July 22, 2011

Mr. Randy Cox, Plant Manager
Carolina Power and Light
d/b/a/ Progress Energy Carolinas, Inc.
Cape Fear Steam Electric Plant
500 CP&L Road
Moncure, North Carolina 27559

Subject: Issuance of NPDES Permit NC0003433
Cape Fear Steam Electric Plant
Chatham County
Facility Class I

Dear Mr. Cox:

Division personnel have reviewed and approved your application for renewal of the subject permit. Accordingly, we are forwarding the attached NPDES discharge permit. This permit is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

The final permit contains the following significant changes from the Draft Permit:

- The following condition was added for the Outfall 003 in response to EPA request per 40 CFR 423.13 (d)(1): “There shall be no detectable amounts of the 126 priority pollutants in the discharge due to the addition of chemicals added for maintenance”.
- The quarterly Fecal Coliform monitoring was added to Outfall 007 in response to the request from the Division of Water Resources and due to the close proximity of the Outfall 007 to the City of Sanford water supply intake.

This final permit maintains the following changes contained in the Draft Permit:

- The stormwater portion of the permit has been deleted. The Division will issue a separate stormwater permit for this facility.
- A weekly average limit for Se has been removed from the permit based on a statistical analysis of the effluent data. A monitoring frequency for Se has been reduced to quarterly due to the removal of the limit (Outfall 007).
- Monitoring frequencies for oil and grease, total suspended solids, ammonia nitrogen, and fecal coliforms were reduced to semi-annually based on the review of the effluent data and in response to your request (Outfall 005).
- Monitoring frequencies for oil and grease, total suspended solids, and ammonia nitrogen were reduced to semi-annually based on the review of the effluent data and in response to your request (Outfall 001).
Groundwater monitoring was added to the permit. Please see Special Condition A. 9.

The special condition A. 10. entitled “Section 316 (b) of CWA” was added to the permit in accordance with the new EPA requirements.

The special condition A. 11. entitled “Structural Integrity Inspections of Ash Pond Dam” was added to the permit in accordance with the new EPA requirements.

The special condition A. 12. entitled “Ash Pond Closure” was added to the permit to prepare for the upcoming decommissioning of the facility.

The special condition A. 13. entitled “Fish Tissue Monitoring Near Ash Pond Discharge” was added to the permit in accordance with the Division permitting policy for coal-fired power plants.

The Division cannot grant your request to change the wording in the Special Condition A. (10). This is a standard language that has been approved by EPA and has been used in other permits.

The Division cannot grant your request to change the wording in the Special Condition A. (11). This is a standard language that has been approved by EPA and has been used in other permits.

The Division cannot grant your request to change the wording in the Special Condition A. (12). This is a standard language that has been approved by EPA and has been used in other permits. The requirement has no language regarding the “finalized” closure plan.

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings (6714 Mail Service Center, Raleigh, North Carolina 27699-6714). Unless such demand is made, this decision shall be final and binding.

Please note that this permit is not transferable except after notice to the Division. The Division may require modification or revocation and reissuance of the permit. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Water Quality or permits required by the Division of Land Resources, the Coastal Area Management Act or any other Federal or Local governmental permit that may be required. If you have any questions concerning this permit, please contact Sergei Chernikov at telephone number (919) 807-6393.

Sincerely,

[Signature]
Coleen H. Sullivan

cc: Central Files
    NPDES Files
    Raleigh Regional Office / Surface Water Protection Section
    Aquatic Toxicology Unit (e-copy)
    EPA Region IV (e-copy)
STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY  

PERMIT  

TO DISCHARGE WASTEWATER 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,  

Carolina Power and Light d/b/a/ Progress Energy Carolinas, Inc.  

is hereby authorized to discharge wastewater from a facility located at the  

Cape Fear Steam Electric Generating Plant  
500 CP&L Road  
Moncure  
Chatham County  

... receiving waters designated as an unnamed tributary to the Cape Fear River (outfalls 001, 003, 005, 007) in the Cape Fear River Basin in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II and III hereof.  

This permit shall become effective September 1, 2011.  

This permit and authorization to discharge shall expire at midnight on July 31, 2016.  

Signed this day July 22, 2011.  

[Signature]  
Cecile H. Sulins, Director  
Division of Water Quality  
By Authority of the Environmental Management Commission
SUPPLEMENT TO PERMIT COVER SHEET

All previous NPDES Permits issued to this facility, whether for operation or discharge are hereby revoked, and as of this issuance, any previously issued permit bearing this number is no longer effective. Therefore, the exclusive authority to operate and discharge from this facility arises under the permit conditions, requirements, terms, and provisions included herein.

Progress Energy Carolinas, Inc. is hereby authorized to:

1. Continue to operate the following systems located at the Cape Fear Steam Electric Generating Plant at 500 CP&L Road near Moncure in Chatham County:

   - West Ash Pond (Internal Outfall 001). This outfall discharges the following treated wastewaters to outfall 007; ash sluice waters (bottom and fly), coal pile runoff, No. 2 fuel oil tank runoff, settling basin drains, sand bed filter backwash, parking lot drains, equipment cooling tower blowdown and drain, boiler blowdown, metal cleaning waste, oil unloading area drains, softener regenerate, demineralizer regenerate, acid/caustic sump wastewater, yard and floor drains, and ash trench drain wastewater.

   - Once-Through Cooling Water and Stormwater (Internal Outfall 003).

   - East Ash Pond (Internal Outfall 005). This outfall discharges the following wastewaters to outfall 007; ash sluice waters (bottom and fly), runoff from yard drains, air preheater washes, electrostatic precipitator washes, metal cleaning wastes, spent sandblast material, and treated sanitary wastewater.

   - Combined Wastewater to the Cape Fear River (Outfall 007). This outfall is a combination of all internal outfalls.

