

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES - DIVISION OF WATER QUALITY
GENERAL PERMIT NO. NCG140000
TO DISCHARGE STORMWATER AND/OR PROCESS WASTEWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Coverage under this General Permit is applicable to all owners or operators of establishments classified as primarily engaged in ***ready-mixed concrete [Standard Industrial Classification Code (SIC) 3273] and like activities*** deemed by DWQ to be similar in the process and/or the exposure of raw materials, products, by-products, or waste materials.

IMPORTANT CHANGES & GUIDANCE

December 8, 2011:

In response to Section 9 of Session Law 2011-394, NCDWQ will not implement some of the **Authorization to Construct** requirements in the current version of the permit. DWQ will revise the printed text of the General Permit to be consistent at the next scheduled renewal period. Specifically:

- a. Note that permit requirements in Part II, Section A, numbers 1-5, and Part II, Section B, number 1 are no longer valid per NC Session Law 2011-394.
- b. However, note that Part II, Section A, number 6, and Part II, Section B, numbers 2-10 are unaffected by this Session Law.
- c. Your facility must notify the appropriate DWQ Regional Office at least 72 hours in advance of operation of your wastewater treatment facility.
- d. Other DWQ supporting documentation (other than the permit) will be amended to reflect these changes.

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Discharges covered under this permit are:

- ***Stormwater point source discharges*** (including discharges from on-site vehicle maintenance areas), and
- ***Authorized process wastewater discharges.***

The following activities are specifically ***excluded from coverage*** under this General Permit:

- ***Disposal of wastewater not specifically designated in this permit.***
- ***Disposal of any concrete*** directly into stormwater conveyances, storm sewer outfalls, wetlands, and/or into any waters of the state.

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 stormwater and process wastewater to the surface waters of North Carolina or separate storm sewer systems conveying stormwater to surface waters in accordance with the terms and conditions set forth herein.

The General Permit shall become effective on July 1, 2011.

The General Permit shall expire at midnight on June 30, 2016.

Signed this day June 24, 2011.

Original Signed by Matt Matthews
for Coleen H. Sullins, Director
Division of Water Quality
By the Authority of the Environmental Management Commission

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PART I INTRODUCTION

SECTION A: GENERAL PERMIT COVERAGE

All persons desiring to be covered by this General Permit must register with the Division of Water Quality (DWQ) by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to any point source discharge of stormwater and/or authorized discharge of process wastewater associated with industrial activity.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to commencement of discharge and must be secured prior to commencement of discharge.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be revoked and coverage under this General Permit be provided.

Any facility may apply for new or continued coverage under this permit until a Total Maximum Daily Load (TMDL) for pollutants for stormwater discharges is established. A TMDL sets a pollutant loading limit that affects a watershed, or portion of a watershed, draining to an impaired water.

For stormwater discharges to watersheds affected by a TMDL, coverage under this permit may depend on the facility demonstrating it does not have reasonable potential to violate applicable water quality standards for those pollutants as a result of discharges. If the Division determines that discharges have reasonable potential to cause water quality standard violations, the facility shall apply for an individual permit 180 days prior to the expiration date of this General Permit. Once that permit is effective, the permittee will no longer have coverage under this General Permit. [Note the facility must identify impaired waters (scheduled for TMDL development) and waters already subject to a TMDL in the Site Plan, as outlined in the Stormwater Pollution Prevention Plan, in Part III].

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

SECTION B: PERMITTED ACTIVITIES

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

The types of authorized discharges are dependent upon DWQ approval and are detailed in the permittee's individual Certificate of Coverage (COC). Where applicable, the COC also details DWQ's Authorization to Construct (ATC), and Authorization to Operate a wastewater treatment facility.

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 another permit, authorization, or approval.

The discharges allowed by this General 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.

PART II AUTHORIZATION TO CONSTRUCT AND OPERATE A TREATMENT FACILITY

Ready-mixed operations involving construction and operation of **wastewater treatment facilities** for authorized process wastewater discharges are subject to construction and operation requirements for treatment facilities as outlined in Sections A and B below.

SECTION A: REQUIREMENTS FOR CONSTRUCTING NEW OR EXPANDING WASTEWATER TREATMENT FACILITIES

1. New or expanding wastewater treatment facilities designed to discharge wastewater covered under this permit to surface waters **must receive an Authorization to Construct (ATC)** associated with this permit.

