

2026 NPDES Stormwater General Permit Response to Comments:

April 15th – May 15th, 2026, Public Notice of:

- NCG030000 (Metal Fabrication)
- NCG060000 (Warehousing, Food, & Kindred)
- NCG080000 (Transit & Transportation)
- NCG090000 (Paints & Varnishes)
- NCG100000 (Used Motor Vehicles)
- NCG120000 (Landfills)



July 1, 2026

Table of Contents:

Section 1: Overview of Permit Updates

- 1.1 New General Permits Versus Expired General Permits
- 1.2 Final General Permits Versus Publicly Noticed Draft General Permits

Section 2: Public Comments and DEMLR Responses

- 2.1 Comments on NCG030000 received during the public comment period
- 2.2 Comments on NCG060000 received during the public comment period
- 2.3 Comments on NCG080000 received during the public comment period
- 2.4 Comments on NCG090000 received during the public comment period
- 2.5 Comments on NCG100000 received during the public comment period
- 2.6 Comments on NCG120000 received during the public comment period

Section 1: Overview of Permit Updates

1.1 New General Permits Versus Previous General Permits

This batch of General Permits have only minor changes and improvements from the previous ones. There have been no new monitoring changes to the renewed General Permits. Below are the main changes to the permits:

1. **Addition of Regulatory Citations.** Federal or State rules and/or regulations granting the Division the authority to implement permit conditions were added.
2. **Removal of ‘Feasibility Study’ Section of Part B.** The SWPPP element ‘Feasibility Study’ has been removed as a requirement. Other conditions of the SWPPP encourage permittees to minimize stormwater exposure of materials and industrial practices wherever feasible and practical.
3. **Removal of ‘Annual On-line SWPPP Certification’ Section of Part B.** The Division is focusing on Electronic Reporting via eDMR and developing other online application processes. Permittees shall review and update their SWPPP on an annual basis as required in previous permit cycles.
4. **Updated Language for ‘Evaluation of Stormwater Outfalls’.** Previously, there was no explicit requirement for permittees to document in written record that there were no non-stormwater discharges during their annual evaluation of stormwater outfalls. The new requirement is for permittees to document in their SWPPP when there are no non-stormwater discharges. There was already language for when non-stormwater discharges were present, this adds language for when there are no non-stormwater discharges.
5. **Addition of ‘Recording Results’ Section.** This section emphasizes the information that must be documented when permittees are recording their monitoring results.
6. **Updated Tier Response Language.** Tier Response can vary outfall by outfall; it isn’t facility wide. The language has been updated to reflect that different outfalls at the same facility can be in different tier response levels.
7. **Emphasis on eDMR Registration.** Per EPA’s Electronic Reporting Rule, permittees subject to analytical monitoring are required to enroll in eDMR, the online Discharge Monitoring Report System. The renewed General Permits update language to show that all permittees need to enroll in eDMR within 30 days after the renewal of the Certificate of Coverage (COC).
8. **Addition of ‘Sale or Closure’ Section.** This section explains the requirement of a permittee to notify the Division if the facility is or will be sold or closed.
9. **Removal of ‘Flow Measurements’ Section.** None of the renewed General Permits require flow as a monitoring parameter. Therefore, the section is unnecessary.
10. **Updated Definition of ‘Measurable Storm Event’.** The definition did not change, but the General Permits better explain what constitutes a Measurable Storm Event.

1.2 Final General Permits Versus Publicly Noticed Draft General Permits

Below is a summary of changes that were made between the permits that went to public notice in April - May 2026 and the final permits that were issued on July 1, 2026.

Changes in all General Permits:

- Fixing Tier Three language to read “5 exceedances within permit term”

Additional changes in NCG030000 (Metal Fabrication):

- E-1. Removed the proposed Non-Polar Oil & Grease monitoring only in vehicle or equipment maintenance areas in which more than 55 gallons of new motor oil and/or hydraulic oil per month is used when averaged over the calendar year. Like the previous NCG03000, **all permittees shall monitor for Non-Polar Oil & Grease.**

Additional changes in NCG060000 (Warehousing, Food & Kindred):

- None

Additional changes in NCG080000 (Transit & Transportation):

- Updating Title Page to reflect true industrial activities covered under NCG08000. Emphasizing the General Permit covers vehicle maintenance activities associated with establishments primarily engaged in activities classified as: Rail Transportation, Local and Suburban Transit and Interurban Highway Passenger Transportation, Motor Freight Transportation and Warehousing, Postal Service, and Petroleum Bulk Stations and Terminals (SIC 5171) with total petroleum storage capacity of less than 1 million gallons.

