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

GENERAL PERMIT NCG580000

TO DISCHARGE RECLAIMED WATER
FROM CONJUNCTIVE USE RECLAIMED WATER SYSTEMS
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, this permit is hereby issued to all those who store reclaimed water from a conjunctive use reclaimed water system, and/or irrigate using reclaimed water from a conjunctive use reclaimed water system, hereafter Permittees, to allow the de minimus discharge of reclaimed water from a conjunctive use reclaimed water system to waters of the State in accordance with the conditions set forth in this permit.

This permit becomes effective on _____.

This permit and the authorization to discharge expire at midnight, _____.

Signed this day _____.

_____
Thomas A. Reeder, Acting Director
Division of Water Quality
By Authority of the Environmental Management Commission

1.0 Activities Covered Under This Permit

This permit is available to Permitted reclaimed water users who discharge to waters of the State as a result of activities related to the utilization - storage and/or irrigation - of reclaimed water, limited to the following:

- Discharges from reclaimed water storage ponds resulting from rainfall or other storm events
- Overspray or run off of reclaimed water, provided that the volume is <10% of the total volume of reclaimed water use, or 5,000 gallons per day, whichever is less

Coverage under this permit for discharges from reclaimed water storage ponds shall only occur where no viable alternative exists and measures are taken to reduce the risk of overflow.

Coverage under this permit is predicated by the Permittee's compliance with all applicable statutes, rules and regulations governing the utilization of reclaimed water and the terms and conditions of any permit issued regulating the Permittee's utilization of reclaimed water.

Discharges covered under this permit shall not result in any violations of surface water standards.

2.0 Activities Not Covered Under This Permit

- Direct, intentional or negligent discharge of reclaimed water to waters of the State.

3.0 Operation and Maintenance Requirements

- A protective vegetative cover, or equivalent, shall be established and maintained on all earthen embankments, berms, pipe runs, erosion control areas, and surface water diversions and conveyances associated with reclaimed water storage pond outlets to minimize erosion resulting from reclaimed water discharges.

- The Permittee must maintain compliance with all applicable rules contained in 15A NCAC Subchapter 02U – Reclaimed Water.

- The Permittee shall visually inspect sprinkler/spray heads to ensure they cause no direct discharge to waters of the state.

- No addition of reclaimed water to storage ponds may occur during, or immediately preceding, rainfall events.

4.0 Monitoring and Reporting Requirements

- The Permittee shall conduct visual spot checks of any discharge from a reclaimed water storage pond to assess if adverse impacts to the waters are occurring and maintain records of any corrective action performed to mitigate observed impacts.

- The Division may request additional sampling of the discharge or receiving stream.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

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

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

EMC
The North Carolina Environmental Management Commission

EPA
The United States Environmental Protection Agency

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

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

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

Section B. General Conditions

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

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

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

c. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. [33 USC 1319 (c) (1) and 40 CFR 122.41 (a) (2)]

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

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

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

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

2. <u>Duty to Mitigate</u>

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

3. <u>Civil and Criminal Liability</u>

Except as provided in permit conditions on "Bypassing" (Part II. C. 4), “Upsets” (Part II. C. 5) and "Power Failures" (Part II. C. 7), nothing in this permit shall be construed to relieve the Permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-215.3, l43-215.6 or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. **Oil and Hazardous Substance Liability**
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under NCGS l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USG 1321. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. **Property Rights**
The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations [40 CFR 122.41 (g)].

6. **Onshore or Offshore Construction**
This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

7. **Severability**
The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby [NCGS 150B-23].

8. **Duty to Provide Information**
The Permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required by this permit [40 CFR 122.41 (h)].

9. **Duty to Reapply**
If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit [40 CFR 122.41 (b)].

10. **Expiration of Permit**
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 such information, forms, and fees as are required by the agency authorized to issue permits no later than l80 days prior to the expiration date. Any Permittee that has not requested renewal at least l80 days prior to expiration, or any Permittee that does not have a permit after the expiration and has not requested renewal at least l80 days prior to expiration, will subject the Permittee to enforcement procedures as provided in NCGS l43-2l5.6 and 33 USC l25l et. seq.

11. **Signatory Requirements**
All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified [40 CFR 122.41 (k)].

    a. All permit applications shall be signed as follows:

        (l) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of

making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures .

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official [40 CFR 122.22].

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Permit Issuing Authority [40 CFR 122.22]

c. Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative [40 CFR 122.22]

d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

12. <u>Permit Actions</u>

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

13. <u>Permit Modification, Revocation and Reissuance, or Termination</u>

The issuance of this permit does not prohibit the permit issuing authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts l22 and l23; Title l5A of the North Carolina Administrative Code, Subchapter 2H.0l00; and North Carolina General Statute l43-2l5.l et. al.

Section C. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance

The Permittee shall at all times provide the operation and maintenance resources necessary to operate the existing facilities at optimum efficiency. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the Permittee to install and operate backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit [40 CFR 122.41 (e)].

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 permit [40 CFR 122.41 (c)].

Section D. Monitoring and Records

1. Inspection and Entry

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

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

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

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

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location [40 CFR 122.41 (i)].

Section E Reporting Requirements

1. Change in Discharge

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

2. Planned Changes

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

a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29 (b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR l22.42 (a) (l).

c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3. Transfers

This permit is not transferable to any person without approval from the Director. The Director may require modification or revocation and reissuance of the permit to document the change of ownership. Any such action may incorporate other requirements as may be necessary under the CWA [40 CFR 122.41 (l) (3)].

4. Twenty-four Hour Reporting

a. The Permittee shall report to the Director or the appropriate Regional Office any noncompliance that potentially threatens public health or the environment. Any information shall be provided orally within 24 hours from the time the Permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR 122.41 (l) (6)].

b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.

c. Occurrences outside normal business hours may also be reported to the Division's Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

5. Other Information

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information [40 CFR 122.41 (l) (8)].

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