

STATE OF NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES
DIVISION OF WATER QUALITY

GENERAL PERMIT NO. NCG190000

TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provision 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, this permit is hereby issued to all owners or operators, hereafter permittees, which are covered by this permit as evidenced by receipt of a Certificate of Coverage by the Environmental Management Commission to allow the discharge of stormwater to the surface waters of North Carolina or separate storm sewer systems conveying stormwater to surface waters in accordance with the terms and conditions set forth herein.

Coverage under this General Permit is applicable to all owners or operators of stormwater point source discharges associated with activities classified as establishments primarily engaged in operating **Marinas** [standard industrial classification (SIC) **4493**] with vehicle maintenance activities, and **Ship and Boat Building and Repairing** [SIC **373**]; and like activities deemed by DWQ to be similar in the process and/or the exposure of raw materials, products, by-products, or waste materials.

The following activities are specifically excluded from coverage under this General Permit: All discharges at the facility containing waste streams including, but not limited to, bilge and ballast water, cooling water, sanitary wastes, power and hand washing, blasting, sanding, and fish cleaning stations.

Note: Draft Permit Dates are Approximate

The General Permit shall become effective on September 1, 2009.

The General Permit shall expire at midnight on August 31, 2014.

Signed this 10th day of July, 2009.

Coleen H. Sullins, Director
Division of Water Quality
By the Authority of the Environmental Management Commission

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PART I INTRODUCTION

SECTION A: GENERAL PERMIT COVERAGE

All persons desiring to be covered by this General Permit must register with the Division of Water Quality by the filing of a Notice of Intent (NOI) and applicable fees. The NOI shall be submitted and a certificate of coverage issued prior to any discharge of stormwater associated with industrial activity that has a point source discharge to the surface waters of the state.

Any owner or operator not wishing to be covered or limited by this General Permit may make application for an individual NPDES permit in accordance with NPDES procedures in 15A NCAC 2H .0100, stating the reasons supporting the request. Any application for an individual permit should be made at least 180 days prior to commencement of discharge.

This General Permit does not cover activities or discharges covered by an individual NPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit but which could be covered by this General Permit may request that the individual permit be revoked and coverage under this General Permit be provided.

If industrial materials and activities are not exposed to precipitation or runoff as described in 40 CFR §122.26(g), the facility may qualify for a No Exposure Exclusion from NPDES stormwater discharge permit requirements. Any owner or operator wishing to obtain a No Exposure Exclusion from permitting must submit a No Exposure Certification NOI form to the Division, must receive approval by the Division, must maintain no exposure conditions unless authorized to discharge under a valid NPDES stormwater permit, and must reapply for the No Exposure Exclusion once every five (5) years.

Any facility may apply for new or continued coverage under this permit until a Total Maximum Daily Load (TMDL) for pollutants for stormwater discharges is established. A TMDL sets a pollutant loading limit that affects a watershed, or portion of a watershed, draining to an impaired water. **For stormwater discharges to watersheds affected by a TMDL, coverage under this permit may depend on the facility demonstrating it does not have reasonable potential to violate applicable water quality standards for those pollutants as a result of discharges.** If the Division determines that discharges have reasonable potential to cause water quality standard violations, the facility shall apply for an individual permit 180 days prior to the expiration date of this general permit, and once that permit is effective, will no longer have coverage under this general permit. [Note the facility must identify impaired waters (scheduled for TMDL development) and waters already subject to a TMDL in the Site Plan, as outlined in the Stormwater Pollution Prevention Plan (SPPP), Part II, Section A.1.]

During the period beginning on the effective date of the permit and lasting until expiration, the Permittee is authorized to discharge stormwater associated with the industrial activity. Such discharges shall be controlled, limited, and monitored as specified in this permit.

SECTION B: PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the permittee is authorized to discharge stormwater to the surface waters of North Carolina or separate storm sewer system which has been adequately treated and managed in accordance with the terms and conditions of this General Permit. All discharges shall be in accordance with the conditions of this permit.

Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval. The stormwater

discharges allowed by this General Permit shall not cause or contribute to violations of Water Quality Standards.

This General Permit does not allow discharges determined by the Division of Water Quality to be wastewaters. The discharge and/or disposal of vehicle wash water or vehicle rinse water is not permitted by this General Permit. Wash water and rinse water must be directed to a sanitary sewer system or permitted by a separate wastewater permit issued by the Division. The discharge and/or disposal of any paints, solvents, petroleum, diesel oil or oil/water compounds applied to any surface of the vehicles is not permitted by this General Permit.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

PART II MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A: STORMWATER POLLUTION PREVENTION PLAN

The Permittee shall develop a Stormwater Pollution Prevention Plan, herein after referred to as the Plan. This Plan shall be considered public information in accordance with Part III, Standard Conditions, Section E, Paragraph 3 of this General Permit. The Plan shall include, at a minimum, the following items:

1. Site Plan. The site plan shall provide a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:
 - (a) A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters, and accurate latitude and longitude of the point(s) of discharge. The general location map (or alternatively the site map) shall identify whether each receiving water is **impaired** (on the state's 303(d) list of impaired waters) or is located in a **watershed for which a TMDL has been established**, and what the parameter(s) of concern are.
 - (b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. A narrative description of the potential pollutants which could be expected to be present in the stormwater discharge from each outfall.
 - (c) A site map drawn at a scale sufficient to clearly depict: the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads), site topography, all drainage features and structures, drainage areas for each outfall, direction of flow in each drainage area, industrial activities occurring in each drainage area, buildings, existing BMPs, and impervious surfaces. The site map shall include a distance legend and must indicate the percentage of each drainage area that is impervious. In addition, the following industrial

activity areas must also be identified on the site map: fueling, engine maintenance and repair, vessel maintenance and repair, washing, painting, sanding, blasting, welding, and metal fabrication.

- (d) A list of significant spills or leaks of pollutants that have occurred at the facility during the three (3) previous years and any corrective actions taken to mitigate spill impacts.
 - (e) Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. The certification statement will be signed in accordance with the requirements found in Part III, Standard Conditions, Section B, Paragraph 5. The permittee shall re-certify annually that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges.
2. Stormwater Management Plan. The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:
- (a) Feasibility Study. A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical, the permittee shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of exposure is not practical, the stormwater management plan shall document the feasibility of diverting stormwater runoff away from areas of potential contamination.
 - (b) Secondary Containment Requirements and Records. Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism), and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be uncontaminated by any material. Records documenting the individual making the observation, the description of the accumulated stormwater, and the date and time of the release shall be kept for a period of five years.
 - (c) BMP Summary. A listing of site structural and non-structural Best Management Practices (BMP) shall be provided. The installation and implementation of BMPs shall be based on the assessment of the potential for sources to contribute significant quantities of pollutants to stormwater discharges and data collected through monitoring of stormwater discharges. The BMP Summary shall include a written record of the specific rationale for installation and implementation of the selected site BMPs. The BMP Summary shall be reviewed and updated annually.
3. Spill Prevention and Response Plan. The Spill Prevention and Response Plan (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel (or the team) responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP and signed and dated by each individual

acknowledging their responsibilities for the plan. A responsible person shall be on-site at all times during facility operations that have the potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP.

