STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

PERMIT

TO DISCHARGE WASTEWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.

is hereby authorized to discharge wastewater from a facility located at:

Weatherspoon Steam Electric Plant
491 Power Plant Road
Lumberton, North Carolina
Robeson County

to receiving waters designated as Lumber River in the Lumber River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

The permit shall become effective January 1, 2010.

This permit and the authorization to discharge shall expire at midnight on July 31, 2014.

Signed this day November 20, 2009.

Original signed by Gil Vinzani

Coleen H. Sullins, Director
Division of Water Quality
By Authority of the Environmental Management Commission

SUPPLEMENT TO PERMIT COVER SHEET

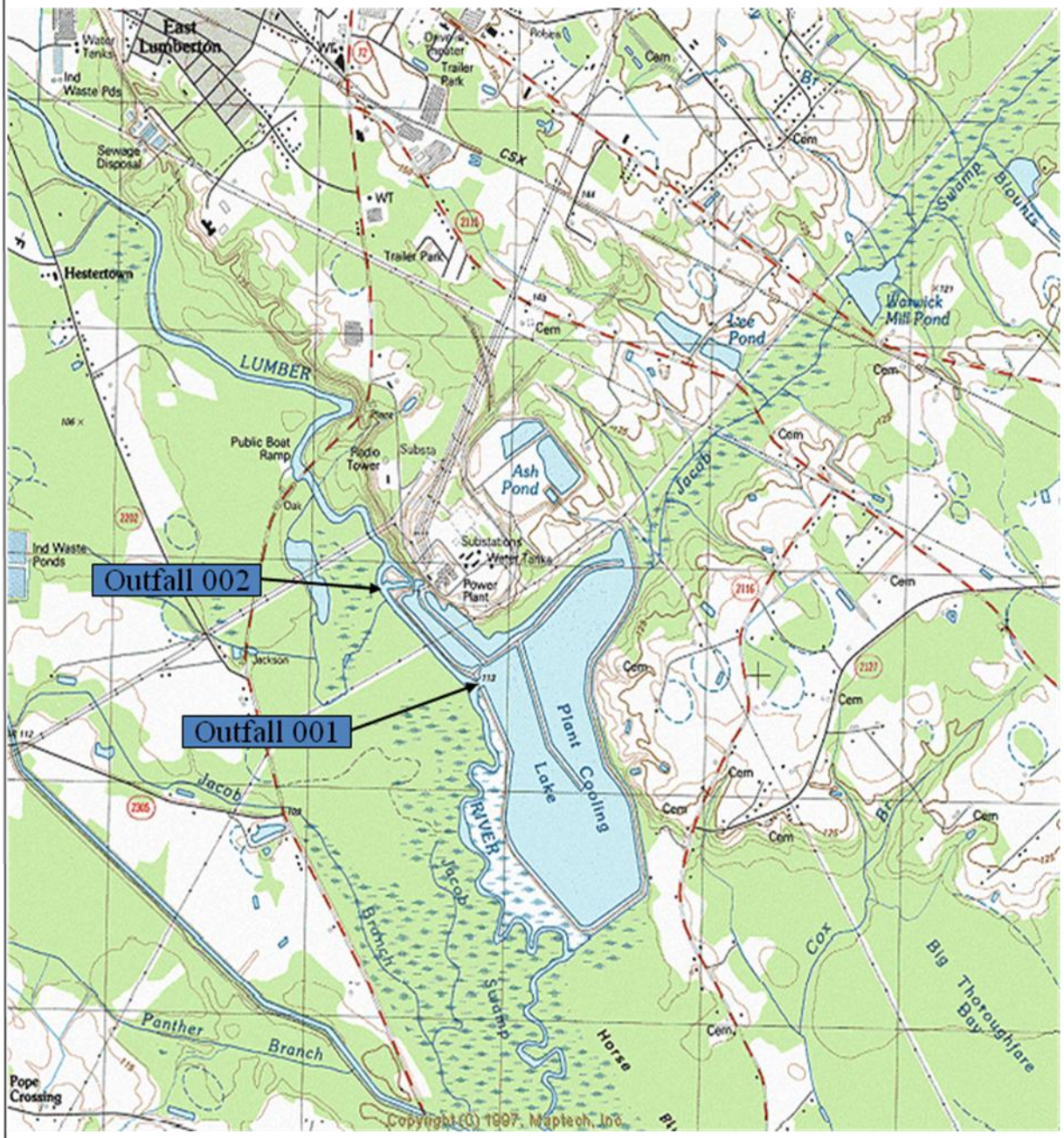
All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked. As of this permit issuance, any previously issued permit bearing this number is no longer effective. Therefore, the exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions included herein.

Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. is hereby authorized to:

1. Continue to discharge recirculated cooling water, coal pile runoff, stormwater runoff, ash sluice water, domestic wastewater, chemical metal cleaning wastewater, low volume wastewater including reject water from operation of a reverse osmosis water treatment unit from a 225 acre cooling pond (**Outfall 001- Cooling Pond**) under extremely severe weather conditions or during pond maintenance, and continue to discharge non-contact cooling water from heat exchanger units (**Outfall 002- Non contact cooling water**), from a facility located at Weatherspoon Steam Electric Plant, 491 Power Plant Road, Lumberton, Robeson County, and;

2. Discharge (from Outfalls 001 and 002) into the Lumber River, a Class C-Swamp water in the Lumber River Basin, at the locations specified on the attached map.

3. Discharge of Stormwater from Outfalls SW-1, SW-2, and SW-3.



Latitude: 34° 34′ 58″
Longitude: 78° 58′ 25″
USGS Quad #: I23SW
River Basin #: 03-07-51
Receiving Stream: Lumber River
Stream Class: C-Swamp

N

Progress Energy
Weatherspoon Electric Plant
Robeson County
NC0005363

A. (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS [001]

Beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge *recirculated cooling water, coal pile runoff, stormwater runoff, ash sluice water, treated domestic wastewater, chemical metal cleaning wastewater, and low volume wastewater including reject water from operation of an R.O. unit* from **Outfall 001** under specified conditions[1]. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location [2]
Flow				Each Event	Estimate	E
Oil and Grease				Each Event	Grab	E
Total Suspended Solids				Each Event	Grab	E
Total Copper				Each Event	Grab	E
Total Iron				Each Event	Grab	E
Total Arsenic				Each Event	Grab	E
Total Selenium				Each Event	Grab	E
pH [3]				Each Event	Grab	E
Temperature [4]				Each Event	Grab	E
Acute Toxicity [5]				Episodic	Grab	E

Footnotes:

1. This discharge is permitted only in cases caused by extreme rainfall; where unavoidable to prevent loss of life, severe property damage, or damage to the cooling pond structure; or maintenance activities. In the event a discharge occurs, the permittee shall inform the North Carolina Division of Water Quality by telephone within 48 hours after the discharge event. The permittee shall also provide the Division with the following written information within ten (10) days of the discharge: a) a description and cause of the discharge; and b) the period of discharge, including approximate dates and times, the anticipated period the discharge is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the discharge. The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters from the discharge, including such monitoring as is necessary to determine the environmental impact of the discharge.
2. Sample Location: E= Effluent at discharge spillway.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

4. The temperature of the effluent shall be such as not to cause an increase in the temperature of the receiving stream of more than 2.8°C and in no case cause the ambient water temperature to exceed 32°C.
5. Acute Episodic Toxicity Testing (24-hour Fathead Minnow); refer to Section A(3).

A. (2) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS [002]

Beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge *non-contact cooling water* from **Outfall 002.** Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location[1]
Flow				Weekly	Pump Logs	E
Temperature [2]				Quarterly	Grab	E,U,D
Total Residual Chlorine [3]			200 µg/l	Monthly	Grab	E
Time of Chlorine Addition [3]			120 min/day/unit	Daily	Logs	E
pH				Quarterly	Grab	E

Footnotes:

1. Sample Locations: E- Effluent; U- Upstream, approx. 1/4 mile above outfall, D- Downstream, approx. 1/4 mile below outfall.
2. The temperature of the effluent shall be such as not to cause an increase in the temperature of the receiving stream of more than 2.8°C and in no case cause the ambient water temperature to exceed 32°C.
3. Monitoring requirements apply only if chlorine is added to the treatment system.

THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

A. (3) ACUTE TOXICITY MONITORING (EPISODIC)

The permittee shall conduct FIVE acute toxicity tests using protocols defined as definitive in E.P.A. Document EPA/600/4–90/027 entitled "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms." The monitoring shall be performed as a Fathead Minnow (*Pimephales promelas)* 24 hour static test. Effluent samples for self-monitoring purposes must be obtained below all waste treatment. Sampling and subsequent testing will occur during the first five discrete discharge events after the effective date of this permit. After monitoring of the first five toxicity tests, the permittee will conduct one test annually, with the annual period beginning in January of the next calendar year. The annual test requirement must be performed and reported by June 30. If no discharge occurs by June 30, notification will be made to the Division within 2 weeks after June 30. Toxicity testing will be performed on the next discharge event for the annual test requirement.

The parameter code for this test is TAE6C. All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Form (MR-1) for the month in which it was performed, using the appropriate parameter code. Additionally, DWQ Form AT-1 (original) is to be sent to the following address:

Attention: North Carolina Division of Water Quality
Environmental Sciences Section
1621 Mail Service Center
Raleigh, North Carolina 27699-1621

Completed Aquatic Toxicity Test Forms shall be filed with the Environmental Sciences Section no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete and accurate and include all supporting chemical/physical measurements performed in association with the toxicity tests, as well as all dose/response data. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should any test data from either these monitoring requirements or tests performed by the North Carolina Division of Water Quality indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

NOTE: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival and appropriate environmental controls, shall constitute an invalid test and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.

A. (4.) BIOCIDE CONDITION

The permittee shall not discharge any biocides that have not been previously approved in conjunction with the permit application. For biocides not previously approved by the Division of Water Quality, the permittee shall notify the Director in writing prior to use of these biocides. Completion of Biocide Worksheet Form 101 is not necessary for those outfalls with toxicity testing requirements.

A.(5) Cooling Water Intake Structure (CWIS)

The Weatherspoon Plant operates a closed-cycle condenser cooling system and therefore continues to be in compliance with Section 316(b) requirements.

B. (1) STORMWATER PERMIT REQUIREMENTS

Section A: Stormwater Permit Coverage

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater associated with industrial activity. Such discharges shall be controlled, limited and monitored as specified in this permit.

If industrial materials and activities are not exposed to precipitation or runoff as described in 40 CFR §122.26(g), the facility may qualify for a No Exposure Exclusion from NPDES stormwater discharge permit requirements. Any owner or operator wishing to obtain a No Exposure Certification must submit a No Exposure Certification NOI form to the Division; must receive approval by the Division; must maintain no exposure conditions unless authorized to discharge under a valid NPDES stormwater permit; and must reapply for the No Exposure Exclusion once every five (5) years.

Section B: Stormwater Permitted Activities

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or separate storm sewer system that has been adequately treated and managed in accordance with the terms and conditions of this individual permit. All stormwater discharges shall be in accordance with the conditions of this permit.

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by this or another permit, authorization, or approval. The stormwater discharges allowed by this individual permit shall not cause or contribute to violations of Water Quality Standards.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

B. (2) STORMWATER POLLUTION PREVENTION PLAN

The Permittee shall develop a Stormwater Pollution Prevention Plan, herein after referred to as the Plan. This Plan shall be considered public information in accordance with B. (6) Standard Conditions, Section E, Paragraph 3 of this individual permit. The Plan shall include, at a minimum, the following items:

1. Site Plan. The site plan shall provide a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:

(a) A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters, and accurate latitude and longitude of the point(s) of discharge. The general location map (or alternatively the site map) shall identify whether each receiving water is **impaired** (on the state's 303(d) list of impaired waters) or is located in a **watershed for which a TMDL has been established,** and what the parameter(s) of concern are.
North Carolina's 303(d) List can be found here:
http://h2o.enr.state.nc.us/tmdl/General_303d.htm#Downloads
North Carolina TMDL documents can be found here:
http://h2o.enr.state.nc.us/tmdl/TMDL_list.htm#Final_TMDLs.