Closed-Loop Recycle Systems which meet design requirements in 15A NCAC 02T .1000 and do not discharge to surface waters, do not require an Authorization to Construct associated with this permit. However, these facilities must contact DWQ's Aquifer Protection Section Land Application Unit to obtain any necessary permits or approvals.
2. Application for the ATC requires that plans and specifications be submitted to the Division of Water Quality, Stormwater Permitting Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617 for approval.
3. Upon approval of plans and specifications by the Division, a set of approved plans and specifications for the subject project will be returned to the permittee. These plans must be retained on site by the permittee for the life of the treatment facility.
4. Upon receipt of an approved ATC, approved treatment facilities shall be constructed and implemented in accordance with the conditions of this permit, approved plans and specifications, and other supporting data. Treatment facilities shall be constructed to meet the effluent limitations in Part IV, Section D of this General Permit.
5. Upon completion of construction and prior to operation of a permitted facility, a certification must be received from a professional engineer in accordance with G.S. 89-25 confirming that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting materials. Mail the Certification of plans and specifications to the Division of Water Quality, Stormwater Permitting Unit, 1617 Mail Service Center, Raleigh, NC 27699-1617.
6. The permittee shall notify the DWQ Regional Office **at least seventy-two (72) hours in advance of operation** of the installed facilities so that an in-place inspection can be made if the Regional Office so desires. Such notification to the Regional Supervisor shall be made during normal business hours from 8:00 a.m. until 5:00 p.m. on Monday through Friday, excluding State Holidays.

SECTION B: REQUIREMENTS FOR OPERATION OF WASTEWATER TREATMENT FACILITIES

Existing, new, and expanding wastewater treatment facilities for covered wastewater discharges shall be subject to the following operational requirements.

1. Operation and maintenance of treatment facilities must be in accordance with the requirements in this General Permit. For the purposes of this permit no documentation other than a signed Certificate of Coverage is required to operate an existing treatment facility. New treatment facilities must also have an Authorization to Construct (ATC) permit, with the exceptions noted in Section A above.
2. Diversion or bypass of untreated wastewater from a treatment facility is prohibited except under provisions of this permit in Part V, Section C.4 and Part V, Section E.8
3. In the event that a facility fails to perform satisfactorily, including the creation of nuisance conditions, the permittee shall take immediate corrective action, including those actions that may be required by this Division, such as the construction of additional or replacement treatment or disposal facilities.
4. The issuance of this permit shall not relieve the permittee of the responsibility for damages to surface waters of the state resulting from the operation of a treatment facility.
5. Any discharge from a treatment system to groundwater must protect the groundwater standards specified in 15A NCAC 2L, Groundwater Classification and Standards. Contact DWQ Aquifer Protection Section for more information.
6. Any groundwater quality monitoring, as deemed reasonably necessary by the Division, shall be provided.
7. Flocculants evaluated by the Division may be used if administered in accordance with maximum application doses and any other current requirements. No other chemical flocculants shall be used in the treatment facility without prior written authorization from the Division. Polyacrylamide (PAMS) information can be found through the Stormwater Permitting Unit website.
8. All discharges of process wastewater will be monitored in accordance with Part IV, Section D of this permit.
9. A list of detergents, additives, polymers, brighteners and any other solvent, cleaning agents, or like chemicals used on site in the industrial process, must be kept on site and up to date. Additionally, this list shall include use schedule, quantity, MSDS sheets and aquatic toxicology data (if available). If phosphate-containing detergents are used on site, a feasibility study must be performed to show the viability of using phosphate-free detergents. The feasibility study shall be kept on the site and updated annually.
10. A record of unauthorized wastewater releases to surface waters, wetlands, or ground surface from closed-loop recycle systems permitted by the Aquifer Protection Section shall be documented and kept on site for a period of five (5) years, when stormwater discharges from these sites are permitted under NCG140000.