4. Solvent Management Plan. The Solvent Management Plan shall be incorporated as a separate chapter into the Stormwater Pollution Prevention Plan (SPPP). The Solvent Management Plan shall include an annually updated and quantified inventory of the solvents present on site during the previous three years; a narrative description of the in-plant locations and uses of the solvents, the method of disposal including quantities disposed on-site and off-site; and the management procedures and engineering measures for assuring that solvents do not spill or leak into stormwater. If solvents are not stored or used onsite, then the owner must certify that in the SPPP. DWQ may at its discretion require submittal, review, and approval of the Solvent Management Plan. The discharger shall include the following signed certification statement on each discharge monitoring report: "Based upon my inquiry of the person or persons directly responsible for managing compliance with the permit requirement for managing solvents, I certify that to the best of my knowledge and belief, no leak, spill, or dumping of concentrated solvents into the stormwater or onto areas which are exposed to rainfall or stormwater runoff has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing all the provisions of the Solvent Management Plan included in the Stormwater Pollution Prevention Plan."
5. Preventative Maintenance and Good Housekeeping Program. A preventative maintenance and good housekeeping program shall be developed. The program shall list all stormwater control systems, stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including material storage areas, material handling areas, disposal areas, process areas, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall establish schedules of inspections, maintenance, and housekeeping activities of stormwater control systems, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded in writing and maintained in the SPPP.
6. Employee Training. Training programs shall be developed and training provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained. Additional required training items include: used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, fueling procedures, sanding, painting and blasting procedures, and used battery management.
7. Responsible Party. The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position assignments provided.

8. Plan Amendment. The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. **All aspects of the Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis.** The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three years, or the notation that no spills have occurred. The annual update shall include written re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a documented re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan.

The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part III, Standard Conditions, Section B, Paragraph 5) to the Director that the changes have been made.

9. Facility Inspections. Inspections of the facility and all stormwater systems shall occur as part of the Preventative Maintenance and Good Housekeeping Program at a minimum on a semi-annual schedule, once during the first half of the year (January to June), and once during the second half of the year (July to December), with at least 60 days separating inspection dates (unless performed more frequently than semi-annually). These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring required in Part II of this permit.
10. Implementation. The permittee shall implement the Plan. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or the Director's authorized representative immediately upon request.

SECTION B: ANALYTICAL MONITORING REQUIREMENTS

Analytical monitoring of stormwater discharges shall be performed as specified in **Table 1**. Sampling results shall be reported as described in Part III, Section E.

Table 1. Analytical Monitoring Requirements

Discharge Characteristics	Units	Measurement Frequency ¹	Sample Type ²	Sample Location ³
pH	standard	semi-annual	Grab	SDO
TSS, Total Suspended Solids	mg/l	semi-annual	Grab	SDO
Copper, total recoverable	mg/l	semi-annual	Grab	SDO
Aluminum, total recoverable	mg/l	semi-annual	Grab	SDO
Iron	mg/l	semi-annual	Grab	SDO
Lead, total recoverable	mg/l	semi-annual	Grab	SDO
Zinc, total recoverable	mg/l	semi-annual	Grab	SDO
Oil & Grease	mg/l	semi-annual	Grab	SDO
Total Rainfall ⁴	inches	semi-annual	Rain gauge	-

Footnotes:

- 1 Measurement Frequency: Twice per year during a representative storm event.
- 2 Grab samples shall be collected within the first 30 minutes of discharge. .
- 3 Sample Location: Samples shall be collected at each stormwater discharge outfall (SDO) unless representative outfall status has been granted.
- 4 For each sampled representative storm event the total precipitation must be recorded. An on-site rain gauge or local rain gauge reading must be recorded.

All analytical monitoring shall be performed during a representative storm event at each stormwater discharge outfall (SDO).

A **representative storm event** is a storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be at least 72 hours. A single storm event may have a period of no precipitation of up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

The permittee shall complete the analytical samplings in accordance with the schedule specified in **Table 2**. A **minimum of 60 days must separate Period 1 and Period 2 sample dates** unless monthly monitoring has been instituted under a Tier Two response.

Table 2. Monitoring Schedule

Monitoring period ^{1,2}	Sample	Start	End
Year 1 – Period 1	1	September 1, 2009	February 28, 2010
Year 1 – Period 2	2	March 1, 2010	August 31, 2010
Year 2 – Period 1	3	September 1, 2010	February 28, 2011
Year 2 – Period 2	4	March 1, 2011	August 31, 2011
Year 3 – Period 1	5	September 1, 2011	February 29, 2012
Year 3 – Period 2	6	March 1, 2012	August 31, 2012
Year 4 – Period 1	7	September 1, 2012	February 28, 2013
Year 4 – Period 2	8	March 1, 2013	August 31, 2013
Year 5 – Period 1	9	September 1, 2013	February 28, 2014
Year 5 – Period 2	10	March 1, 2014	August 31, 2014

Footnotes:

- 1 Maintain semi-annual monitoring during permit renewal process. If at the expiration of the general permit, the permittee has submitted an application for renewal of coverage before the submittal deadline, the permittee will be considered for renewed coverage. The applicant must continue semi-annual monitoring until the renewed Certificate of Coverage is issued.
- 2 If no discharge occurs during the sampling period, the permittee must submit a monitoring report indicating “No Flow” within 30 days of the end of the six-month sampling period.

In all cases, the permittee shall report the analytical results from the first sample with valid results within the monitoring period. The permittee shall compare those results to the benchmark values in **Table 3**. Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater Best Management Practices (BMPs) in a tiered program. See below the descriptions of Tier One and Tier Two response actions.

Table 3. Benchmark Values for Analytical Monitoring Requirements

Discharge Characteristics	Benchmark Value
pH	Within the range 6.0 - 9.0
TSS, Total Suspended Solids	100 mg/l
Copper, total recoverable ¹	0.007 mg/l
Aluminum, total recoverable	0.75 mg/l
Iron	1.0 mg/l
Lead, total recoverable ¹	0.03 mg/l
Zinc, total recoverable ¹	0.067 mg/l
Oil & Grease	30 mg/l

Footnotes:

- 1 Benchmark value is dependent on water hardness; value in Table 3 is based on a water hardness of 50 mg/l.

Tier One

If: The first valid sampling results are above a benchmark value, or outside of the benchmark range, for any parameter at any outfall;

Then: The permittee shall:

1. Conduct a stormwater management inspection of the facility **within two weeks of receiving sampling results.**
2. Identify and evaluate possible causes of the benchmark value exceedence.
3. Identify potential and select the specific: source controls, operational controls, or physical improvements to reduce concentrations of the parameters of concern, or to bring concentrations within the benchmark range.
4. Implement the selected actions **within two months of the inspection.**
5. Record each instance of a Tier One response in the Stormwater Pollution Prevention Plan. Include the date and value of the benchmark exceedence, the inspection date, the personnel conducting the inspection, the selected actions, and the date the selected actions were implemented.

Tier Two

If: During the term of this permit, the first valid sampling results from two consecutive monitoring periods are above the benchmark values, or outside of the benchmark range, for any specific parameter at a specific discharge outfall;

Then: The permittee shall:

1. Repeat all the required actions outlined above in Tier One.
2. Immediately institute monthly monitoring for all parameters at every outfall where a sampling result exceeded the benchmark value for two consecutive samples. Monthly (analytical and qualitative) monitoring shall continue until three consecutive sample results are below the benchmark values or within the benchmark range.
3. If no discharge occurs during the sampling period, the permittee is required to submit a monthly monitoring report indicating “No Flow” to comply with reporting requirements.
4. Maintain a record of the Tier Two response in the Stormwater Pollution Prevention Plan.

During the term of this permit, if the valid sampling results required for the permit monitoring periods exceed the benchmark value, or are outside the benchmark range, for any specific parameter at any specific outfall on **four occasions**, the permittee shall notify the DWQ Regional Office Supervisor in writing **within 30 days of receipt** of the fourth analytical results. DWQ may:

- require that the permittee revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- rescind coverage under the General Permit, and require that the permittee apply for an individual stormwater discharge permit;
- require the permittee to install structural stormwater controls;
- require the permittee to implement other stormwater control measures; or
- require that the permittee implement site modifications to qualify for the No Exposure Exclusion.