2. Discharge from said treatment works and/or outfalls into an unnamed tributary to the Cape Fear River classified WS-IV waters in the Cape Fear River Basin.
A. 1. Effluent Limitations and Monitoring Requirements (Outfall 001)

During the period beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge from Internal Outfall 001 (Ash Sluice, low volume wastewater, stormwater, metal cleaning waste, and coal pile runoff from the West Ash Pond to Outfall 007). Such discharges shall be limited and monitored by the Permittee as specified below:

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>DISCHARGE LIMITATIONS</th>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monthly Average</td>
<td>Daily Maximum</td>
</tr>
<tr>
<td>Flow, MGD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>15.0 mg/L</td>
<td>20.0 mg/L</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>30.0 mg/L</td>
<td>100.0 mg/L</td>
</tr>
<tr>
<td>Total Arsenic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Selenium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammonia-Nitrogen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Iron</td>
<td>1.0 mg/L</td>
<td>1.0 mg/L</td>
</tr>
<tr>
<td>Total Copper</td>
<td>1.0 mg/L</td>
<td>1.0 mg/L</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Metal Cleaning Waste means any wastewater resulting from cleaning (with or without chemical cleaning compounds) any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

Samples taken in compliance with the monitoring requirements listed above shall be taken prior to mixing with other sources of wastewater.

Sampling during the discharge of metal cleaning wastes will be determined based on the time the metal cleaning wastes enter the ash pond and the detention time of the ash pond.

There shall be no discharge of polychlorinated biphenyls.
A. 2. Effluent Limitations and Monitoring Requirements (Outfall 003)

During the period beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge from Internal Outfall 003 (Once-Through Cooling Water and Stormwater to Outfall 007). Such discharges shall be limited and monitored by the Permittee as specified below:

<table>
<thead>
<tr>
<th>PARAMETER, MGD</th>
<th>DISCHARGE LIMITATIONS</th>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monthly Average</td>
<td>Daily Maximum</td>
</tr>
<tr>
<td>Flow, MGD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**

Samples taken in compliance with the monitoring requirements listed above shall be taken prior to mixing with other sources of wastewater.

There shall be no discharge of polychlorinated biphenyls.

This permit prohibits the use of any chemicals used for maintenance of the once-through cooling system that contain chromium, zinc, or copper.

This permit prohibits the use of chlorine, or chlorine-containing compounds, in the once-through cooling system.

There shall be no detectable amounts of the 126 priority pollutants in the discharge due to the addition of chemicals added for maintenance.
A. 4. Effluent Limitations and Monitoring Requirements (Outfall 007)

During the period beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge from Outfall 007 (Combined Wastewaters and Stormwater from Outfalls 001, 003, and 005). Such discharges shall be limited and monitored by the Permittee as specified below:

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>DISCHARGE LIMITATIONS</th>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekly Average</td>
<td>Daily Maximum</td>
</tr>
<tr>
<td>Flow, MGD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Chromium (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Arsenic (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Selenium (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Mercury (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Nickel (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Copper (µg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Nitrogen (NO₂+NO₃+TKN) (mg/L)</td>
<td>Quarterly</td>
<td>Composite</td>
</tr>
<tr>
<td>Total Phosphorus (mg/L)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform (geometric mean)</td>
<td>Quarterly</td>
<td>Grab</td>
</tr>
<tr>
<td>Temperature</td>
<td></td>
<td>32°C</td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td>Between 6.0 and 9.0 Standard Units</td>
</tr>
<tr>
<td>Chronic Toxicity³</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES:
1. Effluent sampling point shall be located on the discharge canal at the point of discharge into the unnamed tributary to the Cape Fear River.
2. Effluent samples must be analyzed by an EPA-approved low level mercury analysis method (1631).
3. Chronic Toxicity (Gearardaphnia) Pass/Fail at 90%; February, May, August, November. See condition A. 5. of this permit.

There shall be no discharge of polychlorinated biphenyls.

There shall be no discharge of floating solids or visible foam in other than trace amounts.
A. 3. Effluent Limitations and Monitoring Requirements (Outfall 005)

During the period beginning on the effective date of this permit and lasting until expiration, the Permittee is authorized to discharge from Internal Outfall 005 (Ash Sluice, Sanitary Wastewater, Low Volume Wastewater, Stormwater, and Metal Cleaning Waste) from the East Ash Pond to Outfall 007. Such discharges shall be limited and monitored by the Permittee as specified below:

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>DISCHARGE LIMITATIONS</th>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monthly Average</td>
<td>Daily Maximum</td>
</tr>
<tr>
<td>Flow, MGD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>15.0 mg/L</td>
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<tr>
<td>Total Suspended Solids</td>
<td>30.0 mg/L</td>
<td>100.0 mg/L</td>
</tr>
<tr>
<td>Total Arsenic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Selenium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammonia-Nitrogen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Iron</td>
<td>1.0 mg/L</td>
<td>1.0 mg/L</td>
</tr>
<tr>
<td>Total Copper</td>
<td>1.0 mg/L</td>
<td>1.0 mg/L</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Metal Cleaning Waste means any wastewater resulting from cleaning (with or without chemical cleaning compounds) any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

Samples taken in compliance with the monitoring requirements listed above shall be taken prior to mixing with other sources of wastewater.

Sampling during the discharge of metal cleaning wastes will be determined based on the time the metal cleaning wastes enter the ash pond and the detention time of the ash pond.

There shall be no discharge of polychlorinated biphenyls.
A. 6. Intake Screen Backwash
The discharge of intake screen backwash is permitted without limitations or monitoring requirements.

A. 7. Biocide Condition
The permittee shall not use any biocides except those approved in conjunction with the permit application. The permittee shall notify the Director in writing not later than ninety (90) days prior to instituting use of any additional biocide used in cooling systems which may be toxic to aquatic life other than those previously reported to the Division of Water Quality. Such notification shall include completion of Biocide Worksheet Form 101 and a map locating the discharge point and receiving stream. Completion of a Biocide Worksheet 101 is not necessary for the introduction of a new biocide into an outfall currently being tested for toxicity.

A. 8. Domestic Wastewater Treatment Plant
The domestic wastewater treatment plant shall be properly operated and maintained to ensure treatment of sanitary effluent to secondary standards.

A. 9. Groundwater Monitoring Well Construction and Sampling
The permittee shall conduct groundwater monitoring to determine the compliance of this NPDES permitted facility with the current groundwater Standards found under 15A NCAC 2L .0200. The monitoring shall be conducted in accordance with the Sampling Plan approved by the Division.

A. 10. Section 316 (b) of CWA
The permittee shall comply with the Cooling Water Intake Structure Rule per 40 CFR 125.95.

A. 11. Structural Integrity Inspections of Ash Pond Dam
The facility shall meet the dam design and dam safety requirements per 15A NCAC 2K.