PART III STORMWATER POLLUTION PREVENTION PLAN

The permittee shall develop and implement a Stormwater Pollution Prevention Plan (SPPP). This plan shall be considered public information in accordance with Part V, Standard Conditions, Section E of this General Permit. The SPPP 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 latitude and longitude of the point(s) of discharge. The general location map (or alternatively the site map) shall identify whether the 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.
 - (b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, crushing activities, 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. A narrative description of handling and storage of fly ash, ash by-products, and recycled materials.
 - (c) A site map drawn at a scale sufficient to clearly depict: the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including storage of materials, spill kits, 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 shall include a distance legend and 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 Part V, Standard Conditions, Section B, Paragraph 5. 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 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 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 any material. 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. 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 and implemented. 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, cement crushing areas, loading and unloading areas, ash storage areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall address and maintain a record of the handling and storage of fly ash, ash by-products, and recycled materials. 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. All such inspections must be documented with printed name, date and signature of the individual performing the inspection(s).
5. Employee Training. Training programs shall be developed and training provided at least once a year 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 the annual training shall be documented by the signature of each employee that participates.

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 SPPP. Responsibilities for all components of the SPPP shall be documented and position assignments provided. See signatory requirements in Part V Section B.5 of permit.
7. **Plan Amendment.** The permittee shall amend the SPPP 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 written re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a documented re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan. The annual update shall be documented with the printed name, date and signature of the individual performing the review, as well as a detailed description of the changes necessary to keep the SPPP updated.
8. The Director may notify the permittee when the SPPP 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 SPPP to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part V, Standard Conditions, Section B, Paragraph 5) to the Director that the changes have been made.
9. **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, according to the schedule in Table 2. These inspections shall have at least 30 days separating inspection dates, unless inspections are required more frequently by DWQ as part of the Tiered Response. These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring required in Part IV of this permit.
10. **Implementation.** The permittee shall implement the Stormwater Pollution Prevention Plan. Implementation of the SPPP 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, and including vehicle maintenance activities. Such documentation shall be kept on site for a period of five (5) years and made available to the Director or the Director's authorized representative immediately upon request.

PART IV MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER DISCHARGES - ANALYTICAL MONITORING REQUIREMENTS

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 subject to the provisions of this permit. Stormwater that is commingled with wastewater shall be considered wastewater, and is not covered under this section of the permit.

Analytical monitoring of stormwater discharges shall be performed as specified below in **Table 1**.

All analytical monitoring shall be performed **during a measurable storm event** at each stormwater discharge outfall (SDO).

A **measurable storm event** is a storm event that **results in an actual discharge** from the permitted site outfall. The previous measurable storm event must have been at least 72 hours prior. The 72-hour storm interval does not apply if the permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and obtains approval from the local DWQ Regional Office. *See definitions for more information.*

Table 1. Analytical Monitoring Requirements for Stormwater Discharges

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	Semi-annual	Grab	SDO
Total Suspended Solids	mg/L	Semi-annual	Grab	SDO
Event Duration	minutes	Semi-annual	-	-
Total Rainfall ⁴	inches	Semi-annual	On-site Rain gauge	-

Footnotes:

1. Twice per year during a measurable storm event, per the schedule in **Table 2**. See below for additional requirement for failures to monitor.
2. Grab samples shall be collected within the first 30 minutes of discharge from an SDO or detention pond.
3. Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status (ROS) has been granted and documented by the Division of Water Quality. A copy of the letter granting ROS shall be kept on site.
4. For each sampled measurable storm event the total precipitation must be recorded using data from an on-site rain gauge.

A **minimum of 60 days must separate each monitoring event** unless additional monitoring has been instituted.

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2**, unless adverse weather conditions prevent sample collection. Inability to sample due to adverse weather conditions must be documented in the SPPP (*see Adverse Weather in Definitions*) and reported on the DMR.

Table 2. Monitoring Schedule

Semi-Annual Monitoring Events ^{1,2}	Start Date (All Years) ³	End Date (All Years) ³
1	July 1	December 31
2	January 1	June 30

Footnotes:

1. Maintain semi-annual monitoring during permit renewal process. If at the expiration of the General Permit, the permittee has submitted an application for renewal of coverage before the submittal deadline, the permittee will be considered for renewed coverage. The applicant must continue semi-annual monitoring until the renewed Certificate of Coverage 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 sampling period.
3. Monitoring periods remain constant throughout the five-year permit term.

Failure to monitor semi-annually per permit terms, immediately institutes monthly monitoring for all stormwater parameters. After six (6) months of monthly monitoring, the permittee may return to a semi-annual sampling monitoring schedule, unless DWQ requires continued monthly monitoring.

The permittee shall compare monitoring results to benchmark values in **Table 3**. 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 the descriptions of **Tier One**, **Tier Two**, and **Tier Three** Response Actions, below.