(b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. A narrative description of the potential pollutants which could be expected to be present in the stormwater discharge from each outfall.

(c) A site map drawn to scale (including a distance legend) showing: the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads), site topography, all drainage features and structures, drainage areas for each outfall, direction of flow in each drainage area, industrial activities occurring in each drainage area, buildings, existing BMPs, and impervious surfaces. The site map must indicate the percentage of each drainage area that is impervious.

(d) A list of significant spills or leaks of pollutants that have occurred at the facility during the three (3) previous years and any corrective actions taken to mitigate spill impacts.

(e) Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. The certification statement will be signed in accordance with the requirements found in B. (6) Standard Conditions, Section B, Paragraph 3. The permittee shall re-certify annually that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges.

2. Stormwater Management Plan. The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural

and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:

(a) Feasibility Study. A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical, the permittee shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of exposure is not practical, the stormwater management plan shall document the feasibility of diverting the stormwater runoff away from areas of potential contamination.

(b) Secondary Containment Requirements and Records. Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected directly to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism), and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated by the material stored within the containment area. Records documenting the individual making the observation, the description of the accumulated stormwater, and the date and time of the release shall be kept for a period of five years.

(c) BMP Summary. A listing of site structural and non-structural Best Management Practices (BMP) shall be provided. The installation and implementation of BMPs shall be based on the assessment of the potential for sources to contribute significant quantities of pollutants to stormwater discharges and data collected through monitoring of stormwater discharges. The BMP Summary shall include a written record of the specific rationale for installation and implementation of the selected site BMPs. The BMP Summary shall be reviewed and updated annually.

3. Spill Prevention and Response Plan. The Spill Prevention and Response Plan (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel (or the team) responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP and signed and dated by each individual acknowledging their responsibilities for the plan. A responsible person shall be on-site at all times during facility operations that have the

potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP.

4. Preventative Maintenance and Good Housekeeping Program. A preventative maintenance and good housekeeping program shall be developed. The program shall list all stormwater control systems, stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including material storage areas, material handling areas, disposal areas, process areas, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall establish schedules of inspections, maintenance, and housekeeping activities of stormwater control systems, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded in writing and maintained in the SPPP.

5. Employee Training. Training programs shall be developed and training provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained.

6. Responsible Party. The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position assignments provided.

7. Plan Amendment. The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. All aspects of the Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis. The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three years, or the notation that no spills have occurred. The annual update shall include re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan.

The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with B. (6) Standard Conditions, Section B, Paragraph 5) to the Director that the changes have been made.

8. Facility Inspections. Inspections of the facility and all stormwater systems shall occur as part of the Preventative Maintenance and Good Housekeeping Program at a minimum on a semi-annual schedule, once during the first half of the year (January to June), and once during the second half (July to December), with at least 60 days separating inspection dates (unless performed more frequently than semi-annually). These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring required in B. (3), and B. (4) of this permit.

9. Implementation. The permittee shall implement the Plan. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or the Director's authorized representative immediately upon request.

B. (3) ANALYTICAL MONITORING REQUIREMENTS

Analytical monitoring of stormwater discharges shall be performed as specified in **Table 1**. All analytical monitoring shall be performed during a representative storm event. The required monitoring will result in a minimum of nine analytical samplings being conducted over the term of the permit at <u>each</u> stormwater discharge outfall (SDO), unless representative outfall status has been granted.