Additional changes in NCG090000 (Paints & Varnishes):

- Removed the term ‘vehicle maintenance’ as a primary industrial activity on the cover sheet. Manufacturing of paints, varnishes, lacquers, enamels, and allied products are the primary industrial activities that NCG090000 covers as well as vehicle maintenance as a secondary/tertiary activity.

Additional changes in NCG100000 (Used Motor Vehicles):

- None

Additional changes in NCG120000 (Landfills):

- None

Section 2. Public Comments and DEMLR Responses

2.1 Comments on NCG030000 received during the public comment period:

Comment: Please clarify how “non-stormwater discharges” should be interpreted under this section. Specifically, are the following activities considered non-stormwater discharges, and if so, are they allowable under the permit: Leak testing of road-worthy vehicles using potable water, Boiler blowdown, HVAC condensate, Chiller reservoir overflows (with no added chemicals), Periodic maintenance of fire protection systems (e.g., draining and flushing systems using potable water), and Contributory groundwater sources (e.g., groundwater infiltration into stormwater systems or ponds)

Response: The permit defines ‘Allowable Non-Stormwater Discharges’. Discharges other than the ones listed in the definition, if not stormwater, would not be allowable. HVAC condensate without added chemicals is allowable. Boiler Blowdown is not allowable. Leak testing of road-worthy vehicles is not listed as allowable. Chiller reservoir with no added chemicals could potentially meet this definition. Fire protection systems are specifically addressed as allowable in the event of an emergency. Uncontaminated groundwater would be allowable.

Comment: Requesting clarification on Section C-5 –Drawdown of Settling Ponds for Essential Maintenance. Many facilities operate detention or retention ponds that discharge stormwater during and following storm events. This discharge is necessary to maintain pond capacity and function. How does the draft permit distinguish between standard stormwater discharges from these ponds and “drawdown for essential maintenance”? Additionally, some facilities have ponds with continuous inflow due to groundwater intrusion. These ponds may discharge continuously and are equipped with control structures (e.g., sluice gates) that are typically left open. How should these systems be classified under the draft permit? Would flow-through conditions be considered a “drawdown” scenario, or allowable non-stormwater discharge?

Response: Most Stormwater SCMs are designed to have discharge during rain events. Therefore, such discharge is expected and does not represent drawdown for essential maintenance. However, if an SCM is designed to continually have water in it, and you have to pump that water out or release it so that you can maintain the basin, that is drawdown for essential maintenance. Note that settling ponds typically discharge from the top such as through a riser. Drawdown or maintenance would not be overflow from a riser. If an SCM has enough groundwater infiltration to result in continual flow, you would need to first make sure the design of the SCM accounts for that flow – if it were designed only for stormwater runoff, it may be undersized.

Comment: The draft permit requires monitoring for Non-Polar Oil & Grease based on vehicle maintenance and oil usage. Does “oil usage” refer to oil added to equipment (incoming oil), oil removed from equipment, or both? How should facilities account for activities such as mobile car washing, windshield replacement, or oil changes performed by third-party vendors onsite?

Response: We have reverted the Non-Polar Oil & Grease monitoring back to the previous requirement. All NCG03 permittees shall monitor for Non-Polar Oil & Grease regardless of motor oil usage or vehicle maintenance activities. Permittees are not required to track their monthly oil usage.

Comment: Part E-7 Tier Three Response Criteria – Consistency in Permit Language, clarification on how Tier Three Response is intended to be applied, as there appear to be differences in how the timeframe is described across the draft permit (5-Year Period vs Permit Term)

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

Comment: Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: It is suggested that the NCG030000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented

across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: **Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA's MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when "the four-quarter annual average for a parameter exceeds the benchmark threshold". Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and "a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter". Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and "permanent controls such as permanent cover, berms, and secondary containment" (AIM Level 3) are required.**

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an unrealistic expectation for the Department to enforce these requirements." or "...permittees are held to a standard that is not equitably enforced." Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: **In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.**

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the

exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

2.2 Comments on NCG060000 received during the public comment period:

Comment: Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: It is suggested that the NCG060000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to

a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA's MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when "the four-quarter annual average for a parameter exceeds the benchmark threshold". Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and "a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter". Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and "permanent controls such as permanent cover, berms, and secondary containment" (AIM Level 3) are required.