Table 3. Benchmark Values for Analytical Monitoring Requirements

Discharge Characteristics	Units	Benchmark Values
pH	standard	6.0 - 9.0
Total Suspended Solids (TSS)	mg/L	100
TSS (ORW, HWQ, Trout & PNA waters)	mg/L	50

Tier One
<p>If: The first valid sampling results are above a benchmark value, or outside of the benchmark range, for any stormwater parameter at any outfall;</p>
<p>Then the permittee shall:</p> <ol style="list-style-type: none"> 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 stormwater parameters of concern, and/or to bring concentrations 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
<p>If: During the term of this permit, the first valid sampling results from two consecutive monitoring periods are above the benchmark values, or outside of the benchmark range, for any specific stormwater parameter at a specific discharge outfall;</p>
<p>Then the permittee shall:</p> <ol style="list-style-type: none"> 1. Repeat all the required actions outlined above in Tier One. 2. Immediately institute monthly monitoring for all stormwater parameters 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. 3. If no discharge occurs during the sampling period, the permittee is required to submit a monthly monitoring report indicating "No Flow" to comply with reporting requirements. "No flow" reports will not be considered as one of the three consecutive sample results under the benchmark. 4. Maintain a record of the Tier Two response in the Stormwater Pollution Prevention Plan.

Tier Three

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 stormwater parameter at any specific outfall on **four occasions**, the permittee shall notify the DWQ 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 revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- Rescind coverage under the General Permit, and require that the permittee apply for an individual stormwater discharge permit;
- Require the permittee to install structural stormwater controls;
- Require the permittee to implement other stormwater control measures; or
- Require the permittee to perform upstream and downstream monitoring to characterize impacts on receiving waterbodies.

SECTION B: STORMWATER DISCHARGES – ON-SITE VEHICLE MAINTENANCE AREA (VMA) MONITORING REQUIREMENTS

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge stormwater associated with vehicle maintenance activities occurring on site.

Facilities which have any vehicle maintenance activity occurring on site using more than 55 gallons of new motor oil per month when averaged over the calendar year shall perform analytical monitoring as specified in **Table 4**. All analytical monitoring shall be performed **during a measurable storm event** at each vehicle maintenance outfall. VMA stormwater discharges commingled with wastewater shall be considered wastewater. For more information see Part IV, Section D of this permit.

Table 4. Stormwater Analytical Monitoring Requirements for On-Site Vehicle Maintenance

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	Semi-annual	Grab	SDO
Total Petroleum Hydrocarbons (TPH), <i>EPA Method 1664 (SGT-HEM)</i>	mg/L	Semi-annual	Grab	SDO
Total Suspended Solids	mg/L	Semi-annual	Grab	SDO
Event Duration	minutes	Semi-annual	-	-
Total Rainfall ⁴	inches	Semi-annual	On-site Rain gauge	-
New Motor Oil Usage	Gallons/ month	Semi-annual	Estimate	-

Footnotes:

1. Twice per year during a measurable storm event, per the schedule in **Table 2**. See below for additional requirements for failures to monitor.
2. Grab samples shall be collected within the first 30 minutes of discharge from an SDO or detention pond.
3. Samples shall be collected at each stormwater discharge outfall (SDO) that discharges stormwater runoff from area(s) where vehicle maintenance activities occur.
4. For each sampled measurable storm event the total precipitation must be recorded using data from an on-site rain gauge.

A minimum of 60 days must separate each monitoring event unless additional monitoring has been instituted.

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2** unless adverse weather conditions prevent sample collection. Inability to sample due to adverse weather conditions must be documented in the SPPP and reported on the DMR (*see Adverse Weather in Definitions*).

Failure to monitor semi-annually per permit terms, immediately institutes monthly monitoring for all stormwater parameters. After six (6) months of monthly monitoring, the permittee may return to a semi-annual sampling monitoring schedule, unless DWQ requires continued monthly monitoring.

The permittee shall compare monitoring results to benchmark values in **Table 5**. 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. The permittee shall comply with the required **Tier One, Tier Two, and Tier Three** response actions identified in Section A.