SECTION C: QUALITATIVE MONITORING REQUIREMENTS

Qualitative monitoring requires a visual inspection of each stormwater outfall *regardless* of representative outfall status; and shall be performed as specified below in **Table 4**. No analytical tests are required. Qualitative monitoring of stormwater outfalls must be performed during a representative storm event.

Table 4. Qualitative Monitoring Requirements

Discharge Characteristics	Frequency	Monitoring Location¹
Color	Semi-Annual	SDO
Odor	Semi-Annual	SDO
Clarity	Semi-Annual	SDO
Floating Solids	Semi-Annual	SDO
Suspended Solids	Semi-Annual	SDO
Foam	Semi-Annual	SDO
Oil Sheen	Semi-Annual	SDO
Erosion or deposition at the outfall	Semi-Annual	SDO
Other obvious indicators of stormwater pollution	Semi-Annual	SDO

Footnotes:

- ¹ Monitoring Location: Qualitative monitoring shall be performed at each stormwater discharge outfall (SDO) regardless of representative outfall status.

If the permittee's qualitative monitoring indicates either that existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those corrective actions appropriate. **A written record of the permittee's investigation, evaluation, and response actions shall be kept in the Stormwater Pollution Prevention Plan.**

Qualitative monitoring is for the purposes of evaluating the effectiveness of the Stormwater Pollution Prevention Plan (SPPP), assessing new sources of stormwater pollution, and prompting the permittee's response actions to pollution. If the permittee repeatedly fails to respond effectively to correct problems identified by qualitative monitoring, or if the discharge causes or contributes to a water quality standard violation, DWQ may:

- require that the permittee revise, increase, or decrease the monitoring frequency for the remainder of the permit;
- rescind coverage under the General Permit, and require that the permittee apply for an individual stormwater discharge permit;
- require the permittee to install structural stormwater controls;
- require the permittee to implement other stormwater control measures; or
- require that the permittee implement site modifications to qualify for the No Exposure Exclusion.

Qualitative monitoring will be performed twice per year, in accordance with the schedule in **Table 2**. **A minimum of 60 days must separate Period 1 and Period 2 monitoring dates**, unless monthly sampling has been instituted under a Tier Two response as part of other analytical monitoring requirements in this permit.

PART III STANDARD CONDITIONS FOR NPDES STORMWATER GENERAL PERMITS

SECTION A: COMPLIANCE AND LIABILITY

1. Compliance Schedule

The permittee shall comply with Limitations and Controls specified for stormwater discharges in accordance with the following schedule:

Existing facilities already operating, but applying for coverage under this General Permit for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the initial Certificate of Coverage issued pursuant to this General Permit and updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of this permit, shall be accomplished within 12 months of the effective date of the initial Certificate of Coverage.

New facilities applying for permit coverage for the first time and existing facilities previously permitted and applying for renewal under this General Permit: All requirements, conditions, limitations, and controls contained in this permit become effective immediately upon issuance of the Certificate of Coverage. The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and be updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of this permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

2. Duty to Comply

The permittee must comply with all conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for certificate of coverage termination, revocation and reissuance, or modification; or denial of a certificate of coverage upon renewal application.

- a. The permittee shall comply with standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions 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. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$10,000 per violation with the maximum amount not to exceed \$125,000. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- c. Under state law, a daily civil penalty of not more than ten thousand dollars (\$10,000) 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. [Ref: North Carolina General Statutes 143-215.6A]

- d. Any person may be assessed an administrative penalty by the Director for violating section 301, 302, 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. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Civil and Criminal Liability

Except as provided in Section D of this permit regarding bypassing of stormwater control facilities, nothing in this General Permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C 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.

5. Oil and Hazardous Substance Liability

Nothing in this General 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 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

6. Property Rights

The issuance of this General 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.

7. Severability

The provisions of this General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this General Permit, shall not be affected thereby.

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the certificate of coverage issued pursuant to this General Permit or to determine compliance with this General Permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this General Permit.

9. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this General 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.

10. Penalties for Falsification of Reports

The Clean Water Act 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 General Permit, including monitoring reports or reports of compliance or noncompliance 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.

SECTION B: GENERAL CONDITIONS1. General Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order to discharge beyond the expiration date, the permittee shall submit 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 be subjected to enforcement procedures as provided in NCGS §143-2153.6 and 33 USC 1251 et. seq.

2. Transfers

The certificate of coverage issued pursuant to this General Permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the certificate of coverage to change the name and incorporate such other requirements as may be necessary under the Clean Water Act. **Permittee is required to notify the Division within 90 days in the event the permitted facility is sold or closed.**

3. When an Individual Permit May be Required

The Director may require any owner/operator authorized to discharge under a certificate of coverage issued pursuant to this General Permit to apply for and obtain an individual permit or an alternative General Permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual permit may be required include, but are not limited to, the following:

- a. The discharger is a significant contributor of pollutants;
- b. Conditions at the permitted site change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;

- c. The discharge violates the terms or conditions of this General Permit;
- d. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
- e. Effluent limitations are promulgated for the point sources covered by this General Permit;
- f. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this General Permit.
- g. The Director determines at his or her own discretion that an individual permit is required.

4. When an Individual Permit May be Requested

Any permittee operating under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit. When an individual permit is issued to an owner/operator the applicability of this General Permit is automatically terminated on the effective date of the individual permit.

5. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified.

- a. All notices of intent to be covered under this General Permit 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 employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if 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.
- b. All reports required by the General Permit and other information requested by the Director shall be signed by a person described 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 Director.
- c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification; which shall not be modified in any way:

"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."

6. General Permit Modification, Revocation and Reissuance, or Termination

The issuance of this General Permit does not prohibit the Director from reopening and modifying the General Permit, revoking and reissuing the General Permit, or terminating the General Permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

After public notice and opportunity for a hearing, the General Permit may be terminated for cause. The filing of a request for a General Permit modification, revocation and reissuance, or termination does not stay any General Permit condition. The certificate of coverage shall expire when the General Permit is terminated.

7. Certificate of Coverage Actions

The certificate of coverage issued in accordance with this General Permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any General Permit condition.

SECTION C: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

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 this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the General Permit.

2. 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 General Permit.

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director 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; and
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls 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 Section E of this Part.

If the Director determines that it will meet the three conditions listed above, the Director may approve an anticipated bypass after considering its adverse effects.

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. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this permit shall not be changed without notification to and approval of the Director.

2. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this General Permit, the permittee shall record the following information:

- a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
- b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;

- e. The analytical techniques or methods used; and
- f. The results of such analyses.

3. Flow Measurements

Where required, 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.

4. Test Procedures

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 Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this General Permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

5. Representative Outfall

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, the permittee may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical and the permittee is granted representative outfall status, then analytical sampling requirements may be performed at a reduced number of outfalls.

6. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this General Permit for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, 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 General Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring General Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION E: REPORTING REQUIREMENTS

1. Discharge Monitoring Reports

Samples analyzed in accordance with the terms of this permit shall be submitted to the Division on Discharge Monitoring Report forms provided by the Director. Submittals shall be delivered to the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.

When no discharge has occurred from the facility during the report period, the permittee is required to submit a discharge monitoring report, within 30 days of the end of the six-month sampling period, giving all required information and indicating "NO FLOW" as per NCAC T15A 02B .0506.