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an unrealistic expectation for the Department to enforce these requirements." or "...permittees are held to a standard that is not equitably enforced." Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

2.3 Comments on NCG080000 received during the public comment period

Comment: **Part J: Compliance Schedule- Please provide clarification of when to include operational changes into the permit. What supplementary documentation is required for this update?**

Response: Taken from Part A of the General Permit: “If industrial activities expand or change after issuance of the COC such that the types of discharges are affected, the permittee must first contact the Division to determine if modifications to the COC are necessary”. Additionally, permittees shall amend the SWPPP whenever there is a change in design, construction, operation, site drainage, maintenance, or configuration of the physical features which may have a significant effect on the potential for the discharge of pollutants to surface waters.

Comment: **Section E-7(a), Please elaborate if Tier Three Responses remain within the permit term as the section title states or if it a 5-yr period reference in E-7(a).**

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

Comment: **Vehicle Maintenance Areas (including vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, and equipment cleaning areas)” are listed as qualifying for this permit. These inclusions present a significant increase in facilities that will be required to apply for and maintain a permit. Many of these business types do not possess the ability to comply with the permit requirements. It is recommended that SIC codes be added to clarify what specific industries should be required to maintain a permit.**

Response: The General Permit NCG080000 covers vehicle maintenance activities at transit & transportation sites. The first page of the General Permit NCG080000 reads “For establishments primarily engaged in the following activities: Transit and Transportation” followed by a list of activities.

Comment: **It is requested that additional clarity be provided regarding what types of facilities the NCG080000 (hereafter “NCG08”) permit applies to. The permit indicates that it applies to activities at establishments primarily engaged in: Vehicle maintenance areas (including vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, and equipment cleaning areas), Rail transportation (SIC 40), Local & suburban transit and interurban highway passenger transportation (SIC 41), Motor freight transportation and warehousing (SIC 42), Post service (SIC 43), and Petroleum bulk stations and terminals (SIC 5171) with total petroleum storage capacity <1M gallons. The way the facility types are described above, particularly in Part A, it appears that any facility conducting vehicle maintenance activities including “mom-and-pop” type maintenance garages, vehicle dealerships with repair and maintenance shops, oil/lube change facilities, muffler shops, and similar facilities must have permit coverage. Does DEQ intend to require permit coverage from all such facilities? If not, specific SIC codes and/or more clarifying information should be included in the description for vehicle maintenance areas (Part A) to provide needed clarity for businesses engaged**

in such activity.

Response: We have updated the title and cover letter of NCG080000 to be clearer in terms of the types of activities captured by this General Permit. The title of this permit is now Transit & Transportation with Vehicle Maintenance. The cover letter now reads that coverage is applicable to "...All owners or operators of stormwater point source discharges related to Vehicle Maintenance Areas associated with establishments primarily engaged in activities classified as Rail Transportation [Standard Industrial Classification (SIC) 40], Local and Suburban Transit and Interurban Highway Passenger Transportation (SIC 41), Motor Freight Transportation and Warehousing (SIC 42), Postal Service (SIC 43), and Petroleum Bulk Stations and Terminals (SIC 5171) with total petroleum storage capacity of less than 1 million gallons;..." as well as like activities as deemed by the Division to be similar to the listed operations. Coverage under NCG080000 is not meant for facilities like oil/lube change shops in which vehicle maintenance is their only industrial activity.

Comment: **Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.**

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: **It is recommended that TSS benchmarks be withdrawn from the NCG080000 Permit until a scientifically supported benchmark can be established based on the following rationale: a. The requirement for analytical monitoring under the NCG080000 is the use of "more than 55 gallons of new motor oil and/or hydraulic oil per month when averaged over the calendar year", which is not supportive of the inclusion of a benchmark for TSS. b. The current benchmark is based on the 1983 NURP study for TSS, which utilized data from composite sampling of runoff, not first flush grab sampling. Composite sampling overwhelmingly produces results with lower pollutant concentrations than results obtained from first flush grab sampling, as is outlined in the NG080000 permit. Thus, it follows that subjecting permittees to benchmark requirements based on incompatible data is unfounded. Another potential solution is allowing permittees to conduct and submit results from composite sampling over the duration of the storm event at their permitted sites' outfalls. Due to the potential additional resources required for composite sampling, the use of composite sampling techniques rather than grab samples should be an option and not a requirement. c. The Department may wish to continue TSS as report only indicator monitoring, particularly at those facilities that discharge to TSS impaired waters**

Response: The stormwater benchmark for Total Suspended Solids is set by the Division of Water Resources Classifications and Standards Branch. It has been determined by the NC DEQ to be a valid and useful indicator of the general pollution control practices at any industrial facility and the effectiveness of implementation.