Table 5. Stormwater Benchmark Values for On-Site Vehicle Maintenance Activities

Discharge Characteristics	Units	Benchmark Values
pH	Standard	6.0 - 9.0
Total Petroleum Hydrocarbons (TPH), <i>EPA Method 1664 (SGT-HEM)</i>	mg/L	15
Total Suspended Solids (TSS)	mg/L	100
TSS (ORW, HWQ, Trout & PNA waters)	mg/L	50

SECTION C: STORMWATER DISCHARGES - QUALITATIVE MONITORING REQUIREMENTS

The purpose of qualitative monitoring is to evaluate the effectiveness of the Stormwater Pollution Prevention Plan and to assess new sources of stormwater pollution.

Qualitative monitoring requires a visual inspection of **each** stormwater outfall *regardless* of representative outfall status and shall be performed as specified below in **Table 6, during the analytical monitoring event** (unless the permittee is required to perform further qualitative sampling per the Qualitative Monitoring Response, below). Inability to sample due to adverse weather conditions must be documented in the SPPP and reported on the DMR (*see Adverse Weather in Definitions*). Qualitative monitoring of stormwater outfalls must be performed during a measurable storm event.

Table 6. Qualitative Stormwater Monitoring Requirements

Discharge Characteristics	Frequency¹	Monitoring Location²
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 indicators of stormwater pollution	Semi-annual	SDO

Footnotes:

1. Twice per year during a measurable monitoring event per the schedule in **Table 2**.
2. Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status.

A minimum of 60 days must separate monitoring dates, unless additional sampling has been instituted as part of other analytical monitoring requirements in this permit.

If the permittee’s qualitative monitoring indicates that existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those corrective actions within 60 days, per the **Qualitative Monitoring Response**, below. A **written record** of the permittee’s investigation, evaluation, and response actions shall be kept in the Stormwater Pollution Prevention Plan.

Qualitative Monitoring Response

Qualitative monitoring is for the purposes of evaluating the effectiveness of the Stormwater Pollution Prevention Plan, assessing new sources of stormwater pollution, and prompting the permittee's response to pollution. If the permittee repeatedly fails to respond effectively to correct problems identified by qualitative monitoring, or if the discharge causes or contributes to a water quality standard violation, **DWQ may but is not limited to:**

- Require that the permittee revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- Rescind coverage under the General Permit, and require that the permittee apply for an individual stormwater discharge permit;
- Require the permittee to install structural stormwater controls; or
- Require the permittee to implement other stormwater control measures.

SECTION D: PROCESS WASTEWATER DISCHARGES - ANALYTICAL MONITORING REQUIREMENTS

This General Permit authorizes the discharge of process wastewater associated with three distinct activities: 1) vehicle and equipment cleaning - external surfaces, 2) wetting of raw material stockpiles, and 3) mixing drum cleanout. The authorization to discharge wastewater is specifically identified on each permittee's COC. ***Process wastewater discharges generated by any other activity are not authorized under this permit, except allowable non-stormwater discharges permitted by 15A NCAC 2H .0106(f).*** Authorized process wastewater commingled with stormwater shall be considered process wastewater.

1. Process Wastewater Associated with Vehicle and Equipment Cleaning

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with vehicle and equipment cleaning, subject to the provisions of this permit. For the purposes of this permit, vehicle and equipment cleaning is limited to the rinsing of the external surfaces of vehicles and equipment.

2. Process Wastewater Associated with Raw Material Stockpiles

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with wetting of raw material stockpiles, subject to the provisions of this permit.

3. Process Wastewater Associated with Mixing Drum Cleanout

During the period beginning on the effective date of the permit and lasting until expiration, the permittee is authorized to discharge process wastewater associated with mixing drum cleanout, subject to the provisions of this permit.

All Authorized Process Wastewater Discharges

Analytical monitoring of the above authorized process wastewater discharges shall be performed as specified in **Table 7**.

If authorized process wastewaters commingle prior to discharge, sampling the combined discharge will meet the monitoring requirements of this permit. Sampling shall be performed during discharge; these events may or may not be associated with rainfall.

Authorized wastewater treatment facilities may include some wastewater recycling as a means of volume management.