A **representative storm event** is a storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be at least 72 hours. A single storm event may have a period of no precipitation of up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

Table 1. Analytical Monitoring Requirements

Discharge Characteristics	Units	Measurement Frequency[1]	Sample Type[2]	Sample Location[3]
40 CFR Part 423 Appendix A: 13 Priority Pollutant Metals (Ag, As, Be, Cd, Cr, Cu, Hg, Ni, Pb, Sb, Se, Tl, Zn)[4]	µg/l	semi-annual	Grab	SDO
Al	µg/l	semi-annual	Grab	SDO
B	µg/l	semi-annual	Grab	SDO
COD	mg/l	semi-annual	Grab	SDO
TSS	mg/l	semi-annual	Grab	SDO
Sulfate	mg/l	semi-annual	Grab	SDO
Oil and Grease (O&G)	mg/l	semi-annual	Grab	SDO
pH	standard	semi-annual	Grab	SDO
Total Rainfall[5]	inches	semi-annual	Rain Gauge	-

Footnotes:

1 Measurement Frequency: Twice per year during a representative storm event, for each year until either another permit is issued for this facility or until this permit is revoked or rescinded. If at the end of this permitting cycle the permittee has submitted the appropriate paperwork for a renewal permit before the submittal deadline, the permittee will be considered for a renewal application. The applicant must continue semi-annual monitoring until the renewed permit is issued. See **Table 2** for schedule of monitoring periods through the end of this permitting cycle.

2 If the stormwater runoff is controlled by a stormwater detention pond, a grab sample of the discharge from the pond shall be collected within the first 30 minutes of discharge.

3 Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status has been granted.

4 Mercury shall be analyzed by EPA Low-level detection method 1631E. This method also requires a field blank be analyzed. A benchmark does not apply; however, **values above 0.012 ug/l should be noted on annual SDO DMR reports to the Regional Office**.

5 For each sampled representative storm event the total precipitation must be recorded. An on-site rain gauge or local rain gauge reading must be recorded.

The permittee shall complete the minimum nine analytical samplings in accordance with the schedule specified below in **Table 2**. A **minimum of 60 days must separate each sample date** unless monthly monitoring has been instituted under a Tier Two response.

Table 2. Monitoring Schedule

Monitoring period[1,2]	Sample Number	Start	End
Year 1 – Period 1	1	January 1, 2010	June 30, 2010
Year 1 – Period 2	2	July 1, 2010	December 31, 2010
Year 2 – Period 1	3	January 1, 2011	June 30, 2011
Year 2 – Period 2	4	July 1, 2011	December 31, 2011
Year 3 – Period 1	5	January 1, 2012	June 30, 2012
Year 3 – Period 2	6	July 1, 2012	December 31, 2012
Year 4 – Period 1	7	January 1, 2013	June 30, 2013
Year 4 – Period 2	8	July 1, 2013	December 31, 2013
Year 5 – Period 1	9	January 1, 2014	July 31, 2014

Footnotes:

1 Maintain semi-annual monitoring during permit renewal process. The applicant must continue semi-annual monitoring until the renewed permit is issued.

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

The permittee shall report the analytical results from the first sample with valid results within the monitoring period. **In addition, a separate signed Annual Summary DMR copy shall be submitted to the local DWQ Regional Office (RO) by March 1 of each year.** The permittee shall compare monitoring results to the benchmark values in **Table 3**. The benchmark values in **Table 3** are not permit limits but should be used as guidelines for the permittee's Stormwater Pollution Prevention Plan (SPPP). Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater Best Management Practices (BMPs) in a tiered program. See below the descriptions of Tier One and Tier Two.

Table 3. Benchmark Values for Analytical Monitoring

Discharge Characteristics	Units	Benchmark
Aluminum	mg/l	0.75
Antimony	mg/l	0.09
Arsenic	mg/l	0.36
Beryllium	mg/l	0.07
Boron	N/A	N/A
Cadmium	mg/l	0.001
Chromium	mg/l	1

Discharge Characteristics	Units	Benchmark
Copper	mg/l	0.007
Lead	mg/l	0.03
Mercury	ng/l	N/A
Nickel	mg/l	0.26
Selenium	mg/l	0.056
Silver	mg/l	0.001
Thallium	N/A	N/A
Zinc	mg/l	0.067
COD	mg/l	120
TSS	mg/l	100
Sulfate	mg/l	500
Oil and Grease (O&G)	mg/l	30
pH (*see footnote 1*)	Standard	6 - 9[1]

Footnotes:

1 If pH values outside this range are recorded in sampled stormwater discharges, **but ambient rainfall data indicate precipitation pH levels are within ± 0.1 standard units of the measured discharge values or lower**, then the lower threshold of this benchmark range does not apply. Readings from an on-site or local rain gauge (or local precipitation data) must be documented to demonstrate background concentrations were below the benchmark pH range.