Comment: If benchmark monitoring requirements are to remain in the NCG08 permit, it is requested that some form of monitoring exemption for sampling results below the benchmark be included in the permit. For example, the EPA MSGP (2026 draft) allows an exemption from analytical monitoring after the first three years of the permit term (12 monitoring periods) if the annual average is below a benchmark threshold for a parameter. In such cases, the permittee can discontinue monitoring for that parameter for the remainder of the permit term.

Response: Many NCG08 permittees fall below the 55 gallon a month threshold for new motor oil and/or hydraulic oil per month when averaged over the calendar year and thus are not required to conduct analytical monitoring (though they must conduct visual monitoring). If applicable, permittees that conduct analytical monitoring may potentially qualify for Representative Outfall Status (ROS), reducing the number of outfalls required to sample. Approval of ROS is up to the discretion of Stormwater Program staff and is not guaranteed.

Comment: If benchmark monitoring requirements are to remain in the NCG08 permit, it is requested that Tiered Responses be based on annual averages of sampling results rather than the current scheme whereby any discrete exceedance of a benchmark triggers a Tiered Response. For example, the EPA MSGP (2026 draft) bases triggering of their AIM Levels (equivalent to NCDEQ's Tiered Responses) on sampling averages, as referenced below: If the four-quarterly annual average for a parameter exceeds the benchmark threshold, or Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold), EPA's AIM Levels scheme is a more scientifically sound approach that recognizes the inherent variability over time of pollutant concentrations in stormwater runoff from industrial sites due to widely varying storm events (e.g., intensity, volume, etc.). It is also requested that Tiered Responses no longer include a requirement to increase monitoring frequency from quarterly to monthly. Obtaining samples during facility operating hours that also meet the permit sampling requirements (e.g., first flush, ambient conditions, etc.) is sometimes difficult even during a quarterly period. We have experienced significant difficulty in obtaining monthly samples required by Tier II and III response levels. AIM Levels in EPA's MSGP do not require monitoring more frequently than quarterly but rather require other types of responses that increase with each higher AIM Level.

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an

unrealistic expectation for the Department to enforce these requirements.” or “...permittees are held to a standard that is not equitably enforced.” Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: It is suggested that the NCG080000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA’s MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when “the four-quarter annual average for a parameter exceeds the benchmark threshold”. Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and “a single sample or the sum of any sample results within the sampling year exceeds

the benchmark threshold by more than four times for a parameter”. Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and “permanent controls such as permanent cover, berms, and secondary containment” (AIM Level 3) are required.

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process “...presents an unrealistic expectation for the Department to enforce these requirements.” or “...permittees are held to a standard that is not equitably enforced.” Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: If benchmark monitoring requirements are to remain in the NCG08 permit, it is requested that permittees have the option to collect and submit results from composite sampling in lieu of first flush grab sampling if they choose to do so. The NASEM study included this recommendation on p. 6, and specifically on p. 62 says, “The committee recommends that the EPA allow and promote the use of composite sampling for benchmark monitoring for all pollutants except those that transform or degrade rapidly or are especially time sensitive (e.g., pH)”. Also, EPA’s current multi-sector general permit allows composite sampling for benchmark monitoring (p. 32). This request is reasonable for reasons just stated and based on the information provided in item 2c of this letter.

Response: There are fundamental issues with composite sampling for industrial stormwater discharges. Composite sampling generally involves collecting samples over a specified time-period (i.e. every 15 minutes) and is based on a constant flow-rate, which is not conducive for stormwater discharges as the volume and intensity of a storm event can vary widely. NPDES Wastewater at NC DEQ has allowed composite samples in the past due to the nature of wastewater being flow that can be controlled. Additionally, the Director of the Division of Water Resources designates the most appropriate method based on a case-by-case basis (specific number and size of aliquots necessary, the time interval between grab samples, etc.). Permittees covered under a General Stormwater Permits are not given case-by-case monitoring guidelines.

Comment: It is well-known that pollutant concentrations and loads in stormwater runoff are highly dependent on rainfall intensity and volume. Runoff samples collected during very high-intensity, high-volume storms (i.e., “extreme events”) tend to produce results with much higher pollutant concentrations than those with storms of more standard intensity and volume. As such, the NASEM study (pp. 75-76) recommended that the EPA develop “non-representative storm” criteria on which to exclude monitoring for extreme

events that are expected to exceed the capacity and abilities of best management practices and SCMs. This is especially important with the increasingly intense storm events occurring in the US and particularly in NC. An extreme event size on which to base monitoring exclusions could include a statistical review of long-term rainfall records and use criteria such as a 25-year storm, a 90th percentile rainfall depth, or various other criteria.