Surface water discharges from authorized wastewater treatment facilities are subject to the provisions, monitoring requirements, and limits of this permit. *Authorized wastewater treatment facilities with **no wastewater discharges to surface waters** are exempt from the requirements of Part IV, Section D of this permit. However, these ready-mixed plants with closed loop-recycle systems or other wastewater treatment facilities **that do not discharge to surface waters** must contact DWQ's Aquifer Protection Section Land Application Unit to obtain any necessary permits or approvals.*

Table 7. Analytical Monitoring Requirements for Process Wastewater

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	Quarterly	Grab	E
Total Suspended Solids	mg/L	Quarterly	Grab	E
Settleable Solids	mL/L	Quarterly	Grab	E
Total Petroleum Hydrocarbons (TPH), <i>EPA Method 1664 (SGT-HEM)</i> ⁴	mg/L	Quarterly ⁴	Grab	E
Discharge Duration ⁵	minutes	Quarterly	-	-
Flow ⁵	gallons/day	Quarterly	-	E

Footnotes:

1. Four times per year during a discharge event. See below for additional requirements for failures to monitor or violations of permit limits.
2. Grab samples shall be collected within the first 30 minutes of discharge from the outfall or detention pond.
3. Effluent (E) = Process wastewater discharge outfall.
4. Process wastewater discharges shall only be monitored for TPH when commingled with stormwater discharges from VMA areas.
5. For each sampled discharge event, the total discharge duration and flow rate must be provided. Flow rate can be measured continuously or calculated.

Failure to monitor wastewater quarterly per permit terms immediately institutes monthly monitoring for all wastewater parameters. Violation of permit limits twice in a row immediately institutes monthly monitoring for all wastewater parameters. In either case, after six (6) months of monthly monitoring, the permittee may return to a quarterly monitoring schedule, unless DWQ requires continued monthly monitoring.

Wastewater discharges must meet the requirements of the effluent limitation listed in **Table 8**, below. An exceedence of any of these limitations will result in a violation of the permit conditions.

Table 8. Effluent Limitations for all Process Wastewater

Discharge Characteristics	Units	Effluent Limitations (Daily Maximum)
pH Range (freshwaters)	Standard	6.0 – 9.0
pH Range (saltwaters)	Standard	6.8 – 8.5
Total Suspended Solids	mg/L	30
Total Suspended Solids ¹ (HQW)	mg/L	20
Total Suspended Solids ¹ (Trout & PNA waters)	mg/L	10
Settleable Solids	mL/L	5
Total Petroleum Hydrocarbons ² (TPH)	mg/L	N/A ³
Total Volume/Day of Wastewater Discharged (HQW) ⁴	gallons/day	50% of the Summer 7Q10 flow ⁴

Footnotes:

1. Per 15A NCAC 02B .0224
2. Process wastewater discharges shall only be monitored for TPH when commingled with stormwater discharges from VMA areas.
3. TPH does not have a limit for wastewater, but instead is subject to benchmarks and provisions of Part IV, Section A, including the Tiered Response Action.
4. Per 15A NCAC 02B .0224. Permittees who discharge wastewater to HQW waters shall obtain a summer 7Q10 flow and report this information to DWQ. If the permittee cannot obtain a summer 7Q10 flow for the receiving waters at the discharge location, the permittee shall notify DWQ, and the DWQ Regional Office may require an annual flow report on a case-by-case basis.

The permittee shall complete the analytical samplings of wastewater discharges in accordance with the schedule specified in **Table 9**. Permittees shall report any noncompliance per Part V, Section E: Reporting Requirements, paragraphs 9-11.

Table 9. Monitoring Schedule

Quarterly Monitoring Events ¹	Start Date (All Years)	End Date (All Years)
1	July 1	September 30
2	October 1	December 31
3	January 1	March 31
4	April 1	June 30

Footnotes:

1. If no discharge occurs during the sampling period, the permittee must record “No Flow” or “No Discharge” within 30 days of the end of the three-month sampling period in their SPPP.

If detergents are used in any of the processes authorized in Section D of this permit, they must be labeled biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents. A list of these chemicals must be kept on site and up to date. A feasibility study must be performed if phosphate-containing detergents are used (*see Part II, Section B* for additional information).

PART V STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS

SECTION A: 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 coverage under this General Permit for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the initial Certificate of Coverage issued pursuant to this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part III, Paragraph 2(b) of this permit, shall be accomplished within 12 months of the effective date of the initial Certificate of Coverage.

