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

GENERAL PERMIT NO. NCG120000

TO DISCHARGE STORMWATER 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 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 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.

Coverage under this general permit is applicable to all owners or operators of stormwater point source discharges associated with activities classified as Landfills that are permitted by the North Carolina Division of Solid Waste Management under the provisions and requirements of North Carolina General Statute 130A - 294.

The following are specifically excluded from coverage under this General Permit: Stormwater discharges from open dumps, hazardous waste disposal sites, or discharges of wastes (including leachate as defined in 15A NCAC 13B.0101(11)) to the waters of the state.

The General Permit shall become effective on November 1, 2007.

The General Permit shall expire at midnight on October 31, 2012.

Signed this day October 17, 2007.

Original signed by Coleen Sullins

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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 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 discharge of stormwater associated with industrial activity that has a point source discharge to the surface waters of the state.

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.

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.

Facilities submitting NOIs for coverage under this permit, and facilities submitting renewal forms for continued coverage under this permit, prior to establishment or approval of a Total Maximum Daily Load (TMDL) for pollutant(s) for stormwater discharges (i.e. wet weather flows), may be covered under this permit during its term. For such facilities, continued coverage under the reissuance of this permit is subject to the facility demonstrating that it does not have a reasonable potential to violate applicable water quality standards for such pollutants due to the stormwater discharge(s). For facilities that do have a reasonable potential for violation of applicable water quality standards due to the stormwater discharge(s), the facility shall apply for an individual permit 180 days prior to the expiration of this general permit. Once the individual permit is issued and becomes effective the facility will no longer have coverage under the general permit. Impaired waters scheduled for TMDL development are on North Carolina's 303(d) List and can be found here: **http://h2o.enr.state.nc.us/tmdl/General_303d.htm#Downloads**.
A list of approved TMDLs for the state of North Carolina can be found here:
http://h2o.enr.state.nc.us/tmdl/General_TMDLs.htm.

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

SECTION B: PERMITTED ACTIVITIES

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

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization or approval. The stormwater 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 MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A: FINAL LIMITATIONS AND CONTROLS FOR STORMWATER DISCHARGES

During the period beginning on the effective date of the permit and lasting until expiration the permittee is authorized to discharge stormwater. Such discharges shall be controlled, limited and monitored as specified below:

1. Prior to commencement of land disturbing activities, the permittee shall submit for approval a Sedimentation and Erosion Control Plan (plan) to the Department of Environment, Health, and Natural Resources, Division of Land Resources, Land Quality Section, (or an approved local program) pursuant to the requirements of NC G.S. 113A-54.1 and in conformity with the rules adopted by the Sedimentation and Erosion Control Commission.

2. The permittee shall implement the plan, which has been approved by the approval authority. The approved plan is considered a requirement or condition of this general permit. Deviation from the approved plan, or approved amendment to the plan, shall constitute a violation of the terms and conditions of this general permit. A signed copy of the approved plan shall be maintained on the site at all times.

3. Prior to constructing or operating a landfill the permittee shall obtain a permit for a sanitary landfill from the N.C. Department of Environment and Natural Resources, Division of Waste Management, pursuant to the requirements of NC G.S. 130A - 294 and in conformity with the rules adopted in 15A North Carolina Administrative Code, Subchapter 13B Section .0500 or Section .1600. The landfill permit is considered a requirement or condition of this general permit. Deviation from the landfill permit, or approved amendment or revision of the landfill permit, shall constitute a violation of the terms and conditions of this general permit. A signed copy of the landfill permit shall be maintained on the site at all times.

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

5. Equipment utilized during the land disturbing or landfill operational activities on a site shall be operated and maintained in such a manner as to prevent potential or actual pollution of the surface or ground waters of the state. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be discharged onto the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the waters, surface or ground, of the state and in accordance with applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up to the extent practicable and disposed of in a manner so as not to allow their entry into the waters, surface or ground, of the state.

SECTION B: ANALYTICAL MONITORING REQUIREMENTS

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

Table 1. Analytical Monitoring Requirements

Discharge Characteristics	Units	Measurement Frequency[1]	Sample Type[2]	Sample Location[3]
Chemical Oxygen Demand	mg/l	semi-annual	Grab	SDO
Fecal Coliform	# per 100 ml	semi-annual	Grab	SDO
Total Suspended Solids	mg/l	semi-annual	Grab	SDO
Total Rainfall[4]	inches	semi-annual	Rain gauge	-

Footnotes:

1 Measurement Frequency: Twice per year during a representative storm event.

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

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

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

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

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

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2**. A **minimum of 60 days must separate Period 1 and Period 2 sample dates** unless monthly monitoring has been instituted under a Tier Two response.