A. 12. Ash Pond Closure
The facility shall prepare an Ash Pond Closure Plan in anticipation of the facility closure. This Plan shall be submitted to the Division one year prior to the closure of the facility.

A. 13. Fish Tissue Monitoring Near Ash Pond Discharge
The facility shall conduct fish tissue monitoring once during the permit term and submit the results with the NPDES permit renewal application. The objective of the monitoring is to evaluate potential uptake of pollutants by fish tissue near the Ash Pond discharge. The parameters analyzed in fish tissue shall be arsenic, selenium, and mercury. The monitoring shall be conducted in accordance with the Sampling Plan approved by the Division.
A. 5. Chronic Toxicity Permit Limit (Quarterly)

The effluent discharge shall at no time exhibit observable inhibition of reproduction or significant mortality to *Ceriodaphnia dubia* at an effluent concentration of 90%.

The permit holder shall perform at a minimum, *quarterly* monitoring using test procedures outlined in the “North Carolina *Ceriodaphnia* Chronic Effluent Bioassay Procedure,” Revised February 1998, or subsequent versions or “North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure” (Revised-February 1998) or subsequent versions. The tests will be performed *during the months of* February, May, August, and November. Effluent sampling for this testing shall be performed at the NPDES permitted final effluent discharge below all treatment processes.

If the test procedure performed as the first test of any single quarter results in a failure or ChV below the permit limit, then multiple-concentration testing shall be performed at a minimum, in each of the two following months as described in “North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure” (Revised-February 1998) or subsequent versions.

The chronic value for multiple concentration tests will be determined using the geometric mean of the highest concentration having no detectable impairment of reproduction or survival and the lowest concentration that does have a detectable impairment of reproduction or survival. The definition of “detectable impairment,” collection methods, exposure regimes, and further statistical methods are specified in the “North Carolina Phase II Chronic Whole Effluent Toxicity Test Procedure” (Revised-February 1998) or subsequent versions.

All toxicity testing results required as part of this permit condition will be entered on the Effluent Discharge Monitoring Form (MR-1) for the months in which tests were performed, using the parameter code TGP3B for the pass/fail results and THP3B for the Chronic Value. Additionally, DWQ Form AT-3 (original) is to be sent to the following address:

Attention: Environmental Sciences Section  
North Carolina Division of Water Quality  
1621 Mail Service Center  
Raleigh, North Carolina  27699-1621

Completed Aquatic Toxicity Test Forms shall be filed with the Environmental Sciences Section no later than 30 days after the end of the reporting period for which the report is made.

Test data shall be complete, accurate, include all supporting chemical/physical measurements and all concentration/response data, and be certified by laboratory supervisor and ORC or approved designate signature. Total residual chlorine of the effluent toxicity sample must be measured and reported if chlorine is employed for disinfection of the waste stream.

Should there be no discharge of flow from the facility during a month in which toxicity monitoring is required, the permittee will complete the information located at the top of the aquatic toxicity (AT) test form indicating the facility name, permit number, pipe number, county, and the month/year of the report with the notation of “No Flow” in the comment area of the form. The report shall be submitted to the Environmental Sciences Section at the address cited above. Should the permittee fail to monitor during a month in which toxicity monitoring is required, monitoring will be required during the following month. Should any test data from this monitoring requirement or tests performed by the North Carolina Division of Water Quality indicate potential impacts to the receiving stream, this permit may be re-opened and modified to include alternate monitoring requirements or limits.

NOTE: Failure to achieve test conditions as specified in the cited document, such as minimum control organism survival, minimum control organism reproduction, and appropriate environmental controls, shall constitute an invalid test and will require immediate follow-up testing to be completed no later than the last day of the month following the month of the initial monitoring.
PART II
STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

2/Month
Samples are collected twice per month with at least ten calendar days between sampling events. These samples shall be representative of the wastewater discharged during the sample period.

3/Week
Samples are collected three times per week on three separate calendar days. These samples shall be representative of the wastewater discharged during the sample period.

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

Annual Average
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar year. In the case of fecal coliform, the geometric mean of such discharges.

Arithmetic Mean
The summation of the individual values divided by the number of individual values.

Bypass
The known diversion of waste streams from any portion of a treatment facility including the collection system, which is not a designed or established or operating mode for the facility.

Calendar Day
The period from midnight of one day until midnight of the next day. However, for purposes of this permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.

Calendar Week
The period from Sunday through the following Saturday.

Calendar Quarter
One of the following distinct periods: January through March, April through June, July through September, and October through December.

Composite Sample
A sample collected over a 24-hour period by continuous sampling or combining grab samples of at least 100 ml in such a manner as to result in a total sample representative of the wastewater discharge during the sample period. The Director may designate the most appropriate method (specific number and size of aliquots necessary, the time interval between grab samples, etc.) on a case-by-case basis. Samples may be collected manually or automatically. Composite samples may be obtained by the following methods:

1. Continuous: a single, continuous sample collected over a 24-hour period proportional to the rate of flow.
2. Constant time/variable volume: a series of grab samples collected at equal time intervals over a 24 hour period of discharge and combined proportional to the rate of flow measured at the time of individual sample collection, or
3. Variable time/constant volume: a series of grab samples of equal volume collected over a 24 hour period with the time intervals between samples determined by a preset number of gallons passing the sampling point. Flow measurement between sample intervals shall be determined by use of a flow recorder and totalizer, and the preset gallon interval between sample collection fixed at no greater than 1/24 of the expected total daily flow at the treatment system, or
4. Constant time/constant volume: a series of grab samples of equal volume collected over a 24-hour period at a constant time interval. Use of this method requires prior approval by the Director. This method may

Version 10/29/2010
only be used in situations where effluent flow rates vary less than 15 percent. The following restrictions also apply:

- Influent and effluent grab samples shall be of equal size and of no less than 100 milliliters.
- Influent samples shall not be collected more than once per hour.
- Permittees with wastewater treatment systems whose detention time < 24 hours shall collect effluent grab samples at intervals of no greater than 20 minutes apart during any 24-hour period.
- Permittees with wastewater treatment systems whose detention time exceeds 24 hours shall collect effluent grab samples at least every six hours; there must be a minimum of four samples during a 24-hour sampling period.