New facilities applying for permit coverage for the first time: All requirements, conditions, limitations, and controls contained in this permit become effective immediately upon issuance of the Certificate of Coverage. 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 Part III, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

Existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit (except new SPPP elements in this permit renewal) shall become effective immediately upon issuance of the Certificate of Coverage. New elements of the Stormwater Pollution Prevention Plan for this permit renewal shall be developed and implemented within 6 months of the effective date of the initial Certificate of Coverage issued pursuant to this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part III, 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 General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage 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: North Carolina 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 General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Civil and Criminal Liability

Except as provided in this permit regarding bypassing of stormwater control facilities, nothing in this General Permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 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 General 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.

6. Property Rights

The issuance of this General 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 General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this General 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 the certificate of coverage issued pursuant to this General Permit or to determine compliance with this General Permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this General 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 General Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

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 General 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.

SECTION B: GENERAL CONDITIONS

1. General Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order 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 §143-2153.6 and 33 USC 1251 et. seq.

2. Transfers

The certificate of coverage issued pursuant to this General 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 certificate of coverage 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 within 60 days in the event the permitted facility is sold or closed.**

3. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this General Permit to apply for and obtain an individual permit or an alternative General Permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;

- b. Conditions at the permitted site 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 General 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 limitations are promulgated for the point sources covered by this General Permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this General Permit;
- g. The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

Any permittee operating under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this General Permit is automatically terminated on the effective date of the individual permit.

5. Signatory Requirements

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

- a. All notices of intent to be covered under this General Permit 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 General 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:
 - (1) The authorization is made in writing by a person described above;
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or

position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Director.

c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification **which shall not be modified in any way:**

"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."

6. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Director from reopening and modifying the General Permit, revoking and reissuing the General Permit, or terminating the General 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.

After public notice and opportunity for a hearing, the General Permit may be terminated for cause. The filing of a request for a General Permit modification, revocation and reissuance, or termination does not stay any General Permit condition. The certificate of coverage shall expire when the General Permit is terminated.

7. Certificate of Coverage Actions

The certificate of coverage issued in accordance with this General Permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any General Permit condition.

SECTION C: 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 this General 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 General 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 General 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 Section E of this Part.

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.

4. Bypassing of Wastewater Treatment Facilities

The permittees 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 Part V, Section C.4.a and Part V, Section C.4.b.

a. Notices

- (1) Anticipated bypass. If the permittees 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 permittees shall submit notice within 24 hours of becoming aware of an unanticipated bypass as required in Part V, Section E.8. of this permit.

b. Prohibition of Bypass

- (1) Bypass is prohibited and the Director may take enforcement action against the permittees 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 untreated waste or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup 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 permittees submitted notices as required under Part V, Section C.4.a of this permit.

- (2) The Director may approve an anticipated bypass, after considering its adverse affects, if the Director determines that it will meet the three conditions listed in Part V, Section C.4.b.(1) of this permit.

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. Analytical stormwater sampling shall be performed during a measurable 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 General 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 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 General 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. Establishing 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 analytical sampling requirements may be performed at a reduced number of outfalls. Qualitative monitoring shall be performed at all discharges locations regardless of representative outfall status (ROS).
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 General 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 General Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring General Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: 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 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 sampling period, giving all required information and indicating "NO FLOW" as per 15A NCAC 02B .0506.

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

2. Submitting Reports

Two signed copies of the Discharge Monitoring Reports (DMRs) shall be submitted to:

Central Files
Division of Water Quality
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Visual monitoring results should not be submitted to Central Files unless requested by DWQ.

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 General 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 General 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 General Permit requirements.
7. Spills
The permittee shall report to the local DWQ Regional Office, within 24 hours, all significant spills as defined in Part VIII of this permit. Additionally, the permittee shall report spills including: any oil spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any oil spill regardless of amount occurring within 100 feet of surface waters, and any oil spill less than 25 gallons that cannot be cleaned up within 24 hours.
8. Reporting 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.
9. 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 five (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.
10. Other Noncompliance
The permittee shall report all other instances of noncompliance not reported above under Twenty-four hour reporting at the time monitoring reports are submitted.
11. Other Information
Where the permittee becomes aware that it failed to submit any relevant facts regarding this General Permit or in any report to the Director, it shall promptly submit such facts or information.

PART VI LIMITATIONS REOPENER

This General 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 General Permit; or
- b. Controls any pollutant not limited in the General Permit.

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

PART VII 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 Certificate of Coverage.