The permittee shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division, and shall retain the completed forms on site. Visual monitoring results should not be submitted to the Division, except upon DWQ's specific requirement to do so.

The permittee shall include the signed certification statement described in Part I, Section A.4.

2. Submitting Reports

Two signed copies of Discharge Monitoring Reports (DMRs), shall be submitted to:

Central Files
Division of Water Quality
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

In addition, a *separate* signed Annual Summary DMR copy shall be submitted to the local DWQ Regional Office (RO) by March 1 of each year.

Addresses for each RO and the counties covered by each RO can be found here: <http://www.enr.state.nc.us/html/regionaloffices.html>. The permittee shall retain the completed originals on site. Visual monitoring results should **not** be submitted to the Regional Offices or Central Files unless specifically requested by DWQ.

3. 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 of Water Quality. As required by the Act, analytical 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 143-215.6B or in Section 309 of the Federal Act.

4. Non-Stormwater Discharges

If the storm event monitored in accordance with this General Permit coincides with a non-stormwater discharge, the permittee shall separately monitor all parameters as required under the non-stormwater discharge permit and provide this information with the stormwater discharge monitoring report.

5. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants which are not specifically listed in the General Permit or subject to notification requirements under 40 CFR Part 122.42 (a).

6. Anticipated Noncompliance

The permittee shall give notice to the Director as soon as possible of any planned changes at the permitted facility which may result in noncompliance with the General Permit requirements.

7. Bypass

- a. 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 affect of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice within 24 hours of becoming aware of an unanticipated bypass.

8. Twenty-four Hour Reporting

The permittee shall report to the central office or the appropriate regional office any noncompliance which may endanger 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 causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

9. Spills

The permittee shall report to the local DWQ Regional Office, within 24 hours, all significant spills as defined in Part VI of this permit. Additionally, the permittee shall report spills including: any oil spill of 25 gallons or more, any spill regardless of amount that causes a sheen on surface waters, any oil spill regardless of amount occurring within 100 feet of surface waters, and any oil spill less than 25 gallons that cannot be cleaned up within 24 hours.

10. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted.

11. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent to be covered under this General Permit or in any report to the Director, it shall promptly submit such facts or information.

PART IV LIMITATIONS REOPENER

This General Permit shall be modified or alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the General Permit; or
- b. Controls any pollutant not limited in the General Permit.

The General Permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

PART V ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

The permittee must pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the Certificate of Coverage.

PART VI DEFINITIONS

1. Act

See Clean Water Act.

2. Allowable Non-Stormwater Discharges

This permit regulates stormwater discharges. Non-stormwater discharges which shall be allowed in the stormwater conveyance system are:

- (a) All other discharges that are authorized by a non-stormwater NPDES permit.
- (b) Uncontaminated groundwater, foundation drains, air-conditioner condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands.
- (c) Discharges resulting from fire-fighting or fire-fighting training.

3. Best Management Practices (BMPs)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure. More information on BMPs can be found at: <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>.

4. Bypass

A bypass is the known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.

5. Bulk Storage of Liquid Products

Liquid raw materials, manufactured products, waste materials or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers located in close proximity to each other having a total combined storage capacity of greater than 1,320 gallons.

6. Certificate of Coverage

The Certificate of Coverage (COC) is the cover sheet which accompanies the General Permit upon issuance and lists the facility name, location, receiving stream, river basin, effective date of coverage under the permit and is signed by the Director.

7. Clean Water Act

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

8. Division or DWQ

The Division of Water Quality, Department of Environment and Natural Resources.

9. Director

The Director of the Division of Water Quality, the permit issuing authority.

10. EMC

The North Carolina Environmental Management Commission.

11. Grab Sample

An individual sample collected instantaneously. Grab samples that will be analyzed (quantitatively or qualitatively) must be taken within the first 30 minutes of discharge.

12. Hazardous Substance

Any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

13. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

14. Municipal Separate Storm Sewer System

A stormwater collection system within an incorporated area of local self-government such as a city or town.

15. No Exposure

A condition of no exposure means that all industrial materials and activities are protected by a storm resistant shelter or acceptable storage containers to prevent exposure to rain, snow, snowmelt, or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. DWQ may grant a No Exposure Exclusion from NPDES Stormwater Permitting requirements only if a facility complies with the terms and conditions described in 40 CFR §122.26(g)

16. Notice of Intent

The state application form which, when submitted to the Division, officially indicates the facility's notice of intent to seek coverage under a General Permit.

17. Permittee

The owner or operator issued a certificate of coverage pursuant to this General Permit.

18. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

19. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be at least 72 hours. A single storm event may have a period of no precipitation of up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

20. Representative Outfall Status

When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, the DWQ may grant representative outfall status. Representative outfall status allows the permittee to perform analytical monitoring at a reduced number of outfalls.

21. Rinse Water Discharge

The discharge of rinse water from equipment cleaning areas associated with industrial activity. Rinse waters from vehicle and equipment cleaning areas are process wastewaters and do not include washwaters utilizing any type of detergent or cleaning agent.

22. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

23. Section 313 Water Priority Chemical

A chemical or chemical category which:

- a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- c. Meets at least one of the following criteria:
 - (1) Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - (2) Is listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - (3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

24. Severe Property Damage

Means substantial physical damage to property, damage to the control 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 does not mean economic loss caused by delays in production.

25. Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

26. Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (Ref: 40 CFR 302.4).

27. Stormwater Discharge Outfall (SDO)

The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.

28. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

29. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

30. Stormwater Pollution Prevention Plan

A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

31. Total Maximum Daily Load (TMDL)

TMDLs are written plans for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. (A list of approved TMDLs for the state of North Carolina can be found at <http://h2o.enr.state.nc.us/tmdl/>)

32. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

33. Vehicle Maintenance Activity

Vehicle or vessel rehabilitation, mechanical repairs, painting, fueling, lubrication, cleaning operations, or airport deicing operations.

34. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

35. 25-year, 24 hour storm event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.

Draft

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF WATER QUALITY

FACT SHEET

GENERAL PERMIT
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
 PERMIT TO DISCHARGE STORMWATER

Permit No. NCG190000

Date: May 19, 2009

1. TYPES OF DISCHARGES COVERED

a. Industrial Activities Covered by this General Permit

Coverage under this General Permit is applicable to all owners or operators of stormwater point source discharges associated with activities classified as establishments primarily engaged in operating Marinas [standard industrial classification (SIC) 4493] with vehicle maintenance activities, and Ship and Boat Building and Repairing [SIC 373]; and like activities deemed by DWQ to be similar in the process and/or the exposure of raw materials, products, by-products, or waste materials.

The following activities are specifically excluded from coverage under this General Permit: All discharges at the facility containing waste streams including, but not limited to, bilge and ballast water, cooling water, sanitary wastes, power and hand washing, blasting, sanding, and fish cleaning stations.

(Note: Exclusion of wastewater discharges (ex. wash water) is a clarification in the Permitted Activities section (Part I, Section B); this permit has never authorized wastewater discharges.)

b. Types of Operations Covered

Excerpted from 1999 Fact Sheet for NCG190000:

The Ship Building and Repairing facilities covered by this permit includes establishments primarily engaged in building and repairing ships, barges, and lighters, whether self-propelled or towed by other craft. This industry also includes the conversion and alteration of ships and the manufacture of off-shore oil and gas welling drilling and production platforms (whether or not self-propelled). Specifically excluded from coverage under this permit are establishments primarily engaged in fabricating structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, and electrical wire installation.