Continuous flow measurement
Flow monitoring that occurs without interruption throughout the operating hours of the facility. Flow shall be monitored continually except for the infrequent times when there may be no flow or for infrequent maintenance activities on the flow device.

Daily Discharge
The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. The "daily discharge" concentration comprises the mean concentration for a 24-hour sampling period as either a composite sample concentration or the arithmetic mean of all grab samples collected during that period. (40 CFR 122.2)

Daily Maximum
The highest "daily discharge" during the calendar month.

Daily Sampling
Parameters requiring daily sampling shall be sampled 5 out of every 7 days per week unless otherwise specified in the permit. Sampling shall be conducted on weekdays except where holidays or other disruptions of normal operations prevent weekday sampling. If sampling is required for all seven days of the week for any permit parameter(s), that requirement will be so noted on the Effluent Limitations and Monitoring Page(s).

DWQ or "the Division"
The Division of Water Quality, Department of Environment and Natural Resources.

EMC
The North Carolina Environmental Management Commission

EPA
The United States Environmental Protection Agency

Facility Closure
Cessation of all activities that require coverage under this NPDES permit. Completion of facility closure will allow this permit to be rescinded.

Geometric Mean
The Nth root of the product of the individual values where N = the number of individual values. For purposes of calculating the geometric mean, values of "0" (or "< [detection level]") shall be considered = 1.

Grab Sample
Individual samples of at least 100 ml collected over a period of time not exceeding 15 minutes. Grab samples can be collected manually. Grab samples must be representative of the discharge (or the receiving stream, for instream samples).

Hazardous Substance
Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the CWA.

Instantaneous flow measurement
A measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
Monthly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar month. In the case of fecal coliform, the geometric mean of such discharges.

Permit Issuing Authority
The Director of the Division of Water Quality.

Quarterly Average (concentration limit)
The average of all samples taken over a calendar quarter.

Severe property damage
Substantial physical damage to property, damage to the treatment 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 excludes economic loss caused by delays in production.

Toxic Pollutant:
Any pollutant listed as toxic under Section 307(a)(1) of the CWA.

Upset
An incident beyond the reasonable control of the Permittee causing unintentional and temporary noncompliance with permit effluent limitations and/or monitoring requirements. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Weekly Average (concentration limit)
The arithmetic mean of all "daily discharges" of a pollutant measured during the calendar week. In the case of fecal coliform, the geometric mean of such discharges.

Section B. General Conditions

1. Duty to Comply
The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application [40 CFR 122.41].

a. The Permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA 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 CWA provides that any person who violates section[s] 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 $37,500 per day for each violation. [33 USC 1319 (d) and 40 CFR 122.41 (a) (2)]

c. The CWA 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. [33 USC 1319 (c) (1) and 40 CFR 122.41 (a) (2)]

d. 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. [33 USC 1319 (c) (2) and 40 CFR 122.41 (a) (2)]

e. 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. [40 CFR 122.41 (a) (2)]

f. Under state law, a civil penalty of not more than $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. [North Carolina General Statutes § 143-215.6A]

g. 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 $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500. Penalties for Class II violations are not to exceed $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500. [33 USC 1319 (g) (2) and 40 CFR 122.41 (a) (3)]

2. Duty to Mitigate
The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit with a reasonable likelihood of adversely affecting human health or the environment [40 CFR 122.41 (d)].

3. Civil and Criminal Liability
Except as provided in permit conditions on "Bypassing" (Part II. C. 4), "Upsets" (Part II. C. 5) and "Power Failures" (Part II. C. 7), nothing in this permit shall be construed to relieve the Permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-215.3, l43-215.6 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.

4. Oil and Hazardous Substance Liability
Nothing in this 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 l43-215.75 et seq. or Section 311 of the Federal Act, 33 USG 1321. Furthermore, the Permittee is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

5. Property Rights
The issuance of this 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 [40 CFR 122.41 (g)].

6. Onshore or Offshore Construction
This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

7. Severability
The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby [NCGS 150B-23].
8. Duty to Provide Information
The Permittee shall furnish to the Permit Issuing Authority, within a reasonable time, any information which the Permit Issuing Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Permit Issuing Authority upon request, copies of records required by this permit [40 CFR 122.41 (h)].

9. Duty to Reapply
If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit [40 CFR 122.41 (b)].

10. Expiration of Permit
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 such information, 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 subject the Permittee to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et. seq.

11. Signatory Requirements
All applications, reports, or information submitted to the Permit Issuing Authority shall be signed and certified [40 CFR 122.41 (k)].

a. All permit applications 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, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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 [40 CFR 122.22].

b. All reports required by the permit and other information requested by the Permit Issuing Authority shall be signed by a person described in paragraph a. 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 Permit Issuing Authority [40 CFR 122.22]

c. Changes to authorization: If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative [40 CFR 122.22]
d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification [40 CFR 122.22]. NO OTHER STATEMENTS OF CERTIFICATION WILL BE ACCEPTED:

"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."

12. Permit Actions
This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition [40 CFR 122.41 (f)].

13. Permit Modification, Revocation and Reissuance, or Termination
The issuance of this permit does not prohibit the permit issuing authority from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and I23; Title 15A of the North Carolina Administrative Code, Subchapter 2H.0100; and North Carolina General Statute §8-215.1 et. al.

14. Annual Administering and Compliance Monitoring Fee Requirements
The Permittee must pay the annual administering and compliance monitoring fee within thirty days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H.0105 (b) (2) may cause this Division to initiate action to revoke the permit.

Section C. Operation and Maintenance of Pollution Controls

1. Certified Operator
Upon classification of the permitted facility by the Certification Commission, the Permittee shall employ a certified water pollution control system operator in responsible charge (ORC) of the water pollution control treatment system. Such operator must hold a certification of the grade equivalent to or greater than the classification assigned to the water pollution control treatment system by the Certification Commission. The Permittee must also employ one or more certified Back-up ORCs who possess a currently valid certificate of the type of the system. Back-up ORCs must possess a grade equal to (or no more than one grade less than) the grade of the system [15A NCAC 8G.0201].

The ORC of each Class I facility must:
- Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least weekly
- Comply with all other conditions of 15A NCAC 8G.0204.