Response: "Extreme events" do not qualify as Measurable Storm Events if they have adverse weather conditions (see Definitions Section of the General Permit). Permittees shall monitor during a Measurable Storm Event which **do not** include those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical. Additionally, permittees are required to sample within 30 minutes of discharge, not wait until extensive runoff from a storm has occurred.

Comment: **It is requested that in permit section E-7(a), the change to "a five-year period" be changed back to "the permit term" as it was in the 2021 NCG08 permit.**

Response: We have made the requested changes.

Comment: **In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.**

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

Comment: **Monitoring Requirements are Inadequate. The National Pollutant Discharge Elimination System permits to discharge stormwater into receiving waters have monitoring requirements that fall short of adequately assessing the quality of discharge. The NCG08000 general permit requires quarterly monitoring of Total Suspended Solids (TSS), pH, non-polar oil and grease, oil usage, and total rainfall. These constituents alone are not sufficient for some sites. Specifically, industrial activities engaged in vehicle maintenance, transportation services, petroleum storage, and management of waste in landfills should be monitored for PFAS compounds and 1,4-dioxane. Products made with PFAS such as non-stick cookware, Gore-Tex, Teflon, furniture and carpet, and food packaging are commonly disposed of in landfills. 1,4-dioxane is found in body washes and shampoo, laundry detergent, surface cleaners, waxes and varnishes, plastics and rubbers, and aircraft deicing fluids. These products can also be found in the landfills managed under the NCG120000 general permit as well as in products used in the transportation industry, regulated under NCG08000 such as degreasers, lubricants, gaskets, seals, and containers for automotive fuels. Therefore, it is important to monitor for these compounds, some of which are likely**

carcinogens, at sites covered by these two general permits. The National Guard base, regulated under permit NCG080711, is located at the Stanly County airport which creates other potential PFAS pathways from the site. Airports are commonly associated with releases of PFAS due to their use of AFFF, Aqueous Film Form Foaming for emergency response training activities and if there is a fire or crash on-site.3 AFFF may also be used in tenant hangars for fire suppression systems.

Response: Total Suspended Solids (TSS), pH, and Non-Polar Oil & Grease are sufficient monitoring parameters for permittees covered under General Permit NCG080000 that use more than 55 gallons of new or used motor oil and/or hydraulic fluid when averaged over the calendar year. There are several conditions in the SWPPP that require permittees to make efforts to reduce the potential for storm. Currently, NC DEQ Stormwater Program does not require monitoring for emerging contaminants such as PFAS and 1,4-dioxane for transit & transportation activities with vehicle maintenance.

Comment: **Best Management Practices (BMPs) are an Inadequate Enforcement Strategy. Relying on BMPs instead of enforceable numeric standards places our groundwater and surface water, and therefore, drinking water at risk. Allowing facilities covered under these two general permits to comply through the implementation of BMPs while continuing to discharge contaminants through their stormwater does not protect water quality. With heavy metals and PFAS being prevalent in landfills and products used by the transportation industry, it is important to have water quality standards apply to the facilities rather than providing a loop-hole through the use of pollution-minimization plans.**

Response: In 1975, the EPA delegated NPDES permitting authority to the State of North Carolina. For General Permit NCG080000 for Landfills, a stormwater benchmark exceedance is not a permit violation, unlike water quality limits in the NPDES Wastewater Program. However, a permittee who fails to conduct the required investigations to determine the source of the exceedance or who fails to take the required actions to correct the exceedance is in violation of his/her stormwater permit. The stormwater benchmarks for monitoring parameters are developed from aquatic life toxicology standards.

Comment: **The General Permits Do Not Consider Environmental Justice Communities. The NCG080000 and NCG120000 general permits do not consider cumulative impacts on environmental justice communities. In the predominately African American community of West Badin, there are several health risks in the surrounding area: Alcoa, a shuttered aluminum smelting plant with hazardous waste landfills and dumps, the Stanly County airport, the National Guard base which is covered under the NCG080000, and the North Carolina Emergency Training Center (NCETC) located at the National Guard base. The U.S. Air Force and Department of Defense conducted a risk assessment for PFAS at the two stormwater outfalls located on the New London Air National Guard Base (ANGB) at the Stanly County airport. They detected levels of**