The Marina facilities covered by this permit includes establishments primarily engaged in operating marinas which include vehicle maintenance (including rehabilitation, mechanical repairs, painting, fueling, and lubrication) and equipment cleaning activities. These establishments rent boat slips and store boats, and generally perform a range of other services including cleaning and incidental boat repair.

Excerpted from March 1992 NPDES Stormwater Program Q&A Document by EPA:

Facilities classified as 4493 that are not involved in equipment cleaning or vehicle maintenance activities (including vehicle rehabilitation, mechanical repairs, painting, and lubrication) are not intended to be covered under 40 CFR Section 122.26(b)(14)(viii) of the stormwater permit application regulations. The retail sale of fuel alone at marinas, without any other vehicle maintenance or equipment cleaning operations, is not considered to be grounds for coverage under the stormwater regulations.

Marina facilities that are “primarily engaged” in the retail sale of fuel and lubricating oils are best classified as SIC code 5541 – marine service stations – and are not covered under 40 CFR Section 122.26(b)(14)(viii) of the stormwater permit application regulations. These facilities may also sell other merchandise or perform minor repair work.

Facilities “primarily engaged” in the operation of sports and recreation services such as boat rental, canoe rental, and party fishing, are best classified under SIC code 7999 – miscellaneous recreational facilities – and are not covered under 40 CFR Section 122.26(b)(14)(viii).

c. Characteristics of Discharged Stormwater

The previous permit included analytical monitoring requirements. Data was submitted during the previous permit term that was reviewed during the drafting of the renewal permit. Parameters monitored included pH, Oil and Grease (O&G) and Total Suspended Solids (TSS). It also included recording New Motor Oil Usage.

The decision to retain analytical parameters from the previous permit was based on their continued usefulness as stormwater pollution indicators for this activity—especially within the revised monitoring scheme and tiered responses introduced by this renewal permit. In addition, this action was consistent with the other most recently renewed general permits, issued in July 2008. The data submitted also showed numerous facilities with values above current benchmarks for one or more of the parameters. See Appendix A for summary of data.

DWQ is proposing to introduce additional analytical monitoring for certain metals (Copper*, Aluminum*, Iron*, Lead*, and Zinc*) in this general permit (*total recoverable). Regional office staff inspections, as well as a 2008 marina study done by DWQ, have identified a pattern of problems with metals in stormwater discharges at many of the facilities under this general permit. The metals that were identified to be most prominent, and far above current benchmarks, include Copper, Aluminum, Iron, Lead, and Zinc. In addition, EPA’s 2008 Multi-Sector General Permit (MSGP) requires the covered industries to monitor for all the above mentioned metals with the exception of Copper. See Appendix A for summary of data.

In addition, DWQ is proposing a new response obligation based on qualitative monitoring results for all this general permit. If there are indications of failure to maintain an adequate SPPP and/or water quality standard violations, a facility can be directed to seek coverage under an individual permit that could include additional analytical monitoring. This revision should help address facilities where regional inspections have observed problems (for example, sites that have boat washing facilities (wastewater) that drain directly to stormwater outfalls); generally bolster the importance of the permittee’s response to qualitative indicators of stormwater pollution; and provide DWQ recourse in situations of chronic inattention to apparent problems.

d. Geographic Area(s) Covered by this General Permit

Discharges covered by this general permit are located at any place within the political boundary of the State of North Carolina. Discharges located on the Cherokee Indian Tribal Reservation are subject to permitting by the U.S. Environmental Protection Agency and are not covered by this general permit.

e. Receiving Waters

Receiving waters include all surface waters of North Carolina or municipal separate storm sewer systems conveying stormwater to surface waters.

2. DISCHARGE CONTROLS AND LIMITATIONS

The renewal permit incorporates **benchmark concentrations** to provide facilities a tool with which to assess the effectiveness of best management practices (BMPs). These benchmark concentrations are not effluent limits but provide guidelines for the facility’s Stormwater Pollution Prevention Plan (SPPP or Plan). Exceedences of benchmark values require the permittee to increase monitoring, increase management actions, increase record keeping, and/or install stormwater BMPs in a tiered program.

In previous versions of this general permit, cut-off concentrations were used to minimize the required analytical monitoring. The arithmetic mean of all monitoring data collected during the term of the permit was calculated for each parameter and compared to the cut-off concentration. If the mean was less than the permitted cut-off concentration, then the facility was allowed to discontinue analytical monitoring for that parameter at that outfall until the final year of the permit.

Consistent with other general permits issued since 2007, the Division revised that strategy on the basis that (1) so few data points over the term of the permit were insufficient to provide confidence in an average concentration and justify discontinuation of monitoring, (2) maintenance activities may change during the period the facility is not monitoring, and (3) periodic monitoring ensures the facility maintains vigilance in stormwater management (of vehicle maintenance areas in the case of marinas). The renewal permit institutes semi-annual monitoring throughout the permit term and introduces a tiered approach to specify actions the permittee must take in response to results above benchmark concentrations.

Stormwater must be controlled by the development and implementation of a Stormwater Pollution Prevention Plan (SPPP or Plan). The Plan requirements were updated in these renewals to include: (a) indication in the Site Plan of whether receiving waters are impaired, and (b) a revised schedule for stormwater facility inspections during the calendar year that mirror analytical monitoring requirements (when applicable). The following are specific requirements of the Plan:

1. Site Plan. The site plan shall provide a description of the physical facility and the potential pollutant sources which may be expected to contribute to contamination of stormwater discharges. The site plan shall contain the following:
 - (a) A general location map (USGS quadrangle map or appropriately drafted equivalent map), showing the facility's location in relation to transportation routes and surface waters, the name of the receiving water(s) to which the stormwater outfall(s) discharges, or if the discharge is to a municipal separate storm sewer system, the name of the municipality and the ultimate receiving waters, and accurate latitude and longitude of the point(s) of discharge. The general location map (or alternatively the site map) shall identify whether each receiving water is **impaired** (on the state’s 303(d) list of impaired waters) or is located in a **watershed for which a TMDL has been established**, and what the parameter(s) of concern are.

- (b) A narrative description of storage practices, loading and unloading activities, outdoor process areas, dust or particulate generating or control processes, and waste disposal practices. A narrative description of the potential pollutants which could be expected to be present in the stormwater discharge from each outfall.
- (c) A site map drawn at a scale sufficient to clearly depict: the site property boundary, the stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including storage of materials, disposal areas, process areas, loading and unloading areas, and haul roads), site topography, all drainage features and structures, drainage areas for each outfall, direction of flow in each drainage area, industrial activities occurring in each drainage area, buildings, existing BMPs, and impervious surfaces. The site map shall include a distance legend and must indicate the percentage of each drainage area that is impervious.

In addition, the following industrial activity areas must also be identified on the site map: fueling, engine maintenance and repair, vessel maintenance and repair, washing, painting, sanding, blasting, welding, and metal fabrication.

- (d) A list of significant spills or leaks of pollutants that have occurred at the facility during the three (3) previous years and any corrective actions taken to mitigate spill impacts.
- (e) Certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. The certification statement will be signed in accordance with the requirements found in Part III, Standard Conditions, Section B, Paragraph 5. The permittee shall re-certify annually that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges.

