# North Carolina Division of Water Quality Response to Comments and Summary of Final Changes to NPDES Stormwater General Permit NCG080000 (2012 Renewal)

## **Background**

NPDES General Permit NCG080000 regulates stormwater discharges associated with activities that have Vehicle Maintenance Areas (including vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning operation areas) associated with activities classified as Rail Transportation [Standard Industrial Classification (SIC) 40], Local and Suburban Transit and Interurban Highway Passenger Transportation [SIC 41], Motor Freight Transportation and Warehousing [SIC 42], except Public Warehousing and Storage [SIC 4221-4225], Postal Service [SIC 43], and Petroleum Bulk Stations and Terminals [SIC 5171] with total petroleum storage capacity of less than 1 million gallons.

NPDES General Permit NCG080000 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.

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 NCG080000 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 8<sup>th</sup> to compensate for the delay in some newspaper notice publish dates. During this time, DWQ staff received comments on this proposed draft General Permit NCG080000. 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 NCG080000 permit for 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 no 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 criteria was met and therefore, further EPA review is not required.

DWQ prepared this summary document both for those interested parties that submitted written comments on draft General Permits proposed at the same time, as well as for other

interested parties. This document will be posted on our website for public access.

### **Comments and Responses**

<u>Waste Management's Comment 1</u>: Waste Management expressed concern that the permit conditions and the SPCC requirements pursuant to 40 CFR Part 112 were redundant.

Response: Under 2.b., DWQ added the following language, "For facilities subject to a federal oil Spill Prevention, Control, and Countermeasure (SPCC) plan, any portion of the SPCC plan fully compliant with the requirements of this permit may be used to demonstrate compliance with this permit."

<u>Waste Management's Comment 2</u>: Waste Management expressed concern that site conditions made 'collecting samples within the first 30 minutes of discharge unrealistic and unachievable.

Response: Under Part II Section B Footnote 2, DWQ revised the language to state, "Sample collection must begin within the first 30 minutes of discharge and continue to all outfalls until completed."

<u>Waste Management's Comment 3</u>: Waste Management expressed concern that the permit did not effectively address sampling during adverse weather conditions.

Response: The following language was added, "The permittee shall complete the analytical samplings in accordance with the schedule specified in Table 2, unless adverse weather conditions prevent sample collection (see *Adverse Weather* in Definitions)."

<u>Waste Management's Comment 4</u>: While the permit authorizes discharges from oil water separators and/or petroleum bulk stations and terminals, Waste Management expressed concern that many local ordinances prohibit surface water discharges from oil water separators.

Response: DWQ revised the language to read "...unless otherwise prohibited, the permittee is authorized to discharge stormwater from oil water separators..."

Also, DWQ added the following clarification, "The limitations in Table 4 only apply to oil water separators, secondary containment structures at petroleum bulk stations and terminals with a total petroleum storage capacity of less than 1 million gallons, or other stormwater discharges that have been specifically designated by the Division as subject to these discharge requirements in the permit. This means that, unless specified differently by the Division, discharges from oil/water separators or from secondary containment areas that are associated with vehicle maintenance activities at facilities categorically captured by the federal NPDES Stormwater Program are otherwise subject to Part II., Section B. (Stormwater Analytical Monitoring Requirements) of this general permit."

<u>Waste Management's Comment 5</u>: Waste Management expressed concern that Table 5 footnotes did not address procedures should there not be a measurable storm event during normal operating hours.

Response: DWQ added the following language, "Qualitative monitoring is not required outside of the facility's normal operating hours."

### **Summary of Permit Changes**

DWQ made other changes to the draft permit before finalizing. These changes were also minor, and DWQ concluded additional notice and/or EPA review was not necessary. The changes (in addition to those discussed above) were:

- 1. Cover: The following language added for clarification, "Discharge limitations in Part II, Section C., only apply to such activities when designated by the Division."
- 2. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section A: 2.B., the following language added for clarification, "For facilities subject to a federal oil Spill Prevention, Control, and Countermeasure (SPCC) plan, any portion of the SPCC plan fully compliant with the requirements of this permit may be used to demonstrate compliance with this permit."
- 3. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, Table 1 Footnote 2, revised language to, "Sample collection must begin within the first 30 minutes of discharge and continue to all outfalls until completed."
- 4. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, Table 1 Footnote 3, added following language, "A copy of the DWQ letter granting ROS must be kept on site. DWQ's ROS letter remains in effect through the subsequent reissuance of this permit and as long as the pertinent site conditions and operations remain unchanged, unless the ROS letter provides for other conditions or duration."
- 5. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, added following language, "The permittee shall complete the analytical samplings in accordance with the schedule specified in Table 2, "unless adverse weather conditions prevent sample collection (see Adverse Weather in Definitions)". .... "Sampling is not required outside of the facility's normal operating hours."
- 6. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, revised language, "Failure to monitor semi-annually per permit terms may result in the Division requiring monthly monitoring for all parameters for a specified time period. "No discharge" from an outfall or inability to collect a sample because of adverse weather conditions during a monitoring period does not constitute failure to monitor, as long as it is properly reported."

- 7. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, added following language, "In the event that DWQ releases the permittee from continued monthly monitoring under Tier Three, DWQ's release letter remains in effect through the subsequent reissuance of this permit, unless the release letter provides for other conditions or duration.
- 8. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, Revised Table 3 to:

Discharge Characteristics	Benchmark Value
$\mathrm{pH^1}$	6 – 9 standard units <sup>1</sup>
Non-Polar Oil & Grease / TPH by EPA Method 1664 (SGT-HEM)	15 mg/l
Total Suspended Solids (ORW, HQW, Trout & PNA waters)	50 mg/l
Total Suspended Solids	100 mg/l

- 9. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section B, Revised Footnote to, "If pH values outside this range are recorded in sampled stormwater discharges, but ambient precipitation pH levels are lower, then the lower threshold of this benchmark range is the pH of the precipitation (within instrument accuracy) instead of 6 S.U. Readings from an onsite or local rain gauge (or local precipitation data) must be documented to demonstrate background concentrations were below the benchmark pH range of 6-9."
- 9. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section C, clarified language, "If such activities have been designated by the Division, discharges shall be monitored and limited as specified in Table 4, and sampled in accordance with the schedule presented in Table 2, and added the following language, "The limitations in Table 4 only apply to oil water separators, secondary containment structures at petroleum bulk stations and terminals with a total petroleum storage capacity of less than 1 million gallons, or other stormwater discharges that have been specifically designated by the Division as subject to these discharge requirements in the permit. This means that, unless specified differently by the Division, discharges from oil/water separators or from secondary containment areas that are associated with vehicle maintenance activities at facilities categorically captured by the federal NPDES Stormwater Program are otherwise subject to Part II., Section B. (Stormwater Analytical Monitoring Requirements) of this general permit."
- 9. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section C, revised table 4 to:

Discharge Characteristics	Limitations and Units	Measurement Frequency <sup>1</sup>	Sample Type <sup>2</sup>	Sample Location <sup>3</sup>
рН	6.0 to 9.0 s.u.	semi-annual	Grab	SDO
Non-Polar Oil & Grease / TPH	15 mg/l	semi-annual	Grab	SDO
EPA Method 1664 (SGT-HEM)				
Total Suspended Solids (TSS)	100 mg/l	semi-annual	Grab	SDO
TSS (ORW, HQW, Trout & PNA waters)	50 mg/l			
Total Rainfall <sup>4</sup>	inches	semi-annual	Rain gauge	-

- 10. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section C, revised footnote 2 to, "Sample collection must begin within the first 30 minutes of discharge and continue to all outfalls until completed."
- 11. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section C, added language to footnote 3, "A copy of the DWQ letter granting ROS must be kept on site. DWQ's ROS letter remains in effect through the subsequent reissuance of this permit and as long as the pertinent site conditions and operations remain unchanged, unless the ROS letter provides for other conditions or duration."
- 12. Part II Monitoring, Controls, and Limitations for Permitted Discharges, Section D, added language, "Qualitative monitoring is not required outside of the facility's normal operating hours."

#### Conclusion

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 incorporated comments on the proposed draft General Permit NCG080000 as well as comments regarding other proposed general permits, as appropriate, as indicated above.