Tier One
If: The first valid sampling results are above a benchmark value, or outside of the benchmark range, for any parameter at any outfall;
Then: The permittee shall: 1. Conduct a stormwater management inspection of the facility **within two weeks of receiving sampling results.** 2. Identify and evaluate possible causes of the benchmark value exceedence. 3. Identify potential, and select the specific: source controls, operational controls, or physical improvements to reduce concentrations of the parameters of concern, or to bring concentrations to within the benchmark range. 4. Implement the selected actions **within two months of the inspection.** 5. Record each instance of a Tier One response in the Stormwater Pollution Prevention Plan. Include the date and value of the benchmark exceedence, the inspection date, the personnel conducting the inspection, the selected actions, and the date the selected actions were implemented.

Tier Two
If: During the term of this permit, the first valid sampling results are above the benchmark values, or outside of the benchmark range, for any specific parameter at a specific discharge outfall **two times in a row** (consecutive);
Then: The permittee shall: 1. Repeat all the required actions outlined above in Tier One. 2. Immediately institute monthly monitoring for all parameters (**except mercury**) at every outfall where a sampling result exceeded the benchmark value for two consecutive samples. Monthly (analytical and qualitative) monitoring shall continue until three consecutive sample results are below the benchmark values, or within the benchmark range, for all parameters at that outfall. 3. If no discharge occurs during the sampling period, the permittee is required to submit a monthly monitoring report indicating “No Flow.” 4. Maintain a record of the Tier Two response in the Stormwater Pollution Prevention Plan.

During the term of this permit, if the valid sampling results required for the permit monitoring periods exceed the benchmark value, or are outside the benchmark range, for any specific parameter at any specific outfall on **four occasions**, the permittee shall notify the DWQ Fayetteville Regional Office Supervisor in writing **within 30 days of receipt** of the fourth analytical results. DWQ may, but is not limited to:

- Require that the permittee increase or decrease the monitoring frequency for the remainder of the permit;
- Work with permittee to develop alternative response strategies;
- Require the permittee to install structural stormwater controls;
- Require the permittee to implement other stormwater control measures; or
- Require that the permittee implement site modifications to qualify for the No Exposure Exclusion.

This site discharges to **impaired waters** experiencing problems with **Mercury**. A Total Maximum Daily Load (TMDL) has been approved for this segment of **The Lumber River.** This permit requires the permittee to monitor for the pollutant(s) of concern and submit results to the Division of Water Quality. The Division will consider the monitoring results in determining whether additional BMPs are needed to control the pollutant(s) of concern to the maximum extent practicable.

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

B. (4) QUALITATIVE MONITORING REQUIREMENTS

Qualitative monitoring requires a visual inspection of each stormwater outfall regardless of representative outfall status and shall be performed as specified in **Table 4**, during the analytical monitoring event. [If analytical monitoring is not required, the permittee still must conduct semi-annual qualitative monitoring.] Qualitative monitoring is for the purpose of evaluating the effectiveness of the Stormwater Pollution Prevention Plan (SPPP) and assessing new sources of stormwater pollution.

In the event an atypical condition is noted at a stormwater discharge outfall, the permittee shall document the suspected cause of the condition and any actions taken in response to the discovery. This documentation will be maintained with the SPPP.

Table 4. Qualitative Monitoring Requirements

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

Footnotes:

1 Measurement Frequency: Twice per year during a representative storm event, for each year until either another permit is issued for this facility or until this permit is revoked or rescinded. If at the end of this permitting cycle the permittee has submitted the appropriate paperwork for a renewal permit before the submittal deadline, the permittee will be considered for a renewal application. The applicant must continue semi-annual monitoring until the renewed permit is issued. See **Table 2** for schedule of monitoring periods through the end of this permitting cycle.