2. Stormwater Management Plan. The stormwater management plan shall contain a narrative description of the materials management practices employed which control or minimize the exposure of significant materials to stormwater, including structural and nonstructural measures. The stormwater management plan, at a minimum, shall incorporate the following:

- (a) Feasibility Study. A review of the technical and economic feasibility of changing the methods of operations and/or storage practices to eliminate or reduce exposure of materials and processes to stormwater. Wherever practical, the permittee shall prevent exposure of all storage areas, material handling operations, and manufacturing or fueling operations. In areas where elimination of exposure is not practical, the stormwater management plan shall document the feasibility of diverting stormwater runoff away from areas of potential contamination.
- (b) Secondary Containment Requirements and Records. Secondary containment is required for: bulk storage of liquid materials; storage in any amount of Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) water priority chemicals; and storage in any amount of hazardous substances, in order to prevent leaks and spills from contaminating stormwater runoff. A table or summary of all such tanks and stored materials and their associated secondary containment areas shall be maintained. If the secondary containment devices are connected to stormwater conveyance systems, the connection shall be controlled by manually activated valves or other similar devices (which shall be secured closed with a locking mechanism), and any stormwater that accumulates in the containment area shall be at a minimum visually observed for color, foam, outfall staining, visible sheens and dry weather flow, prior to release of the accumulated stormwater. Accumulated stormwater shall be released if found to be

uncontaminated by any material. Records documenting the individual making the observation, the description of the accumulated stormwater, and the date and time of the release shall be kept for a period of five years.

- (c) **BMP Summary.** A listing of site structural and non-structural Best Management Practices (BMP) shall be provided. The installation and implementation of BMPs shall be based on the assessment of the potential for sources to contribute significant quantities of pollutants to stormwater discharges and data collected through monitoring of stormwater discharges. The BMP Summary shall include a written record of the specific rationale for installation and implementation of the selected site BMPs. The BMP Summary shall be reviewed and updated annually.
3. **Spill Prevention and Response Plan.** The Spill Prevention and Response Plan (SPRP) shall incorporate an assessment of potential pollutant sources based on a materials inventory of the facility. Facility personnel (or the team) responsible for implementing the SPRP shall be identified in a written list incorporated into the SPRP and signed and dated by each individual acknowledging their responsibilities for the plan. A responsible person shall be on-site at all times during facility operations that have the potential to contaminate stormwater runoff through spills or exposure of materials associated with the facility operations. The SPRP must be site stormwater specific. Therefore, an oil Spill Prevention Control and Countermeasure plan (SPCC) may be a component of the SPRP, but may not be sufficient to completely address the stormwater aspects of the SPRP. The common elements of the SPCC with the SPRP may be incorporated by reference into the SPRP.
 4. **Solvent Management Plan.** The Solvent Management Plan shall be incorporated as a separate chapter into the Stormwater Pollution Prevention Plan (SPPP). The Solvent Management Plan shall include an annually updated and quantified inventory of the solvents present on site during the previous three years; a narrative description of the in-plant locations and uses of the solvents, the method of disposal including quantities disposed on-site and off-site; and the management procedures and engineering measures for assuring that solvents do not spill or leak into stormwater. If solvents are not stored or used onsite, then the owner must certify that in the SPPP. DWQ may at its discretion require submittal, review, and approval of the Solvent Management Plan. The discharger shall include the following signed certification statement on each discharge monitoring report: "Based upon my inquiry of the person or persons directly responsible for managing compliance with the permit requirement for managing solvents, I certify that to the best of my knowledge and belief, no leak, spill, or dumping of concentrated solvents into the stormwater or onto areas which are exposed to rainfall or stormwater runoff has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing all the provisions of the Solvent Management Plan included in the Stormwater Pollution Prevention Plan."
- The Solvent Management Plan is being added due to extensive and intensive maintenance using solvents. During the 2008 DWQ Marina study, it was also observed that storage, containment, and overall management of solvents is highly variable. The study shows that 31% of the facilities visited had operations that used solvents onsite.
5. **Preventative Maintenance and Good Housekeeping Program.** A preventative maintenance and good housekeeping program shall be developed. The program shall list all stormwater control systems, stormwater discharge outfalls, all on-site and adjacent surface waters and wetlands, industrial activity areas (including material storage areas, material handling areas, disposal areas, process areas, loading and unloading areas, and haul roads), all drainage features and structures, and existing structural BMPs. The program shall establish schedules of inspections, maintenance,

and housekeeping activities of stormwater control systems, as well as facility equipment, facility areas, and facility systems that present a potential for stormwater exposure or stormwater pollution. Inspection of material handling areas and regular cleaning schedules of these areas shall be incorporated into the program. Timely compliance with the established schedules for inspections, maintenance, and housekeeping shall be recorded in writing and maintained in the SPPP.

6. **Employee Training.** Training programs shall be developed and training provided at a minimum on an annual basis for facility personnel with responsibilities for: spill response and cleanup, preventative maintenance activities, and for any of the facility's operations that have the potential to contaminate stormwater runoff. Facility personnel (or team) responsible for implementing the training shall be identified, and their annual training shall be documented by the signature of each employee trained. Additional required training items include: used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, fueling procedures, sanding, painting and blasting procedures, and used battery management.
7. **Responsible Party.** The Stormwater Pollution Prevention Plan shall identify a specific position(s) responsible for the overall coordination, development, implementation, and revision to the Plan. Responsibilities for all components of the Plan shall be documented and position assignments provided.
8. **Plan Amendment.** The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters. **All aspects of the Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis.** The annual update shall include an updated list of significant spills or leaks of pollutants for the previous three years, or the notation that no spills have occurred. The annual update shall include written re-certification that the stormwater outfalls have been evaluated for the presence of non-stormwater discharges. Each annual update shall include a documented re-evaluation of the effectiveness of the BMPs listed in the BMP Summary of the Stormwater Management Plan.

The Director may notify the permittee when the Plan does not meet one or more of the minimum requirements of the permit. Within 30 days of such notice, the permittee shall submit a time schedule to the Director for modifying the Plan to meet minimum requirements. The permittee shall provide certification in writing (in accordance with Part III, Standard Conditions, Section B, Paragraph 5) to the Director that the changes have been made.

9. **Facility Inspections.** Inspections of the facility and all stormwater systems shall occur as part of the Preventative Maintenance and Good Housekeeping Program at a minimum on a semi-annual schedule, once during the first half of the year (January to June), and once during the second half of the year (July to December), with at least 60 days separating inspection dates (unless performed more frequently than semi-annually). These facility inspections are different from, and in addition to, the stormwater discharge characteristic monitoring required in Part II of this permit.
10. **Implementation.** The permittee shall implement the Plan. Implementation of the Plan shall include documentation of all monitoring, measurements, inspections, maintenance activities, and training provided to employees, including the log of the sampling data and of actions taken to implement BMPs associated with the industrial activities, including vehicle maintenance activities. Such documentation shall be kept on-site for a period of five years and made available to the Director or the Director's authorized representative immediately upon request.

3. MONITORING AND REPORTING REQUIREMENTS

This general permit specifies monitoring and reporting requirements for both quantitative and qualitative assessment of the stormwater discharge and operational inspections of the entire facility. Specific pollutant parameters for which sampling must be performed and the frequency of the sampling are based upon the types of materials used and produced in the facility activities and the potential for contamination of the stormwater runoff at these facilities. This permit has specific monitoring requirements for the following parameters: Total Rainfall, pH, Oil and Grease (O&G), Total Suspended Solids (TSS), Copper*, Aluminum*, Iron*, Lead*, and Zinc* (*total recoverable). The rationale for retaining previous parameters in this renewal permit was based on their continued usefulness as stormwater pollution indicators for activities at these industries within the revised monitoring scheme. The rationale for adding the new parameters in this renewal permit was based on their inclusion in the 2008 EPA Multi-Sector General Permit (MSGP); and based on high values found in samples collected in a 2008 marina study by DWQ. Regarding the parameters monitored in the initial (1994) NCG190000 (Marinas) General Permit (MBAS and Lead) that were removed in a past renewal (1999): MBAS was not reintroduced, while Lead was included based on the DWQ marina study and the 2008 EPA MSGP.

