North Carolina Division of Water Quality Response to Comments and Summary of Final Changes to NPDES Stormwater General Permit NCG030000 (2012 Renewal)

Background

NPDES General Permit NCG030000, which regulates stormwater discharges from metal fabrication facilities, expired on October 31, 2012. The North Carolina Division of Water Quality (DWQ) announced in selected newspapers across the state on or about September 1, 2012 that the draft of the proposed renewal General Permit would be posted on our website for public comment. DWQ also ran this notice in the North Carolina Register the same month; on the Stormwater Permitting Unit website in September 2012; as well as in renewal letters to all affected permittees in the spring of 2012.

DWQ revises and reissues NPDES stormwater General Permits on a five-year schedule. Every five years we review collected analytical data from the previous five-year term of the permits; evaluate identified compliance problems and problems in our enforcement of the permits; and seek to improve the effectiveness of the permits as stormwater management tools for the permittees.

The draft NCG030000 General Permit and Fact Sheet were posted to the Stormwater Permitting Unit's website on September 1, 2012. The public comment period was scheduled to close on October 1, 2012 and was extended to October 8th as per requests from the regulated community, and to compensate for the delay in some newspaper notice publish dates. In addition, the Division received public comments about proposed draft general permits for other industrial sectors expiring at the same time, and some of those comments have been addressed in the final NCG030000 permit for program consistency.

EPA Region IV staff in Atlanta was sent the draft General Permit on September 4, 2012. On September 17, 2012, EPA Region IV responded that the agency concurred with the draft permit, and had no comments on it. EPA's additional review and approval would be necessary if the proposed final General Permit incorporated significant changes from the draft, or if significant public comments objecting to the permit were received. DWQ concluded that neither of these criteria was met and therefore, further EPA review is not required.

DWQ prepared this summary document both for those that submitted written comments on draft General Permit, as well as for other interested parties. This document will be posted on our website for public access.

Comments and Responses

DWQ received one written comment on the draft General Permit NCG030000 during the announced public comment period. The commenter noted the inadvertent omission of part of

Footnote 4 to Table 1. That accidentally omitted text identified the subsectors of the metal fabrication industry that are required to conduct TTO testing. DWQ restored the original text from the previous issuance of NCG03, so that the 2012 version of the General Permit remains consistent with the previous final version. This revision represents no change from the previous final version of the permit.

Summary of other changes from the draft General Permit

DWQ made additional changes to the draft permit before finalizing it. These changes were minor, and DWQ concluded that additional notice and/or EPA review was not necessary. Several of the suggested changes were based on public comments on the other General Permits also being renewed this year. Some of these minor changes included:

- 1. Part II, Section A (Stormwater Pollution Prevention Plan), 2(b): Added language clarifying that petroleum products are subject to the secondary containment requirements.
- 2. Part II, paragraph following Tables 2 and 4: Text modified to include option for the Division to require monthly monitoring because of a failure to monitor semi-annually (rather than automatically requiring monthly monitoring upon failure to monitor). Also, clarification that adverse weather conditions preventing sample collection does not constitute a failure to monitor.
- 3. Part II, second paragraph following Table 2: Added clarification that DWQ's release of a permittee from Tier 2 monthly monitoring remains in effect through subsequent renewals unless other conditions are specified.
- 4. Part II, Table 3: Modified Footnote 1 to allow precipitation pH (if lower than 6 s.u.) as the lower benchmark value.

Conclusion

DWQ's overall intent in proposing changes to the General Permit was to provide permit requirements that will encourage industrial permittees to respond with prompt corrective action to the discovery of pollutant discharges in excess of the benchmark values. DWQ incorporated the single comment on the proposed draft General Permit NCG030000 as well as comments regarding other proposed general permits, as appropriate, and as indicated above.