Table 2. Monitoring Schedule

Year 1 – Period 1	1	January 1, 2008	June 30, 2008
Year 1 – Period 2	2	July 1, 2008	December 31, 2008
Year 2 – Period 1	3	January 1, 2009	June 30, 2009
Year 2 – Period 2	4	July 1, 2009	December 31, 2009
Year 3 – Period 1	5	January 1, 2010	June 30, 2010
Year 3 – Period 2	6	July 1, 2010	December 31, 2010
Year 4 – Period 1	7	January 1, 2011	June 30, 2011
Year 4 – Period 2	8	July 1, 2011	December 31, 2011
Year 5 – Period 1	9	January 1, 2012	June 30, 2012
Year 5 – Period 2	10	July 1, 2012	October 31, 2012

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 six-month sampling period.

Monitoring results shall be compared to the 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 below the descriptions of Tier One and Tier Two.

Table 3. Benchmark Values for Analytical Monitoring Requirements

Discharge Characteristics	Benchmark Value
Chemical Oxygen Demand	120 mg/l
Fecal Coliform	1000 colonies per 100 ml
Total Suspended Solids	100 mg/l

Tier One
If: The sampling results are above a benchmark value, or outside of the benchmark range, for any parameter at any outfall;
Then: The permittee shall: 1. Conduct a stormwater management inspection of the facility **within two weeks of receiving sampling results.** 2. Identify and evaluate possible causes of the benchmark value exceedence. 3. Identify potential, and select the specific: source controls, operational controls, or physical improvements to reduce concentrations of the parameters of concern, or to bring concentrations to within the benchmark range. 4. Implement the selected actions **within two months of the inspection.** 5. Maintain on site a written summary record of each instance of a Tier One response. 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 Criteria and Responses
If: During the term of this permit, the sampling results are above the benchmark values, or outside of the benchmark range, for any specific parameter at a specific discharge outfall **two times in a row**;
Then: The permittee shall: 1. Repeat all the required actions outlined above in Tier One. 2. Immediately institute monthly monitoring for all 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. 4. Maintain on site a record of the Tier Two response.

During the term of this permit, if the sampling results exceed the benchmark value, or are outside the benchmark range, for any specific parameter at any specific outfall on **more than four occasions**, DWQ may:

- Require that the permittee 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 install other stormwater control measures

SECTION C: QUALITATIVE MONITORING REQUIREMENTS

Qualitative monitoring requires a visual inspection of each stormwater outfall regardless of representative outfall status and shall be performed as specified in **Table 4.** If no stormwater discharge is occurring during the time of the weekly inspection a check to ensure that all sedimentation and erosion controls are being properly implemented will be performed. Qualitative monitoring is for the purpose of evaluating the effectiveness of sedimentation and erosion controls, and assessing new sources of stormwater pollution. No analytical tests are required.

Qualitative monitoring shall be conducted at least once every seven calendar days, and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. During stormy periods, or whenever runoff occurs daily, all sedimentation and erosion control facilities shall be inspected daily and immediately before closing operations for the weekend or other holiday.

The operator shall keep a record of these qualitative monitoring inspections on site. Uncontrolled releases of mud or muddy water or visible sedimentation found off site shall be recorded with a brief explanation as to the measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site. This record shall be made available to DWQ or authorized agent upon request.

Table 4. Qualitative Monitoring Requirements

Discharge Characteristics	Frequency	Monitoring Location[1]
Color	every 7 days &/or after a 0.5 inch rain event	SDO
Odor	every 7 days &/or after a 0.5 inch rain event	SDO
Clarity	every 7 days &/or after a 0.5 inch rain event	SDO
Floating Solids	every 7 days &/or after a 0.5 inch rain event	SDO
Suspended Solids	every 7 days &/or after a 0.5 inch rain event	SDO
Foam	every 7 days &/or after a 0.5 inch rain event	SDO
Oil Sheen	every 7 days &/or after a 0.5 inch rain event	SDO
Erosion or deposition at the outfall	every 7 days &/or after a 0.5 inch rain event	SDO
Other obvious indicators of stormwater pollution	every 7 days &/or after a 0.5 inch rain event	SDO

Footnotes:

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

SECTION D: ON-SITE VEHICLE MAINTENANCE MONITORING REQUIREMENTS

Facilities which have any vehicle maintenance activity occurring on-site which uses more than 55 gallons of new motor oil per month when averaged over the calendar year shall perform analytical monitoring as specified in **Table 5**. This monitoring shall be performed at all outfalls which discharge stormwater runoff from the vehicle maintenance areas, in accordance with the schedule presented in **Table 2**.

