

**STATE of NORTH CAROLINA**  
**DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES**  
**Division of Water Quality**

**AIRPORT GENERAL PERMIT NO. NCG150000**

**TO DISCHARGE STORMWATER UNDER THE**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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 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 industrial activity from Air Transportation facilities identified by the SIC Codes in Major Group 45; including air transportation, scheduled, and air courier (SIC 4512 and 4513); air transportation, non scheduled (SIC 4522); airports, flying fields, except those maintained by aviation clubs, and airport terminal services including: air traffic control, except government; aircraft storage at airports; aircraft upholstery repair; airfreight handling at airports; airport hangar rental; airport leasing, if operating airport; airport terminal services; and hangar operations; and airport and aircraft service and maintenance including: aircraft cleaning and janitorial service; aircraft servicing/repairing, except on a factory basis; vehicle maintenance shops (including vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, lubrication); and material handling facilities.

The General Permit shall become effective on September 1, 2009.

The General Permit shall expire at midnight on August 31, 2014.

Signed this 24<sup>th</sup> day of August, 2009.

*Original signed by Chuck Wakild*

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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 airports 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.

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, and once that permit is effective, will no longer have coverage under this general permit. 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 (SPPP), Part II, Section A.2 (h)(ii).

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with the 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 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 General Permit does not allow discharges determined by the Division of Water Quality to be wastewaters. Wash water and rinse water must be directed to a sanitary sewer system or permitted by a separate wastewater permit issued by the Division.

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: STORMWATER POLLUTION PREVENTION PLAN**

1. The Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP), herein after referred to as the Plan. The Plan must include Best Management Practices (BMPs), economically reasonable and appropriate in light of current industry practices, that are selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce pollutants in the permittee's discharge. The Plan must identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges; describe and ensure implementation of practices used to eliminate or reduce pollutants in stormwater discharges; and ensure compliance with the terms and conditions of this permit.
2. The Plan shall include, at a minimum, the following items:
  - a. The Plan shall include a list identifying each area where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products, by-products, final products and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of raw material, intermediate products, final products and waste products.
  - b. The Plan shall include a list of the name(s) of all surface waters that receive discharges from the permittee's site. The permittee must provide the size and description of wetlands or other special aquatic sites that may receive discharges from the airport. If there are discharges through any publicly owned or operated storm sewer system, the Plan must identify the publicly owned or operated storm sewer system.
  - c. The Plan shall include the identity of any receiving water into which the permittee discharges.
  - d. The Plan shall include a list and locations where reportable spills or leaks of pollutants that have occurred at the facility during the three previous years.
  - e. The Plan shall include the location(s) and/or descriptions where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s).
  - f. For each area where industrial materials or activities are exposed to stormwater, the Plan shall include a narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. The Plan shall include a narrative description of the potential pollutants which could be expected to be present in the stormwater discharge from each outfall.

- g. The Plan shall describe and assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If deicing chemicals are used, the permittee must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or estimated. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Commercial tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion in the airport authority's Plan. The pollutant list must include all significant materials, including any hazardous substances or oil handled, treated, stored, or disposed of that have been exposed to stormwater in the 3 years prior to the date the Plan was prepared or amended.
- h. 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:
- (i) The size of the property in acres.
  - (ii) 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 within 1 mile of the site, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters, and accurate latitude and longitude of the point(s) of discharge.
  - (iii) A site map drawn to scale (including a distance legend) showing: the site property boundary, on-site and adjacent surface waters and known wetlands, industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, storage tanks, fueling stations, vehicle and equipment maintenance and/or cleaning areas, machinery, access roads and tracks, transfer areas for substances in bulk, locations used for the treatment, storage or disposal of wastes), locations of all stormwater conveyances including ditches, pipes and swales; stormwater inlets and outfalls, building locations, locations of all existing structural and source control BMPs, the location and extent of significant structures and impervious surfaces, and the percentage of each drainage area that is impervious), and the drainage areas for each outfall.
  - (iv) Locations of any storage piles containing salt used for deicing or other commercial or industrial purposes. Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes, must be enclosed or covered to prevent exposure to precipitation. The permittee must implement appropriate measures (e.g., good housekeeping, diversions, and/or containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be

enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the United States or discharges from the piles are authorized and controlled under another NPDES permit.

