.

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- (f) A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.

This permit may be terminated as to an individual owner for any of the reasons set forth above after appropriate notice in accordance with N.C.G.S. 143-215.1.

12. When an Individual Permit may be Requested

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to an owner the applicability of this general permit is automatically terminated on the effective date of the individual permit. When a General Permit is issued which applies to an owner already covered by an individual permit, such permittee may request exclusion from the provisions of the General Permit and subsequent coverage under an individual permit.

13. Signatory Requirements

All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified.

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 employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if 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.

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described 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

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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.

c. Certification. Any person signing a document under paragraphs a. or b. of this section shall make 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 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."

14. 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.

15. Permit Modification, Revocation and Reissuance, or Termination

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

SECTION C. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Certified Operator

Pursuant to Chapter 90A-44 of North Carolina General Statutes, the permittee shall employ a certified wastewater treatment plant operator in responsible charge (ORC) of the wastewater treatment facilities. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the wastewater treatment facilities. The permittee shall notify the Division's Operator Training and Certification Unit within thirty days of any change in the ORC status.

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.

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Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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.

4. Bypassing of Treatment Facilities

a. Definitions

- (1) "Bypass" means 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.
- (2) "Severe property damage" means 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 does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations.

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 c. and d. of this section.

c. Notice

- (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 affect of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II, E. 6. of this permit. (24-hour notice).

d. Prohibition of Bypass

- (1) Bypass is prohibited and the Permit Issuing Authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (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

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

5. Upsets

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 the reasonable control of the permittee. 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.

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 paragraph c. 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.

c. Conditions necessary for a demonstration of upset.

A 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 permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Part II, E. 6. (b) (B) of this permit.
- (4) The permittee complied with any remedial measures required under Part II, B. 2. of this permit.

d. Burden of proof.

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be 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. The permittee shall comply with all existing federal regulations governing the disposal of sewage sludge. Upon promulgation of 40 CFR Part 503, any permit issued by the Permit Issuing Authority for the disposal of sludge may be reopened and modified, or revoked and reissued, to incorporate applicable requirements at 40 CFR Part 503. The permittee shall comply with applicable 40 CFR Part 503 Standards for the Use and Disposal of Sewage Sludge (when promulgated) within the time provided in the regulation, even if the permit is not modified to incorporate the requirement. 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 DEM Regulation, Title 15A, North Carolina Administrative Code, Subchapter 2H, .0124 Reliability, 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 characteristic of the volume and nature of the permitted discharge. Samples collected at a frequency less than daily shall be taken on a day and time that is characteristic of the discharge over the entire period which 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.

2. 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 are 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. Once-through condenser cooling water flow which is 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.

3. Test Procedures

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 Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136. To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below

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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.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

5. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, 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.

6. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- 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.

7. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

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- 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.

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. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 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 which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42 (a) (1).

3. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

4. Transfers

This permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit and incorporating such other requirements as may be necessary under the Clean Water Act.

5. Twenty-four Hour Reporting

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

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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.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under paragraph b. above of this condition if the oral report has been received within 24 hours.

6. 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.

7. 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 directly to receiving waters 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 in letter form within 5 days following first knowledge of the occurrence.

Part II

8. 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 made available for public inspection at the offices of the Division of Environmental Management or at the site of the discharge within a reasonable time period, not to exceed five (5) days. 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.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

**PART III
OTHER REQUIREMENTS**

1. Previous Permits

All previous State water quality permits issued to this facility for this particular discharge, whether for construction or operation or discharge, are hereby revoked by issuance of this permit and subsequent issuance of a Certificate of Coverage. The conditions, requirements, terms, and provisions of this permit authorizing discharge under the National Pollutant Discharge Elimination System govern discharges from this facility.

2. Construction

No construction of wastewater treatment facilities or additions thereto shall be begun until Final Plans and Specifications have been submitted to the Division of Environmental Management and approval has been granted by the Division. Design and operation of facilities and/or treatment works shall be in accordance with the application and supporting information. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

3. Certified Operator

Pursuant to Chapter 90A-44 of North Carolina General Statutes, the permittee shall employ a certified wastewater treatment plant operator in responsible charge (ORC) of the wastewater treatment facilities. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the wastewater treatment facilities. The permittee shall notify the Division's Operator Training and Certification Unit within five days of any change in the ORC status.

4. Groundwater Monitoring

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

5. Limitations Reopener

This permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2), and 307(a) (2) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; except for, if a water quality standard for Dioxin is modified and approved, this permit will be reopened or modified to reflect such changes as provided by 40 CFR 122.62 (c) (3)(i)(B); or
- b. controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

PART IV
ANNUAL ADMINISTERING AND COMPLIANCE MONITORING FEE
REQUIREMENTS

1. The permittee must pay the annual administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the Certificate of Coverage.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