The ORC of each Class II, III and IV facility must:
- Visit the facility as often as is necessary to insure proper operation of the treatment system; the treatment facility must be visited at least five days per week, excluding holidays
- Properly manage and document daily operation and maintenance of the facility
- Comply with all other conditions of 15A NCAC 8G.0204.

Once the facility is classified, the Permittee shall submit a letter to the Certification Commission designating the operator in responsible charge:

a. Within 60 calendar days prior to wastewater being introduced into a new system
b. Within 120 calendar days of:
- Receiving notification of a change in the classification of the system requiring the designation of a new ORC and back-up ORC
- A vacancy in the position of ORC or back-up ORC.
2. Proper Operation and Maintenance
The Permittee shall at all times provide the operation and maintenance resources necessary to operate the existing facilities at optimum efficiency. 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 permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the Permittee to install and operate backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit [40 CFR 122.41 (e)].

NOTE: Properly and officially designated operators are fully responsible for all proper operation and maintenance of the facility, and all documentation required thereof, whether acting as a contract operator [subcontractor] or a member of the Permittee’s staff.

3. 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 permit [40 CFR 122.41 (c)].

4. Bypassing of Treatment Facilities
   a. Bypass not exceeding limitations [40 CFR 122.41 (m) (2)]
      The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs b. and c. of this section.
   b. Notice [40 CFR 122.41 (m) (3)]
      (1) 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 effect of the bypass.
      (2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Part II. E. 6. (24-hour notice).
   c. Prohibition of Bypass
      (1) Bypass from the treatment facility is prohibited and the Permit Issuing Authority 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;
         (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment 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 Paragraph b. of this section.
      (2) Bypass from the collection system is prohibited and the Permit Issuing Authority may take enforcement action against a Permittee for a bypass as provided in any current or future system-wide collection system permit associated with the treatment facility.
      (3) The Permit Issuing Authority may approve an anticipated bypass, after considering its adverse effects, if the Permit Issuing Authority determines that it will meet the three conditions listed above in Paragraph c. (l) of this section.

5. Upsets
   a. Effect of an upset [40 CFR 122.41 (n) (2)]: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph b. of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

Version 10/29/2010
b. Conditions necessary for a demonstration of upset: Any Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the Permittee can identify the cause(s) of the upset;
(2) The Permittee facility was at the time being properly operated; and
(3) The Permittee submitted notice of the upset as required in Part II. E. 6. (b) of this permit.
(4) The Permittee complied with any remedial measures required under Part II. B. 2. of this permit.

c. Burden of proof [40 CFR 122.41 (n) (4)]: The Permittee seeking to establish the occurrence of an upset has the burden of proof in any enforcement proceeding.

6. Removed Substances
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be utilized/disposed of in accordance with NCGS 143-215.1 and in a manner such as to prevent any pollutant from such materials entering waters of the State or navigable waters of the United States. The Permittee shall comply with all existing Federal regulations governing the disposal of sewage sludge. Upon promulgation of 40 CFR Part 503, any permit issued by the Permit Issuing Authority for the utilization/disposal of sludge may be reopened and modified, or revoked and reissued, to incorporate applicable requirements at 40 CFR 503. The Permittee shall comply with applicable 40 CFR 503 Standards for the Use and Disposal of Sewage Sludge (when promulgated) within the time provided in the regulation, even if the permit is not modified to incorporate the requirement. The Permittee shall notify the Permit Issuing Authority of any significant change in its sludge use or disposal practices.

7. Power Failures
The Permittee is responsible for maintaining adequate safeguards (as required by 15A NCAC 2H.0124) to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

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 collected at a frequency less than daily shall be taken on a day and time that is characteristic of the discharge over the entire period the sample represents. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Permit Issuing Authority [40 CFR 122.41 (j)].

2. Reporting
Monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a monthly Discharge Monitoring Report (DMR) Form (MR 1, 11, 2, 3) or alternative forms approved by the Director, postmarked no later than the last calendar day of the month following the completed reporting period.

The first DMR is due on the last day of the month following the issuance of the permit or in the case of a new facility, on the last day of the month following the commencement of discharge. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the following address:

NC DENR / Division of Water Quality / Surface Water Protection Section
ATTENTION: Central Files
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

3. Flow Measurements
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. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the
measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from the true discharge rates throughout the range of expected discharge volumes. Flow measurement devices shall be accurately calibrated at a minimum of once per year and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. The Director shall approve the flow measurement device and monitoring location prior to installation.

Once-through condenser cooling water flow monitored by pump logs, or pump hour meters as specified in Part I of this permit and based on the manufacturer's pump curves shall not be subject to this requirement.

4. Test Procedures

Laboratories used for sample analysis must be certified by the Division. Permittees should contact the Division's Laboratory Certification Section (919 733-3908 or http://portal.ncdenr.org/web/wq/lab/cert) for information regarding laboratory certifications.

Facilities whose personnel are conducting testing of field-certified parameters only must hold the appropriate field parameter laboratory certifications.

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 CWA (as amended), and 40 CFR 136; or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this permit [40 CFR 122.41].

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels that are below the permit discharge requirements and all data generated must be reported down to the minimum detection or lower reporting level of the procedure. If no approved methods are determined capable of achieving minimum detection and reporting levels below permit discharge requirements, then the most sensitive (method with the lowest possible detection and reporting level) approved method must be used.

5. Penalties for Tampering

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this 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 [40 CFR 122.41].

6. Records Retention

Except for records of monitoring information required by this permit related to the Permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the Permittee shall retain records of all monitoring information, including:

- all calibration and maintenance records
- all original strip chart recordings for continuous monitoring instrumentation
- copies of all reports required by this permit
- copies of all data used to complete the application for this permit

These records or copies shall be maintained for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time [40 CFR 122.41].

7. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information [40 CFR 122.41]:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
The date(s) analyses were performed;
ed. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

8. Inspection and Entry
The Permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), 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 permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location [40 CFR 122.41 (i)].

Section E Reporting Requirements

1. Change in Discharge
All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

2. Planned Changes
The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility [40 CFR 122.41 (l)]. Notice is required only when:
a. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29 (b); or
b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42 (a) (l).
c. The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3. Anticipated Noncompliance
The Permittee shall give advance notice to the Director of any planned changes to the permitted facility or other activities that might result in noncompliance with the permit [40 CFR 122.41 (l) (2)].