PFOS, PFOA, and PFBS at the site. The relative risk to public health and the environment were listed as low for one outfall and medium risk for the other.⁴ This report shows prevalence of PFAS in the stormwater leaving the National Guard site, NCG080711. The NCETC is now co-located at this site, presenting greater concern for the environmental and public health impacts of these operations on Little Mountain Creek and local residents. Through water quality monitoring conducted by Duke University's Environmental Law and Policy Clinic, elevated levels of PFAS were found in Little Mountain Creek near the Stanly County airport and the National Guard facility. The Clinic's samples were collected on December 19, 2023, October 15, 2025, and November 13, 2025 and were analyzed at a commercial lab using EPA Method 1633 for PFAS. Little Mountain Creek is classified as WS-IV, and the results showed PFOS and PFOA levels that are 3-4 orders of magnitude greater than the proposed 02B Numeric Criteria for Water Supply Waters, 0.06 ng/L for PFOS and 0.01 ng/L for PFOA. These results may show elevated levels from the cumulative impact of the airport, nearby landfills, National Guard base, the NCETC, and the Stanly County Detention Center. The stormwater general permits should require an analysis of cumulative impact prior to coverage and facilities with close proximity to overburdened, environmental justice communities should not be covered under a general permit. Facilities requesting a stormwater permit in an environmental justice committee should receive an individual permit with site-specific regulations. All facilities should be subject to more frequent monitoring of additional contaminants such as PFAS and require more stringent remediation solutions through the 3-tiered approach used in North Carolina. During any record of elevated pollutant levels, the permittee should be required to notify DEQ within 48 hours. Additionally, DEQ should notify the public after the first incident and any following incidents of elevated levels of a contaminant.

Response: The stormwater benchmarks for monitoring parameters are developed from aquatic life toxicology standards. Some benchmarks differ based on receiving stream classification and type (saltwater vs freshwater). NPDES Industrial Stormwater Permit coverage is based on industrial activity and the potential to discharge pollutants, not the demographics of the surrounding area. Stormwater Program Staff take their duty to enforce permit conditions very seriously to help ensure clean and safe waters for the State of North Carolina and its residents. Currently, NC DEQ Stormwater Program does not require monitoring for emerging contaminants such as PFAS and 1,4-dioxane for transit & transportation activities with vehicle maintenance.

2.4 Comments on NCG090000 received during the public comment period:

Comment: Vehicle Maintenance is listed as qualifying for this permit in addition to the manufacturing of paints, varnishes, lacquers, enamels, and allied products. The inclusion of vehicle maintenance presents a source of confusion since vehicle maintenance activities are also listed under the NCG080000 permit. It is recommended that SIC codes be added to clarify what specific industries should be required to maintain a permit.

Response: We have removed the term 'vehicle maintenance' as a primary industrial activity that would require coverage under NCG090000.

Comment: Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: It is suggested that the NCG090000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be

more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: **Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA's MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when "the four-quarter annual average for a parameter exceeds the benchmark threshold". Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and "a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter". Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and "permanent controls such as permanent cover, berms, and secondary containment" (AIM Level 3) are required.**

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an unrealistic expectation for the Department to enforce these requirements." or "...permittees are held to a standard that is not equitably enforced." Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: **In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.**

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

2.5 Comments on NCG100000 received during the public comment period:

Comment: Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: It is suggested that the NCG100000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to

a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA's MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when "the four-quarter annual average for a parameter exceeds the benchmark threshold". Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and "a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter". Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and "permanent controls such as permanent cover, berms, and secondary containment" (AIM Level 3) are required.

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an unrealistic expectation for the Department to enforce these requirements." or "...permittees are held to a standard that is not equitably enforced." Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

2.6 Comments on NCG120000 received during the public comment period:

Comment: Please provide justification for the removal of the Feasibility Study requirement from the SWPPP. The greatest protection for surface waters is attained when industrial operations and materials are not exposed to precipitation and run-off. An Industrial Stormwater Program with the goal of having as many facilities as possible qualify for No Exposure Certification creates a reduced administrative burden on the Department and potentially the permittee.

Response: The Division has deemed it unnecessary and redundant in terms of other SWPPP requirements. An accurate and effective SWPPP incorporating elements already in the General Permit such as the Solvent Management Plan, Preventative Maintenance & Good Housekeeping Program, Best Management Practices Summary, and Spill Prevention & Response Procedures sufficiently address reducing stormwater pollution from a facility.

Comment: It is suggested that the NCG120000 Permit adopt an alternative Benchmark Monitoring Schedule. For example, for year one of the permit coverage quarterly sampling would still be required. However, if the facility can demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the following two years. Previously, the Department issued a response to reduced monitoring comments with validation provided that a seasonal representation is necessary to measure variations throughout the year. If the Department prefers to maintain monitoring for seasonal representation during a semiannual monitoring schedule, the Department could implement sampling on alternating years to record seasonal variety. For example, Year 1 may be Spring and Fall and Year 2 may be Summer and Winter. Then, in year four of the permit term, benchmark monitoring for all parameters applicable to the permit would again be required quarterly. If the facility can again demonstrate that the annual average for a parameter does not exceed the benchmark threshold, benchmark monitoring for that parameter could be reduced to semi-annually for the remainder of the permit term. In year one, if the annual average for a parameter exceeds the benchmark threshold, then quarterly monitoring would be continued.

