316(a) Thermal (Temperature) Variances

Thermal wastewater discharges in the State of North Carolina are subject to effluent limitations under North Carolina Administrative Code Section 15A NCAC 02B .0211 (3) (j). This rule limits thermal discharges to 2.8 degrees C (5.04 degrees F) above the natural water temperature and includes further restrictions based on geographic regions of the state. Exceptions to these limits are allowed under the temperature variance provisions of the federal Water Pollution Control Act, commonly known as the Clean Water Act, specifically Section 316(a). Under this provision of the Clean Water Act, permittees must demonstrate that the variance for the thermal component of the discharge assures the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in the receiving water.

The permit holders listed below have requested continuance of the Clean Water Act 316(a) temperature variances, which allow for site by site limitations based upon studies conducted by the permittee and submitted to NC Department of Environment and Natural Resources (DENR). The Division of Water Quality (DWQ) has determined that these studies submitted by the permittees comply with Section 316(a) of the Clean Water Act. On the basis of North Carolina Administrative Code Section 15A 02B .0208 (b), and other appropriate lawful standards and regulations, the North Carolina DWQ proposes to continue the 316(a) variance in conjunction with the renewal of the following National Pollutant Discharge Elimination System (NPDES) permits:

Permit Number	Facility Name	County	Subbasin
NC0000272	Blue Ridge Paper Products, Inc., Canton Mill	Haywood	040305
NC0000396	Progress Energy -Asheville Steam Electric Power Plant	Buncombe	040302
NC0003468	Duke Energy Corp. –Dan River Steam Station	Rockingham	030203
NC0004774	Duke Energy Corp. –Buck Steam Station	Rowan	030704
NC0004961	Duke Energy Corp. –Riverbend Steam Station	Gaston	030833
NC0004979	Duke Energy Corp. –Allen Steam Station	Gaston	030836
NC0004987	Duke Energy Corp. –Marshall Steam Station	Catawba	030832
NC0005088	Duke Energy Corp. –Cliffside Steam Station	Rutherford	030802
NC0024392	Duke Energy Corp. –McGuire Steam Station	Mecklenburg	030832

Variances to Water Quality Standards

Standard	Permit Number	Facility Name	County	Subbasin
Color	NC0000272	Blue Ridge Paper Products, Inc., Canton Mill	Haywood	040305
Chloride	NC0001074	Mt. Olive Pickle Company	Wayne County	030621
Chloride	NC0001970	Bay Valley Foods, LLC	Duplin County	030622