- (v) Locations of aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.
- i. The Plan shall contain a narrative description of the best management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The Plan shall describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater.
- j. Feasibility Study. The Plan shall include 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 Plan shall document the feasibility of diverting stormwater runoff away from areas of potential contamination.
- k. Secondary Containment Requirements and Records. Secondary containment is required for: bulk storage of liquid materials; storage of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage 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.
- l. BMP Summary. 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.
- m. Non-stormwater discharges to waters of the United States that are not authorized by an NPDES permit are unlawful and must be eliminated. The Plan must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater, and that all unauthorized discharges have been eliminated. The permittee shall re-certify annually 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 III, General Conditions, Section B, Paragraph 5 and must include:

- i The date of any testing and/or evaluation,
  - ii A description of the evaluation criteria or testing method used,
  - iii A list of the outfalls or onsite drainage points that were directly observed during the test,
  - iv A description of the results of any test and/or evaluation for the presence of non-stormwater discharges, i.e., identification of unauthorized discharge(s) origin and composition,
  - v The action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was rerouted to sanitary, or an NPDES permit application was submitted for a cooling water discharge.
- n. **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. 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. Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Employees who may cause, detect or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. Include contact information for individuals and agencies that must be notified in the event of a spill in the Plan and in other locations where it will be readily available.
- o. **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, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall establish schedules of inspections, maintenance, and housekeeping activities of stormwater control systems, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded in writing and maintained.

- p. Employee Training. The Plan shall include a stormwater employee and commercial tenant training program. The permittee must include a schedule for all types of necessary training. All employees and commercial tenants who work in areas where industrial materials or activities are exposed to stormwater, or are responsible for implementing activities identified in the Plan (e.g., inspectors, maintenance personnel), must participate in annual training. Training must cover the components and goals of the Plan, and include spill response, good housekeeping, material management practices, and BMP operation and maintenance.
  - q. Responsible Party. The Plan shall identify staff members (by name or title) responsible for developing, implementing, maintaining, revising and ensuring compliance with the Plan. Specific responsibilities of each staff individual must be identified and listed in the Plan.
  - r. Facility Inspections. The Plan shall specify the frequency of inspections. The Director may require increased inspections and Plan reevaluations as necessary. The inspection and any subsequent maintenance activities performed shall be documented, recording date and time of inspection, individual(s) making the inspection, and a description of the facility's stormwater control systems, equipment, and systems.
3. Implementation. The permittee shall implement the Plan. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and a record of actions taken to implement BMPs associated with the industrial activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or the Director's authorized representative immediately upon request. The permittee must maintain all BMPs in effective operating condition at all times. Failure to do so is a violation of this permit. The Plan must describe procedures and a regular schedule for preventive maintenance of all BMPs, including the amount of time required for maintenance and repair, and what back-up practices are in place should a run-off event occur while a BMP is off-line. Nonstructural BMPs must also be diligently maintained (e.g., spill response supplies available, personnel trained). BMPs that are not operating properly must be repaired before the next anticipated storm event. If maintenance prior to the next storm event is not possible, maintenance must be completed as soon as possible, and the permittee must document the justification for the extended repair schedule. In the interim, the permittee must have back-up measures in place to ensure that the quality of the stormwater discharge is not diminished. The permittee must document all BMP maintenance and repairs. Dates of regular maintenance should be documented. For repairs, the date of deficiency discovery and the date on which the BMP was restored to full-function should also be documented.

4. Plan Review and Amendment.
  - a. The permittee shall review and amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant impact on the discharge, or potential for discharge, of pollutants to surface waters; routine inspection or compliance evaluation determines deficiencies in BMPs; an inspection by a local, State, or Federal official determines that modifications to the Plan are necessary; or there is a spill, leak or other release; or any time there is an unauthorized discharge.
  - b. All aspects of the Plan shall be reviewed and updated on an annual basis. The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three years, or the notation that no spills have occurred. The annual update shall include re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan.
  - c. Plan modifications must be made within 30 calendar days after discovery, observation or event requiring a modification. Implementation of new or modified BMPs must be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Division. The amount of time taken to modify a BMP or implement additional BMPs must be documented.
  - d. If the Plan modification is the result of a release or unauthorized discharge, the permittee must document a description of the release, the date of the release; the circumstances leading to the release and actions taken in response to the release; and measures to prevent the recurrence of such releases. Such documentation shall be kept on-site for a period of five years and made available to the Director or his authorized representative immediately upon request.
  - e. The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. The notification will identify specific provisions of this permit that are not being met, and may include required modifications to the permittee's Plan, stipulated deadlines, additional monitoring requirements and special reporting requirements. The permittee shall provide certification in writing (in accordance with Part III, General Conditions, Section B, Paragraph 5) to the Director that the changes have been made.
  - f. A signature and date is required for any revisions to the Plan.
5. If a commercial tenant obtains authorization under this permit and develops a Plan for discharges from the commercial tenant's own areas of the airport, that Plan must be coordinated and integrated with the Plan for the entire airport.
6. The permittee must retain a copy of the current Plan required by this permit at the facility, and it must be immediately available at the time of an on-site inspection.

## **SECTION B: MONITORING REQUIREMENTS**

1. Qualitative monitoring requires a visual inspection of each stormwater discharge outfall (SDO) associated with industrial activity regardless of representative outfall status and shall be performed as specified below in Table 1.

