

North Carolina Division of Water Quality Response to Comments and Summary of Final Changes to NPDES Stormwater General Permit NCG090000 (2012 Renewal)

Background

NPDES General Permit NCG090000, which regulates stormwater discharges from facilities manufacturing paint, varnishes, and like materials, expired on October 31, 2012. The North Carolina Division of Water Quality (DWQ) announced in selected newspapers across the state on or about September 1, 2012 that the draft of the proposed renewal General Permit would be posted on our website for public comment. DWQ also ran this notice in the North Carolina Register the same month; on the Stormwater Permitting Unit website in September 2012; as well as in renewal letters to all affected permittees in the spring of 2012.

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

The draft NCG090000 General Permit and Fact Sheet were posted to the Stormwater Permitting Unit's website on September 1, 2012. The public comment period was scheduled to close on October 1, 2012 and was extended to October 8th as per requests from the regulated community, and to compensate for the delay in some newspaper notice publish dates. In addition, the Division received public comments about proposed draft general permits for other industrial sectors expiring at the same time, and some of those comments have been addressed in the final NCG090000 permit for program consistency.

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

DWQ received no comments on this draft General Permit, but we have prepared this summary document for those that submitted written comments on the other draft General Permits, as well as for other interested parties. This document will be posted on our website for public access.

Summary of changes derived from comments on other draft General Permits

Partly in the interest of program consistency between industrial sectors, DWQ made changes to the draft General Permit before finalizing it. These changes were mostly minor, and DWQ concluded that additional notice and/or EPA review was not necessary. The changes were largely based on public comments on the other General Permits being renewed this year. Some of these changes included:

1. The draft General Permit included DWQ's request for public comment on adding TTO monitoring to the permit. No written comments were received. However, we did receive one verbal communication pointing out that many of the constituents in the TTO analyses would not be expected to be present in this industrial sector. DWQ concurs with that comment, and we have removed the TTO requirement from the final version of the General Permit. Future renewals of NCG09 may re-visit the testing for paint vehicles and solvents present at these facilities.
2. Part II, Section A (Stormwater Pollution Prevention Plan), 2.(b): Added language to clarify that petroleum products are subject to the secondary containment requirements, and to clarify that a federal oil Spill Prevention, Control, and Countermeasure Plan (SPCC) can fulfill *some requirements* of the Stormwater Pollution Prevention Plan (SPPP) where it is fully consistent with the SPPP.
3. Part II, Table 1 (Analytical Monitoring for Stormwater), Footnote 3: Added clarification that DWQ's representative outfall status (ROS) approval remains in effect through subsequent renewals as long as relevant site conditions and operations have not changed.
4. Part II, paragraph following Table 1: Text added to specify that "Sampling is not required outside of the facility's normal operating hours."
5. Part II, following Table 1: Clarification that adverse weather conditions preventing sample collection does not constitute a failure to monitor.
6. Part II, paragraph following Table 2: Text modified to include the option for DWQ to require monthly monitoring because of a failure to monitor semi-annually (rather than automatically requiring monthly monitoring upon failure to monitor).
7. Part II, second paragraph following Table 2: Added clarification that DWQ's release of a permittee from Tier 2 monthly monitoring remains in effect through subsequent renewals unless other conditions are specified.
8. Part II, Table 5: Modified Footnote 1 to allow the precipitation pH (if lower than 6 s.u.) as the lower benchmark value.

9. Part II, including new Qualitative Monitoring Response boxes: Permit text amended to require that the permittee record his management responses to his qualitative monitoring results. Permit text amended to provide the Qualitative Monitoring Response box identifying DWQ authorities under the permit.

Conclusion

DWQ's overall intent in proposing changes to the General Permit was to provide permit requirements that will encourage industrial permittees to respond with prompt corrective action to the discovery of pollutant discharges in excess of the benchmark values. DWQ received no comments on the proposed draft General Permit NCG090000 but incorporated comments regarding other proposed general permits, as appropriate.

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