Response: A quarterly monitoring schedule is supported by EPA has been implemented across all NPDES Industrial Stormwater Permits at NC DEQ for multiple years. It provides representation of measurable storm events across all four seasons for every year in the permit cycle. The proposed schedule in the comment would be more difficult for permittees to follow. Additionally, averaging the results is not allowed. In the event of an exceedance, the Tier Response procedures are to be followed so permittees and DEQ staff can identify any potential sources of stormwater pollution.

Comment: Monthly monitoring under the current analytical monitoring tiered response system is an unnecessary administrative burden to permittees. The tiered response system is resource intensive and presents an unrealistic expectation for the Department to enforce these requirements. Additionally, by imposing these standards for all applicable entities, permittees are held to

a standard that is not equitably enforced. Therefore, it is recommended that the tiered response procedures be updated to reflect the Additional Implementation Measures (AIM) outlined in EPA's MSGP to reduce the administrative and resource burden. Per the MSGP, AIM is triggered when "the four-quarter annual average for a parameter exceeds the benchmark threshold". Individual sample results are only used as a metric for triggering the AIM procedures if four quarterly samples are not available and "a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter". Increased sampling is not utilized even at AIM Level 3; under the AIM procedures monitoring is continued at a quarterly frequency and events such as a review of the SWPPP and stormwater control measures (AIM Level 1), implementation of additional pollution prevention/good housekeeping practices (AIM Level 2), and "permanent controls such as permanent cover, berms, and secondary containment" (AIM Level 3) are required.

Response: Averaging of monitoring data is not standard procedure for the NPDES Stormwater nor NPDES Wastewater Program at NC DEQ. Permittees may take additional samples, but the first valid sample must be submitted. The NC DEQ Stormwater Program does not concur that the current tiered response process "...presents an unrealistic expectation for the Department to enforce these requirements." or "...permittees are held to a standard that is not equitably enforced." Permittees can work with their local regional office staff to adjust monitoring frequency if/when appropriate. Our tier response actions (Tier I, II, and III) mirror the AIM structure referenced. Under Tier I and Tier II, the permittee is required to conduct response actions prior to having four exceedances. NC DEQ expects permittees to investigate the cause(s) of exceedances early on to avoid impacts to surface waters.

Comment: In section E-7: Tier Three Response: Four Benchmark Exceedances Within the Permit Term of the draft permit, the period has been changed from "the permit term" to "within a five-year period". It is recommended that the period term stay "the permit term". Changing the period term to a five-year period would lead to many more permittees triggering tiered 3 status and causing tiered status to overlap permit terms, potentially leading to an additional administrative burden for permittees.

Response: We have fixed the wording so permit conditions are consistent. The exceedance count is based on the permit term. When the General Permit renews, the exceedance count resets. All Tier Response Actions shall be carried out to completion, regardless of the General Permit renewal.

Comment: Monitoring Requirements are Inadequate. The National Pollutant Discharge Elimination System permits to discharge stormwater into receiving waters have monitoring requirements that fall short of adequately assessing the quality of discharge. The NCG08000 general permit requires quarterly monitoring of Total Suspended Solids (TSS), pH, non-polar oil and grease, oil usage, and total rainfall. The NCG120000 general permit requires the same quarterly monitoring in addition to analytical monitoring for chemical oxygen demand (COD) and fecal coliform. These constituents alone are not sufficient for some sites. Specifically, industrial activities engaged in vehicle maintenance, transportation services, petroleum storage, and management

of waste in landfills should be monitored for PFAS compounds and 1,4-dioxane. Products made with PFAS such as non-stick cookware, Gore-Tex, Teflon, furniture and carpet, and food packaging are commonly disposed of in landfills. 1,4-dioxane is found in body washes and shampoo, laundry detergent, surface cleaners, waxes and varnishes, plastics and rubbers, and aircraft deicing fluids. These products can also be found in the landfills managed under the NCG120000 general permit as well as in products used in the transportation industry, regulated under NCG08000 such as degreasers, lubricants, gaskets, seals, and containers for automotive fuels. Therefore, it is important to monitor for these compounds, some of which are likely carcinogens, at sites covered by these two general permits.