Total Flow and Event Duration parameters have been removed from this renewal permit. Instead, this permit clarifies that the SPPP site map should include the percentage of each drainage area that is impervious, which provides information necessary should flow ever need to be estimated. (This permit still requires total rainfall amount be recorded). While flow monitoring is required for NPDES wastewater dischargers under 40 CFR §122.44 to “assure compliance with permit limitations,” effluent limits are not applicable to this general permit. The rationale for removing Total Flow is that (1) flow does not demonstrate compliance with any permit condition, (2) DWQ is not using the stormwater discharge flow monitoring data for anything, (3) many permittees were reporting erroneous values because of a lack of understanding about how to calculate stormwater discharge flow, and (4) the permit still requires the permittee to record all information necessary to estimate flow for a given monitoring event.

In addition to analytical monitoring, this renewal permit specifies qualitative (visual) monitoring of each stormwater outfall for the purpose of evaluating the effectiveness of the Stormwater Pollution Prevention Plan and assessing new sources of stormwater pollution. Qualitative monitoring parameters include color, odor, clarity, floating and suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. In this proposed renewal permit, qualitative monitoring must now be performed during a representative storm event and at the same time as the analytical monitoring. The permittee now must also use a standard form provided by DWQ to record results. In addition, the permittee must now also submit an annual report of monitoring results to the Regional Offices.

This general permit has a revised “response action” commitment based on qualitative monitoring. If the permittee identifies that BMPs are ineffective or there is evidence of stormwater contamination problems, the permittee must document the potential causes and corrective actions, and include this information in the SPPP. If the permittee repeatedly fails to respond to problems, or stormwater discharges cause or contribute to a water quality standard violation, DWQ may require more frequent qualitative monitoring, increased stormwater management actions, or application for coverage under an individual permit.

Additional monitoring and reporting requirements include:

- a. The Stormwater Pollution Prevention Plan shall be reviewed and updated on an annual basis. Implementation of the plan shall include documentation of all sampling, measurements, Tier 1 and Tier 2 actions, inspections and maintenance activities and training provided to employees. Such documentation shall be kept on-site for a period of five years and made available to DWQ

immediately upon request. If DWQ determines that a Plan does not meet requirements of the permit, the permittee must give DWQ a time schedule for modifying the Plan and certify that the Plan has been so modified.

- b. Self-inspections of the facility and all stormwater systems shall occur at a minimum on a semi-annual schedule. The inspections and any subsequent maintenance activities performed shall be documented, recording date and time of inspection, individual(s) making the inspection and a narrative description of the facility's stormwater control system, plant equipment and systems. Records of these inspections shall be incorporated into the Plan.
- c. A log of the sampling results and activities taken to implement BMPs associated with the vehicle maintenance activities shall be maintained and incorporated into the Plan.
- d. Sample collection and qualitative monitoring shall be performed at all stormwater discharge outfall locations. A facility with multiple discharge locations which are substantially identical may petition DWQ to allow sampling of a reduced number of outfalls. Visual observations shall be recorded for all outfall locations regardless of representative outfall status.
- e. For purposes of stormwater sampling, all samples shall be collected from a discharge resulting from a representative storm event. Whether the stormwater runoff is from a typical discharge outlet (pipe/ditch), or controlled by a detention pond, a grab sample of the discharge shall be collected within the first 30 minutes of discharge. Previously, if the detention pond discharged only in response to a storm event exceeding a ten-year design storm, no analytical monitoring was required; however, that provision has been removed from this renewal permit. The removal was based on the fact that most permittees misunderstood the provision, and that semi-annual sampling was appropriate for the reasons previously noted.
- f. The renewal permit outlines a tiered response to exceedences of benchmark values (where monitoring is applicable). These tiers require increased monitoring, increased management actions, increased record keeping, and/or installation of stormwater BMPs.
- g. The renewal permit outlines a response commitment based on the permittee's determination that qualitative monitoring results indicate ineffectiveness of BMPs or other stormwater contamination problems.

4. COMPLIANCE SCHEDULE

Permittees covered by this general permit shall comply with the monitoring, controls, and limitations specified for stormwater discharges in accordance with the following schedule:

Existing facilities already operating, but applying for coverage under this general permit for the first time: The Stormwater Pollution Prevention Plan shall be developed and implemented within 12 months of the effective date of the initial Certificate of Coverage issued pursuant to the general permit and updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of the permit, shall be accomplished within 12 months of the effective date of the initial Certificate of Coverage.

New facilities applying for permit coverage for the first time and existing facilities previously permitted and applying for renewal under this general permit: All requirements, conditions, limitations, and controls contained in the permit become effective immediately upon issuance of the Certificate of Coverage. The Stormwater Pollution Prevention Plan shall be developed and implemented prior to the beginning of discharges from the operation of the industrial activity and

be updated thereafter on an annual basis. Secondary containment, as specified in Part II, Section A, Paragraph 2(b) of the permit shall be accomplished prior to the beginning of discharges from the operation of the industrial activity.

5. SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

There are no proposed special conditions in this general permit.

6. BASIS FOR CONTROLS AND LIMITATIONS

The conditions of this general permit have been designed using best professional judgment to achieve water quality protection through compliance with the technology-based standards of the Clean Water Act (Best Available Technology [BAT] and Best Conventional Pollutant Control Technology [BCT]). Where the Director determines that a water quality violation is occurring and water quality-based controls or effluent limitations are required to protect the receiving waters, coverage under the general permit shall be terminated and an individual permit will be required. Based on a consideration of the appropriate factors for BAT and BCT requirements, and a consideration of the factors discussed below in this fact sheet for controlling pollutants in stormwater discharges associated with the activities as described in Item 1 (Types of Discharge Covered), this permit retains a set of requirements for developing and implementing stormwater pollution prevention plans, and specific requirements for monitoring and reporting on stormwater discharges.

The permit conditions reflect the Environmental Protection Agency’s (EPA) and North Carolina’s pollution prevention approach to stormwater permitting. The quality of the stormwater discharge associated with an industrial activity will depend on the availability of pollutant sources. This renewal permit still reflect the Division’s position that implementation of Best Management Practices (BMPs) and traditional stormwater management practices which control the source of pollutants meets the definition of BAT and BCT. The permit conditions are not numeric effluent limitations, but rather are designed to be flexible requirements for developing and implementing site specific plans to minimize and control pollutants in the stormwater discharges associated with the industrial activity.

Title 40 Code of Federal Regulations (CFR) Part 122.44(k)(2) authorizes the use of BMPs in lieu of numeric effluent limitations in NPDES permits when the agency finds numeric effluent limitations to be infeasible. The agency may also impose BMP requirements which are "reasonably necessary" to carry out the purposes of the Act under the authority of 40 CFR 122.44(k)(3). The conditions of the renewal permit are retained under the authority of both of these regulatory provisions. The pollution prevention requirements (BMP requirements) in this permit operate as limitations on effluent discharges that reflect the application of BAT/BCT. The basis is that the BMPs identified require the use of source control technologies which, in the context of this general permit, are the best available of the technologies economically achievable (or the equivalent BCT finding).

All facilities covered by this stormwater general permit must prepare, retain, implement, and (at a minimum of annually) update a stormwater pollution prevention plan. The term "pollution prevention" distinguishes this source reduction approach from traditional pollution control measures that typically rely on end-of-pipe treatment to remove pollutants in the discharges. The plan requirements are based primarily on traditional stormwater management, pollution prevention and BMP concepts, providing a flexible basis for developing site-specific measures to minimize and control the amounts of pollutants that would otherwise contaminate the stormwater runoff.