4. Transfers
This permit is not transferable to any person without approval from the Director. The Director may require modification or revocation and reissuance of the permit to document the change of ownership. Any such action may incorporate other requirements as may be necessary under the CWA [40 CFR 122.41 (l) (3)].

5. Monitoring Reports
Monitoring results shall be reported at the intervals specified elsewhere in this permit [40 CFR 122.41 (l) (4)].
a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) (See Part II. D. 2) or forms provided by the Director for reporting results of monitoring of sludge use or disposal practices.
b. If the Permittee monitors any pollutant more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted on the DMR.

6. Twenty-four Hour Reporting
   a. The Permittee shall report to the Director, or the appropriate Regional Office any noncompliance that potentially threatens public 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 cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance [40 CFR 122.41 (l) (6)].
   b. The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.
   c. Occurrences outside normal business hours may also be reported to the Division’s Emergency Response personnel at (800) 662-7956, (800) 858-0368 or (919) 733-3300.

7. Other Noncompliance
   The Permittee shall report all instances of noncompliance not reported under Part II. E. 5 and 6. of this permit at the time monitoring reports are submitted. The reports shall contain the information listed in Part II. E. 6. of this permit [40 CFR 122.41 (l) (7)].

8. Other Information
   Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information [40 CFR 122.41 (l) (8)].

9. Noncompliance Notification
   The Permittee shall report by telephone to either the central office or the appropriate regional office of the Division as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:
   a. Any occurrence at the water pollution control facility which results in the discharge of significant amounts of wastes which are abnormal in quantity or characteristic, such as the dumping of the contents of a sludge digester; the known passage of a slug of hazardous substance through the facility; or any other unusual circumstances.
   b. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater treatment such as mechanical or electrical failures of pumps, aerators, compressors, etc.
   c. Any failure of a pumping station, sewer line, or treatment facility resulting in a by-pass without treatment of all or any portion of the influent to such station or facility.

Persons reporting such occurrences by telephone shall also file a written report within 5 days following first knowledge of the occurrence.

10. 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. As required by the Act, effluent 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 143-215.1 (b)(2) or in Section 309 of the Federal Act.

11. Penalties for Falsification of Reports
    The CWA 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 permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than two years per violation, or by both [40 CFR 122.41].

Version 10/29/2010
12. **Annual Performance Reports**

Permittees who own or operate facilities that collect or treat municipal or domestic waste shall provide an annual report to the Permit Issuing Authority and to the users/customers served by the Permittee (NCGS 143-215.1C). The report shall summarize the performance of the collection or treatment system, as well as the extent to which the facility was compliant with applicable federal or State laws, regulations and rules pertaining to water quality. The report shall be provided no later than sixty days after the end of the calendar or fiscal year, depending upon which annual period is used for evaluation.

The report shall be sent to:

NC DENR / Division of Water Quality / Surface Water Protection Section  
ATTENTION: Central Files  
1617 Mail Service Center  
Raleigh, North Carolina  27699-1617
PART III
OTHER REQUIREMENTS

Section A. Construction

The Permittee shall not commence construction of wastewater treatment facilities, nor add to the plant's treatment capacity, nor change the treatment process(es) utilized at the treatment plant unless the Division has issued an Authorization to Construct (AtC) permit. Issuance of an AtC will not occur until Final Plans and Specifications for the proposed construction have been submitted by the Permittee and approved by the Division.

Section B. Groundwater Monitoring

The Permittee shall, upon written notice from the Director, conduct groundwater monitoring as may be required to determine the compliance of this NPDES permitted facility with the current groundwater standards.

Section C. Changes in Discharges of Toxic Substances

The Permittee shall notify the Permit Issuing Authority as soon as it knows or has reason to believe (40 CFR 122.42):

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   (1) One hundred micrograms per liter (100 µg/L);

   (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

   (3) Five times the maximum concentration value reported for that pollutant in the permit application.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   (1) Five hundred micrograms per liter (500 µg/L);

   (2) One milligram per liter (1 mg/L) for antimony;

   (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

Section D. Evaluation of Wastewater Discharge Alternatives

The Permittee shall evaluate all wastewater disposal alternatives and pursue the most environmentally sound alternative of the reasonably cost effective alternatives. If the facility is in substantial non-compliance with the terms and conditions of the NPDES permit or governing rules, regulations or laws, the Permittee shall submit a report in such form and detail as required by the Division evaluating these alternatives and a plan of action within 60 days of notification by the Division.

Section E. Facility Closure Requirements

The Permittee must notify the Division at least 90 days prior to the closure of any wastewater treatment system covered by this permit. The Division may require specific measures during deactivation of the system to prevent adverse impacts to waters of the State. This permit cannot be rescinded while any activities requiring this permit continue at the permitted facility.
PART IV
SPECIAL CONDITIONS FOR MUNICIPAL FACILITIES

Section A. Definitions

In addition to the definitions in Part II of this permit, the following definitions apply to municipal facilities:

Indirect Discharge or Industrial User
Any non-domestic source that discharges wastewater containing pollutants into a POTW regulated under section 307(b), (c) or (d) of the CWA. [40 CFR 403.3 (i) and (j)]

Interference
Inhibition or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal which causes or contributes to a violation of any requirement of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. [15A NCAC 2H.0903 (b) (13)]

Pass Through
A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES permit, or of an instream water quality standard. [15A NCAC 2H.0903 (b) (23)]

Publicly Owned Treatment Works (POTW)
A treatment works as defined by Section 212 of the CWA, owned by a State or local government entity. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the local government entity, or municipality, as defined in section 502(4) of the CWA, which has jurisdiction over indirect discharges to and the discharges from such a treatment works. [15A NCAC 2H.0903 (b) (27)]

"Significant Industrial User" or "SIU"
An industrial user that discharges wastewater into a publicly owned treatment works and that [15A NCAC 2H.0903 (b) (34)]:

(a) discharges an average of 25,000 gallons or more per day of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) or;
(b) contributes more than 5 percent of the design flow of the POTW treatment plant or more than 5 percent of the maximum allowable headworks loading of the POTW treatment plant for any pollutant of concern, or;
(c) is required to meet a national categorical pretreatment standard, or;
(d) is, regardless of Parts (a), (b), and (c) of this definition, otherwise determined by the POTW, the Division, or the EPA to have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement or POTW's receiving stream standard, or to limit the POTW's sludge disposal options.

