

## North Carolina Division of Water Quality Response to Comments Draft NPDES Stormwater General Permit NCG200000

### **Background**

NPDES stormwater General Permit NCG200000, which regulates stormwater discharges from scrap metal recycling facilities (a portion of SIC 5093), expired on June 30, 2009. The North Carolina Division of Water Quality (DWQ) announced in selected newspapers across the State on or about May 12, 2009, North Carolina Register, and on the Stormwater Permitting Unit website May 15, 2009, and in renewal letters to all affected permittees, that the draft of the new General Permit would be posted on our website for public comment. An extended public comment period was held for NCG200000 which closed on October 1, 2009. During this time, DWQ staff received one written comment letter regarding the draft General Permit.

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; we evaluate identified compliance problems and problems in our enforcement of the permits; and, we seek to improve the effectiveness of the permits as stormwater management tools for the permittees.

EPA Region IV staff in Atlanta was sent the draft General Permit on March 31, 2009 but did not provide comments. 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 conditions has been established, and that further EPA review is not required.

DWQ has prepared this summary document both for those interested parties that have submitted written comments on the 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 written comments from one party on the draft General Permit during the announced public comment period. We appreciate the time and effort reflected in the comments. The comments have been bolded and arranged by topic with DWQ's response presented in italics below. We have noted which comments have been included in some form in the final version of the General Permit. We have also identified those comments that we rejected, and the basis for doing so.

1. **Grab sample collection within 30 minutes of discharge.** One comment addressed the requirement to collect analytical monitoring samples within 30 minutes of discharge. The commenter suggested this is not always possible due to onsite staff availability and potentially dangerous sampling conditions. The commenter requested to allow delayed sample collection under safe conditions.

*Sample collection within 30 minutes of discharge, from either a stormwater discharge outfall (SDO) or detention pond, is a standard requirement in all stormwater General Permits that require analytical monitoring. DWQ assumes that permittees will use good judgment as to whether or not sampling/weather conditions are safe, and that the permittee will adequately document circumstances if the ability to comply with the monitoring schedule is compromised as a result of dangerous sampling situations. Sample collection from detention ponds is allowed but must be collected within 30 minutes from the initial pond discharge. The permit includes the footnote because discharge from such ponds may begin after discharges from other outfalls, or even possibly after the rain event has ended.*

*DWQ has retained this draft version of this requirement but revised the language to clarify its meaning.*

- 2. 60-day separation between analytical monitoring events.** One comment suggested the 60-day minimum time requirement between sampling events would reduce potential sampling opportunities. A 30-day minimum was suggested.

*The intent of this requirement is facilitate the collection of two samples per year that are not collected in a relatively short period of time and provide a better measure of stormwater pollutants onsite. Facility operation and configuration may vary considerably over any one year and a more lengthy separation between samples results in more representative analytical monitoring. This requirement is consistent with other stormwater General Permits that require analytical monitoring.*

*DWQ has retained the draft version of this requirement.*

- 3. Analytical monitoring benchmarks.** One comment questioned the hardness assumption used for determining analytical monitoring benchmark values for metals and suggested a hardness value of 100 mg/L instead of the current value of 50 mg/L. The commenter felt that current benchmarks would pose a hardship on the industry. An additional comment was to allow the use of background stormwater pollutant concentrations to demonstrate offsite contributions as the cause of a benchmark exceedance.

*Hardness-dependent benchmark values are calculated assuming a hardness value of 50 mg/L just as North Carolina water quality standards are calculated using 50 mg/L hardness. This assumption will not change. It should be noted that actual hardness in many receiving water bodies throughout the State may be significantly less than 50 mg/L.*

*DWQ does allow permittees to monitor rainfall and stormwater run-on pollutant concentrations if they suspect benchmark exceedances are related to those offsite sources. This option has always been available. Furthermore, the tiered structure in the permit includes flexibility for DWQ to reduce monitoring frequency if circumstances justify no further action by the permittee.*

*DWQ has retained the draft version of analytical monitoring benchmark values.*

- 4. Tier One implementation period.** One comment argued that a two-month time frame to implement selected corrective actions as a result of a Tier One response is not sufficient in certain cases (e.g. structural BMP design, bidding, and construction).

*DWQ believes that 60 days is sufficient in most cases to identify, evaluate and implement most corrective actions related to a Tier One response. In cases where a structural BMP is selected, a longer implementation period may be justified and would certainly be allowed on a case-by-case basis by DWQ.*

*DWQ has retained the draft version of this requirement.*

- 5. General Permit expiration and renewal request.** One comment noted this provision to be a new addition to the General Permit and suggested that the current reissuing process would make compliance difficult.

*This provision calls for a permittee-initiated renewal request at least 180 days prior to General Permit expiration. DWQ typically initiates the renewal process for expiring stormwater General Permits approximately 180 days in advance with renewal applications mailed to each permittee. The inconsistency between our current practices and permit requirements is noted, but changes to this provision are not anticipated at this time.*

*DWQ has retained the draft version of this requirement.*

## Summary

DWQ's overall intent in proposing changes to the General Permit has been 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 has received and considered comments on the draft General Permit and has incorporated comments, as appropriate, shown above.

## November 16, 2009 Update

Following the completion of this document, DWQ made an internal decision to remove the benchmark value for iron in the final General Permit. Iron is a ubiquitous metal in North Carolina and based on discussions with staff from the Planning Section, it is anticipated that DWQ will revise or remove the surface water quality standard for iron due to ambient stream monitoring data that show iron concentrations, which are attributed to natural sources, above the current standard of 1 mg/L at many stations throughout the State. Thus, a benchmark value of 1 mg/L may not be appropriate at all facilities if background in-stream concentrations already exceed that value. Iron will still be included as an analytical monitoring parameter in the General Permit but will not be compared to a benchmark value during this permit term.