The pollution prevention approach adopted in the stormwater pollution prevention plans in this renewal permit still focuses on two major objectives: 1) to identify sources of pollution potentially affecting the

quality of stormwater discharges associated with industrial activity from the facility; and 2) to describe and ensure that practices are implemented to minimize and control pollutants in stormwater discharges associated with industrial activity from the facility and to ensure compliance with the terms and conditions of the permit.

The Division believes that it is not appropriate, at this time, to require a single set of effluent limitations or a single design or operational standard for all facilities which discharge stormwater associated with industrial activity. This permit instead establishes a framework for the development and implementation of site-specific stormwater pollution prevention plans. This framework provides the necessary flexibility to address the variable risk for pollutants in stormwater discharges associated with the industrial activities that are addressed by this permit, while ensuring procedures to prevent stormwater pollution at a given facility are appropriate given the processes employed, engineering aspects, functions, costs of controls, location, and age of facility (as discussed in 40 CFR 125.3). This approach allows flexibility to establish controls which can appropriately address different sources of pollutants at different facilities.

In 1979, EPA completed a technical survey of industry best management practices (BMPs) which was based on a review of practices used by industry to control the non-routine discharge of pollutants from non-continuous sources including runoff, drainage from raw material storage areas, spills, leaks, and sludge or waste disposal. This review included analysis and assessment of published articles and reports, technical bulletins, and discussions with industry representatives through telephone contacts, written questionnaires and site visits. The technical survey identified two classes of pollution control measures.

The first class of controls are those management practices which are generally considered to be essential to the development of an effective and efficient BMP program, low in cost, and applicable to broad categories of industries and substances. These controls include the following: developing a Spill Control Committee and implementing spill reporting, material inventorying and compatibility reviews, employee training, visual inspections, preventative maintenance programs, good housekeeping, and addressing security issues. These practices are broadly applicable to all industries and can be implemented by each facility independent of the category of industry, ancillary sources, specific chemicals used at different sites, and/or plant site locations. The survey concluded that these controls should be minimum requirements for any effective BMP program.

The second class of controls includes management practices which provide for a second line of defense against the release of pollutants. These controls include prevention measures, containment measures, mitigation and cleanup measures and treatment methods. The types of chemicals, industrial operations and various ancillary sources specify the controls applicable to an individual facility.

The EPA and NPDES States have, on a case-by-case basis, imposed BMP requirements in NPDES permits. The EPA has also continued to review and evaluate case studies involving the use of BMPs and the use of pollution prevention measures associated with spill prevention and containment measures for oil. The development of the NPDES permit application requirements for stormwater discharges associated with industrial activity resulted from the evaluation and identification of the potential contaminants and the resultant water quality impacts of stormwater discharges from industrial sites. Public comments received during the rule making provided additional insight regarding stormwater risk assessment, as well as appropriate pollution prevention and control measures and strategies. During that time EPA again reviewed stormwater control practices and measures. These experiences have shown the Division that pollution prevention measures such as BMPs can be appropriately used and that permits containing BMP requirements can effectively reduce pollutant discharges in a cost-effective manner. BMP requirements are being appropriately imposed in general permits in lieu of numeric effluent limitations pursuant to 40 CFR 122.44(k)(2).

There has been no change to this rationale since the previous general permit.

7. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

There are no requested variances or alternatives to required standards.

8. THE ADMINISTRATIVE RECORD

The administrative record, including application, draft permit, fact sheet, public notice, comments received, and additional information is available by writing to:

Stormwater Permitting Unit
 Division of Water Quality
 1617 Mail Service Center
 Raleigh, North Carolina 27699-1617

The above documents are available for review and copying at:

Archdale Building
 9th Floor
 Surface Water Protection Section
 Stormwater Permitting Unit
 512 N. Salisbury Street
 Raleigh, North Carolina

between the hours of 8:00 AM and 5:00 PM Monday through Friday. Copies will be provided at a charge of 2.5 cents per page.

9. STATE CONTACT

Additional information about the draft and final permit may be obtained at the above address between the hours of 8:00 AM and 5:00 PM Monday through Friday by contacting: **Sarah Young** at (919) 807-6303.

10. SCHEDULE OF PERMIT ISSUANCE

Draft Permit to Public Notice – **Notice published May 26, 2009;**
Draft available on-line May 26, 2009

Permit Issue Date – **July 10, 2009** (*Scheduled*);
 Permit Effective Date – **September 1, 2009** (*Scheduled*)

11. PROCEDURE FOR THE FORMULATION OF FINAL DETERMINATIONS

a. Comment Period

The Division of Water Quality proposed to issue the NPDES General Permit for the above described stormwater discharges subject to the outlined effluent limitations, management practices, and special conditions. These determinations were open to comment from the public.

Interested persons were invited to submit written comments on the permit applications or on the Division of Water Quality’s proposed determinations to the following address:

Stormwater Permitting Unit
 Division of Water Quality
 1617 Mail Service Center
 Raleigh, North Carolina 27699-1617
 Attn: Sarah Young

All comments received within 30 days following the date of public notice were considered in the formulation of final determinations.

b. Public Meeting

The Director of the Division of Water Quality may hold a public meeting if there is a significant degree of public interest in a proposed permit or group of permits. Public notice of such a meeting would be circulated in newspapers in the geographical area of the discharge and to those on the Division of Water Quality mailing list at least 30 days prior to the meeting.

c. Appeal Hearing

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to a hearing before the Commission upon making written demand to the Office of Administrative Hearing within 30 days following issuance or denial of the permit.

d. Issuance of a Permit when no Hearing is Held

If no public meeting or appeal hearing is held, after review of the comments received, and if the Division of Water Quality determinations are substantially unchanged, the permit will be issued and become effective on the first day of the month following the issuance date. This will be the final action of the Division of Water Quality.

If a public meeting or appeal hearing is not held, but there have been substantial changes, public notice of the Division of Water Quality revised determinations will be made. Following a 30-day comment period, the permit will be issued and will become effective on the first day of the month following the issuance date. This will be the final action of the Division of Water Quality unless a public meeting or appeal hearing is granted.

Appendix A: Analytical Data

Summary of DMR Data for NCG190000

No. of Facilities Submitting Data: 45	pH	O&G	Lead	MBAS	TSS
	minimum: 2.2	BDL	BDL	BDL	BDL
Date Range: 1995-2008	maximum: 10.0	92.0	104.0	2.04	4280
	average: 7.2	10.0	33.9	0.39	139
# of samples:	156	147	24	22	160
benchmark	6 to 9	30	30	0.5	100

BDL - below detectable limit

 - above current benchmark

All are mg/L except Lead, which is ug/L

2008 Draft DWQ Marina Study

Metal	N ^a	Mean (µg/L) ± 1 SE			Surface Water Acute Std ^b
Copper	20	114,485	±	67,227	4.8 µg/L
Iron	20	31,524	±	17,283	--
Zinc	20	18,150	±	9,628	90 µg/L
Aluminum	20	14,470	±	7,417	--
Lead	19	817	±	414	210 µg/L
Nickel	15	201	±	124	74 µg/L
Chromium	15	109	±	48	570 µg/L ^c
Arsenic	17	55.67	±	15.81	69 µg/L
Cadmium	16	33.13	±	17.95	40 µg/L
Mercury	2	1.04	±	0.76	1.8 µg/L ^d

Mean metal concentration (µg/L) of water discharging from boat pressure washing and hand washing activities ± 1 standard error. (Appendix 2)

N^a = number of samples analyzed that were above the detection minimums.

^b At 100 mg/L hardness

^c Freshwater

^d As MeHg