Section B. Publicly Owned Treatment Works (POTWs)

All POTWs are required to prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge, or pass through the treatment works or otherwise be incompatible with such treatment works. [40 CFR 403.2]

All POTWs must provide adequate notice to the Director of the following [40 CFR 122.42 (b)]:

1. Any new introduction of pollutants into the POTW from an indirect discharger, regardless of the means of transport, which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced by an indirect discharger as influent to that POTW at the time of issuance of the permit.
3. For purposes of this paragraph, adequate notice shall include information on (1) the quality and quantity of effluent introduced into the POTW, and (2) any anticipated impact that may result from the change of the quantity or quality of effluent to be discharged from the POTW.

Section C. Municipal Control of Pollutants from Industrial Users.

1. Effluent limitations are listed in Part I of this permit. Other pollutants attributable to inputs from industries using the municipal system may be present in the Permittee's discharge. At such time as sufficient information becomes available to establish limitations for such pollutants, this permit may be revised to specify effluent limitations for any or all of such other pollutants in accordance with best practicable technology or water quality standards.

2. Prohibited Discharges

a. Under no circumstances shall the Permittee allow introduction of pollutants or discharges into the waste treatment system or waste collection system which cause or contribute to Pass Through or Interference as defined in 15A NCAC 2H.0900 and 40 CFR 403. [40 CFR 403.5 (a) (1)]

b. Under no circumstances shall the Permittee allow introduction of the following wastes in the waste treatment or waste collection system [40 CFR 403.5 (b):]

   1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

   2. Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

   3. Solid or viscous pollutants in amounts which cause obstruction to the flow in the POTW resulting in interference;

   4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

   5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Division, upon request of the POTW, approves alternate temperature limits;

   6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

   7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

   8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

c. The Permittee shall investigate the source of all discharges into the POTW, including slug loads and other unusual discharges, which have the potential to adversely impact the permittee’s Pretreatment Program and/or the operation of the POTW.

The Permittee shall report such discharges into the POTW to the Director or the appropriate Regional Office. 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 discharge, the investigation into possible sources; the period of the discharge, including exact dates and times; and if the discharge has not ceased, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. With regard to the effluent requirements listed in Part I of this permit, it may be necessary for the Permittee to supplement the requirements of the Federal Pretreatment Standards (40 CFR, Part 403) to ensure compliance by the Permittee with all applicable effluent limitations. Such actions by the Permittee may be necessary regarding some or all of the industries discharging to the municipal system.

4. The Permittee shall require any Industrial User discharging to the POTW to meet Federal Pretreatment Standards developed under Section 307(b) of the Act as amended (which includes categorical standards and

Version 10/29/2010
specific local limits, best management practices and narrative requirements). Prior to accepting wastewater
from any Significant Industrial User, the Permittee shall either develop and submit to the Division a new
Pretreatment Program or a modification of an existing Pretreatment Program, for approval as required under
section D below as well as 15A NCAC 2H.0907 (a) and (b). [40 CFR 122.44 (j) (2)]

5. This permit shall be modified, or alternatively, revoked and reissued, to incorporate or modify an approved
POTW Pretreatment Program or to include a compliance schedule for the development of a POTW
Pretreatment Program as required under Section 402 (b) (8) of the CWA and implementing regulations or by
the requirements of the approved State pretreatment program, as appropriate.

Section D. Pretreatment Programs

Under authority of sections 307 (b) and (c) and 402 (b) (8) of the CWA and implementing regulations 40 CFR 403,
North Carolina General Statute 143-215.3 (14) and implementing regulations 15A NCAC 2H.0900, and in
accordance with the approved pretreatment program, all provisions and regulations contained and referenced in
the Pretreatment Program Submittal are an enforceable part of this permit. [40 CFR 122.44 (j) (2)]

The Permittee shall operate its approved pretreatment program in accordance with Section 402 (b) (8) of the CWA,
40 CFR 403, 15A NCAC 2H.0900, and the legal authorities, policies, procedures, and financial provisions contained in
its pretreatment program submission and Division approved modifications thereof. Such operation shall
include but is not limited to the implementation of the following conditions and requirements. Terms not defined in
Part II or Part IV of this permit are as defined in 15A NCAC 2H.0903 and 40 CFR 403.3.

1. Sewer Use Ordinance (SUO)
The Permittee shall maintain adequate legal authority to implement its approved pretreatment program. [15A
NCAC 2H.0905 and .0906; 40 CFR 403.8 (f) (1) and 403.9 (b) (1), (2)]

2. Industrial Waste Survey (IWS)
The permittee shall implement an IWS consisting of the survey of users of the POTW, as required by 40 CFR
403.8 (f) (2) (i-iii) and 15A NCAC 2H.0905 [also 40 CFR 122.44 (j) (1)], including identification of all industrial
users that may have an impact on the POTW and the character and amount of pollutants contributed to the
POTW by these industrial users and identification of those industrial users meeting the definition of SIU. The
Permittee shall submit a summary of its IWS activities to the Division at least once every five years, and as
required by the Division. The IWS submission shall include a summary of any investigations conducted under
paragraph C.2.c. of this Part.

3. Monitoring Plan
The Permittee shall implement a Division-approved Monitoring Plan for the collection of facility specific data
to be used in a wastewater treatment plant Headworks Analysis (HWA) for the development of specific
pretreatment local limits. Effluent data from the Plan shall be reported on the DMRs (as required by Part II,
Section D, and Section E.5.). [15A NCAC 2H.0906 (b) (2) and .0905]

4. Headworks Analysis (HWA) and Local Limits
The Permittee shall obtain Division approval of a HWA at least once every five years, and as required by the
Division. Within 180 days of the effective date of this permit (or any subsequent permit modification) the
Permittee shall submit to the Division a written technical evaluation of the need to revise local limits (i.e., an
updated HWA or documentation of why one is not needed) [40 CFR 122.44]. The Permittee shall develop, in
accordance with 40 CFR 403.5 (c) and 15A NCAC 2H.0909, specific Local Limits to implement the prohibitions
listed in 40 CFR 403.5 (a) and (b) and 15A NCAC 2H.0909. Pursuant to 40 CFR 403.5, local limits are
enforceable Pretreatment Standards as defined by 40 CFR 403.3(1).