**Table 1. Qualitative Monitoring Requirements**

<b>Discharge Characteristics</b>	<b>Frequency</b>	<b>Monitoring Location</b>
Color	Semi-Annual	SDO
Odor	Semi-Annual	SDO
Clarity	Semi-Annual	SDO
Floating Solids	Semi-Annual	SDO
Suspended Solids	Semi-Annual	SDO
Foam	Semi-Annual	SDO
Oil Sheen	Semi-Annual	SDO
Erosion or deposition at the outfall	Semi-Annual	SDO
Other obvious indicators of stormwater pollution	Semi-Annual	SDO

2. Qualitative monitoring of stormwater outfalls must be performed during a representative storm event. Visual examinations must be made on samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from the outfall.
  - a. The visual examination must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring period, the permittee is excused from the visual monitoring requirement for that period, provided the permittee documents that no runoff occurred.
  - b. In the event an atypical condition is noted at a stormwater discharge outfall, the permittee shall document the suspected cause of the condition and any actions taken in response to the discovery. This documentation will be maintained on-site for a period of five years and made available to the Director or his/her authorized representative immediately upon request.
  - c. Visual examination reports must be maintained onsite. The report must include the examination date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, erosion or deposition at the outfall, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.

**SECTION C: DEICING OPERATIONS**

Facilities which conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations shall:

1. Evaluate present operating procedures to consider alternative practices that would reduce the overall amount of deicing/ anti-icing chemical used and/or lessen the environmental impact of the pollutant source.
2. Evaluate whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety.
3. Produce and implement a plan for the minimization of the release of materials used for deicing into the stormwater system. This plan shall address, as a minimum:
  - a. The current use and practices employed at the airport for the control and minimization of entry of the deicing materials into the stormwater system;
  - b. The means that may be practicable for modifying current use and practices to collect the runoff that occurs during and following the application of the deicing materials; and
  - c. Feasible alternatives to the use of urea and glycol-based deicing chemicals to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact, consistent with considerations of flight safety.
4. Airport authorities must determine annually the usage rate of deicing/anti-icing chemicals at their facility. The total amount of deicing/anti-icing chemicals used at an airport facility is the cumulative amount used by the airport authority and each commercial tenant of the airport facility. In determining the fluid amounts of deicing/anti-icing chemicals used at a facility, operators should use the pre-dilution volume.
5. Annual usage rate of deicing/anti-icing chemicals shall be reported annually to the state. The Division may require facilities that conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations to apply for an individual permit.

## **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: 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 II, Section A, 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 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. 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 II, Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

#### 2. Duty to Comply

The permittee must comply with all conditions of this 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.

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.

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).]

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]

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 Section D 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 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 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. The Division will send renewal forms to the owner approximately 240 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 writing in the event the permit is sold or closed. Permittee is required to notify the Division within 90 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 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:
 

"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.

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.

## **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. 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, place and/or description of the location or activity, and time;
- 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. 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; 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; have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and 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. 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 and conditions of this permit 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.

2. 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.

3. 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).

4. 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.

5. 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.

6. Other Noncompliance

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

7. 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.

8. Spills

The permittee shall report to the local DWQ Regional Office, within 24 hours, all significant spills as defined in Part VI of this permit. Additionally, the permittee shall report spills including: any spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any 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.

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 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.

**PART IV      LIMITATIONS REOPENER**

1. This 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 permit; or
  - (b). Controls any pollutant not limited in the permit.
2. The Division may require facilities that conduct aircraft and/or runway (including taxiways and ramps) deicing/anti-icing operations to apply for an individual permit.
3. The permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

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**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.

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## PART VI DEFINITIONS

1. Act

See Clean Water Act.

2. 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) Flows from emergency fire fighting and discharges resulting fire-fighting training and testing or demonstrations of fire fighting equipment.

3. 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.

4. 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.

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. 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.

7. Clean Water Act

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

8. Department

Department means the North Carolina Department of Environment and Natural Resources

9. Director

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

10. Division or DWQ

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

11. EMC

The North Carolina Environmental Management Commission.

12. Grab Sample

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

13. Hazardous Substance

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

14. Industrial Activity

For the purposes of this permit, industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.

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. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge of stormwater.

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 Outfall Status

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

21. 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.

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. 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.

25. 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).

26. 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.

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 Pollution Prevention Plan

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

30. Storm Sewer System

A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, pipes, conduits, curbs, gutters, ditches, manmade channels, or storm drains for the primary purpose of transporting stormwater runoff.

31. Total Flow

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

32. Total Maximum Daily Load (TMDL)

TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant.

33. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) 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 or rehabilitation, mechanical repairs, painting, fueling, lubrication, and cleaning operations.

36. 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.