Response: NC DEQ Stormwater Program feel the current analytical monitoring parameters for NCG120000 is sufficient and is not any less stringent than EPA's Multi-sector General Stormwater Permit for Sector L (Landfills). The NCG120000 includes section E-3: Emerging Contaminants. This allows NC DEQ to potentially re-open the General Permit and require monitoring of compounds such as PFAS, PFOA, 1,4-dioxane, etc if required by a change in federal or state law.

Comment: **Best Management Practices (BMPs) are an Inadequate Enforcement Strategy. Relying on BMPs instead of enforceable numeric standards places our groundwater and surface water, and therefore, drinking water at risk. Allowing facilities covered under these two general permits to comply through the implementation of BMPs while continuing to discharge contaminants through their stormwater does not protect water quality. With heavy metals and PFAS being prevalent in landfills and products used by the transportation industry, it is important to have water quality standards apply to the facilities rather than providing a loop-hole through the use of pollution-minimization plans.**

Response: In 1975, the EPA delegated NPDES permitting authority to the State of North Carolina. For General Permit NCG120000 for Landfills, a stormwater benchmark exceedance is not a permit violation, unlike water quality limits in the NPDES Wastewater Program. However, a permittee who fails to conduct the required investigations to determine the source of the exceedance or who fails to take the required actions to correct the exceedance is in violation of his/her stormwater permit. The stormwater benchmarks for monitoring parameters are developed from aquatic life toxicology standards. Additionally, leachate from landfills is not permitted to be discharged from stormwater outfalls. Landfill leachate is required to be collected and treated. The Division of Waste Management at NC DEQ is responsible for permitted solid waste management facilities.

Comment: **The General Permits Do Not Consider Environmental Justice Communities. The NCG080000 and NCG120000 general permits do not consider cumulative impacts on environmental justice communities. In the predominately African American community of West Badin, there are several health risks in the surrounding area: Alcoa, a shuttered aluminum smelting plant with hazardous waste landfills and dumps, the Stanly County airport, the National Guard base which is covered under the NCG080000, and the North Carolina Emergency Training Center (NCETC) located at the National Guard base. The U.S. Air Force and Department of Defense conducted a risk assessment for**

PFAS at the two stormwater outfalls located on the New London Air National Guard Base (ANGB) at the Stanly County airport. They detected levels of PFOS, PFOA, and PFBS at the site. The relative risk to public health and the environment were listed as low for one outfall and medium risk for the other.⁴ This report shows prevalence of PFAS in the stormwater leaving the National Guard site, NCG080711. The NCETC is now co-located at this site, presenting greater concern for the environmental and public health impacts of these operations on Little Mountain Creek and local residents. Through water quality monitoring conducted by Duke University's Environmental Law and Policy Clinic, elevated levels of PFAS were found in Little Mountain Creek near the Stanly County airport and the National Guard facility. The Clinic's samples were collected on December 19, 2023, October 15, 2025, and November 13, 2025 and were analyzed at a commercial lab using EPA Method 1633 for PFAS. Little Mountain Creek is classified as WS-IV, and the results showed PFOS and PFOA levels that are 3-4 orders of magnitude greater than the proposed 02B Numeric Criteria for Water Supply Waters, 0.06 ng/L for PFOS and 0.01 ng/L for PFOA. These results may show elevated levels from the cumulative impact of the airport, nearby landfills, National Guard base, the NCETC, and the Stanly County Detention Center. The stormwater general permits should require an analysis of cumulative impact prior to coverage and facilities with close proximity to overburdened, environmental justice communities should not be covered under a general permit. Facilities requesting a stormwater permit in an environmental justice committee should receive an individual permit with site-specific regulations. All facilities should be subject to more frequent monitoring of additional contaminants such as PFAS and require more stringent remediation solutions through the 3-tiered approach used in North Carolina. During any record of elevated pollutant levels, the permittee should be required to notify DEQ within 48 hours. Additionally, DEQ should notify the public after the first incident and any following incidents of elevated levels of a contaminant.

Response: The stormwater benchmarks for monitoring parameters are developed from aquatic life toxicology standards. Some benchmarks differ based on receiving stream classification and type (saltwater vs freshwater). NPDES Industrial Stormwater Permit coverage is based on industrial activity and the potential to discharge pollutants, not the demographics of the surrounding area. Stormwater Program Staff take their duty to enforce permit conditions very seriously to help ensure clean and safe waters for the State of North Carolina and its residents. Like some previously renewed General Permits, we have added section E-3: Emerging Contaminants. This allows NC DEQ to potentially re-open the General Permit and require monitoring of compounds such as PFAS, PFOA, 1,4-dioxane, etc if required by a change in federal or state law.