PART VIII DEFINITIONS

1. Act
See Clean Water Act.
2. Adverse Weather
Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical. When adverse weather conditions prevent the collection of samples during the sample period, the permittee must take a substitute sample or perform a visual assessment during the next qualifying storm event. Documentation of an adverse event (with date, time and written narrative) and the rationale must be included with your SPPP records. Adverse weather does not exempt the permittee from having to file a monitoring report in accordance with the sampling schedule. Adverse events and failures to monitor must also be explained and reported on the relevant DMR.
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. More information on BMPs can be found at: <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>.
5. Bypass
A bypass is the known diversion of stormwater or wastewater from any portion of a stormwater or wastewater control facility including the collection system or wastewater treatment facility, 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. Certificate of Coverage
The Certificate of Coverage (COC) is the cover sheet which accompanies the General Permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the permit and is signed by the Director.
8. Clean Water Act
The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.
9. Detergents
Detergents, additives, polymers, brighteners and any other solvent or cleaning agents used on site in the industrial process shall be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents. A current list of all chemicals, with use schedule, quantity, MSDS sheets and aquatic toxicology data shall be kept on site and up to date in the SPPP.
10. Division or DWQ
The Division of Water Quality, Department of Environment and Natural Resources
11. Director
The Director of the Division of Water Quality, the permit issuing authority.
12. EMC
The North Carolina Environmental Management Commission
13. Grab Sample
An individual sample collected instantaneously. Grab samples must be taken within the first 30 minutes of discharge.
14. Hazardous Substance
Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
15. Measurable Storm Event
A measurable storm event is a storm event that results in an actual discharge from the permitted site outfall. The previous measurable storm event must have been at least 72 hours prior. The 72-hour storm interval may not apply if the permittee is able to document that a shorter interval is representative for local storm events during the sampling period, and obtains approval from the local DWQ Regional Office. Two copies of this information and a written request letter shall

be sent to the local DWQ Regional Office. After authorization by the DWQ Regional Office, a written approval letter must be kept on site in the permittee's SPPP.

16. Municipal Separate Storm Sewer System
A stormwater collection system within an incorporated area of local self-government such as a city or town.
17. Notice of Intent
The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a General Permit.
18. Permittee
The owner or operator issued a certificate of coverage pursuant to this General Permit.
19. 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.
20. Process Wastewater
For the purposes of this permit, process wastewater is wastewater generated from the following activities:
 - (a) Vehicle and equipment cleaning operations. For the purposes of this permit, vehicle and equipment cleaning is limited to the rinsing of the external surfaces of vehicles and equipment. If detergents are used, they must be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents.
 - (b) Raw material stockpile wetting operations. This includes wetting for control of temperature and moisture content. Washing of raw materials is not authorized under this permit.
 - (c) Mixing drum-cleaning operations. This includes vehicle mixing drum and facility mixing drum cleaning. It also includes flushing the bed of a dump truck, if used to deliver concrete to a job site. If detergents are used, they must be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents.
 - (d) Commingled stormwater and authorized process wastewater shall be considered process wastewater.
21. 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 analytical representative outfall status. Representative outfall status allows the permittee to perform analytical monitoring at a reduced number of outfalls. Qualitative monitoring shall be performed at all discharges locations regardless of representative outfall status (ROS).
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) 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
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 Discharge Outfall (SDO)
The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.
28. Stormwater Runoff
The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.
29. 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.
30. Stormwater Pollution Prevention Plan (SPPP)
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.
31. Ten Year Design Storm
The maximum 24 hour precipitation event expected to be equaled or exceeded on the average once in ten years. Storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual
32. 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.

33. Total Maximum Daily Load (TMDL)
TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. (A list of approved TMDLs for the State of North Carolina can be found at <http://h2o.enr.state.nc.us/tmdl/>)
34. Toxic Pollutant
Any pollutant listed as toxic under Section 307(a) (1) of the Clean Water Act.
35. Vehicle and equipment cleaning
For the purposes of this permit, this cleaning is limited to the rinsing of the external surfaces of vehicles and equipment. If detergents are used, they must be biodegradable, and the pH must be adjusted to within 6 to 9 standard units. Wherever possible, permittees are encouraged to use phosphate-free detergents.
36. Vehicle Maintenance Activity
Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations.
37. 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.
38. Summer 7Q10
The lowest average 7-day stream flow that is expected to occur once every 10 years during the summer months.
39. 25-year, 24 hour storm event
The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.