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

REMOVED B. (5) ON-SITE VEHICLE MAINTENANCE MONITORING REQUIREMENTS

B. (6) STANDARD CONDITIONS FOR NPDES STORMWATER INDIVIDUAL PERMITS

SECTION A: STORMWATER COMPLIANCE AND LIABILITY

1. Compliance Schedule

The permittee shall comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:

Existing Facilities already operating but applying for permit coverage for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the initial permit and updated thereafter on an annual basis. Secondary containment, as specified in B. (2) Section A, Paragraph 2(b) of this permit, shall be accomplished within 12 months of the effective date of the initial permit issuance.

New Facilities applying for coverage for the first time and existing facilities previously permitted and applying for renewal under this permit: The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in B. (2), Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

2. Duty to Comply

The permittee must comply with all conditions of this individual 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 upon renewal application.

a. The permittee shall comply with 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 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 USC 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: NC General Statutes 143-215.6A].

d. Any person may be assessed an administrative penalty by the Director for violating section 301, 302, 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. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

3. Duty to Mitigate

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

4. Civil and Criminal Liability

Except as provided in B. (6), Section C of this permit regarding bypassing of stormwater control facilities, nothing in this individual permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-2l5.3, l43-2l5.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Oil and Hazardous Substance Liability

Nothing in this individual permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under NCGS l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

6. Property Rights

The issuance of this individual 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.

7. Severability

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

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director 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 Director upon request, copies of records required to be kept by this individual permit.

9. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this individual permit shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more that $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this individual permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both.

SECTION B: STORMWATER GENERAL CONDITIONS

1. Individual Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit forms and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subjected to enforcement procedures as provided in NCGS §143-215.6 and 33 USC 1251 et. seq.

2. 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 to change the name and incorporate such other requirements as may be necessary under the Clean Water Act. **The Permittee is required to notify the Division in writing in the event the permitted facility is sold or closed.**

3. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified.

a. All applications to be covered under this individual permit shall be signed as follows:

(l) In the case of 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) In the case of a partnership or limited partnership: by a general partner;

(3) In the case of a sole proprietorship: by the proprietor;

(4) In the case of a municipal, state, or other public entity: by a principal executive officer, ranking elected official, or other duly authorized employee.

b. All reports required by the individual permit and other information requested by the Director 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:

(l) 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 Director.

c. 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."

4. Individual Permit Modification, Revocation and Reissuance, or Termination

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

5. Permit Actions

The permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any individual permit condition.

SECTION C: STORMWATER OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this individual permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this individual permit.

2. Need to Halt or Reduce Not a Defense

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

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director may take enforcement action against a permittee for bypass unless:

a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and

b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under, B. (6), Section E of this permit.

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

SECTION D: STORMWATER MONITORING AND RECORDS

l. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this permit shall not be changed without notification to and approval of the Director.

2. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this individual permit, the permittee shall record the following information:

a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;

b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

3. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.
To meet the intent of the monitoring required by this individual permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

5. Representative Outfall

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical and the permittee is granted representative outfall status, then sampling requirements may be performed at a reduced number of outfalls.

6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this individual permit for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this individual permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this individual permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this individual permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring individual permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: STORMWATER REPORTING REQUIREMENTS

1. Discharge Monitoring Reports

Samples analyzed in accordance with the terms of this permit shall be submitted to the Division on Discharge Monitoring Report (DMR) forms provided by the Director. Submittals shall be delivered to the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.

When no discharge has occurred from the facility during the report period, the permittee is required to submit a discharge monitoring report within 30 days of the end of the three-month sampling period, giving all required information and indicating "NO FLOW" as per NCAC T15A 02B .0506.

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report (QMR) form provided by the Division, and shall retain the completed forms on site. Qualitative monitoring results should not be submitted to the Division, except upon DWQ's specific requirement to do so.