All analytical monitoring shall be performed during a representative storm event.

Table 5. 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
Oil and Grease	mg/l	semi-annual	Grab	SDO
Total Suspended Solids	mg/l	semi-annual	Grab	SDO
Total Rainfall[4]	inches	semi-annual	Rain gauge	-
New Motor Oil Usage	gallons/month	semi-annual	Estimate	-

Footnotes:

1 Measurement Frequency: Twice per year during a representative storm event.

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

3 Sample Location: 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 representative storm event the total precipitation must be recorded. An on-site or local rain gauge reading must be recorded.

Monitoring results shall be compared to the benchmark values in **Table 6**. Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater Best Management Practices (BMPs), as provided in Part II Section B.

Table 6. Benchmark Values for On-Site Vehicle Maintenance Activities

Discharge Characteristics	Benchmark Value
pH	Within the range 6.0 - 9.0
Oil and Grease	30 mg/l
Total Suspended Solids	100 mg/l

PART III 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: Secondary containment, as specified in Part II, Section A, Paragraph 4 of this permit, shall be accomplished within 12 months of the effective date of the initial Certificate of Coverage. All other requirements, conditions, limitations, and controls contained in this permit become effective immediately upon issuance of the Certificate of Coverage.

New facilities applying for permit coverage for the first time and existing facilities previously permitted and applying for renewal under this general permit: All requirements, conditions, limitations, and controls contained in this permit become effective immediately upon issuance of the Certificate of Coverage.

2. Duty to Comply.

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the 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 Clean Water Act provides that any person who violates section 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 $27,500 per day for each violation. The Clean Water Act 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. 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. 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.

(c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars ($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. [Ref: NC General Statutes 143-215.6A].

(d) 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 $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500. Penalties for Class II violations are not to exceed $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $137,500.

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 Section C of 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 l43-2l5.3, l43-2l5.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, the permittee is responsible for consequential damages, such as fish

kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Oil and Hazardous Substance Liability

Nothing in this 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 l43-2l5.75 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 $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more that $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

10. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including monitoring reports or reports of

compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both.

SECTION B: GENERAL CONDITIONS

1. General Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the permittee shall submit forms and fees as are required by the agency authorized to issue permits no later than 180 days prior to the expiration date. Any permittee that has not requested renewal at least 180 days prior to expiration, or any permittee that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subjected to enforcement procedures as provided in NCGS §143-2153.6 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. **Permittee is required to notify the Division 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 coverage under 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:

(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 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:

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

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field,

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

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

c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

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

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 the conditions of 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 conditions of 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 permit.

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

SECTION D: MONITORING AND RECORDS

l. Representative Sampling

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

2. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this 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 l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this 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. Representative Outfall

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

6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this 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 received by 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 six-month sampling period, giving all required information and indicating “NO FLOW” as per NCAC T15A 02B .0506.

2. Submitting Reports

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

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

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. Bypass

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

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

8. Twenty-four Hour Reporting

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

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

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

9. Other Noncompliance

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

10. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this general permit or in any report to the Director, it shall promptly submit such facts or information.

PART IV 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 V 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 VI DEFINITIONS

1. Act

   See Clean Water Act.

2. Arithmetic Mean

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

3. Allowable Non-Stormwater Discharges

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

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

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

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

4. Best Management Practices (BMPs)

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

5. Bypass

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

6. Bulk Storage of Liquid Products

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

7. 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. Division or DWQ

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

10. Director

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

11. EMC

The North Carolina Environmental Management Commission.

12. Grab Sample

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

13. Hazardous Substance

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

14. Landfill

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

15. Municipal Separate Storm Sewer System

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

16. 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.

17. Overburden

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

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. Representative Storm Event

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

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 representative outfall status. Representative outfall status allows the permittee to perform analytical monitoring at a reduced number of outfalls.

22. Rinse Water Discharge

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

23. 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.

24. Section 313 Water Priority Chemical

A chemical or chemical category which:

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

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

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

(1) Is listed in appendix D of 40 CFR part 122 on either 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.

25. Severe Property Damage

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

26. 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.

27. 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).

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

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. Design 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. Toxic Pollutant

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

34. Upset

Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

35. Vehicle Maintenance Activity

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

36. Visible Sedimentation

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

37. 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.