5. Industrial User Pretreatment Permits (IUP) & Allocation Tables
In accordance with NCGS 143-215.1, the Permittee shall issue to all significant industrial users, permits for
operation of pretreatment equipment and discharge to the Permittee's treatment works. These permits shall
contain limitations, sampling protocols, reporting requirements, appropriate standard and special conditions,
and compliance schedules as necessary for the installation of treatment and control technologies to assure that
their wastewater discharge will meet all applicable pretreatment standards and requirements. The Permittee
shall maintain a current Allocation Table (AT) which summarizes the results of the HWA and the limits from
all IUPs: Permitted IUP loadings for each parameter cannot exceed the treatment capacity of the POTW as determined by the HWA. [15A NCAC 2H .0909, .0916, and .0917; 40 CFR 403.5, 403.8 (f) (1) (iii); NCGS 143-215.67 (a)]

6. Authorization to Construct (AtC)
The Permittee shall ensure that an Authorization to Construct permit (AtC) is issued to all applicable industrial users for the construction or modification of any pretreatment facility. Prior to the issuance of an AtC, the proposed pretreatment facility and treatment process must be evaluated for its capacity to comply with all Industrial User Pretreatment Permit (IUP) limitations. [15A NCAC 2H .0906 (b) (6) and .0905; NCGS 143-215.1 (a) (8)]

7. POTW Inspection & Monitoring of their IUs
The Permittee shall conduct inspection, surveillance, and monitoring activities as described in its Division approved pretreatment program in order to determine, independent of information supplied by industrial users, compliance with applicable pretreatment standards. [15A NCAC 2H .0908(d); 40 CFR 403.8(f)(2)(v)]
The Permittee must:

a. Inspect all Significant Industrial Users (SIUs) at least once per calendar year; and

b. Sample all Significant Industrial Users (SIUs) at least twice per calendar year for all permit-limited pollutants, once during the period from January 1 through June 30 and once during the period from July 1 through December 31, except for organic compounds which shall be sampled at least once per calendar year. For the purposes of this paragraph, “organic compounds” means the types of compounds listed in 40 CFR 136.3(a), Tables IC, ID, and IF, as amended.

8. IU Self Monitoring and Reporting
The Permittee shall require all industrial users to comply with the applicable monitoring and reporting requirements outlined in the Division-approved pretreatment program, the industry's pretreatment permit, or in 15A NCAC 2H .0908. [15A NCAC 2H .0906(b)(4) and .0905; 40 CFR 403.8(f)(1)(v) and (2)(iii); 40 CFR 122.44(j)(2) and 40 CFR 403.12]

9. Enforcement Response Plan (ERP)
The Permittee shall enforce and obtain appropriate remedies for violations of all pretreatment standards promulgated pursuant to section 307(b) and (c) of the Clean Water Act (40 CFR 405 et. seq.), prohibitive discharge standards as set forth in 40 CFR 403.5 and 15A NCAC 2H .0909, and specific local limitations. All remedies, enforcement actions and other, shall be consistent with the Enforcement Response Plan (ERP) approved by the Division. [15A NCAC 2H .0906(b)(7) and .0905; 40 CFR 403.8(f)(5)]

10. Pretreatment Annual Reports (PAR)
The Permittee shall report to the Division in accordance with 15A NCAC 2H .0908. In lieu of submitting annual reports, Modified Pretreatment Programs developed under 15A NCAC 2H .0904 (b) may be required to submit a partial annual report or to meet with Division personnel periodically to discuss enforcement of pretreatment requirements and other pretreatment implementation issues.

For all other active pretreatment programs, the Permittee shall submit two copies of a Pretreatment Annual Report (PAR) describing its pretreatment activities over the previous twelve months to the Division at the following address:

NC DENR / Division of Water Quality / Surface Water Protection Section
Pretreatment, Emergency Response, and Collection Systems (PERCS) Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

These reports shall be submitted according to a schedule established by the Director and shall contain the following:

a.) Narrative
A brief discussion of reasons for, status of, and actions taken for all Significant Industrial Users (SIUs) in Significant Non-Compliance (SNC);
b. Pretreatment Program Summary (PPS)
   A pretreatment program summary (PPS) on specific forms approved by the Division;

c. Significant Non-Compliance Report (SNCR)
   The nature of the violations and the actions taken or proposed to correct the violations on specific forms
   approved by the Division;

d. Industrial Data Summary Forms (IDSF)
   Monitoring data from samples collected by both the POTW and the Significant Industrial User (SIU) in
   SNC. These analytical results must be reported on Industrial Data Summary Forms (IDSF) or other specific
   format approved by the Division;

e. Other Information
   Copies of the POTW's allocation table, new or modified enforcement compliance schedules, public notice
   of SIUs in SNC, and any other information, upon request, which in the opinion of the Director is needed to
   determine compliance with the pretreatment implementation requirements of this permit;

11. Public Notice
   The Permittee shall publish annually a list of Significant Industrial Users (SIUs) that were in Significant Non-
   Compliance (SNC) as defined in the Permittee's Division-approved Sewer Use Ordinance with applicable
   pretreatment requirements and standards during the previous twelve month period. This list shall be
   published within four months of the applicable twelve-month period. [15A NCAC 2H .0903(b)(35), .0908(b)(5)
   and .0905 and 40 CFR 403.8(f)(2)(viii)]

12. Record Keeping
   The Permittee shall retain for a minimum of three years records of monitoring activities and results, along
   with support information including general records, water quality records, and records of industrial impact on
   the POTW. [15A NCAC 2H .0908(f); 40 CFR 403.12(o)]

13. Funding and Financial Report
   The Permittee shall maintain adequate funding and staffing levels to accomplish the objectives of its approved
   pretreatment program. [15A NCAC 2H .0906(a) and .0905; 40 CFR 403.8(f)(3), 403.9(b)(3)]

14. Modification to Pretreatment Programs
   Modifications to the approved pretreatment program including but not limited to local limits modifications,
   POTW monitoring of their Significant Industrial Users (SIUs), and Monitoring Plan modifications, shall be
   considered a permit modification and shall be governed by 40 CFR 403.18, 15 NCAC 2H .0114 and 15A NCAC
   2H .0907.