2. Submitting Reports

Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Division of Water Quality
Surface Water Protection Section
ATTENTION: Central Files
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

In addition, a separate signed Annual Summary DMR copy shall be submitted to the permittee's DWQ Regional Office (RO) by March 1 of each year.

3. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

4. Non-Stormwater Discharges

If the storm event monitored in accordance with this individual permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under the non-stormwater discharge permit and provide this information with the stormwater discharge monitoring report.

5. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants which are not specifically listed in the individual permit or subject to notification requirements under 40 CFR Part 122.42 (a).

6. Anticipated Noncompliance

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which may result in noncompliance with the individual permit requirements.

7. Bypass

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.

b. Unanticipated bypass. The permittee shall submit notice within 24 hours of becoming aware of an unanticipated bypass.

8. Twenty-four Hour Reporting

The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

9. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted.

10. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in an application for an individual permit or in any report to the Director, it shall promptly submit such facts or information.

SECTION F: STORMWATER LIMITATIONS REOPENER

This individual 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) 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 individual permit; or

b. Controls any pollutant not limited in the individual permit.

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

SECTION G: STORMWATER ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

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

SECTION H: DEFINITIONS FOR STORMWATER SECTION OF THIS PERMIT

1. Act

See Clean Water Act.

2. Arithmetic Mean

The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

3. Allowable Non-Stormwater Discharges

This permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:

(a) All other discharges that are authorized by a non-stormwater NPDES permit.

(b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands.

(c) Discharges resulting from fire-fighting or fire-fighting training.

4. Best Management Practices (BMPs)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.

5. Bypass

A bypass is the known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.

6. Bulk Storage of Liquid Products

Liquid raw materials, manufactured products, waste materials or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers located in close proximity to each other having a total combined storage capacity of greater than 1,320 gallons.

7. Clean Water Act

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

8. Division or DWQ

The Division of Water Quality, Department of Environment and Natural Resources.

9. Director

The Director of the Division of Water Quality, the permit issuing authority.

10. EMC

The North Carolina Environmental Management Commission.

11. Grab Sample

An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.

12. Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

13. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

14. Municipal Separate Storm Sewer System

A stormwater collection system within an incorporated area of local self-government such as a city or town.

15. No Exposure

A condition of no exposure means that all industrial materials and activities are protected by a storm resistant shelter or acceptable storage containers to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. DWQ may grant a No Exposure Exclusion from NPDES Stormwater Permitting requirements only if a facility complies with the terms and conditions described in 40 CFR §122.26(g).

16. Overburden

Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.

17. Permittee

The owner or operator issued a permit pursuant to this individual permit.

18. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

19. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.

20. Representative Outfall Status

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

21. Rinse Water Discharge

The discharge of rinse water from equipment cleaning areas associated with industrial activity. Rinse waters from vehicle and equipment cleaning areas are process wastewaters and do not include washwaters utilizing any type of detergent or cleaning agent.

22. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

23. Section 313 Water Priority Chemical

A chemical or chemical category which:

a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;

b. Is present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and

c. That meets at least one of the following criteria:

(1) Is listed in Appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols), or Table IV (certain toxic pollutants and hazardous substances);

(2) Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or

(3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

24. Severe Property Damage

Means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

25. Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

26. Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (Ref: 40 CFR 302.4).

27. Stormwater Runoff

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

28. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

29. Stormwater Pollution Prevention Plan

A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

30. Ten Year Design Storm

The maximum 24 hour precipitation event expected to be equaled or exceeded on the average once in ten years. Design storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

31. Total Flow

The flow corresponding to the time period over which the entire storm event occurs. Total flow shall be either; (a) measured continuously, (b) calculated based on the amount of area draining to the outfall, the amount of built-upon (impervious) area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20 minute intervals during the rainfall event.

32. Total Maximum Daily Load (TMDL)

A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is a detailed water quality assessment that provides the scientific foundation for an implementation plan. The implementation plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain water quality standards in all seasons. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

33. Toxic Pollutant

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

34. 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 or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

35. Vehicle Maintenance Activity

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

36. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

37. <u>25-year, 24 hour storm event</u>

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.